

ORDINANCE NO. SCC 2017 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA ADDING SECTION 1.12.055 TO THE SHASTA COUNTY CODE CONCERNING ADMINISTRATIVE ENFORCEMENT

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 1.12.055 is added to the Shasta County Code to read as follows:

1.12.055. Administrative Fine and Penalty Collection Program

- A. The board of supervisors of the County of Shasta hereby finds and declares the following:
 - 1. The County of Shasta from time to time imposes administrative fines and penalties pursuant to Chapter 1.12 of the Shasta County Code. Where the term “civil penalty” or “civil penalties” is used in Chapter 1.12, it shall be construed as synonymous with administrative fines and penalties.
 - 2. Establishment of a program under which the amount of administrative fines and penalties imposed in specific cases may be compromised for good cause, and under which periodic payment plans for such civil penalties may be established, will facilitate overall collection of such fines and penalties, reduce the need to enforce such civil penalties through the legal action or real property liens, and provide incentives for future compliance.
 - 3. Such compromised amounts and periodic payments plans, where approved in accordance with the program established herein, thereby serve a public purpose of the County of Shasta.
 - 4. The enforcement and collection program established hereunder is authorized by Government Code sections 949 and 53069.4, subdivision (a)(1).
- B. The enforcing officer may, in his/her sole and exclusive discretion, compromise the amount of any administrative civil penalty duly proposed or imposed pursuant to Chapter 1.12 of the Shasta County Code, subject to the following conditions:
 - 1. When determining whether to compromise any civil penalty amount hereunder, the enforcing officer may take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, the financial burden to the person(s) upon

whom the civil penalty has been imposed, the degree to which the proposed compromise will facilitate collection of the civil penalties without the need for legal action or imposition and foreclosure of property liens, and any other matters justice may require.

2. Any compromise in excess of fifty percent of the full amount of the proposed or imposed civil penalty or fine shall require approval of the board of supervisors.
 3. The compromise shall be subject to any terms and conditions prescribed by the enforcing officer, which may include, without limitation, a condition requiring that the subject property and all responsible parties remain free of any additional violations for a specified period of time.
 4. Any person accepting a compromised civil penalty hereunder shall be required to execute a settlement agreement in a form approved by the county counsel.
 5. If the civil penalty has been made a lien upon real property in accordance with any Shasta County Code, the enforcing officer may either record or provide a notice of satisfaction upon payment in full of the compromised amount approved hereunder.
 6. The enforcing officer shall make an annual public report to the board of supervisors regarding any civil penalties compromised under this section.
- C. The enforcing officer may, with or without compromising the civil penalty amount, approve the payment of any civil penalty or fine duly proposed or imposed pursuant the Shasta County Code through a periodic payment plan. Approval of such payment plans shall be within the sole and exclusive discretion of the enforcing officer and the terms and conditions of such payment plan shall be established by the enforcing officer in each case. Any person entering into a periodic payment plan hereunder shall be required to execute a settlement agreement in a form approved by the county counsel. The enforcing officer may record a lien against the real property on which the violation occurred for the full amount due under the periodic payment plan, pursuant to the Shasta County Code, as applicable, provided that such lien shall not be enforced through foreclosure and sale of the real property absent a default under the payment plan.
- D. Approval of any compromise and payment plan under this chapter shall be within the sole and exclusive discretion of the enforcing officer and the enforcing officer, may refuse a compromise or payment plan even if the criteria set forth in this chapter are satisfied. This chapter does not grant any person the right to have the amount of penalties compromised or deferred under any circumstances or

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establish any mandatory duty of any nature, and shall not be construed to give rise to any administrative appeal, cause of action, right, or remedy against the County of Shasta or any officer or employee thereof.

- E. A compromise or periodic payment plan approved under this chapter does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the compromise or payment plan. The compromise or payment plan does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

SECTION II.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION III.

The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION IV.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____ day of _____, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

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DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors
County of Shasta

By: _____
Deputy