

ORDINANCE NO. SCC 2017 - _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SHASTA AMENDING SECTIONS 1.12.030 AND 1.12.050
OF THE SHASTA COUNTY CODE CONCERNING ADMINISTRATIVE
ENFORCEMENT**

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

SECTION I.

Subsection (B) of Section 1.12.030 of the Shasta County Code is amended in its entirety to read as follows:

- (B) Pursuant to Penal Code Sections 19.6 – 19.8 and the provisions of section 836.5 and Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code, every enforcing officer may cite any person for violation of this code whenever the officer has reasonable cause to believe that the person has caused, committed, continued or permitted any violation of this code.

SECTION II.

Subdivision (6) of Subsection (B) of Section 1.12.050 of the Shasta County Code is amended in its entirety to read as follows:

- 6. Upon the issuance of a final administrative order or decision, and following any decision on appeal pursuant to subsection (B)(5) of this section confirming that order or decision, if the fine or penalty has not been deposited with the county, the board of supervisors may proceed to collect the fine or penalty by ordering that a lien be imposed on the responsible person's real property and the lien shall be recorded with the Shasta County Recorder's Office.
 - (a) Recordation of a notice of lien under this section has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the board of supervisors, or any county officer authorized by the board of supervisors to act on its behalf, a lien created under this section may be released or subordinated in the same

manner as a judgment lien on real property may be released or subordinated.

- (b) Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.
- (c) Prior to recording any such lien, the enforcing officer, with the concurrence of the clerk of the board of supervisors, will fix a time, date, and place for the board of supervisors to consider the imposition of a lien and any protests or objections to it.
- (e) The enforcing officer shall serve the record owner(s) of the property with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative fines or penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of owner(s) to actually receive notice does not affect its validity.
- (f) Any person whose real property is subject to a lien pursuant to this section may file a written protest with the clerk of the board of supervisors and/or may protest orally at the board of supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.
- (g) At the conclusion of the consideration of the matter by the board of supervisors, the board of supervisors may adopt a resolution confirming, discharging, or modifying the lien amount, or may take other action as the board of supervisors may deem appropriate.
- (h) The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. When the county notifies the person(s) against whom the action or proceeding has commenced of its election to seek recovery of attorney's fees, with such notice provided in writing at the time the action or proceeding has been commenced, the prevailing party shall be entitled to recover attorney's fees. The amount of any award of attorney's fees to a

prevailing party pursuant to this section shall not exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.

- (i) Once the county receives full payment for all amounts due, or a compromise amount has been agreed to and accepted as provided under the Shasta County Code, the enforcing officer will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Shasta County Recorder's Office. Upon recordation, this notice of satisfaction will cancel the County's lien under this section.

SECTION III.

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 IV.

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 V.

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:

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