



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 12, 2022

Subject: Zoning Text Amendment to Increase Fines for Violations of the Building and Safety Codes, and Temporary Events and Short-Term Rental Ordinances

RECOMMENDATION(S):

INTRODUCE Ordinance No. 2022-16, to increase fines and administrative penalty amounts for violations of the County Ordinance Code; WAIVE reading and FIX April 26, 2022 for adoption.

FISCAL IMPACT:

None. Fines and penalties are rarely issued and will not have a significant fiscal impact. What penalties are collected pay for a small portion of enforcement costs. The cost of preparing this Ordinance were covered from the Land Development Fund.

BACKGROUND:

The County Ordinance Code includes several enforcement mechanisms to deter violations of the Code, including fines and administrative penalties. Fines and administrative penalty amounts that may be imposed for a violation of a County ordinance are limited by State law. Recent State legislation increased the authorized monetary penalties for violations of County ordinances, specifically for violations of building and safety codes, short-term rental ordinances, and event permit requirements. The proposed ordinance would update the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/12/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 12, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Francisco Avila,
925-655-2866

cc:

County Ordinance Code to conform with the statutory limitations for fines and administrative penalties.

The County Ordinance Code includes the County's Temporary Events Ordinance (Chapter 82-44, regulating events conducted on private property) and Short-term Rental Ordinance (Chapter 88-32, authorizing the operation of a short-term rental with a permit and establishing operational standards). County staff's experience is that most operators and property owners adhere to the permitting requirements and operational standards of these ordinances. Additionally, the County's code enforcement approach for zoning and building code violations emphasizes achieving compliance through notification and education. However, County staff has also encountered clearly intentional violations of these ordinances that pose significant community safety risks. Examples include the increasing occurrence of large, unpermitted pop-up events in rural areas that pose significant noise and safety impacts, and unpermitted short-term rentals used for parties. Operators that are knowingly violating these ordinances are often commercially benefitting from the violations. Thus, monetary penalties must be significant to deter violations or risk being viewed as the cost of doing business for these operators.

BACKGROUND: (CONT'D)

The proposed ordinance would also increase the fines and administrative penalty amounts for violations of building and safety codes, including violations of Title 7 (Building Code) and Title 8 (Zoning) where the violation is associated with an unlawful building or structure. The County has generally set fine amounts for violations of these types to be the maximum allowed under State law, due to the safety risk these violations pose. The proposed increases would conform with the updated statutory limitations for fines and administrative penalties imposed for violations of building and safety codes.

The proposed fine and administrative penalty amounts are listed below:

Revised Fine and Administrative Penalty Amounts

General Code Violations

1. \$100 for a first violation (unchanged)
2. \$200 for a second violation of the same ordinance within one year (unchanged)
3. \$500 for each additional violation of the same ordinance within one year (unchanged)

Violations of Building and Safety Codes

1. \$130 for a first violation (\$100 currently)
2. \$700 for a second violation within one year (\$500 currently)
3. \$1,300 for each additional violation of the same ordinance within one year (\$1,000 currently)
4. \$2,500 for each additional violation of the same ordinance within two years for certain violations related to commercial properties (NEW)

Violation of Event Permit Requirements (NEW)

1. \$150 for a first violation of an event permit requirement
2. \$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
3. \$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 the County's Short-term Rental Ordinance (Ordinance Code Chapter 88-32) (NEW)

1. \$100 for a first violation for failure to register or pay a business license fee
2. \$1,500 for a first violation of Chapter 88-32, except for failure to register or pay a business license fee
3. \$3,000 for a second violation of Chapter 88-32 within one year of the first violation
4. \$5,000 for each additional violation of Chapter 88-32 within one year of the first violation

In accordance with State law, the proposed ordinance also provides a responsible party

the opportunity to file a request for a hardship waiver for certain increased penalties imposed for multiple violations. 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 their part. 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.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not introduce and ultimately adopt the proposed ordinance, County Code Enforcement staff will have less effective tools to require Code compliance by property owners and operators that do not conform to regulations aimed at protecting the public health, safety, and general welfare of County residents.

ATTACHMENTS

Ordinance No. 2022-16