

DIVISION 18. WILLIAMSON ACT REGULATIONS

CHAPTER 9-1800

WILLIAMSON ACT REGULATIONS: INTENT AND ORGANIZATION

Sections:

- 9-1800.1 Title and Intent.**
- 9-1800.2 Organization.**

9-1800.1 TITLE AND INTENT.

Division 18 constitutes the Williamson Act Regulations. The purpose of this Division is to prescribe regulations for implementing the Williamson Act. (Ord. 3675)

9-1800.2 ORGANIZATION.

Division 18 consists of the following chapters:

- (a) 9-1800 Williamson Act Regulations: Intent and Organization;
- (b) 9-1805 Agricultural Preserves;
- (c) 9-1810 Application and Approval of Contract;
- (d) 9-1815 Nonrenewal of Contract; and
- (e) 9-1820 Cancellation of Contract.

(Ord. 3675)

CHAPTER 9-1805

AGRICULTURAL PRESERVES

Sections:

- 9-1805.1 Intent.**
- 9-1805.2 Requirements for Application.**
- 9-1805.3 Review Procedures.**
- 9-1805.4 Findings.**

9-1805.1 INTENT.

The intent of this Chapter is to provide a method for establishing, disestablishing, or altering the boundaries of agricultural preserves, as provided in the Williamson Act as set forth in the California Government Code. (Ord. 3675)

9-1805.2 REQUIREMENTS FOR APPLICATION.

Agricultural Preserve applications may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or his designated agent. Applications shall be filed with the Community Development Department. Agricultural Preserve applications which request the establishment or alteration of an Agricultural Preserve shall be subject to the following additional requirements:

- (a) **Minimum Size.** The minimum size necessary for the establishment, or resulting alteration of, an Agricultural Preserve shall be one hundred (100) acres of contiguous land;
- (b) **Zoning.** All land for which Agricultural Preserve status is being sought, or which currently is in an Agricultural Preserve, shall be zoned for agricultural use.
- (c) **Zoning Reclassification.** If the subject property does not have the required zoning, an application for Zone Reclassification shall be made and processed concurrently with the Agricultural Preserve application. However, such Zone Reclassification application shall be approved prior to establishing or altering an Agricultural Preserve. (Ord. 3675)

9-1805.3 REVIEW PROCEDURES.

The review procedure for Agricultural Preserve applications shall be the Public Hearing Review Procedure in Chapter 9-220 and shall be subject to all of the following additional requirements:

(a) **Community Development Department Report.** Within thirty (30) days after the Community Development Department has received a completed Agricultural Preserve application, the Community Development Department shall submit a report to the Board of Supervisors as to whether the Agricultural Preserve application is consistent with the General Plan.

(b) **Planning Commission Review.** The Planning Commission shall only make recommendations for approving or denying the Agricultural Preserve application. The Planning Commission shall forward its recommendations to the Board of Supervisors.

(c) **Board of Supervisors Hearing.** The Board of Supervisors shall conduct a public hearing on the Agricultural Preserve application. At the conclusion of the hearing, the Board shall take final action to establish, disestablish, or alter the boundary of the subject preserve.

(d) **Notification.** In the event any proposal to disestablish or to alter the boundary of an Agricultural Preserve will remove land under contract from said preserve, notice of the proposed alteration or disestablishment and the date of the hearing shall be furnished by the Board by certified mail to the owner(s) of the land. Such notice also shall be published once in a newspaper of general circulation and shall be furnished by first-class mail to each owner of land under contract, any portion of which is situated within one (1) mile of the exterior boundary of the land to be removed from the preserve.

(Ord. 3675)

9-1805.4 FINDINGS.

Prior to approving an Agricultural Preserve application, the Board of Supervisors shall find that all of the following are true:

(a) **Consistency.** The establishment, disestablishment, or alteration of an Agricultural Preserve is consistent with the General Plan; and

(b) **Establishment or Enlargement.** The area specified in the Agricultural Preserve application for establishing or enlarging an Agricultural Preserve is designated as General Agriculture, Limited Agricul-

ture, or Agriculture-Urban Reserve on the General Plan Map, or it is shown for other uses on the General Plan and development is not expected and is not warranted within ten (10) years; or

(c) **Disestablishment.** The area specified in the Agricultural Preserve application for disestablishing the Agricultural Preserve is designated residential, commercial, or industrial on the General Plan Map and development is expected to occur within ten (10) years.

(Ord. 3675)

CHAPTER 9-1810

APPLICATION AND APPROVAL OF CONTRACT

Sections:

- 9-1810.1 Intent.**
- 9-1810.2 Requirements for Application.**
- 9-1810.3 Terms of Contract.**
- 9-1810.4 Review Procedure.**
- 9-1810.5 Findings.**

9-1810.1 INTENT.

The intent of this Chapter is to provide a method for executing a contract, as provided in the Williamson Act.

(Ord. 3675)

9-1810.2 REQUIREMENTS FOR APPLICATION.

A contract application shall include all documentation, maps, or other information required by the Director. Contract applications which request the execution of a contract may be initiated only by the individual property owner or his designated agent and shall be subject to the following additional requirements:

(a) **Location Within Agricultural Preserve.** A parcel for which contract status is sought shall be located within an Agricultural Preserve.

(b) **Minimum Parcel Size.** Parcels shall meet the lot size requirements of this section.

(1) The minimum size parcel of prime agricultural land which will qualify for a contract shall be twenty (20) acres; and

(2) The minimum size parcel of other than prime agricultural land which will qualify for a contract shall be forty (40) acres.

(Ord. 3675)

9-1810.3 TERMS OF CONTRACT.

Any contract which is entered into shall comply with the provisions of this Section.

(a) **Board Resolution.** The contract shall be subject to the Resolution of the Board of Supervisors concerning the Williamson Act.

(b) **Uses.** Property under contract shall be limited to those uses specified herein.

(1) The following uses or use types:

- Residential:
 - (A) Family Residential: Single Family;
 - (B) Family Residential: Two Family;
 - (C) Farm Employee Housing;
 - (D) Second Unit Dwelling;
 - (E) Aerial Services: Farm;
 - (F) Agricultural Organizations;
 - (G) Agricultural Processing;
 - (H) Agricultural Warehousing;
 - (I) Agricultural Wastes;
 - (J) Animal Feeding and Sales;
 - (K) Animal Raising;
 - (L) Animal Specialty Services:
 - Farm and Kennel;
 - Day Care Homes;
 - (M) Child Care Services: Family
 - (N) Crop Production;
 - (O) Dairies;
 - (P) Equipment Sales & Repair:
 - Farm Machinery;
 - (Q) Farm Services;
 - (R) Major Impact Services;
 - (S) Nursery Sales & Services;
 - (T) Petroleum and Natural Gas
 - Extraction;
 - (U) Produce Sales;
 - (V) Public Services: Essential;
 - (W) Quarry Operations, provided it is rehabilitated for agricultural uses;
 - (X) Stables;
 - (Y) Recreation: Marinas;
 - (Z) Utility Services; and
 - (AA) Wineries and Wine Cellars.
- (2) Accessory uses allowed by Table 9-605.3.
- (3) Temporary uses allowed by Table 9-605.4.
- (4) Sales and distribution of agricultural chemicals and fertilizers, if the operation consists primarily of dispatching less than truckload lots and/or the delivery of agricultural chemicals and fertilizers is by means of grower-operated equipment.

(5) Such outdoor recreational activities as permitted by the Williamson Act, Government Code Section 51201 (n) except camping. This exception applies only to properties under contract that have a zoning designation of Agriculture Resource Management and have a use permit for a nature preserve.

(6) Such outdoor recreational activities which can be carried out in conjunction with the continued agricultural usage of the land.

(7) Other uses, except residential subdivisions, which are comparable to or no more intensive than those uses enumerated in subsection (b) shall be permitted if they adhere to the Williamson Act principles of compatibility as stated below:

(A) Shall not significantly compromise the long-term productive agricultural capability of the property, or of other contracted land;

(B) Shall not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel or on other contracted lands; and

(C) Shall not result in the significant removal of adjacent contracted land from agricultural or open-space use.

(Ord. 3675; 3697; Ord. 3872 § 12, 1996; Ord. 4035 § 14, 1999; Ord. 4106 § 10, 2001; Ord. 4368 § 38, 2009; Ord. No. 4385, § 17, 1-12-2010)

(c) The use is consistent with the intent of the Williamson Act to preserve agricultural and open-space land.

(Ord. 4106 § 11, 2001)

9-1810.4 REVIEW PROCEDURE.

Contract applications shall be reviewed by the Community Development Department and by County Counsel prior to their submittal to the Board. The Board shall take final action on the contract application.

(Ord. 3675)

9-1810.5 FINDINGS.

Prior to approving a Site Approval or Use Permit application for projects that are subject to the Agricultural Resource Management zone, the Planning Director or Planning Commission shall find that all of the following are true:

(a) Conditions have been required that mitigate or avoid those on-site and off-site impacts that would otherwise render the project inconsistent with the principles of compatibility;

(b) The productive capability of the land has been considered as well as the extent to which the use may displace or impair agricultural operations; and

CHAPTER 9-1815

NONRENEWAL OF CONTRACT

Sections:

- 9-1815.1 Intent.**
- 9-1815.2 Written Notice.**
- 9-1815.3 Notice Required.**

9-1815.1 INTENT.

The intent of this Chapter is to provide a method for nonrenewing a contract, as provided in the Williamson Act.

(Ord. 3675)

9-1815.2 WRITTEN NOTICE.

Either party to the contract may submit a notice of nonrenewal.

(a) **County Initiated.** A Notice of Nonrenewal initiated by the County shall be served on the owner, or the agent for Notice as designated in the contract, at least sixty (60) days before the annual renewal date of the contract.

(b) **Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be served on the County at least ninety (90) days before the annual renewal date. Failure to meet this requirement shall result in the renewal of the contract as provided by Resolution by the Board of Supervisors.

(Ord. 3675; Ord. 4035 § 15, 1999)

9-1815.3 NOTICE REQUIRED.

A written Notice of Nonrenewal must be served in any of the following situations:

(a) **Minimum Size.** If any property under contract is less than ten (10) acres in size, the County shall serve a Notice of Nonrenewal on the owner of such property.

(b) **Division of Land.** If property under contract is being divided, the owner of the property shall serve a Notice of Nonrenewal on the County for any resulting parcels less than ten (10) acres in size in the case of prime agricultural land, or less than forty (40) acres in size in the case of land which is not prime, prior to obtaining map approval.

(c) **Change in Preserve.** If any property under contract is removed from an Agricultural Preserve by either a change in the boundaries of the preserve or

disestablishment of the preserve, the County shall serve a Notice of Nonrenewal on the owner of the subject property.

(d) **Change in Zoning.** If any property under contract is reclassified to a zone other than that required for an agricultural preserve, the County shall serve a Notice of Nonrenewal on the owner of the subject property.

(Ord. 3675)

CHAPTER 9-1820

CANCELLATION OF CONTRACT

Sections:

9-1820.1	Intent.
9-1820.2	Requirements for Application.
9-1820.3	Review Procedures.
9-1820.4	Findings.
9-1820.5	Cancellation Fee.
9-1820.6	Recordation.

9-1820.1 INTENT.

The intent of this Chapter is to provide a method for canceling a contract, as provided in the Williamson Act. (Ord. 3675)

9-1820.2 REQUIREMENTS FOR APPLICATION.

A request for contract cancellation as to all or part of the subject property may be made only by the owner or his designated agent. (Ord. 3675)

9-1820.3 REVIEW PROCEDURES.

The review procedure for a Contract Cancellation request shall be the Public Hearing Review Procedure, with the following modifications.

(a) **Planning Commission Review.** The Planning Commission shall make recommendations for approving or denying the Contract Cancellation request. The Planning Commission shall forward its recommendations to the Board of Supervisors.

(b) **Board of Supervisors Review.** The Board of Supervisors shall conduct a public hearing on the Contract Cancellation request. Notice of the hearing shall be given pursuant to Section 51284 of the Government Code. (Ord. 3675)

9-1820.4 FINDINGS.

Prior to giving approval to any Contract Cancellation request, the Board shall make either of the findings specified by subsection (a) or (b), as required by Section 51282 of the Government Code:

(a) **Consistency with Act.** The cancellation is consistent with the purposes of the Williamson Act. In order to make this finding, the Board shall make all of the following findings:

(1) The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code;

(2) The cancellation is not likely to result in the removal of adjacent lands from agricultural use;

(3) The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan;

(4) The cancellation will not result in discontinuous patterns of urban development; and

(5) There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

(b) **Public Interest.** The cancellation is in the public interest. In order to make this finding, the Board shall make all of the following findings:

(1) Other public concerns substantially outweigh the objectives of the Williamson Act; and

(2) There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. (Ord. 3675)

9-1820.5 CANCELLATION FEE.

Prior to giving approval to any contract cancellation, the Board shall determine and certify the cancellation fee pursuant to Section 51283 of the Government Code. (Ord. 3675)

9-1820.6 RECORDATION.

The cancellation of a contract shall not be final until the certificate of cancellation is recorded pursuant to Section 51283.3 of the Government Code. (Ord. 3675)

**DIVISION 19. ENFORCEMENT
REGULATIONS**

CHAPTER 9-1900

**ENFORCEMENT REGULATIONS: INTENT AND
ORGANIZATION**

Sections:

- 9-1900.1 Title and Intent.**
9-1900.2 Organization.

9-1900.1 TITLE AND INTENT.

Division 19 constitutes the enforcement regulations. The intent of this Division is to provide for the enforcement of provisions of this Title.
(Ord. 3675)

9-1900.2 ORGANIZATION.

Division 19 consists of the following chapters:
(a) 9-1900 Enforcement Regulations: Intent and Organization;
(b) 9-1905 Enforcement of Development Title; and
(c) 9-1910 Abandoned Vehicles.
(Ord. 3675)

CHAPTER 9-1905

ENFORCEMENT OF DEVELOPMENT TITLE*

Sections:

- 9-1905.1 Intent and Purpose.**
9-1905.2 Enforcement Official.
9-1905.3 Hearing Officer.
9-1905.4 Investigation/Inspections.
9-1905.5 Inspection Warrant.
9-1905.6 Inspection Warrant Exception.
9-1905.7 Duty.
9-1905.8 Violations.
9-1905.9 Notice of Violation and Order to Abate.
9-1905.10 Notice of Violation and Order to Abate—Date of Notification.
9-1905.11 Notice of Violation and Order to Abate—Contents.
9-1905.12 Appeal of Determination of Violation (Hearing Officer).
9-1905.13 Appeal of Determination of Violation (Board of Supervisors).
9-1905.14 Administrative Fees.
9-1905.15 Disposition of Administrative Fines.
9-1905.16 Criminal Penalties.
9-1905.17 Settlement Agreement.
9-1905.18 Abatement—Voluntarily.
9-1905.19 Abatement—Involuntarily.
9-1905.20 Abatement—Subsequent.
9-1905.21 Abatement—Emergencies.
9-1905.22 Civil Liability.
9-1905.23 Attorney's Fees and Costs.
9-1905.24 Recovery of Enforcement Costs.
9-1905.25 Appeal of Statement of Expense (Hearing Officer).
9-1905.26 Appeal of Statement of Expense (Board of Supervisors).
9-1905.27 Late Charges and Interest.
9-1905.28 Enforcement by Civil Action.
9-1905.29 No Duty to Enforce.
9-1905.30 Severability.

*Editor's note—Ord. No. 4476, § 2, adopted April 12, 2016, repealed the former Ch. 9-1905, §§ 9-1905.1—9-1905.6, and enacted a new Ch. 9-1905 as set out herein. The former Ch. 9-1905 pertained to similar subject matter and derived from Ord. 3675, Ord. 3703, Ord. 3788, Ord. 3817, Ord. 3832, § 44, adopted 1995.

9-1905.1 INTENT AND PURPOSE.

Pursuant to the authority granted to the Board of Supervisors in Government Code Sections 25845 and 53069.4, it is the intent and purpose of this Chapter to set forth the provisions for the enforcement of this Title (Ord. 3675.) The procedures set forth in this Chapter are designed to ensure the due process rights of any affected property owner or other person having possession or control of the real property involved. This Chapter provides remedies which are in addition to and does not limit, preclude, waive or supersede any other criminal or civil remedy available by law for the enforcement of this Title or to abate any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.2 ENFORCEMENT OFFICIAL.

The Enforcement Official is responsible for enforcing this Title. The Enforcement Official's duties include, but are not limited to the investigation of reported or suspected violation of this Title, determination of whether any violation of this Title has occurred and, pursuant to this Chapter, correcting or abating any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.3 HEARING OFFICER.

The "Hearing Officer" shall conduct hearings on appeals from notice of violation and order to abate and statements of expense issued by the Enforcement Official pursuant to San Joaquin County Code, Division 3, Chapter 5, Code 2-3300 et seq. (Ord. 4476, § 2, 4-12-2016)

9-1905.4 INVESTIGATION/INSPECTIONS.

The Enforcement Official may, upon presentation of proper credentials, enter private or public property to inspect and/or investigate to obtain information relative to any reported or discovered nuisance that exists or was reported to have existed on that property, including but not limited to a physical inspection of the property and/or review of the owner or other person in possession or control of the property's records (whether stored on or off the property). The Enforcement Official may also take statements of witnesses and review any other evidence that they believe may assist in making a decision regarding any reported or discovered nuisance. The Enforcement Official's inspection and/or

investigation of the property and/or related evidence shall be with the goal of determining whether the reported or discovered violation of this Title occurred and/or is on-going and obtaining information on parties responsible for the reported or discovered violation of this Title.

(Ord. 4476, § 2, 4-12-2016)

9-1905.5 INSPECTION WARRANT.

Where there is a report of the existence of a violation of this Title or other reason to believe that a violation of this Title exists or occurred on a property, but the owner or other person in possession or control of the property refuses to allow the Enforcement Official onto the property to inspect and/or investigate, or when circumstances justify not first seeking consent to inspect, the Enforcement Official may seek an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et seq. to enter and inspect the property. If forcible entry is allowed by the inspection warrant, then the inspection warrant must so state.

(Ord. 4476, § 2, 4-12-2016)

9-1905.6 INSPECTION WARRANT EXCEPTION.

No inspection warrant or consent shall be required when the Enforcement Official believes there is an immediate threat or danger to the public health or safety and immediate abatement of any violation of this Title is justified under Section 9-1905.21 of this Chapter. Entry pursuant to this section includes and allows forcible entry if necessary to abate an immediate threat or danger to the public health or safety.

(Ord. 4476, § 2, 4-12-2016)

9-1905.7 DUTY.

It is the duty of every owner of real property or other person in possession or control of real property within the unincorporated area of the County to prevent a violation of this Title from arising from or existing on any real property they own or control.

(Ord. 4476, § 2, 4-12-2016)

9-1905.8 VIOLATIONS.

It is a violation of this Title and County Ordinance Code Section 1-2000 for a property owner and/or other person in control of a property to maintain or permit a

violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter.

(Ord. 4476, § 2, 4-12-2016)

9-1905.9 NOTICE OF VIOLATION AND ORDER TO ABATE.

(a) When the Enforcement Official determines that a condition constituting a violation of this Title has occurred they may provide a written notice and order pursuant to Section 9-1905.11 to the owner(s) of the real property involved and any other person in possession or control of the real property pursuant to County Ordinance Code Sections 1-2006 and 1-2007. If delivery of the notice/order to abate cannot be accomplished pursuant to County Ordinance Code Sections 1-2006 and 1-2007 despite diligent effort then notice may be given by posting copies of the notice/order to abate at the real property involved and recording the notice/order to abate in the official records of the County.

(b) The failure of an addressee to receive the notice/order to abate provided to them in compliance with this Section shall not affect in any manner the validity of any proceedings taken under this Chapter.

(Ord. 4476, § 2, 4-12-2016)

9-1905.10 NOTICE OF VIOLATION AND ORDER TO ABATE—DATE OF NOTIFICATION.

The date of notification is presumed to have occurred as follows:

(a) Pursuant to County Ordinance Code Section 1-2006 Notice by mail shall be deemed served at the time of deposit in the United States mail ; or

(b) On the date the notice/order was personally served; or

(c) On the date the notice/order was posted at the real property involved.

(Ord. 4476, § 2, 4-12-2016)

9-1905.11 NOTICE OF VIOLATION AND ORDER TO ABATE—CONTENTS.

The notice of violation and order to abate ("notice/order to abate") shall include at least the following information, as applicable, unless otherwise determined by the Enforcement Official:

(a) Address and parcel number of the real property involved including the location of the real property.

(b) Determination by the Enforcement Official that a violation of this Title existed or currently exists on the real property involved.

(c) Description of the (1) the action(s) or condition(s) that did or currently are constituting a violation of this Title, and (2) the section of this Title and/or any other ordinance, code, statute, act, regulation, or law that the action or condition(s) were or are in continuing violation of.

(d) Statement of any administrative fines ordered to be paid by the property owner and/or person in possession or control of the real property for the violation described in the notice/order to abate.

(e) State that the violation(s) must be addressed, corrected, or abated within thirty (30) calendar days from the date of the notice/order to abate.

(f) State that the County may take legal action to address, correct, or abate the violation(s) up to and including criminal action pursuant to San Joaquin County Code of Ordinances Title 1, Division 2, Chapter 1.

(g) State that the addressee(s) of the notice/order to abate has a right to appeal the Enforcement Official's determination of a violation of this Title and/or imposition of administrative fines by filing a written notice of appeal with the issuing department within thirty (30) calendar days of the date of notification of the notice/order to abate pursuant to Section 9-1905.12. Imposition of administrative fines will be stayed pending resolution of the appeal.

(h) State that unless the owner and/or person in possession or control of the real property involved voluntarily abates a continuing violation of this Title or timely appeals the notice/order to abate, then the County may take action to abate a continuing violation of this Title.

(i) State that the owner of the real property involved may be responsible for the cost of abatement.

These costs will be calculated and provided to the owner in a statement of expenses (see Section 9-1905.24).

(j) State that the owner of the real property involved has a right to appeal the Enforcement Official's accounting of costs for abatement in writing within thirty (30) calendar days of receiving the statement of expense pursuant to Section 9-1905.25. Collection pursuant to the statement of expense will be stayed pending resolution of the appeal.

(k) State that if the owner of the real property involved fails to pay the cost of abatement pursuant to Section 9-1905.24 then a special tax may be assessed on the property tax of the real property involved which shall have the same priority as other taxes and be collected at the same time and manner as other County taxes.

(l) State that in the event that the violation of this Title poses an imminent health, safety, or fire hazard the Enforcement Official may reduce the thirty (30) calendar days' notice time and take action to abate pursuant to Section 9-1905.21.
(Ord. 4476, § 2, 4-12-2016)

9-1905.12 APPEAL OF DETERMINATION OF VIOLATION (HEARING OFFICER).

If the owner or other person in possession or control of the real property involved objects to the Enforcement Official's findings and conclusions in the notice/order to abate, the owner or person in possession or control may, within thirty (30) calendar days of the date of notification of the notice/order to abate, file a written appeal with the County department that issued the notice/order to abate. The appellant shall then select a Hearing Officer pursuant to Division 3, Chapter 5 of this Code. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's Administrative Procedures.

(a) The County's findings and orders in the notice/order to abate shall remain in full force and effect until modified or rescinded by the Enforcement Official or until modified, vacated, or superseded by order of the Hearing Officer.

(b) If a timely appeal is filed then the orders in the notice/order to abate shall be stayed pending such appeal.

(San Joaquin County Supp. No. 94, 5-16)

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.

(d) Within ten (10) days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable thirty-one (31) days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(e) If the Hearing Official's final written decision is in favor of the County and against the owner or person in control and possession of the real property involved, the costs incurred by the County in holding the hearing with the Hearing Officer or, alternatively, with an Administrative Law Judge from the Office of Administrative Hearings of the State of California, shall be added to the other costs of abatement and included in the statement of expense which may be billed to the owner.
(Ord. 4476, § 2, 4-12-2016)

9-1905.13 APPEAL OF DETERMINATION OF VIOLATION (BOARD OF SUPERVISORS).

The Enforcement Official and/or the party that appealed the Enforcement Official's determination of violation(s) constituting a violation of this Title may appeal the Hearing Officer's decision to the Board of Supervisors within thirty (30) days of receipt of the Hearing Officer's written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(a) The Hearing Officer's written decision shall be final unless a timely appeal is filed.

(b) If a timely appeal is filed then the Hearing Officer's written decision shall be stayed pending such appeal.

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.

(d) The Board of Supervisors may set a hearing on the appeal or shall make a decision based on the official record from the appeal.

(e) The Board of Supervisors shall issue a decision that affirms, reverses, or modifies the Hearing Officer's written decision.

(f) If the Board of Supervisors affirms in whole or in part the Hearing Officer's decision and finds that a violation occurred, the owner and/or person in possession or control of the real property involved must take the action(s) ordered in the notice/order to abate within fifteen (15) days of the resolution. If the violation of this Title is not abated then the Enforcement Official may record the notice/order to abate against the property and take action to enforce the notice/order to abate.
(Ord. 4476, § 2, 4-12-2016)

9-1905.14 ADMINISTRATIVE FINES.

If an owner and/or person in possession or control of the real property involved has been found to have committed a violation of this Title and/or has failed to abate the violation and/or to comply with action(s) ordered in the notice/order to abate, by the Hearing Officer, or the Board of Supervisors, then the Enforcement Official may impose an administrative fine as follows:

(a) Each violation of this Title is subject to an administrative fine, (1) not to exceed one hundred dollars (\$100.00) for a first violation; (2) not to exceed two hundred dollars (\$200.00) for a second violation of the same section of this Title within one (1) year of the date of the first notice/order to abate, and (3) not to exceed five hundred dollars (\$500.00) for each additional violation of the same section of this Title within one (1) year of the date of the first notice/order to abate.

(b) In determining the amount of the fine up to the maximum possible fine the Enforcement Official may take into account the facts and circumstances of the violation, including without limitation the following relevant factors:

- (1) The number of violations included in the notice/order to abate;
- (2) The number of previous violations of the same or related type committed by the violator in the previous twenty-four (24) months;
- (3) The good faith efforts of the violator to avoid and/or to address, correct, or abate the violation(s) of this Title;

(4) The impact of the violation(s) on neighboring properties and the community;

(5) The financial gain by the violator in violating this Title;

(6) The seriousness of the violation; and/or

(7) The deterrent value of the administrative fine.

(c) Payment of the administrative fines in whole or part shall not excuse the failure to take the action(s) ordered in the notice/order to abate nor shall it bar further enforcement action by the Enforcement Official.

(d) The Enforcement Official may stay the imposition of the fine temporarily or reduce, suspend, or eliminate an administrative fine if they determine that:

(1) Substantial progress is being made toward completing the action(s) ordered in the notice/order to abate and a stay, reduction, suspension, or elimination of the fine would further the goal of completing the action(s) ordered in the notice/order to abate; and/or

(2) Circumstances exist that are either beyond the control of the violator or were unknown at the time the administrative fines were imposed; and/or

(3) The correction of the violation is not feasible, and the violation does not present a threat to public health or safety.

(e) Imposition of an administrative fine is in addition to any other remedies provided by County code or state law.

(f) Nothing in this chapter shall prevent the District Attorney from commencing an action for a violation of this Title.

(Ord. 4476, § 2, 4-12-2016)

9-1905.15 DISPOSITION OF ADMINISTRATIVE FINES.

All administrative fines collected under the provisions of this Chapter, not including the reimbursement for costs of abatement pursuant to the statement of expense, shall be paid into the County treasury, to the credit of the general fund.

(Ord. 4476, § 2, 4-12-2016)

9-1905.16 SETTLEMENT AGREEMENT.

No provision in this Title precludes the property owner from entering into a settlement agreement with the enforcement official at any time.

(Ord. 4476, § 2, 4-12-2016)

9-1905.17 CRIMINAL PENALTIES.

Enforcement of violations of this Title may be subject to criminal penalties as follows:

(a) **Notice to Appear Citation.** If an owner and/or person in possession or control of the real property involved has committed a violation of this Title and/or has failed to take the action(s) ordered in the notice/order to abate within the time allowed by the notice/order to abate, Hearing Officer, or Board of Supervisors, then (1) law enforcement agencies or (2) the Enforcement Official may issue a notice to appear citation to the owner and/or person in possession or control of the real property.

(b) **Misdemeanor.** Every violation of this Title is a misdemeanor and may be punished by a fine not exceeding one hundred dollars (\$100.00) for the first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same section within one (1) year.

(c) **Action by County.** Nothing in this Chapter shall prevent the District Attorney or County Counsel from seeking any legal or equitable relief permitted under law for any violation of this Title.

(Ord. 4476, § 2, 4-12-2016)

9-1905.18 ABATEMENT—VOLUNTARILY.

The property owner and/or person in possession or control of the real property involved may voluntarily abate the violation of this Title at any time. That person may then request the Enforcement Official to inspect the real property involved to confirm the voluntary abatement. If upon inspection or other review of evidence the Enforcement Official determines that the violation of this Title has been abated then the Enforcement Official will cease all enforcement actions under this Title. Voluntary abatement does not preclude the Enforcement Official, or any other party allowed by law, from pursuing legal or equitable action against the property owner and/or person in possession for the violation of this Title or from pursuing actual cost of

all time, services, and materials associated with enforcement and/or abatement of the violation of this Title pursuant to Section 9-1905.24.

(Ord. 4476, § 2, 4-12-2016)

9-1905.19 ABATEMENT—INVOLUNTARY.

If the property owner and/or person in possession or control of the real property involved has failed to voluntarily abate any ongoing violation(s) of this Title within thirty (30) days of the notice/order to abate, no appeal has been filed, or the final decision on appeal upholds the Enforcement Official's findings in the notice/order to abate, then the County may commence involuntary abatement. Involuntary abatement includes but is not limited to one (1) or more of the following actions; (1) seeking written consent to enter the real property to enter and perform work to abate the violation of this Title, (2) County Counsel or District Attorney commencing a civil action in the name of the people of the State of California to abate the violation of this Title pursuant to California Code of Civil Procedure 731, and/or (3) District Attorney commencing action to abate the violation of this Title pursuant to Title 1, Division 2, Chapter 1, of this Code.

(Ord. 4476, § 2, 4-12-2016)

9-1905.20 ABATEMENT—SUBSEQUENT.

Pursuant to California Government Code Section 25845.5, on a second or subsequent determination within two (2) years from notice of a finding that an owner of property is responsible for a condition that may be abated in accordance with this Title, except for conditions abated pursuant to Health and Safety Code Section 17980, the property owner may be liable for triple the costs of the abatement.

(Ord. 4476, § 2, 4-12-2016)

9-1905.21 ABATEMENT—EMERGENCIES.

Notwithstanding any other provision of this Title, if the Enforcement Official determines that a violation poses an immediate threat of life, limb, health, property, safety, or welfare of anyone, the Enforcement Official may act to immediately notify the owner of the real property involved orally or in writing that the violation must be abated immediately.

(a) If, despite diligent effort, the Enforcement Official is unable to notify the owner of the real

property within a reasonable period of time, or after notification the owner has failed to abate the violation, the Enforcement Official may cause the abatement of the condition which poses an immediate threat.

(b) Immediately following abatement, the owner of the real property involved shall be notified of the abatement.

(c) The notice to the owner of the real property involved may include a Statement of Expense pursuant to Section 9-1905.24 and a demand that the Statement of Expense be paid within ninety (90) days of the date of notice.

(Ord. 4476, § 2, 4-12-2016)

9-1905.22 CIVIL LIABILITY.

There shall be no civil liability on the part of, and no cause of action shall arise against, any County official or personnel acting pursuant to this Chapter and within the scope of their authority.

(Ord. 4476, § 2, 4-12-2016)

9-1905.23 ATTORNEY'S FEES AND COSTS.

The prevailing party in any civil action to abate a violation of this Title may recover reasonable attorney's fees and costs. No party's fees shall be awarded at an hourly rate greater than the hourly rate charged by the County for a Deputy County Counsel.

(Ord. 4476, § 2, 4-12-2016)

9-1905.24 RECOVERY OF ENFORCEMENT COSTS.

The county may be reimbursed for the actual cost of all time, services, and materials associated with voluntary and involuntary abatement of the violation of this Title. Reimbursement of these costs shall be in addition to and shall not limit the prevailing party's right to recover costs pursuant to Code of Civil Procedure Sections 1032 and 1033.5 or any other provision of law. If the Enforcement Official seeks reimbursement, then they shall compile the enforcement costs into a statement of expense, which shall be an itemized statement explaining all costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.

(a) Any time spent on enforcement that the Enforcement Official seeks reimbursement for shall be charged by County personnel at an hourly rate determined by the Enforcement Official.

(b) Any costs of time, services, and/or materials spent on enforcement that the Enforcement Official seeks reimbursement for may be calculated from the time a violation of this Title is reported or discovered through and including successful abatement of the violation of this Title or any portion thereof.

(c) The statement of expense shall be mailed to the property owner of the real property involved with a demand for payment within thirty (30) calendar days of the date the statement was mailed.

(d) The statement of expense shall advise the owner that they may appeal the statement of expense in writing within thirty (30) calendar days of the date the statement was mailed. (See Section 9-1905.25).

(e) If the owner does not pay the amount due under the statement of expense within the time specified by the Statement, Hearing Officer, or Board of Supervisors the Enforcement Official may request placement on the consent calendar of the Board of Supervisors for a resolution approving the amount due under the statement of expense or under the written decision of the Hearing Officer. The resolution shall direct the Auditor to cause a special tax lien to be assessed on the property tax of the subject property. Said assessment shall have the same priority as other taxes. A notice of release may not be recorded with the office of the County Recorder until all assessments for the cost of abatement are paid. When the assessment in question is collected, it shall be credited to the Community Development Department.

(f) If the tax lien has not been recorded prior to the transfer to the real property involved before the date on which the first installment of County taxes becomes delinquent, then the cost of abatement shall not be a lien on the property but shall be transferred to the unsecured roll for collection. For the purposes of this Section, a transfer must be to a bona fide purchaser for value.

(Ord. 4476, § 2, 4-12-2016)

9-1905.25 APPEAL OF STATEMENT OF EXPENSE (HEARING OFFICER).

If the owner of the real property involved objects to the statement of expense, the owner may, within thirty (30) calendar days of notification of the statement of expense, file a written appeal with the County department that issued the statement of expense. The appeal-

lant shall then select a Hearing Officer. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's administrative procedures.

(a) The statement of expense will be final and owing unless a timely appeal is filed.

(b) If a timely appeal is filed then the requirement to pay the statement of expense shall be stayed pending such appeal.

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.

(d) Within ten (10) days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable thirty-one (31) days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(e) If the matter is resolved in whole or in part in favor of the County and against the appellant, the costs incurred by the County in holding the hearing with the Hearing Officer shall be added to the statement of expense.

(Ord. 4476, § 2, 4-12-2016)

9-1905.26 APPEAL OF STATEMENT OF EXPENSE (BOARD OF SUPERVISORS).

If the owner does not agree with the Hearing Officer's decision, the owner may file a written request to have the matter heard before the Board of Supervisors. Such written request must be filed with the Clerk of the Board within thirty (30) days from the date of receipt of the Hearing Officer's decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(a) The Hearing Officer's determination will be final unless a timely appeal is filed.

(b) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.

(c) At the Board of Supervisors' hearing, the only issue shall be the amount of costs due to the County. The existence or nonexistence of a violation of this Title shall not be an issue.

(San Joaquin County Supp. No. 94, 5-16)

(d) The Board of Supervisors may, by resolution uphold, modify, or reverse the statement of expense. Any amount determined by the Board of Supervisors to be due under the Statement of Expense must be paid within fifteen (15) days from the date a copy of the Board's resolution is mailed to the owner.

(e) If complete payment pursuant to the Board of Supervisor's resolution is not made within fifteen (15) days of the resolution, a copy of the resolution, and the Statement of Expense, shall be forwarded to the Auditor of San Joaquin County. The Auditor shall cause a special tax to be assessed on the property tax of the affected parcel. Said assessment shall have the same priority as other taxes. A notice of release shall not be recorded in the office of the County Recorder until all amounts stated in the resolution are paid. When the amounts stated in the resolution are collected, they shall be credited to the Community Development Department.

(Ord. 4476, § 2, 4-12-2016)

9-1905.27 LATE CHARGES AND INTEREST.

Late charges and interest may be charged for fines and/or the statement of expense not paid by the required date. These charges and interest, if any, shall be the same as those established by the Board of Supervisors for the Revenue and Recovery Department.

(Ord. 4476, § 2, 4-12-2016)

9-1905.28 ENFORCEMENT BY CIVIL ACTION.

As an alternative to the procedures set forth in this Chapter the county may abate any violation of this Title by the prosecution of a civil action through the office of the county counsel, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Title or requiring compliance with other terms.

(Ord. 4476, § 2, 4-12-2016)

9-1905.29 NO DUTY TO ENFORCE.

Nothing in this Chapter shall be construed as imposing on the Enforcement Official or the County any duty to issue a notice to abate any violation of this Title, nor to take any other action with regard to any violation of

this Title, and neither the enforcing officer nor the County of San Joaquin shall be held liable for failure to issue a notice of violation and order to abate any violation of this Title, nor for failure to take any other action with regard to any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.30 SEVERABILITY.

If any section, subsection, sentence, clause, portion, or phrase of this Chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. (Ord. 4476, § 2, 4-12-2016)

CHAPTER 9-1910

ABANDONED VEHICLES

Sections:

9-1910.1	Intent.
9-1910.2	Findings and Declarations.
9-1910.3	Enforcement Officials.
9-1910.4	Unlawful to Abandon, Park, Store, or Leave Vehicle.
9-1910.5	Exceptions.
9-1910.6	Abandoned Vehicle Removal Procedures.
9-1910.7	Assessment of Costs.
9-1910.8	Unlawful to Refuse to Comply with Order.
9-1910.9	Reporting Requirements for Licensed Dismantlers.
9-1910.10	Violations.

9-1910.1 INTENT.

The intent of this Chapter is to prescribe regulations pertaining to abandoned vehicles. (Ord. 3675)

9-1910.2 FINDINGS AND DECLARATIONS.

In addition to, and in accordance with, the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors hereby makes the following findings and declarations:

(a) **Deleterious Effects.** The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare; and

(b) **Public Nuisance.** The presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, except as expressly hereinafter permitted, shall constitute a public nuisance which may be abated as such in accordance with the provisions of this Chap-

9-1910.2

ter. A public nuisance as described shall include a vehicle that creates a deteriorating environmental condition, reduces the value of private property, promotes deterioration of a business district or neighborhood, invites plundering, creates fire hazards, constitutes an attractive nuisance

endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

(Ord. 3675; Ord. 3971 § 2, 1998)

9-1910.3 ENFORCEMENT OFFICIALS.

The Director of the Community Development Department is designated as the official responsible for the administration of this Chapter. In the administration of this Chapter, the Director may, upon presentation of proper credentials, enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter and to Section 22663 of the Vehicle Code.

(Ord. 3675)

9-1910.4 UNLAWFUL TO ABANDON, PARK, STORE, OR LEAVE VEHICLE.

It shall be unlawful for any person to abandon, park, store, or leave, or permit the abandonment, parking, storing, or leaving, of any vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition within the unincorporated area of the County for a period in excess of seven (7) days.

(Ord. 3675)

9-1910.5 EXCEPTIONS.

This Chapter shall not apply to:

(a) **Enclosed Within Building.** A vehicle or part thereof which is completely enclosed within a building where it is not visible from the street or other public or private property;

(b) **Part of Business.** A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or

(c) **Historic Vehicle.** A vehicle or part thereof which qualifies as a vehicle of historic value and has special identification plates for a historical vehicle as described in Section 5004 of the California Vehicle Code.

(d) **General Agriculture.** Parcels that are a minimum of five (5) acres in any General Agriculture zone.

(Ord. 3675; Ord. 3971 § 3, 1998)

9-1910.6 ABANDONED VEHICLE REMOVAL PROCEDURES.

The Director shall proceed as follows in the investigation and enforcement of violations of Section 9-1910.4:

(a) **Notice of Intention to Abate and Remove Vehicle.** When the Director determines that a violation of this Chapter exists, the owner of the property in violation, as shown on the latest assessment roll, and the last registered and legal owner of the vehicle, shall be notified by registered or certified mail of the intention to abate and remove the vehicle or part thereof as a public nuisance. The Notice shall state that the owner of the property and/or vehicle has ten (10) business days in which to correct the violation or appeal the determination of the Director to the Planning Commission for a public hearing. This required Notice may be waived by the owner(s) of the property and/or vehicle with a signed release authorizing removal and waiving further interest in the vehicle or part thereof.

(b) **Statement of Nonresponsibility.** If a vehicle was abandoned without the consent or knowledge of the property owner, and he/she has direct control of the property, the property owner may submit a Statement of Nonresponsibility within ten (10) business days of the mailing of the Notice of Intention to Abate and Remove the Vehicle. If the Director determines the property owner is not responsible for the abandoned vehicle, the administration fee will be waived. If staff determines the owner is responsible for the abandoned vehicle, he/she will be so advised. This determination can be appealed pursuant to Section 9-1910.6(c).

(c) **Appeals.** Appeals of the Notice of Intention to Abate and Remove Vehicle shall be filed pursuant to Section 9-215.12 (Appeals under the Staff Review with Notice Procedure), except for the following provisions:

(1) The owner of the vehicle and/or the owner of the property may file this appeal.

(2) When an appeal is heard by the Board of Supervisors pursuant to Section 8-5100, any violation of Chapter 9-1910 of this Title included in the Notice of Violation shall be heard by the Board of Supervisors.

(d) **Public Hearing Procedure.** The public hearing shall allow for the submittal of oral and written evidence relative to the existence of a violation of this Chapter on the property and whether the property owner is responsible for or has consented to the placement of the vehicle on the property. The property owner may appear in person or submit a sworn statement denying responsibility for the presence of the vehicle on the property. At the conclusion of the public hearing, the existence of a violation shall be determined and if a violation exists, it shall be determined whether the property owner is responsible

for such violation. If it is found that a violation exists but the property owner is not responsible, the County shall not assess costs of administration or removal of the vehicle against the property owner. The decision of the hearing official shall be final and may not be appealed.

(e) **Removal of the Vehicle.** If an appeal has not been filed within the required time period or the Planning Commission has made a determination that a violation exists and the vehicle or part thereof remains on the property, the vehicle or part thereof may be disposed of by removal to a scrapyards or automobile dismantler's yard. The removal shall be performed by the County or a licensed automobile dismantler authorized by the County, either of which may enter private or public property to remove the vehicle or part thereof declared to be a nuisance pursuant to this Chapter. The Director is authorized to select licensed automobile dismantlers pursuant to policies and procedures adopted by the Board of Supervisors.

(f) **Vehicle Not to be Reconstructed.** Any vehicle removed as a result of this Chapter shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates.

(g) **Notice to the Department of Motor Vehicles.** Within five (5) business days after the removal, notice shall be given to the Department of Motor Vehicles that identifies the vehicle or part thereof, and evidence shall be submitted of all available registration, including but not limited to the registration card, certificates of ownership, or license plates.
(Ord. 3675, 3703)

9-1910.7 ASSESSMENT OF COSTS.

The Board of Supervisors shall establish fees for administrative and vehicle removal costs. These costs are the joint and several personal obligations of the last registered owner and the owner of the parcel of land from which the vehicle was removed, provided, however, that the last registered owner who can satisfy the requirements of Vehicle Code Section 22524 (b) shall not be personally liable for the costs and provided, further, that it has been found that the owner is not responsible for the location of the vehicle on his or her property. If the fees are not paid within thirty (30) business days of the date of the order or the final disposition of an appeal therefrom, such fees shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other taxes.
(Ord. 3675)

9-1910.8 UNLAWFUL TO REFUSE TO COMPLY WITH ORDER.

It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or state law where applicable.
(Ord. 3675)

9-1910.9 REPORTING REQUIREMENTS FOR LICENSED DISMANTLERS.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to this Chapter shall be excused from the reporting requirements of Section 11520 of the Vehicle Code, and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.
(Ord. 3675)

9-1910.10 VIOLATIONS.

Any violation of a provision of this Chapter shall be a misdemeanor punishable by imprisonment in the County Jail for a term not to exceed six (6) months, or by a fine not to exceed five hundred (500) dollars, or both.
(Ord. 3675)