

EXHIBIT A
AMENDMENTS TO CHAPTER 1

Sec. 1-7. - General ~~penalty~~ ~~Continuing violations~~ ~~Violations as nuisances~~ enforcement provisions.

- (a) ~~(a)~~ —Applicability. Sections 1-7 through 1-7.6 apply to violations enforced by the County.
- (b) Definitions. As used in Sections 1-7 through 1-7.6, the following terms and phrases have the meanings ascribed to them by this subsection:
- (1) “Abate” means to put an end to, legalize, or remove a violation.
 - (2) “Abatement” means the ending, legalization, or removing of a violation.
 - (3) “Abatement hearing” means an administrative hearing called by an enforcing officer to request a timeline for abatement and the imposition of additional civil penalties.
 - (4) “Administrative citation” means a notice of violation that complies with Section 1-7.6(d)(4) and imposes a one-time penalty per administrative citation.
 - (5) “Appeal hearing” means an administrative hearing requested by a responsible party challenging an administrative action by an enforcing officer.
 - (6) “Costs” or “abatement costs” means all costs incurred by the county in pursuing abatement, associated remedies, and civil penalties, including administrative overhead, salaries, attorneys’ fees, and expenses incurred by any county department or agency.
 - (7) “Enforcing officer” means an officer, employee, or agent of the county that is responsible for enforcing violations.
 - (8) “Final determination” means a written determination by an enforcing officer of which notice was given and for which a reasonable party has failed to exhaust its administrative remedies and that is conclusive evidence of the facts and liabilities contained in the determination.
 - (9) “Hearing officer” means an individual appointed by the county pursuant to Sections 2-33.1 through 2-33.5 to preside over an administrative hearing.
 - (10) “Including” means including, but not limited to.
 - (11) “Notice and Order” means a notice of violation that complies with Section 1-7.3(a)(2), and may impose a one-time or daily penalty and any other authorized remedy.
 - (12) “Notice of violation” means a written notification issued by an enforcing officer to a responsible party that a violation exists, or may exist, on a property and must be abated.
 - (13) “Person” includes an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust,

receiver, syndicate, tribe, or any other group or combination acting as a unit, and the plural as well as the singular.

(14) “Responsible party” means any of the following:

- i. A person that causes, maintains, allows, or is otherwise responsible for a violation;
- ii. A person with an ownership interest in real property upon which a violation is found; or
- iii. 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.

(15) “Violation” means:

- i. An act, omission, or condition contrary to a provision of this code, or an ordinance, resolution, rule, proclamation, order, or regulation of the county.
- ii. 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.

(a)(c) Violation as Misdemeanor. Whenever in this code or in any other ordinance of the county, or in any rule or regulation promulgated pursuant thereto, any act is prohibited or made or declared to be unlawful or an offense, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any such provision of this code, or any other ordinance, rule, or regulation of the county is hereby declared a violation is punishable as a misdemeanor unless otherwise defined. A misdemeanor shall be punishable, if prosecuted as a misdemeanor, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

(b) It shall be unlawful, prohibited, and a violation of this chapter to violate any term or condition of any license, permit, or approval granted or issued pursuant to this code. Any person, whether as principal, agent, employee or otherwise, violating any such term or condition shall be subject to the sanctions provided in subsection (a) of this section.

(d) Continuing Violations. Each day a violation continues is a separate and distinct offense.

(e)(e) (e) — Every day any violation of this code, any other ordinance, rule, or regulation of the county, or any term or condition of any license, permit, or approval granted or issued pursuant to this code shall continue shall, unless otherwise provided, constitute a separate and distinct offense. Violation as Public Nuisance. A continuing violation of this code, or of any license, permit or approval or of any condition of a license, permit or approval issued under the authority of this code, A violation is a public nuisance.

(f) (d) — Public Nuisance Abatement.

(1) Enforcement Action. A public nuisance may be abated in any manner provided by this code or by law, including filing a judicial action in lieu of following the administrative abatement procedures in Section 1-7.3. The county may seek any

remedies available to it, including abatement, injunctive relief, costs, and civil penalties.

~~(1)(2)~~ The board of supervisors may order the abatement of any public nuisance, as defined in this section or any state statute, following procedures required pursuant to Section 1-7.3. The board of supervisors may direct that the hearing be conducted before another board, commission or officer of the county. Costs. A responsible party is liable for all costs. Costs incurred by the county in abating such nuisances shall will be a special assessments against the parcels of property where the public nuisances are is located. Costs shall include, but are not limited to any administrative overhead, salaries and expenses incurred by the following departments: health services, permit and resource management, county counsel, district attorney, transportation and public works, agriculture/weights & measures, and fire and emergency services. The foregoing provisions are alternative and supplemental to other procedures provided by law for the abatement of nuisances.

(3) Attorneys' Fees. In any action, administrative proceeding, or special proceeding to abate a nuisance, the county may elect, at the initiation of that If the county seeks recovery of its own attorneys' fees in an individual judicial action or administrative proceeding, to seek recovery of its own attorneys' fees. In an action or proceeding in which the county has so elected to seek recovery of its own attorneys' fees, an award of attorneys' fees may be made to the prevailing party, provided that t The award of attorneys' fees to the prevailing party shall cannot exceed the amount of reasonable attorneys' fees incurred by the county in the same judicial action or administrative proceeding.

(4) Joint and Several Liability. Each responsible party is jointly and severally liable for abating a violation, paying associated costs and civil penalties, and otherwise complying with an order or final determination. Unpaid amounts may be considered a personal obligation of each responsible party.

~~(d)~~(g) Criminal Citations by Environmental Health Specialists. Any officer or employee of the Sonoma County department of health services or the permit and resource management department who is a duly state registered environmental health specialist under state law may criminally cite a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be issued the criminal citation has committed a misdemeanor in his the employee's presence that is a violation of any statute or ordinance relating to public health which such that the employee registered environmental health specialist has a duty to enforce, except that, where If the violation constitutes grounds for revoking a valid permit or approval issued by the county department of health services or the permit and resource management department, no citation may be issued while such the permit remains in force.

(h) Remedies Cumulative. All remedies contained in Sections 1-7 through 1-7.6 are cumulative and in addition to any other remedies available under law.

Sec. 1-7.1. - Civil penalties in abatement proceedings for designated code violations.

(a) Charge Code Violations Civil Penalties. A violation is subject to the following civil penalties: In addition to any other fee or penalty imposed by this Code or by law, any person

who violates Sections 7-5, 7-13, or 7-17, Chapters 11, 11A, or 11B, Articles II, III, or VI of Chapter 15, Chapter 19, or Sections 22-2(a), 22-2(e), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), 22-18(n), or 24-33, Chapter 25B, Sections 26-92-200, 26A-15 or 26C-338.1, or Chapter 36 of this Code shall:

- (1) Commercial Violations. If the violation arises from an unlawful commercial use or structure on the property, the violator(s) a responsible party shall must pay one (1) of the following sums, as determined by the enforcing officer, to the county:
 - i. Fair Market Value. The fair market rental value of the land or structure in violation for the period of time elapsed from the date of mailing of the notice of violation through to its abatement by whatever means; or
 - ii. Daily Penalty. No less than twenty-five dollars (\$25.00) per day and no more than one hundred dollars (\$100.00) per day for the first violation; no more than two hundred dollars (\$200.00) per day for a second violation of the same ordinance within one (1) year; and no more than five hundred dollars (\$500.00) per day for each additional violation of the same ordinance within one (1) year for each day that the violation exists after the date of mailing of the notice of violation through to its abatement by whatever means; or
 - iii. Permit Multiplier. In the event that If the type of use or structure in violation may be permitted with an appropriate permit, from a minimum of three (3) times and up to a maximum of ten (10) times the amount of the standard fee for every required approval, review, and permit.
- (2) Residential Violations. If the violation arises from an unlawful owner-occupied residential use or structure on the property, the violator(s) a responsible party shall must pay one (1) of the following sums, as determined by the enforcing officer, to the county:
 - i. Fair Market Value. The fair market rental value of the land or structure in violation for the period of time elapsed from the date of mailing of the notice of violation through to its abatement by whatever means; or
 - ii. Daily Penalty. No less than fifteen dollars (\$15.00) per day and no more than one hundred dollars (\$100.00) per day for the first violation; no more than two hundred dollars (\$200.00) per day for a second violation of the same ordinance within one (1) year; and no more than five hundred dollars (\$500.00) per day for each additional violation of the same ordinance within (1) one year for each day that the violation exists after the date of mailing of the notice of violation through to its abatement by whatever means; or
 - iii. Permit Multiplier In the event that If the type of use or structure in violation may be permitted with an appropriate permit, a minimum of three from (3) times and up to a maximum of five (5) times the amount of the standard fee for every required approval, review, and permit.
- (3) Grading, Drainage, Vineyard, and Orchard Violations. For a violation of Chapter 11 or 36, a responsible party must pay 1 of the following, as determined by the enforcing officer, to the county:

- i. Class A Violations. From \$50,000 to \$100,000 for a:
 - a. Violation that caused adverse effects on property, the public, or the environment; or
 - b. Class B violation where the responsible party has a history of violations, failed to cooperate in the investigation of the incident, or failed to allow lawful inspection of the site.
 - ii. Class B Violations. From \$500 to \$50,000 for a violation of a provision, term, or condition designed to mitigate the risk of adverse effects on property, the public, or the environment.
 - iii. Class C Violations. From \$50 to \$500 for a violation of a provision, term, or condition that is not designed to mitigate the risk of adverse effects on property, the public, or the environment.
- (4) Cannabis Violations. For violations associated with commercial cannabis activity, a responsible party must pay 1 of the following, as determined by the enforcing officer, to the county:
 - i. Square Foot Exceedance. For cultivation in exceedance of the permitted cultivation area, no more than \$20 per square foot per day for the first violation; no more than \$30 per square foot per day for the second violation within 2 years; and no more than \$50 per square foot per day for each additional violation within 2 years.
 - ii. Standard Violation. For each violation of a standard or condition of the permit or county code, no more than \$1,000 per day for the first violation; no more than \$5,000 per day for a second violation within 2 years; and no more than \$10,000 per day for each additional violation within 2 years.
 - iii. Per Plant Penalty – Unpermitted Use.
 - a. For each unpermitted cannabis use, no more than \$1,000 per plant for the first violation; no more than \$2,500 per plant for the second violation within 2 years; and no more than \$5,000 per plant for each additional violation within 2 years; and
 - b. No more than \$100 per plant per day the unpermitted cannabis use continues past the 5th day of the date of mailing, posting, or personal service of the notice and order, whichever is earlier.
 - c. “Plant” in this subsection means a mature or immature cannabis plant, whether growing or not.
 - iv. Daily Penalty – Unpermitted Use. For each unpermitted cannabis use, no more than \$10,000 per day for the first violation; no more than \$25,000 per day for the second violation within 2 years; and no more than \$50,000 per day for each additional violation within 2 years.
 - v. Permit Multiplier – Unpermitted Use or Structure. If the type of use or structure in violation may be permitted, up to a maximum of 50 times the amount of the standard fee for each required approval, review, and permit.

(5) Vacation Rentals. For a vacation rental operating without the permit required under Section 26-88-120, a responsible party must pay 10 times the normal application fee.

(6) Violations for Septic Operational Permits. If a violation of Section 24-33 of this code is solely for nonpayment of the fee provided for in Section 24-33(b), then a responsible party must pay 1 of the following:

i. 25% of the fee for such permit if such violation has existed for less 60 days; or

ii. 50% of the fee for such permit if such violation has existed for 60 days or more but less than 180 days; or

iii. The penalty authorized under subsection (a) of this section if such violation has existed for 180 days or more.

(5)(7) Other Violations. For any other violation, including ~~but not limited to~~ an unlawful noncommercial junkyard, an unlawful noncommercial truck terminal, an unlawful noncommercial nonoperative motor vehicle storage yard, an unlawful noncommercial accessory structure, an unlawful noncommercial excess number of animals, or the unlawful noncommercial storage, disposal or transportation of solid waste, ~~the violator(s) a responsible party shall~~ must pay ~~one (1) of the following sums,~~ as determined by the enforcing officer, to the county:

i. No less than ~~five dollars (\$5.00)~~ per day and no more than ~~one hundred dollars (\$100.00)~~ per day, for the first violation; no more than ~~two hundred dollars (\$200.00)~~ per day for a second violation of the same ordinance within ~~one (1) year~~; and no more than ~~five hundred dollars (\$500.00)~~ per day for each additional violation of the same ordinance within ~~one (1) year for each day that the violation exists after the date of mailing of the notice of violation through to its abatement by whatever means;~~

ii. In the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of ~~three (3)~~ times and up to a maximum of ~~five (5)~~ times the amount of the standard fee for every required approval, review and permit.

(b) Authority and Discretion to Set Penalty.

(1) Authority. Civil penalties may be imposed by the enforcing officer, the hearing officer, or the court.

(6)(2) Discretion. ~~The enforcing officer shall have the sole and exclusive discretion to set the amount of~~ Civil penalties may be set within the ranges set forth in this section. ~~The enforcing officer, however, shall not impose a penalty~~ But the civil penalty imposed cannot be greater than the minimum amount in a range of civil penalties set forth in this section unless the enforcing officer's department has adopted a written policy setting forth how civil penalties within the ranges are determined.

~~(b) (b) Charge Code Violations for Septic Operational Permits. Notwithstanding subsection (a) of this section, if the violation of Section 24-33 of this code is solely for~~

nonpayment of the fee provided for in Section 24-33(b), then any person in such violation of that section shall pay to the county a sum as follows:

(c) (1) — ~~An amount equal to twenty five percent (25%) of the fee for such permit if such violation has existed for less than sixty (60) days; or~~

(d) (2) — ~~An amount equal to fifty percent (50%) of the fee for such permit if such violation has existed for sixty (60) days or more but less than one hundred eighty (180) days; or~~

(e) (3) — ~~An amount equal to the penalty which would be calculated under subsection (a) of this section if such violation has existed for one hundred eighty (180) days or more.~~

(c) (e) — ~~Enforcing Officer. For the purposes of this section and any action to enforce this section pursuant to Section 1-7.3, enforcing officer means any department head, or his or her designee, that is responsible for the enforcement of any chapter or section identified in Section 1-7.1(a).~~ Civil Penalty Determination. The determination of civil penalties must take into account the facts and circumstances of the violation, which may include, for example:

(1) whether or not the violation poses a threat to human health, safety, or to the environment;

(2) the seriousness or gravity of the violation;

(3) the length of time the violation has existed;

(4) the culpability of the responsible party or the willfulness of the violation;

(5) the sophistication of the responsible party;

(6) the extent of the violation and its effect on adjoining properties;

(7) attempts, if any, to comply with the applicable ordinances; and

(8) any other information which might be relevant to the determination of civil penalties to be imposed by this section.

(d) Daily Penalties. Daily civil penalties accrue from the date of mailing, posting, or personal service of a notice and order, whichever is earlier, through the date of abatement of the violation as verified by the enforcing officer.

(e) Immediate Imposition of Civil Penalties. A violation is subject to the immediate imposition of civil penalties, unless one of the exclusions in subsection (f) applies.

(f) Exclusions.

(1) Innocent Purchaser.

i. Elements for Exclusion. The ~~charges civil penalties~~ imposed by this section ~~shall do~~ not apply if the property owner establishes that, at the time the property owner he or she acquired an ownership interest in the property;

a. at the violation of this code existed on the property;

b. the property owner did not have actual or constructive notice of the existence of that violation; and

c. within ~~thirty (30)~~ days after the mailing of the notice of ~~the existence of that~~ violation, the property owner initiates and pursues, with due diligence, and good faith efforts, as determined solely by the enforcing officer, to ~~meet the requirements of this code~~ abate the violation.

ii. Constructive Notice. A property owner has constructive notice of the existence of a violation if the property owner has actual notice of circumstances sufficient to put a prudent person upon inquiry as to a particular fact and if by prosecuting ~~such that~~ inquiry, the person might have learned that a violation existed on the property.

(2) Correction Period for Certain Violations. This exclusion conforms with California Government Code Section 53069.4(a)(2).

i. Violations Eligible for Exclusion. In accordance with subsections (ii) and (iii), civil penalties do not apply to a building, plumbing, electrical, or other structural violation that does not create an immediate danger to health or safety, as determined by the enforcing officer.

ii. Elements for Exclusion. The charges imposed by this section shall Civil penalties do not apply to a violation eligible for exclusion under subsection (i) if the ~~property owner~~ responsible party establishes that:

a. within ~~thirty (30)~~ days after the date of mailing of the notice of ~~the existence of the~~ violation, the ~~property owner~~ responsible party removed from the property the ~~use or~~ structure or improvement that ~~which~~ constituted the ~~at~~ violation; and

b. the ~~property owner~~ responsible party had not previously been mailed a notice of ~~a~~ violation of the same code section, regardless of the parcel on which ~~such that~~ violation occurred.

iii. Violations Associated with Unpermitted Cannabis.

a. No Exclusion for Non-Property Owners. Despite subsections (i) and (ii), a responsible party must pay the civil penalties imposed when the violation is associated with unpermitted cannabis cultivation.

b. Additional Elements for Property Owners. For a violation eligible for exclusion under subsection (i) that is associated with unpermitted cannabis cultivation, a property owner must establish the elements in subsection (ii) and the following:

1. A tenant was in possession of the property on the date the notice of violation was mailed;

2. The rental or lease agreement prohibits cannabis cultivation; and

3. Neither the property owner nor agent knew the tenant was cultivating cannabis or had actual notice of cannabis cultivation based on a complaint, inspection, or other information.

(3) Self-Disclosure. The ~~charges-civil penalties~~ imposed by this section ~~shall do~~ not apply if the owner of a residential property establishes that at the time ~~he or she~~the property owner acquired any ownership interest in the property:

~~i.~~ i. a violation of this code existed on the property;

~~ii.~~ ii. the violation was not on record at the permit and resource management department; and

~~iii.~~ iii. ~~within one year of the effective date of the ordinance codified in this section (for owners who had acquired any ownership interest in the property before the effective date of the ordinance codified in this section); within six months of the effective date of the ordinance codified in this section (for all other owners); or~~ within six months of acquiring any ownership interest in the property, ~~whichever is later,~~ the owner initiated and pursued abatement with due diligence and good faith effort, as determined solely by the enforcing officer, ~~to meet the requirements of this code.~~

~~(e) The charges imposed by this section shall only be issued, and the exclusions provided in this section shall only apply, in connection with the abatement procedures in Section 1-7.3 and shall be exclusively subject to the administrative appeal procedures set forth in that section.~~

Sec. 1-7.3. - Administrative procedure for abatement ~~of certain violations of this code.~~

~~(a) (a)~~ Violation Notices and Notice and Orders.

(1) Issuance of Notice and Order. ~~Upon receipt of information to county staff that there exists a continuing violation of Chapters 7, 11, 11A, 11B, or 13, Articles II, III, or VI of Chapter 15, Chapter 19, Sections 22-2(a), 22-2(e), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), or 22-18(n), Chapters 24, 25B, 26, 26A, 26C, or 36 of this code, t~~The enforcing officer may issue a notice and order requiring abatement of a violation. ~~order that the violation cease.~~

~~(1)(2)~~ Contents of Notice and Order. A ~~N~~notice and orders ~~shall~~must be in writing and include:

~~iii.~~iv. a description of the real estate sufficient for identification;

~~iv.~~v. a statement of the violation or violations and the reason the notice was issued;

~~v.~~vi. a reasonable period of time to bring the property into compliance, if any;

~~vi.~~vii. a statement of appeal rights; ~~and~~

viii. notice of the imposition of penalties or the potential to impose penalties and abatement costs and to record an abatement notice for failure to comply; ~~and~~

~~vii.~~ix. notice of the imposition of additional remedies under 1-7.4, if any.

~~(2)(3)~~ Service of Notice and Order. A notice and orders ~~shall~~must be sent certified mail addressed to the last known property owner as listed on the latest official equalized tax roll and may be served on the holder of any mortgage or deed of trust

~~or other lien or encumbrance of record. A copy of the notice and order shall must be posted in a conspicuous location on the subject property. Code enforcement may, but is not required to, initiate enforcement through a violation notice prior to issuing a notice and order. Violation notices shall be sent via first class mail and notice and orders shall be sent certified mail addressed to the last known property owner as listed on the latest official equalized tax roll and may be served on the holder of any mortgage or deed of trust or other lien or encumbrance of record. A copy of the notice and order shall be posted in a conspicuous location on the subject property.~~

~~(a)(b)~~ Notice to Vacate. If the enforcing officer orders a structure or property to be vacated, each structure or property shall must be posted reciting the supporting reasons and specifying the conditions which necessitate the posting. No person shall can remain in or enter any building or portion thereof which has been posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall can remove or deface such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy has been issued.

~~(b)(c)~~ Determination of Civil Penalties. ~~Where a violation is subject to civil penalties, including under The determination of civil penalties calculated pursuant to Section 1-7.1, or by any of the code sections listed in subsection (a) the enforcing officer may calculate and impose civil penalties through a notice and order, and imposed under this section shall, in the first instance, be performed by the enforcing officer.~~

~~(e)~~ Such determination shall take into account the facts and circumstances of the violation including, but not limited to:

~~(d)~~ whether or not the violation poses a threat to human health, safety or to the environment;

~~(e)~~ the seriousness or gravity of the violation;

~~(f)~~ the length of time the violation has existed;

~~(g)~~ the culpability of the person in violation or the willfulness of the violation;

~~(h)~~ the sophistication of the persons creating or causing the violation;

~~(i)~~ the extent of the violation and its effect on adjoining properties;

~~(j)~~ attempts, if any, to comply with the applicable ordinances; and

~~(d)~~ any other information which might be relevant to the determination of charges to be imposed by this section. Costs. A responsible party is liable for all associated abatement costs.

~~(k)(e)~~ Appeals.

(1) Right of Appeal. Any notice, order, decision, or determination made by any administrative official of the county of Sonoma, pursuant to this Section 1-7.3(a), in connection with or related to the code sections in subsection (a) may be appealed by any person affected by the determination administrative action to a hearing officer appointed by the county pursuant to Sections 2-33.1 through 2-33.5 of this code.

~~(2)~~ Form and Timing. Any ~~such~~ appeal must be made in writing and submitted to the enforcing officer within ~~ten~~ (10) calendar days from the date of the administrative action.

~~(3)~~ Except for orders to vacate structures or threats to life, safety or to the environment as determined by the enforcing officer, enforcement may be stayed during the pendency of any appeal that is timely filed. Appeal Waiver. Failure of any person to file an timely appeal ~~shall~~ constitutes a waiver of the right to an appeal hearing and adjudication of ~~the any administrative action violations raised in the notice, or any portion thereof.~~

~~(4)~~ Appeal Withdrawal. An appeals may be withdrawn at any time prior to the commencement of the appeal hearing, except that the withdrawn appeal hearing may be converted to an abatement hearing pursuant to subsection (f) below, and heard on the same date and time as scheduled for the appeal hearing.

~~(f)~~ Effect of Failure to Appeal.

~~(1)~~ Final Determination of Violation. A notice and order for which no timely appealed is filed is a final determination and conclusive evidence of the responsible party's liability for abating the violation.

~~(2)~~ Recording Notice of Abatement Proceedings. If the violation continues after issuance of a ~~notice of violation or~~ notice and order and an appeal is not timely filed, the enforcing officer may ~~file~~ record in the office of the county recorder a notice of abatement proceedings describing the property and certifying ~~that the~~ nature of the violation and that the owner has been so notified of the violation.

~~(3)~~ Abatement Hearing. The enforcing officer may, at the enforcing officer's sole discretion, set the matter for an abatement hearing before a hearing officer. An abatement hearing does not affect a prior final determination issued in the matter. appointed by the county pursuant to Sections 2-33.1 through 2-33.5 of this code. ~~If the matter is set for hearing, a notice of hearing shall be posted on the property upon which the violation exists and shall be mailed to the persons known to be in possession of the property and to the persons shown on the latest equalized county tax roll to be the owners of the property. The notice shall be posted and mailed at least ten~~ (10) days prior to the hearing.

~~(4)~~ Determination of Abatement Costs and Civil Penalties.

i. Determination Issuance. If the notice and order is not timely appealed the enforcing officer will issue a determination of abatement costs and civil penalties. ~~If a timely appeal is not filed following the issuance of a notice and order, and the matter is not set for a hearing by the enforcing officer, the enforcing officer may issue a determination of abatement costs and civil penalties once the correction period specified in the notice and order has elapsed. The civil penalties shall be calculated pursuant to Section 1-7.1 or by any of the code sections listed in subsection (a), and their determination shall consider the factors in Section 1-7.3(e).~~

ii. Determination Contents. The determination ~~shall~~ must contain:

- a. The street address and/or a description of the property sufficient to identify the property upon which the violation exists or existed;
- b. A statement that the property described has been was found to be in violation of this code and a brief description of the conditions existing which that constituted the violation(s);
- c. The total estimated penalties incurred to date, calculated from the date of the notice and order, as well as a statement of daily penalties for any continuing violation of this code;
- d. A statement that the owner may appeal the amount of abatement costs and/or civil penalties under Section 1-7.3(d);
- e. A statement that the failure of an owner to appeal the amount of abatement costs and/or civil penalties shall constitutes a waiver of any right to an administrative hearing for this matter and failure to exhaust his or her administrative remedies; and
- f. A statement that payment of the abatement costs and/or civil penalties shall does not excuse the owner's obligation to correct any violation that continues to exist on the property.

ii.iii. Final Determination. A determination of abatement costs and civil penalties for which ano timely appeal is not filed shall be is a final determination and conclusive evidence of the named person's responsible party's liability for the abatement costs and civil penalties contained therein.

(m)(g) Notice of Hearing.

- (1) The notice of appeal hearing or abatement hearing shall must contain:
 - i. The street address and/or a description of the property sufficient to identify the property upon which the violation exists or existed;
 - ii. The name(s) of the owner(s) or occupant(s) of the property as indicated on the latest equalized Sonoma County tax roll;
 - iii. A statement that the property described has been was found to be in violation of this code and a brief description of the conditions existing which that constituted the violation(s);
 - iv. The date, time and location of the hearing;
 - v. A statement that if a violation is found to exist or have existed that the costs incurred by the county in abating the nuisance shall will be a special assessment against the property and that a lien will be placed upon the property for the costs of abatement;
 - vi. A statement that costs shall include, but are not limited to, any administrative overhead, salaries and expenses incurred by the following departments: agriculture/ weights & measures, permit and resource management, public health, transportation and public works, emergency services, county counsel and the district attorney;

- vii. A statement that in order for any oral or written evidence, or any claim, defense or privilege to be considered it must be presented to the hearing officer at or before the time of the hearing and that failure to do so will constitute a waiver and may prevent such evidence or claim, defense or privilege from being considered in any later proceeding; and
 - viii. A copy of the procedural rules governing such hearings.
- (2) Notice of ~~any~~ hearing ~~on a violation shall~~ must be given in accordance with Section 26-92-050.

~~(n)~~(h) Conduct of Hearings. A Hearing Officer will preside over the administrative hearing. Procedural rules for the conduct of the administrative hearing must be adopted by resolution of the board of supervisors. Procedural rules must, at a minimum, allow for hearing testimony, introducing evidence, and submitting written and oral argument. All evidence and argument must be retained by the county. At the time and place set forth for the appeal hearing or abatement hearing, the hearing officer shall swear witnesses, hear testimony and receive written or documentary evidence relating to the alleged violation. The hearing officer shall cause the hearing to be recorded and shall preserve all written argument and all photographs and other documentary evidence introduced at the time of the hearing. Additional procedural rules for the conduct of the administrative hearing may be adopted by resolution of the board of supervisors.

~~(o)~~(i) Hearing Officer Decision and Order.

- (1) The hearing officer must render a decision and order ~~W~~within twenty (20) days after the appeal hearing or abatement hearing is closed, ~~the hearing officer shall render his or her decision relating to the existence or nonexistence of the alleged violation(s).~~ The decision ~~and order shall~~ must contain:
- i. Findings. Findings of fact and conclusions of law;
 - ii. Appeal of Violation. For an appeal hearing where a violation is appealed and upheld:
 - ~~g.~~ If a violation is found to exist, a statement of the basis for that finding and an order that the violation, if ongoing, be abated within a certain time;
 - ~~h.~~ If a violation is found to exist or have existed at the time the matter was set for hearing, a statement of costs ~~incurred by the county in abating the violation, an assessment of penalties,~~ and a reasonable timeframe for the payment thereof;
 - ~~i.~~ An assessment of civil penalties, and a reasonable timeframe for payment;
 - ~~j.~~ At the hearing officer's discretion, additional daily civil penalties if the violation is not abated within the time set by subsection (a); and
 - ~~g.k.~~ At the hearing officer's discretion, additional remedies in accordance with Section 1-7.4.

iii. Appeal of Costs and Civil Penalties. For an appeal hearing where only costs and civil penalties are appealed:

a. A statement of costs and a reasonable timeframe for payment;

b. An assessment of civil penalties and a reasonable timeframe for payment; and

c. At the hearing officer's discretion, additional daily civil penalties until the violation is abated.

iv. Abatement Hearing. For an abatement hearing:

a. An order that the violation be abated within a certain time; and

b. An assessment of additional daily civil penalties if the violation is not abated within the time set by subsection (a).

ii.v. A statement that the decision is a final decision, subject to judicial review in accordance with California Government Code Section 53069.4 or California Code of Civil Procedure Section 1094.6, or both, as applicable.

(2) A copy of the hearing officer's decision and order shall must be mailed, by certified mail, to the owner and occupant of the property, and the appellant. that is the subject of the hearing, and to the occupant of such property.

(3) Within 15 days of the hearing officer rendering his or her decision and order, a request may be made by either party or the hearing officer to correct technical, mathematical or clerical errors, mistakes, or any other minor changes in the decision and order. These corrections are limited to changes that do not affect the factual or legal basis of the decision and order. Notice of the request shall must be given to the other parties to the proceeding. ~~(i) — Costs. If a final decision of the hearing officer find_s that a violation exists by upholding the notice of violation on appeal or on decision after an abatement hearing, the owner of the property shall be responsible for paying the administrative abatement costs incurred by the county in abating the violation, including, but not limited to, any administrative overhead, salaries, and expenses incurred by the following departments: health services, permit and resource management, county counsel, district attorney, transportation and public works, agriculture/weights & measures, and fire and emergency services.~~

(j) Abatement Liens.

(1) Liens. If the ~~owner of the~~ property owner is responsible for any costs pursuant to this chapter, such costs ~~of abatement shall will~~ become a lien against the property as is authorized by the Government Code and this section.

(2) Contents of Abatement Lien. A notice of abatement lien ~~shall may~~ be recorded which states the ~~identity of the record owner or possessor of the property~~ property owner, the date upon which abatement of the nuisance was ~~ordered by the hearing officer~~ required, a description of the real property subject to the lien, the amount of the abatement costs incurred to date and, if applicable, the date upon which the abatement was complete. If the abatement has not yet been completed, the notice

~~shall~~must so state and ~~shall~~must also indicate that the lien is a partial lien and that additional abatement costs will be incurred in the future.

(3) Supplemental Notice. It is the intent of the board of supervisors that abatement costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all abatement costs have been incurred and the abatement is complete, ~~the enforcing officer shall cause~~ a supplemental notice of abatement lien ~~to~~may be recorded. The supplemental notice ~~shall~~must contain all of the information required for the original notice and ~~shall~~must also refer to the recordation date and recorder's document number of the original notice.

(1)(4) Termination of Abatement Lien. If a lien is recorded and abatement costs are later paid, the enforcing officer ~~shall~~must prepare ~~and record~~ a termination of lien ~~and provide it to the property owner upon request.~~

(p)(k) Recording of Hearing Officer's Decision and Order. The enforcing officer ~~may record~~ ~~cause~~ a copy of the hearing officer's decision ~~and order to be recorded~~ in the office of the Sonoma County recorder. ~~In the event of such recordation and in the further event that~~ If the violation is corrected and abatement costs are paid, ~~the enforcing officer must prepare~~ a notice of ~~such~~ correction ~~shall~~and provide it to the property owner ~~be recorded by the enforcing officer upon request.~~

(q)(l) Civil Action to Enforcement of Order Final Determination or Hearing Officer Decision and Order—Civil Action. If the property owner does not comply with a final determination or an hearing officer decision and order of the hearing officer, the enforcing officer ~~shall be~~is authorized to request that county counsel seek judicial enforcement ~~of the administrative order.~~

(r)(m) Civil Abatement Action. Nothing in this section, nor any action taken under this section, prohibits the county from filing a judicial action to address an ongoing violation in accordance with Section 1-7(f)(1). ~~Where the board of supervisors has evidence that a violation of Chapters 7, 11, 11A, 11B, or 13, Articles II, III, or VI of Chapter 15, Chapter 19, Sections 22-2(a), 22-2(c), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), or 22-18(n), or Chapters 24, 25B, 26, 26A, or 26C of this code poses a significant health or safety hazard to the owners or occupants of adjoining properties or to the surrounding community, or for other good cause shown, the board of supervisors may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in this section.~~

Sec. 1-7.4. – Other Remedies

(a) Authority. The remedies authorized by this Section may be imposed by the enforcing officer, the hearing officer, or the court.

(b) Environmental Restoration.

(1) Environmental Restoration Requirement. The enforcing officer may require the responsible party to restore the environment when the violation has caused or may cause significant environmental damage, as determined by the enforcing officer.

- (2) Environmental Restoration Measures. Environmental restoration measures may include the following: restoring the ground surface to its natural topographic condition; replacing or restoring soil; revegetation and reforestation; habitat restoration; sediment removal and erosion control; stream, wetland, and riparian corridor restoration; removal of equipment, fill, sediment, paving, culverts, and structures; and soil, surface water, and groundwater decontamination and remediation.
- (3) Environmental Restoration Plan. Dependent on the scale of the environmental damage or complexity of the environmental restoration, the enforcing officer may require the submission of an Environmental Restoration Plan for review and approval prior to undertaking required environmental restoration.
- (4) Failure to Comply. If a responsible party fails to submit a required Environmental Restoration Plan, pursue environmental restoration with due diligence and in good faith, or timely complete the required environmental restoration, the county is authorized to do the following:
 - i. Perform the environmental restoration. The responsible party will be liable to the county for all costs related to restoring the property.
 - ii. Bring a judicial action to enforce compliance with the final determination or order requiring environmental restoration.