

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE AMENDING SECTIONS 1.40.010, 1.40.030, 1.40.040, 1.40.050 OF
CHAPTER 1.40 OF TITLE 1 OF THE SAN MATEO COUNTY ORDINANCE
CODE, RELATING TO THE ADMINISTRATIVE PROCESS FOR CORRECTING
VIOLATIONS OF THIS CODE AND OTHER COUNTY ORDINANCES**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. Section 1.40.010 is hereby amended to read as follows:

It is the intent of this chapter to provide the County with remedies to correct violations of the San Mateo County Ordinance Code, other County ordinances and state laws and regulations, which the County or any of its Departments are charged with enforcing at the local level as the local enforcement agency. The County's Board of Supervisors hereby finds and determines that enforcement of this code, other ordinances adopted by the County and state laws and regulations, which the County or any of its Departments are charged with enforcing at the local level as the local enforcement agency are matters of local concern and serve important public purposes. Consistent with powers authorized by Government Code Sections 53069.4 and 25132 and successor statutes, as well as the County's general police powers to protect the public health, safety, and welfare, the County adopts this chapter in order to achieve the following goals:

- (a) To protect the public health, safety and welfare of County residents;
- (b) To provide a method to penalize responsible parties who fail or refuse to comply with provisions of this code, other County ordinances and state laws and regulations, which the County or any of its Departments are charged with enforcing at a local level as the local enforcement agency;
- (c) To provide for an administrative process that has objective criteria for the imposition of penalties;
- (d) To provide an administrative process for ordering compliance with this code, other County ordinances, and state laws and regulations, which the County or any of its Departments are charged with enforcing at a local level as the local enforcement agency;
- (e) To provide a fair process for appeal of penalties and compliance orders; and
- (f) To provide an administrative process for abatement of violations, restoration of damages caused by the violation, and collections of costs.

(Ord. No. 04648, § 1, 1-8-2013)

SECTION 2. Section 1.40.030 is hereby amended to read as follows:

1.40.030 - Definitions.

"Abatement costs" shall mean, to the extent allowed by law, any costs or expenses reasonably related to the abatement of violations, and shall include, but not be limited to, enforcement, investigation, attorneys' fees, collection and administrative costs, and the costs associated with the removal or correction of the violation.

"Administrative costs" shall mean, to the extent allowed by law, the cost of County staff time reasonably related to enforcement, for items including, but not limited to, site inspections, travel time, investigations, telephone contacts and time spent preparing summaries, reports, notices, correspondence, warrants and hearing packets. The staff time expended to calculate the above costs and prepare itemized invoices may also be recovered.

"Appeal Hearing Form" shall mean the form used to request an appeal of an administrative penalty or order. The forms are available from the Department or from the person listed on the administrative citation.

"Day" shall mean a calendar day.

"Department" shall mean any Department or Division of San Mateo County responsible for administering the San Mateo County Zoning Regulations and Ordinance Code or charged with enforcing state laws and regulations at the local level as the local enforcement agency.

"Director" shall mean the head of the Department, or his or her designee.

"Enforcement Officer" shall mean any County employee or agent of the County whose position requires enforcement of any provision of this code, any County ordinance or any state law or regulation including, but not limited to, code enforcement officers, animal control officers, environmental health specialists and Sheriff deputies.

"Violation" shall mean a violation of the San Mateo County Ordinance Code, any County Ordinance, including, but not limited to, Zoning Regulations, Building Regulations, Grading Regulations, Stormwater Regulations, Heritage Tree Ordinance, Significant Tree Ordinance, and the International Property Maintenance Code, or any state law or regulation which the County or any of its Departments are charged with enforcing at the local level as the local enforcement agency.

(Ord. No. 04648, § 1, 1-8-2013)

SECTION 3. Section 1.40.040 is hereby amended to read as follows:

1.40.040 - Applicability.

The County may impose administrative penalties and compliance orders for any violation of this code, any County ordinance or any state law or regulation which the County or any of its Departments are charged with enforcing as the local enforcement agency. Administrative penalties shall be imposed, collected, and reviewed in compliance with this chapter. These

provisions shall not supersede any other sections of this code, other County ordinances, or state laws and regulations which address additional legal or administrative remedies available for certain specific violations.

(Ord. No. 04648, § 1, 1-8-2013)

SECTION 4. Section 1.40.050 is hereby amended to read as follows:

1.40.050 - Administrative citations—Penalties and orders.

(a) Authority. Whenever an Enforcement Officer determines that a violation has occurred, the Enforcement Officer shall have the authority to follow the provisions of this chapter to issue an administrative penalty to any and all persons responsible for the violation (including the property owner) and/or to order correction of the violation. These procedures shall not apply where violations present emergencies or immediate danger to public health and safety.

(b) Warning Notice. Before issuing an administrative citation, the Enforcement Officer shall provide a warning notice which shall contain the following information:

- (1) Date of the violation;
- (2) Address or a definite description of the location where the violation occurred;
- (3) Section of this code, County Ordinance or state law or regulation that was violated and a description of the violation;
- (4) Actions required to correct the violation;
- (5) Date, at least fourteen (14) days after the notice, by which the violation must be corrected to avoid incurring penalties, abatement proceedings, or other enforcement;
- (6) Amount of the potential penalty for the violation and the fact that penalties are imposed each day the violation exists; and
- (7) Name and signature of the citing Enforcement Officer.

(c) Administrative Citation. Each administrative citation shall contain the following information:

- (1) Date of the violation and any previous correspondence from the County regarding the violation, including the warning notice;
- (2) Address or a definite description of the location where the violation occurred;
- (3) Section of this code, County Ordinance or state law or regulation that was violated and a description of the violation;
- (4) Amount of the current and potential future penalties for the violation;
- (5) Description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid, and the fact that penalties are imposed each day the violation exists;
- (6) Actions required to correct the violation;
- (7) Order prohibiting the continuation or repeated occurrence of the violation;
- (8) Date, at least fourteen (14) days after the citation, by which the violation must be corrected to avoid abatement proceedings or other enforcement;
- (9) Description of the appeal process, including the time within which the administrative citation may be contested and the department and person from which a

Request for Hearing Form to contest the administrative citation may be obtained; and
(10) Name and signature of the citing Enforcement Officer.

(Ord. No. 04648, § 1, 1-8-2013)

SECTION 5. This Ordinance shall be effective thirty (30) days from the passage date thereof.

* * * * *