



COUNTY OF HUMBOLDT

For the meeting of: 6/24/2025

File #: 25-815

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:

Ordinance Amending Title III, Division 5, Chapter 2 of Humboldt County Code section 352; amending Subsections 352-2(2) to acknowledge judicial review as part of the process, 352-3 modifications to the following definitions: Administrative Civil Penalty, Code Enforcement Investigator, Completion Date, Costs, Imposition Date, Responsible Party, Violation, 352-4 to process methods of providing notice, 352-5(a) to address accrual of fines, 352-5(b) to provide time for a responsible party to remedy violation, 352-5(d) to address subsequent Notices of Violations, 352-5e addressing unpaid administrative civil penalties, 352-5(f) adding provisions related to permit issuance, 352-5(g) adding provisions for Unpermitted Building use for unpermitted cannabis operations, 352-5(h) issuance of corrective permits, 352-6 to add reference to 352-5(c), 352-6(b)(3)(D) to eliminate a criteria related to assessing administrative civil penalties, 352-8 to modify the contents of a Notice of Violation, 352-9 to clarify appeal of a administrative civil penalty, 352-10 to clarify contents of notice of Administrative civil penalty appeal hearing, 352-11 to clarify conducting the Administrative Civil Penalty Appeal Hearing, 352-12 to clarify actions in response to findings of the Hearing Officer, 352-14 to clarify collection of administrative civil penalties, 352-15 to correct capitalization, 352-16 to correct capitalization, 352-16(j) to address timing of civil penalty assessment hearing, 352-18 to address timing of the administrative civil penalty assessment appeal hearing, 352-19 to clarify conducting administrative civil penalty assessment appeal hearing, 352-22 remove a content item from Notice of Administrative Civil Lien, 352-23 to clarify timing of imposition of Administrative Civil Penalty Lien, 352-26 to include other remedies as part of an enforcement action, 352-28 to allow prosecutor to determine degree of violation

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached Ordinance by title and waive the first reading; and
2. Set the Ordinance for adoption on July 8, 2025; and
3. Direct the Clerk of the Board to publish the required pre-adoption summary of the ordinance and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both the publication and posting to be done at least 5 days prior to Board meeting at which the Ordinance will be adopted [Government Code section 25124 (b) (1)]; and
4. Direct the Clerk of the Board, within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance (Government Code Section 25124 (b)1)].

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

The Board of Supervisors is being asked to consider modifications to the ordinance provisions which assign penalties to properties which are in violation of the County Code or pose a nuisance to the community. The changes have two primary purposes, to better reflect existing processes and to set appropriate boundaries on the assessment of Administrative Civil Penalties to reflect the intent of existing ordinances and to prevent misunderstandings of that intent. Staff recommend adoption of these changes as they present better solutions and clearly state the county's intent in assigning Administrative Civil Penalties.

Some of the more significant changes include the following:

1. Definition of Administrative Costs (352-3(a)) - Includes all county costs expended in resolving the violation.
2. Definition of Costs (352-3(m)) - Includes both Administrative Costs and Administrative Civil Penalties. Sets the maximum Administrative Civil Penalty at half the property value and allows the Hearing Officer or court to reduce penalty to avoid a violation of the Eighth Amendment to the U.S. Constitution or otherwise to do substantial justice.
3. Definition of Responsible Party (352-3(t)) - Has been expanded to include violation on a property that person owns, occupies or controls or who otherwise conducted or allowed the violation. The current definition focuses on property owner.
4. Method of Giving Notice (352-4(b)) - Modified to allow notice by posting on the affected property when that is the best means to give notice.
5. Method of Giving Notice (352-4(d)) - Addresses timing for recordation of Notice of Violation.
6. Imposition of Administrative Civil Penalty (352-5) - Clarifies fine accrual and fines do not begin to occur until one of the following:
 - a. After the period for appeal
 - b. After action of Hearing Officer with no timely appeal for judicial review
 - c. Final non-appealable Court action.

Specifies that additional time shall be allowed if the responsible party cannot complete remedy in that time and requires that responsible party provide notice that violations have been corrected.

7. Allowance for additional time to Abate violation (352-5(b(2))). Penalty assessment may be delayed while the responsible party corrects violation.
8. Provisions for Permit Approval (352-5(f)) - Allows permits to issue while Code compliance is disputed, but once a final determination is made, continued noncompliance will allow the county to withhold further Issuance of permits.
9. Permitting Buildings for Unpermitted Cannabis Violations (352-5(g)). Allow buildings associated with cannabis to be retained if supporting a permitted use.
10. Corrective Permits (352-5(h)) - Issuance of permits to correct violations, cannot be issued to legalize a violation of Subdivision Map Act due to state law on point.
11. Contents of Notice of Violation and Proposed Administrative Civil Penalty (352-8) - The following modifications:
 - (d) - Responsible Party may request more time to correct violation
 - (i) - Appeal requirements
 - (l) - Administrative Civil Penalty becomes final in 10 days without appeal.
 - (n) - Remove potential for additional Notices of Violation on an initial violation (although further violations can draw further NOV's).

These are the more substantive changes, and there are other changes that either remove unnecessary verbiage or express the changes listed above. These changes are intended to provide greater clarity of purpose and process and the result will benefit property owners and the county in addressing situations where Administrative Civil Penalties could be imposed on violations of county code. The county's goal is always compliance, not penalties, and the county remains open to working with those who own or control property to allow them the use and enjoyment of their properties consistent with law and the reasonable expectations of

their neighbors.

SOURCE OF FUNDING:

The cost of preparing and bringing this ordinance forward was approximately \$3,000 in staff time. The comes from the General Fund Contribution to the Planning and Building Department.

FINANCIAL IMPACT:

There is no ongoing financial impact with the adoption of this ordinance amendment. This will simply clarify an existing process used by Code Enforcement.

OTHER AGENCY INVOLVEMENT:

County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to adopt these changes or modify the changes.

ATTACHMENTS:

1. Proposed Ordinance

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A

File No.: N/A