

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4476

A TEXT AMENDMENT APPLICATION TO AMEND TITLE 9 OF THE ORDINANCE
CODE OF THE COUNTY OF SAN JOAQUIN, RELATIVE TO SECTION 9-110.4
CONCERNING DEFINITIONS AND CHAPTER 9-1905 CONCERNING ENFORCEMENT
REGULATIONS. APPLICABLE COUNTYWIDE

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Section 9-110.4, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended by adding the definition of “Abatement”, “Enforcement Official”, “Abatement, Subsequent”, and “Statement of Expense”, and by amending the definition of “Abatement, Voluntary” and Abatement, Involuntary to read as follows:

Abatement: The correction or elimination of a violation of this Title.

Abatement, Voluntarily. “Voluntary Abatement” means the abatement or removal of correction or elimination of a use or condition of land constituting a violation of this Title by the owner, other person in possession or control of the property, or designee after notification by the enforcement agency County that such a violation exists an of this Title exists and must be abated.

Abatement, Involuntary. “Involuntary Abatement” means the removal of a nuisance as a result of an action performed by, under the direction of, correction or elimination of a use or condition of land constituting a violation of this Title by, under the direction of, or at the initial expense of the County.

Abatement, Subsequent. “Subsequent Abatement” means a second or subsequent determination of a violation of this Title within two (2) years from notification of violation of this Title on the same property.

Enforcement Official. “Enforcement Official” means, the Director of the Community Development Department, the Director of the Environmental Health Department, the Agricultural Commissioner, or their deputy or employee, or any person authorized by law or ordinance.

Statement of Expense. “Statement of Expense” is an itemized statement explaining all enforcement 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.

Section 2. Section 9-1905, Division 19, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

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.

- 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.

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.

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.*

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.

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.

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.

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.

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.

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.

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.

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.

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.
- (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.

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.

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) for a first violation; (2) not to exceed two hundred dollars (\$200) for a second violation of the same section of this Title within one year of the date of the first Notice/Order to Abate, and (3) not to exceed five hundred dollars (\$500) 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 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.

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.

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.

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) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation of the same section within one year, and a fine not exceeding five hundred dollars (\$500) for each additional violation of the same section within one 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.

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.

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 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.

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.

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.

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.

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.

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.

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 appellant 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.

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.
- (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.

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.

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.

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.

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 or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, this ordinance shall be published once (1) in The Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 12th day of April 2016 to wit:

AYES: **Villapudua, Miller, Winn, Elliott, Zapien**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Moises Zapien

MOISES ZAPIEN, CHAIR
Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

BY: **Mimi Duzenski**