

## 7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW

### PURPOSE

The purpose of this document is to provide a general overview of the Code Enforcement Division (Division) within the Sonoma County Permit Sonoma Department (Permit Sonoma or the Department), and the policies and procedures that apply to the Division's efforts to obtain abatement of identified violations of the Sonoma County Code. This document may be supplemented and updated from time to time. This document is not meant as legal advice, and the guidelines contained herein shall not be construed as superseding or amending any provisions of the Sonoma County Code or other provision of law.

### CODE ENFORCEMENT - MISSION

The Division's mission is to enforce Sonoma County codes and regulations under the general policy direction of the Sonoma County Board of Supervisors by investigating complaints alleging violations of the Sonoma County Code in a prompt, fair, and professional manner and to take appropriate steps to achieve the goal of code compliance.

### CODE ENFORCEMENT - GOAL

The Division's goal is to assist property owners with bringing their properties into compliance with local laws and regulations relating to land use and structures including building standards, zoning requirements, health and safety concerns, and property maintenance standards. To this end, the Division shall uniformly and fairly enforce Sonoma County codes and regulations and assign high priority to the investigation and abatement of violations that may constitute potential threats to public health or safety or that may cause serious environmental damage.

Code Enforcement endeavors to investigate complaints in a timely manner, to educate members of the public regarding applicable laws, and to work collaboratively with responsible parties to obtain voluntary compliance whenever possible.

### DEFINITIONS

The following definitions define certain terms used in this policy. For additional definitions, see the Sonoma County Code (SCC).

For purposes of this document:

**Code Enforcement Officer**, or Enforcing Officer, has the same meaning as in California Code, Penal Code Section 829.5(a): (a) Code enforcement officer means any person who is not described in Chapter 4.5 [applicable to peace officers] and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and

**7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations or file formal complaints.

Code Enforcement Inspectors employed by Permit Sonoma are Code Enforcement Officers as defined above.

**Violation** means:

- A. An act, omission, or condition contrary to a provision of the Sonoma County Code, or an ordinance, resolution, rule, proclamation, order, or regulation of the County.
- B. An act, omission, or condition contrary to a term or condition of a license, permit, or approval, including associated plans, specifications, reports, and studies, granted or issued by the County.

**Responsible party** means any of the following:

- A. A person that causes, maintains, allows, or is otherwise responsible for a violation;
- B. A person with an ownership interest in real property upon which a violation is found; or
- C. A person who exercises possession or control of real property upon which a violation is found, including a tenant, agent, employee, contractor, subcontractor, or other occupant.

**Property** means either of the following:

- A. Personal property – includes every species of property, except real property as defined herein; or
- B. Real property – includes lands, tenements, and hereditaments.

**Complaints**

Except as provided in [Policy 7-0-7 Anonymous and Confidential Complaints](#), and except for complaints alleging an immediate threat to the safety of people, property, or the environment, anonymous complaints will not be accepted. The minimum information required is the complainant’s name and a method of contact (telephone number, email address, mailing address, etc.). This complainant contact information will be treated as confidential unless ordered to be disclosed by court order or by consent.

Types of complaints typically received include, but are not limited to, the following:

- Unpermitted Construction
- Land Use/Zoning Violations
- Unpermitted Cannabis Cultivation
- Unpermitted Vacation Rentals
- Substandard Living Conditions
- Dangerous Buildings
- Failed Septic Systems
- Unpermitted Grading
- Unpermitted Encroachment
- Stormwater Discharge Violations

**7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

- Hazardous Vegetation
- Health Orders
- Abandoned Vehicles
- Environmental Contamination
- Unpermitted Occupancy of a Structure

Generally, the Code Enforcement Division does not investigate complaints concerning the following:

- Complaints Within City Jurisdictions (under certain limited circumstances, the County, pursuant to the Health Officer’s authority, may issue and enforce well permits and other permits within an incorporated area)
- Noise/Disturbing the Peace
- Non-operative Vehicles on Highways
- Property Line Disputes
- Shared Easement Access
- Smoking Complaints
- Rodent/Insect Infestations
- CCRs and HOA Regulations
- Parking Regulations
- Garbage Complaints
- Number of Occupants in a Residence

Complaints for non-specific locations or descriptions (e.g., “three driveways away from the yellow house,” or “I hear hammering in my neighborhood,” etc.) will not be accepted unless an immediate hazard to people or property is alleged. Permit Sonoma’s [website](#) contains mapping resources to assist in parcel location and identification.

It is of critical importance that any known or potential inspector safety issues (e.g., vicious animals, mentally unstable or hostile occupants, etc.) be disclosed at the time of complaint intake. If a complaint is received as a voicemail or email and the complainant alleges a potential officer safety concern, staff shall make reasonable efforts to contact the reporting party for further information before investigation commences.

**Complaint Priority**

Upon receipt of a valid complaint, staff shall prioritize the complaint for investigation using the following priority rating system:

**1<sup>st</sup> Priority** – Any complaint alleging immediate hazards to life, health, property, safety, or welfare of the public or occupants such as:

- Electrical Hazards
- Gas Leaks
- Structural Failure
- Landslide/Geologic Hazards
- Lack of Pool Fencing
- Unsecured Abandoned Structures

**7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

- Sewage Discharge
- Unsafe Commercial Use or Structure
- Occupied Hazardous Structures or Premises

**2<sup>nd</sup> Priority** – Any complaint that does not endanger the property, safety, or welfare of the public or occupants that may affect multiple properties such as:

- Unpermitted Structures and Dwelling Units
- Additions to Existing Structures
- Septic System Installation/ Modifications/Repairs
- Change of Occupancy
- Grading – Cuts/fills Exceeding 200 Cubic Yards
- Non-compliance with Use Permit Conditions
- Substandard Housing or Premises
- Large Junkyards
- Greywater Discharge onto Surface of Ground

**3<sup>rd</sup> Priority** – Any complaint that does not endanger the property, safety, or welfare of the public or occupants that affects few properties such as:

- Interior Remodel
- Commercial Tenant Improvements
- Unpermitted Businesses
- New Foundations Under Existing Structures
- Occupied Travel Trailers with no Other Hazardous Conditions
- Small Junkyards
- Abandoned Structures
- Non-operative Motor Vehicle Storage Not Involving Immediate Environmental Hazards
- Grading – Cuts/fills Less Than 200 Cubic Yards
- Excessive Animals
- Reroofs
- Fences
- Secured

Complaints alleging accessibility violations shall follow the guidelines contained in [Policy 7-0-9 Accessibility Complaint Processing](#).

Complaints for exceeding the scope of work shall follow the guidelines contained in [Policy 7-0-13 Exceeding the Scope of Issued Permits](#).

## **7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

### **Complaint Investigations**

Each complaint shall be investigated to verify its existence and severity. Code violations may be documented with inspections notes, photographs, statements, or written interviews.

During field inspections, staff will take all actions reasonable and necessary to minimize any potential risk of confrontation that may lead to injury to themselves or others.

In all cases, the site inspection shall conform with Policy 7-0-3 Entry Onto Private Property and Policy 7-0-22 Code Enforcement Field Inspector Safety Standards and Guidelines.

If during an attempted site inspection, consent and access to the area of the property are provided and the violation is confirmed, or if the violation can be observed and confirmed from plain view observations, the inspector may issue a Notice & Order for the violation(s) to the responsible party and begin the enforcement process.

If consent or access is not provided and the allegation cannot be otherwise confirmed, a written notice requesting the responsible party contact the inspector about a code violation complaint and/or business card shall be left in a conspicuous location at the time of the attempted site inspection. The inspector may also attempt to contact the responsible party via United States Postal Service using records from the most recent equalized tax roll.

If no response is received from the responsible party, a second site inspection attempt may be made. If access is granted at the time of the second site visit and the alleged violation is verified, the inspector may notice the responsible party and move forward with the enforcement process.

### **Inspection and Abatement Warrants**

If there is no response by the property owner/tenant to the Division's attempts to inspect the subject property, the Division may petition to obtain an inspection and/or abatement warrant.

An inspection warrant is a type of warrant issued by a Superior Court that authorizes the Division to perform an inspection based on reasonable cause where consent to inspect has been refused but evidence of a possible code violation exists. An abatement warrant is a type of warrant issued by the Superior Court that authorizes the Division to abate conditions constituting a violation.

Inspection and abatement warrant policies are contained in Policy 7-0-12 Inspection and Abatement Warrants.

### **County-Initiated Investigations**

A proactive and County-initiated investigative approach may be used by the Division to seek out certain categories of violations such as, but not limited to, observed on-going unpermitted construction, observed hazardous conditions, unpermitted cannabis cultivation, unpermitted vacation rentals, and County health directives pursuant to [Policy 7-0-1 Code Violations Encountered by Staff](#). If so, the same procedures for site investigations will be followed as for 3<sup>rd</sup> party complaints received, as set forth in this policy.

## **7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

### **Violation Noticing**

Following an investigation and a determination of a violation, the Division may issue the responsible party a Notice & Order.

#### **A. Notice & Order:**

A Notice & Order is a written notification used to document violations of the codes and regulations of the County and/or the State of California. Notice & Orders generally allow a 30-day correction period for abatement of the identified violation(s). It is at the discretion of the assigned code enforcement inspector to determine if extensions of time for compliance are necessary or warranted. Extensions of time for compliance do not pause or extend civil penalty assessments. When conditions exist that may pose an immediate hazard to property or people, the assigned inspector may impose a timeline for abatement of less than 30 days.

A Notice & Order shall be posted on the property in a conspicuous place and will also be mailed via United States Postal Service to the property owner's address identified on the last equalized tax roll. It shall clearly identify each separate violation to distinguish multiple violations from each other. Any appeal of a Notice & Order must be in writing and received by the Division within 10 days of issuance of the Notice & Order.

#### **B. Civil Penalties Due and Payable:**

Any violation identified on the Notice & Order is subject to the immediate assessment of civil penalties. The amount of civil penalties assessed shall be determined by the inspector using the guidelines contained in SCC Chapter 1 Section 1-7.1 using the approved calculation methods outlined in Policy 7-0-17 Civil Penalty Determination for Administrative Abatement Proceedings.

If a violation remains unabated on or after 30 days from the date of the Notice & Order, or the violation has been abated without payment of identified civil penalties, the inspector may issue a Civil Penalties Due and Payable Notice. This notice will be sent to the responsible party and/or the property owner via certified and regular mail identifying the civil penalties accrued to date. The calculation for civil penalties begins on the date of the Notice & Order.

### **Notice of Abatement Proceedings**

All costs incurred by the County in pursuing abatement, as defined in SCC Chapter 1 Section 1-7(b), may become a lien against the property. These costs may include staff time for inspectors, County Counsel, clerical staff, and others.

In addition to the Notice of Abatement Proceedings, the inspector may record an Abatement Lien, Partial Abatement Lien, or Supplemental Notice on the title of the property with the Office of the County Recorder in conformance with SCC Chapter 1 Section 1-7.3(j) for costs incurred in pursuing abatement.

## 7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW

When the violation(s) has been verified abated and all abatement costs have been paid, the inspector shall prepare and provide to the property owner a Notice of Termination of Abatement Proceedings upon request. It is the responsibility of the property owner to record any Notice of Termination on the property's title.

### Civil Penalties

**Civil Penalty Calculation:** Civil penalties may be applied daily for unresolved violations or applied to Permit Sonoma fees for permits issued to abate violations. Civil penalties are determined and set within a range according to violation type:

- A. Commercial Violations
- B. Residential Violations
- C. Grading, Drainage, Vineyard, and Orchard Violations
- D. Cannabis Violations
- E. Vacation Rental Violations
- F. Violations for Septic Operational Permits
- G. Other Violations (unlawful non-commercial junkyard, unlawful non-commercial truck terminal, unlawful non-commercial nonoperative motor vehicle storage yard, unlawful non-commercial accessory structure, unlawful non-commercial excessive number of animals, or unlawful non-commercial storage, disposal, or transportation of solid waste).

Civil penalties may be imposed by the enforcing officer, the hearing officer, or the court. These penalties shall be determined and set within the applicable range pursuant to SCC Chapter 1 Section 1-7.1 and Policy 7-0-17 Civil Penalty Determination for Administrative Abatement Proceedings.

**Civil Penalties Exclusions:** Civil penalties are mandatory under SCC Chapter 1 Section 1-7.1 unless civil penalties are excluded under the following circumstances:

- A. When the property owner meets the criteria for an "Innocent Purchaser." If the property owner provides evidence that at the time ownership was acquired: 1) the violation existed on the property, 2) the property owner did not have actual or constructive notice of the existence of that violation, and 3) within 30 days after the mailing of the notice of violation the property owner initiates and pursues with due diligence and good faith efforts, as determined solely by the enforcing officer, to abate the violation.
- B. Civil penalties do not apply to building, plumbing, electrical, or other structural violations that do not create an immediate danger to health or safety if the responsible party establishes that: 1) within 30 days after the date of mailing of the notice of violation the responsible party removed the violation from the property, and 2) the responsible party had not previously been mailed a notice of

## 7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW

violation of the same code section, regardless of the parcel on which that violation occurred. Applicability of this exclusion is limited where the violation is associated with unpermitted cannabis cultivation. Typically, a building or demolition permit is required to remove unpermitted construction work.

- C. Civil penalties do not apply if the owner of a residential property establishes that at the time ownership was acquired: 1) a violation existed on the property;,, 2) the violation was not on record at Permit Sonoma; and 3) within 6 months of acquiring an ownership interest in the property the owner initiated and pursued abatement with due diligence and good faith effort.

**Civil Penalty Reduction:** Depending on the circumstances of each violation, the Code Enforcement Manager may have authority to reduce and/or compromise the civil penalty amount. Review and consent of the Board of Supervisors and/or County Counsel may be required for any such compromise.

### Administrative Citations

The issuance of an administrative citation for violations of codes or ordinances may be exercised in place of, but shall not be deemed a waiver of, the use of any other available enforcement remedy at the exclusive discretion of the Enforcing Officer.

Violations, where an administrative citation may be an appropriate enforcement method, at the discretion of the Enforcing Officer, may include:

- Vacation Rentals
- Signage
- Excessive Animals
- Non-operative Motor Vehicles
- Occupied Travel Trailers
- Minimal Junkyard Conditions
- Home Occupations
- Fences
- Riparian Corridor Violations
- Minor Drainage Obstructions
- Accessibility Violations
- Stormwater Violations
- Encroachment Violations

The procedures for issuance of a correction notice and/or administrative citation, calculation of fines, service, payment, and appeal are contained in [Policy 7-0-18 Administrative Citation/Correction Notice Issuance and Processing](#).

**Abatement/Appeal Hearings:** SCC Chapter 1 Section 1-7.3 Administrative Procedure for Abatement provides for the conduct of administrative abatement and appeal hearings. In cases where a Notice & Order is issued and timely voluntary violation abatement is not obtained, the enforcing officer may, at their sole discretion, schedule the matter for an administrative abatement hearing before an independent hearing officer.



**7-0-23 CODE ENFORCEMENT POLICIES AND PROCEDURES-GENERAL OVERVIEW**

Similarly, a notice, order, decision, or determination made by an enforcing inspector or enforcement official may be appealed by any person affected by the administrative action. Any appeal shall be made in writing and submitted to Permit Sonoma and/or the enforcing inspector within 10 calendar days from the date of the administrative action. Failure to file a timely appeal constitutes a waiver of the right to an appeal hearing and adjudication of any administrative action.

Procedures for preparing, presenting, and tracking cases for administrative abatement and appeal hearings are contained in Policy 7-0-16 Code Enforcement Hearing Procedure.

**Settlement Agreements:** During the administrative process, the Code Enforcement Manager may decide, at their sole discretion, to enter into agreements with the responsible party(ies) to settle a code enforcement matter.

**Judicial Enforcement:** SCC Chapter 1 provides that if the property owner does not comply with a final violation determination or a hearing officer decision and order, the Code Enforcement Inspector is authorized to request that the Office of the Sonoma County Counsel seek judicial enforcement.

**Completion of Code Enforcement Matter:** A code enforcement matter is deemed completed when all violations on a property have been verified abated and all associated civil penalties and administrative abatement costs have been received by the County.

**ATTACHMENTS**

None

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