



## Legislation Details (With Text)

**File #:** 22-1763      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 9/21/2022      **In control:** Board of Supervisors

**On agenda:** 11/8/2022      **Final action:** 11/8/2022

**Title:** Planning & Building Department recommending the Board approve the Final Passage (Second Reading) of Ordinance 5170 amending amendments to Chapter 9.02 of the El Dorado County Code of Ordinances, related to Code Enforcement activities. Amendments are as follows:  
1) Amend County Ordinance §9.02.470, removing the subsection that provides for appeals of Hearing Officer determinations to the Board of Supervisors;  
2) Add Section 9.02.510 incorporating Health and Safety Code §17920.3 regarding substandard housing;  
3) Add Section 9.02.520, adoption of Board Resolution 202-2015 Parking and Loading Standards; and  
4) Add Section 9.02.530, which will expressly allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditions of Approval, and similar. (Cont. 10/11/2022, Item 24)

FUNDING: N/A

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Counsel Approval CE Amendments, 2. B - CE Amendments Ordinance - Redline, 3. C - CE Amendments Ordinance - Clean

Date	Ver.	Action By	Action	Result
11/8/2022	2	Board of Supervisors	Approved	Pass
10/11/2022	1	Board of Supervisors	Approved	Pass

Planning & Building Department recommending the Board approve the **Final Passage** (Second Reading) of Ordinance 5170 amending amendments to Chapter 9.02 of the El Dorado County Code of Ordinances, related to Code Enforcement activities. Amendments are as follows:

- 1) Amend County Ordinance §9.02.470, removing the subsection that provides for appeals of Hearing Officer determinations to the Board of Supervisors;
- 2) Add Section 9.02.510 incorporating Health and Safety Code §17920.3 regarding substandard housing;
- 3) Add Section 9.02.520, adoption of Board Resolution 202-2015 Parking and Loading Standards; and
- 4) Add Section 9.02.530, which will expressly allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditions of Approval, and similar. (Cont. 10/11/2022, Item 24)

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

On October 11, 2022, the Board approved the Introduction (First Reading) of amendments to Chapter 9.02 of the El Dorado County Code of Ordinances, related to Code Enforcement activities. Amendments are as follows:

- 1) Amend County Ordinance §9.02.470, removing the subsection that provides for appeals of Hearing Officer determinations to the Board of Supervisors;
- 2) Add Section 9.02.510 incorporating Health and Safety Code §17920.3 regarding substandard housing;
- 3) Add Section 9.02.520, adoption of Board Resolution 202-2015 Parking and Loading Standards; and
- 4) Add Section 9.02.530, which will expressly allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditions of Approval, and similar.

The Board then continued this matter to November 8, 2022 for Final Passage (Second Reading).

The Board has requested increased enforcement on chronic health, life, and safety cases and the Code Enforcement Division has responded with a reorganized and growing division, a focus on curing the historic backlog of cases, and the development of a more efficient code enforcement model. The Code Enforcement Division has taken a critical look at services rendered and conducted analysis on existing ordinances to identify key areas where additional clarity is needed to better equitably, and fairly, enforce County code.

On November 9, 2021, the Board gave conceptual approval to the consideration of four amendments to strengthen the ability for Code Enforcement Officers to enforce health, life, and safety cases. The recommended ordinance amends Section 9.02.470 and adds three new Sections to the Code Enforcement title. Each of these is enumerated below:

- 1) Amend Section 9.02.470. The current code allows an owner to appeal from a Notice/Citation served by the County to an administrative hearing. After a decision by the hearing officer, the owner is allowed an intermediary appeal hearing before the Board of Supervisors and then a final appeal to the Superior Court. The proposed amendment seeks to streamline the Code Enforcement appeals process by eliminating the intermediary Board hearing step while retaining existing code requirements of the first level administrative hearing before a Hearing Officer and the final level of judicial review before Superior Court. The proposed procedure would be consistent with the California Code of Civil Procedure §1094.6, California Government Code § 53069.4, and with the practice of other counties in the state.
- 2) Add Section 9.02.510 - Substandard Housing Enforcement. Whereas other chapters of the Health and Safety Code (HSC) were previously adopted into the County's Code of Ordinances, the chapter pertaining to substandard housing was never incorporated. Adoption of this chapter would allow Code Enforcement to investigate and pursue substandard housing violations, which endanger the health and safety of residential occupants. Code Enforcement agencies throughout California employ HSC §17920.3 as their legal authority to investigate violations of substandard housing conditions to ensure the minimum health and safety standards of dwelling occupants. Common substandard housing complaints include moldy rental units, water intrusion through faulty weather protection (e.g., leaky roofs or windows), improper heating, structural hazards, unsafe wiring, unsafe plumbing, and other conditions that adversely affect the habitability of dwellings.
- 3) Add Section 9.02.520. - Parking and Loading Standards Enforcement. Adoption of Board Resolution 202-2015 Parking and Loading Standards would incorporate the Parking and Loading Standards into the County's Code of Ordinances, which would allow Code Enforcement to investigate and enforce parking regulations for recreational vehicles.

4) Add Section 9.02.530. - Authorization via code amendment to allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditionals of Approval, and similar approvals. This authorization would allow code enforcement to ensure compliance with the terms upon which such permits were granted.

Each of these proposed amendments or additions to County Code will provide additional tools for Code Enforcement to carry out the mandates of County Ordinance §9.02.010, the purpose and intent of which is for the Board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for the Code and to provide for an administrative hearing and appeal process for code enforcement. They also will enhance existing County Code and will provide additional administrative remedies for the effective enforcement of Code violations.

### **ALTERNATIVES**

- 1) The Board could direct staff to return with suggested changes on any or all of the proposed amendments.
- 2) The Board could choose not to approve any of the amendments.
- 3) The Board could direct staff to further study one or all of the amendments for consideration at a later date.

### **PRIOR BOARD ACTION**

16-0209 - As part of the comprehensive ordinance adoption for commercial cannabis use permits in the County, Ordinance Number 5067 was adopted which amended Chapter 9.02 Code Enforcement in its entirety.

21-1750 - Conceptual approval of four amendments to Chapter 9.02. - Code Enforcement, in the County's Code of Ordinances.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Sheriff's Office, Treasurer-Tax Collector

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

If additional enforcement occurs, there may be an increase in Administrative Citations which range from \$100 to \$500, and a subsequent increase in Appeal Hearings, which accrue \$200 per hearing. These fees help offset the General Fund cost of the Code Enforcement Division.

### **CLERK OF THE BOARD FOLLOW-UP ACTIONS**

If the amendments are approved by the Board, an item will need to be placed on a future agenda for a second (and final) reading.

### **STRATEGIC PLAN COMPONENT**

Public Safety, Healthy Communities, Good Governance

### **CONTACT**

Chris Perry, Assistant Director - Planning and Building Department