March 7, 2017

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Re: First reading of Proposed Ordinance Adopting Amendments to Chapters 1.05, 1.06, and 19.04 of the Marin County Code Relating to Administrative Procedures for Code Enforcement

Dear Supervisors:

RECOMMENDATION: Conduct a first reading of the attached ordinance amending Marin County Code sections 1.05, 1.06, and 19.04; and schedule a merit hearing for March 14, 2017 to consider proposed amendments to procedures regulating the code enforcement process.

SUMMARY: County Counsel staff is requesting that a Recordation of Notices of Violation provision be moved from the Building Code (Title 19) into General Provisions (Title 1). This action is requested on March 14, 2017, to coincide with proposed CDA Development Code amendments which will also move a Recordation of Notice of Violation section from the Development Code (Title 22) into General Provisions (Title 1). Essentially, this is a reorganization of redundant provisions accompanied by minor substantive change.

In order to accommodate the newly consolidated Recordation of Notices of Violation provisions in General Provisions (Title 1), the Board will also need to repeal the current Chapter 1.06 (outdated provision related to the timing of environmental review) which was enacted in 1972 and is no longer relevant, as determined by Department of Public Works and County Counsel’s office. County Counsel staff is also recommending some minor changes to the Administrative Hearing procedures in Chapter 1.05 and the Code Enforcement Hearing Officer Procedures.

The proposed ordinance will require the following:

- Modify Section 1.05.040 by removing the form notice for an abatement hearing;
- Modify Section 1.05.050 Hearings
  - 1.05.050E - adding language to clarify that the penalties for violations are per day;
• 1.05.050F – increase the time the hearing officer has to render a decision from 15 days to 30 days;

• 1.05.050G – replace the term municipal court with superior court;

• Repeal Chapter 1.06 which was enacted in 1972 and is no longer relevant, as determined by Department of Public Works and County Counsel’s Office;

• Adopt a new Chapter 1.06 – Recordation of Notice of Violation. This new chapter is the merger of the previous Notice of Violation regulations in Title 22 and Title 19. The only significant change is the addition of a procedure for a property owner to waive their right to a hearing before a Notice of Violation can be recorded as indicated in section 1.06.040;

• Repeal Title 19, Sections 19.04.033 through 19.04.035, as these procedures have been modified and moved to Title 1 to allow all agencies and departments the ability to record a Notice of Violation when a property owner violates Marin County Code; and

• Approve changes to Marin County Abatement Hearing Procedures for Hearings Pursuant to Chapter One of the Marin County Code to reflect the Office of Administrative Hearings procedures for the recusal of a hearing officer, and to reflect the proposed changes in Sections 1.05.050F and 1.05.050G.

FISCAL/STAFFING IMPACT:
These amendments will have no fiscal or staffing impact.

REVIEWED BY:  (These boxes must be checked)
[ ] Department of Finance  [x ] N/A
[x ] County Counsel  [ ] N/A
[ ] Human Resources  [x ] N/A

SIGNATURE:

Brian C. Case
Deputy County Counsel

Attachment:  Proposed Ordinance with Exhibits A, B, and C
Abatement Hearing Procedures