

ORDINANCE NO. 2022-16

**INCREASING FINES AND ADMINISTRATIVE PENALTY AMOUNTS
FOR VIOLATIONS OF THE COUNTY ORDINANCE CODE**

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends the County's Ordinance Code to increase fine amounts for violations of the County Ordinance Code, including violations of the County's Temporary Events and Short-term Rental Ordinances and violations of building and safety codes.

SECTION II. Section 14-8.004 of the County Ordinance Code is amended to read:

14-8.004 Violation—Punishment.

- (a) **Infractions.** Except as otherwise provided by statute or this code, every infraction violation of this code is punishable by a fine.
 - (1) Fine amounts for infraction violations of this code are as follows, except as otherwise provided in subsections (a)(2), (a)(3), and (a)(4) of this section:
 - (A) \$100 for a first violation.
 - (B) \$200 for a second violation of the same ordinance within one year of the first violation.
 - (C) \$500 for each additional violation of the same ordinance within one year of the first violation.
 - (2) Fine amounts for infraction violations of building and safety codes are as follows:
 - (A) \$130 for a first violation.
 - (B) \$700 for a second violation of the same ordinance within one year of the first violation.
 - (C) \$1,300 for each additional violation of the same ordinance within one year of the first violation.
 - (D) \$2,500 for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(3) Fine amounts for infraction violations of event permit requirements are as follows:

- (A) \$150 for a first violation of an event permit requirement.
- (B) \$700 for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.
- (C) \$2,500 for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

“Violation of an event permit requirement” has the same meaning as set forth in subdivision (e) of Government Code section 25132.

(4) Fine amounts for infraction violations of the County’s Short-term Rental Ordinance (Chapter 88-32), are as follows:

- (A) \$100 for a first violation for failure to register or pay a business license fee.
- (B) \$1,500 for a first violation of Chapter 88-32, except as otherwise provided in subsection (a)(4)(A) of this section.
- (C) \$3,000 for a second violation of Chapter 88-32 within one year of the first violation.
- (D) \$5,000 for each additional violation of Chapter 88-32 within one year of the first violation.

(5) If a fine is levied pursuant to subsection (a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C) (a)(2)(D), or (a)(4) of this section, a responsible party may file a request for a hardship waiver. The responsible party must show that he or she has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the party. The request for a hardship waiver must be accompanied by an affidavit and support documents or materials demonstrating that payment of the full amount of the fine would impose an undue financial burden on the party.

(b) Misdemeanors. Except as otherwise provided by state law or this code, every misdemeanor violation of this code is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than \$1,000, or by both. (Ords. 2022-16 § 2, 2007-18 § 11, 84-18, 76-51 § 1, 70-36, 1457: prior code § 1200 (part): see Govt. C. § 25132 (b), Vehicle Code § 42001(a), and Penal Code § 19.)

SECTION III. Section 14-12.006 of the County Ordinance Code is amended to read:

14-12.006 Administrative Fines.

- (a) The director is authorized to determine whether a violation of this code exists with respect to any property.
- (b) If the violation is a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issues, the director may serve a notice of violation on the owner as specified in section 14-12.018. The notice of violation will include all of the following information:
 - (1) The date of the violation.
 - (2) The address or other description of the location where the violation occurred.
 - (3) The code section(s) violated and a description of the violation.
 - (4) A description of how the violation can be corrected.
 - (5) A specified time period of at least 10 calendar days, beginning on the service date, within which the violation must be corrected.
 - (6) An advisement that the owner may be subject to an administrative fine under this chapter if the violation is not corrected by the effective date, and the amount of that fine.
- (c) The director may impose an administrative fine on the owner if any of the following occur:
 - (1) The violation is not a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issues.
 - (2) The continuing violation has not been corrected as specified in the notice of violation.
 - (3) The continuing violation was corrected as specified in the notice of violation but a violation of the same code section continues, exists or occurs within one year of the effective date.
- (d) Fine Amounts.
 - (1) Fine amounts for infraction violations of this code are as follows, except as otherwise provided in subsections (d)(2), (d)(3), and (d)(4) of this section:
 - (A) \$100 for a first violation.

- (B) \$200 for a second violation of the same ordinance within one year of the first violation.
 - (C) \$500 for each additional violation of the same ordinance within one year of the first violation.
- (2) Fine amounts for infraction violations of building and safety codes are as follows:
- (A) \$130 for a first violation.
 - (B) \$700 for a second violation of the same ordinance within one year of the first violation.
 - (C) \$1,300 for each additional violation of the same ordinance within one year of the first violation.
 - (D) \$2,500 for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.
- (3) Fine amounts for infraction violations of event permit requirements are as follows:
- (A) \$150 for the first violation of an event permit requirement.
 - (B) \$700 for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.
 - (C) \$2,500 for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.
- “Violation of an event permit requirement” has the same meaning as set forth in subdivision (e) of Government Code section 25132.
- (4) Fine amounts for infraction violations of the County’s Short-term Rental Ordinance (Chapter 88-32), are as follows:
- (A) \$100 for a first violation of Chapter 88-32 for failure to register or pay a business license fee.
 - (B) \$1,500 for a first violation of Chapter 88-32, except as otherwise provided in subsection (a)(4)(A) of this section.

- (C) \$3,000 for a second violation of Chapter 88-32 within one year of the first violation.
 - (D) \$5,000 for each additional violation of Chapter 88-32 within one year of the first violation.
- (e) An administrative fine will be assessed by means of a notice of fine. The owner will be served with the notice of fine as specified in section 14-12.018. The notice of fine will include all of the following information:
 - (1) The date of the violation.
 - (2) The address or other description of the location where the violation occurred.
 - (3) The code section(s) violated and a description of the violation.
 - (4) The amount of the fine.
 - (5) An advisement of the right to request a hearing before the hearing examiner contesting the imposition of the fine.
- (f) The director may require immediate abatement of a violation pursuant to section 14-6.406 of this code if the violation creates an immediate danger to the health and safety of persons or property. (Ords. 2022-16 § 3, 2007-18 § 3, 2002-47 § 3, 2000-21 § 2.)

SECTION IV. Section 14-12.008 of the County Ordinance Code is amended to read:

14-12.008 Appeals.

- (a) Any person upon whom an administrative fine is imposed by the director may appeal the fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the director within 15 calendar days after the service date of the notice of fine. The written appeal must contain:
 - (1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty; and
 - (2) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted.
 - (3) If a fine is levied pursuant to subsection (d)(1)(B), (d)(1)(C), (d)(2)(B), (d)(2)(C), (d)(2)(D), or (d)(4) of Section 14-12.006, an appellant may file a request for a hardship waiver. The appellant must show that he or she has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine

- (b) Notice of the appeal hearing will be served as specified in section 14-12.018 and will set the appeal hearing no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing.
- (c) An appeal of an administrative fine imposed for violations of this code will be heard by the following hearing examiners:
 - (1) Director of Environmental Health for violations of Division 413 and Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 420-2, 420-6, and 450-6.
 - (2) Public Health Director for violations of Division 445.
 - (3) Director of Building Inspection for violations of Title 7.
 - (4) Zoning Administrator for violations of Title 8.
- (d) At the hearing, the appellant will be given the opportunity to testify and to present evidence.
- (e) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. If applicable, the hearing examiner will make a determination on the hardship waiver. The decision will be served as specified in section 14-12.018. (Ords. 2022-16 § 4, 2006-66 § 10, 2003-01 § 8, 2002-47 § 3, 2000-21 § 2.)

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SECTION V. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on April 26 2022, by the following vote:

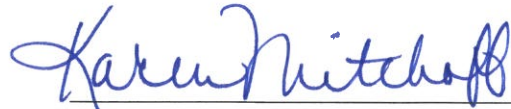
AYES: John Gioia, Candace Andersen, Diane Burgis, Karen Mitchoff, Federal Glover

NOES: None

ABSENT: None

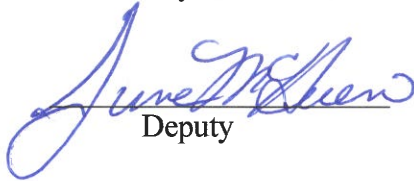
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator



Board Chair Karen Mitchoff

By:


Deputy

[SEAL]