

Policy & Procedure Guidelines

County of Nevada

Community Development Agency

Code Compliance Division

DRAFT



Table of Contents

<i>Operating Principles</i>	4
<i>Priority System – Criteria</i>	5
<i>Training</i>	5
<i>Complaints</i>	6
<i>Complaint Screening & Assignment</i>	6
<i>General Code Compliance Officer Investigations</i>	7
<i>Investigation Specifics</i>	9
<i>Stop Work Orders</i>	9
<i>Inspection Warrants</i>	10
<i>Citations</i>	11
<i>Preparation of Court Review and/or Administrative Hearing</i>	12
<i>Violations – Inspection and Other Fees</i>	12
<i>Fee Appeals</i>	12
<i>Photos</i>	13
<i>Time Tracking</i>	13
<i>Record Keeping/Reports</i>	13
<i>Responsibilities</i>	14
<i>Case Closure</i>	14
<i>Administrative and Legal Enforcement Action</i>	14
<i>Resolution of Cases</i>	14
<i>Coordination on Legal Prosecution of Cases, Civil and/or Criminal</i>	15
<i>Filing of Notice of Non-Compliance and/or Notice of Pendency</i>	15
<i>Release of Records/Confidentiality</i>	15
<i>Guidelines for the Abandoned Vehicle Abatement (AVA) Program</i>	16
<i>Officer Safety</i>	16
<i>Threats, Assaults and Batteries</i>	16
<i>Use of Force</i>	17
<i>General Safety</i>	17
<i>Reporting</i>	19
<i>Use of Cell Phone Communications</i>	19
<i>Missing Officer</i>	19

Personal Protective Equipment..... 20
APPENDIX – *A Sample Forms*.....21
APPENDIX – *B Notice of Rights*..... 32
APPENDIX – *C Glossary of Code Compliance Terms*.....33

IMPORTANT ADVISORY

These guidelines were prepared as a reference for Code Compliance Division staff and the public. They are intended to provide general guidelines on how the codes of the County of Nevada are enforced. Reference should be made to the applicable codes, fee schedules, policies and procedures themselves to fully understand the Code Compliance process and customers rights and/or responsibilities.

Please be aware that revisions to codes, policies and procedures by various departments may NOT be reflected in this document. Please be aware that this document does not have the force of law. The codes, policies and procedures by various departments take precedent over these guidelines.

Purpose of Code Compliance

The Nevada County Code Compliance Division (hereafter often referred to as Code or the Division) commonly investigates allegations of violations for compliance with:

- Zoning Ordinances
- Building Codes
- Environmental Health & Safety Regulations
- Relevant California Health and Safety Codes
- Relevant California Vehicle Codes
- Transportation issues related to the need for encroachments permits, and the County's rights-of-way.

The Division does not enter civil disputes regarding encroachments, easements and right-of-way.

The Division enforces County codes, state health and safety codes and state codes on building, mechanical, plumbing, electrical, and fire codes. Code also refers any noticed violations to the responsible agency (i.e.: Children safety/endorsement would be referred to CPS (Children's Protective Services); animal cruelty would be referred to Animal Control. etc.). Code staff members are mandatory reporters for these agencies.

Potential violations come to the attention of Code Compliance through the public, community groups, other County departments/agencies, and Board of Supervisors referrals. The Division is complaint driven as directed by the Board of Supervisors.

Established Priorities

Code Compliance works with communities and neighborhoods to resolve key enforcement issues; it is Code Compliance's sole discretion to decide which complaints or violations to pursue based on the priority system and staff resources. Fire, life safety, and health violations become immediate priority when managing code compliance cases. Code Compliance is a complaint driven process, with the sole purpose of maintaining established norms and standards for our community that are in compliance with minimum local, state, and federal requirements. The only exception to this process is when fire, life safety, and health violations are observed during the normal course of business.

Program Goals

1. Enforce minimum local, state, and federal codes and ordinances in a fair and impartial manner.
2. Maintain public health, life safety, and welfare; protect community and natural resources.

Purpose of Referenced Guidelines

In order to maintain the highest level of customer and public service, these Referenced Guidelines have dual roles:

- 1) Training guideline for staff; and
- 2) Reference source for daily operations for staff and the public.

With this in mind, the changes that occur from policy established by the Board of Supervisors, procedures established by Code Compliance Division management, law changes from state and federal sources, and case law, require that the guidelines shared in this document have the ability to change.

Operating Principles

1. Voluntary compliance is the primary goal; enforcement is to be used after all other options have failed unless the violations consist of fire, life safety, or health, when immediate abatement may be necessary.
2. Respond to enforcement concerns in accordance with established priorities.
3. Meet Code Compliance Reporting Performance Measures.
 - a. Case officer assignment within 5 days from receipt of complaint
 - b. Case initial inspection within 14 days
 - c. Health, fire, and/or life safety initial inspection within 5 days (*immediately when possible*)
 - d. Follow up inspections at the discretion of the assigned officer specific to the verified violation. Typical follow up timeframes are between 5-30 day intervals. These may be sooner or immediate for health, fire, and/or life safety violations.
4. Maintain good working relationships with and be responsive to the concerns of the public (both reporting party and violator), community groups, Board of Supervisors, and all other agencies.
5. Communicate promptly and professionally and in clear, understandable terms with all parties involved in a complaint, including the reporting party, property owner, and any other involved agencies.
6. Use a team approach with other agencies, where appropriate.
7. Assist the owner/tenant through the permit process, where this approach achieves compliance by working to ensure they are given contact information for representatives of the appropriate County Departments. Make every effort to make “warm handoffs” to other departments and agencies.
8. Allow the owner/tenant a reasonable amount of time to resolve a violation.
9. Creating a homeless situation is to be avoided if possible. Code Compliance will work with

other agencies to find alternative accommodations whenever possible.

Priority System – Criteria

Highest priority items are assigned and investigated immediately, and a site visit usually takes place within five (5) business days of the reported allegation. The program manager or designee sets case priorities at the time of assignment, and at his/her discretion adjusts the priority at any time during the investigation. Board of Supervisors referrals will be assigned a priority at the time they are received based on severity of case and Board of Supervisor(s) input.

Health, Fire & Life Safety Violations:

Health, fire, and life safety complaints involving hazardous conditions, matters of urgent public safety and other complaints deemed by Code Compliance as requiring immediate response. Some examples of these violations include but are not limited to surfacing sewage, contaminated wells, substandard living conditions, substandard structures, fire hazards, chemical storage, grading that is detrimental to the natural environment, and objects in the public right of way.

All Other Cases:

This level is generally the most common code violations investigated. Complaints that allege the activity or site conditions violate County land use codes, building codes, health & safety codes or any applicable State codes. Some examples of these could include property setback violations, minor solid waste, animals, home-based businesses without immediate hazardous conditions, and inoperable vehicles.

When assigning priority of cases, the Code Compliance Program Manager may take in to account such factors as chronic complainers, complaints that are generated as part of a neighbor against neighbor feud, and other actions where the complaint appears to be a vehicle to use the Code Compliance Division to retaliate or punish another party. Priority of cases may also evolve based on available staffing. In severe cases, the Director, the Code Compliance Program Manager, and/or their designees may elect to no longer accept complaints from a specific person. An example would be driving around the county looking for violations in an attempt to overload the Code Compliance Division staff in retaliation for a case being brought against their property. Also, if a repeat complainant on a property where previous complaints have been unfounded would qualify to not follow up on a complaint. Code Compliance Complaints that are verbal will not routinely be acted upon.

Training

In order to provide the highest level of service to the citizens of our county, and to insure the ability of every staff member to deal with all issues, education and training is one of the top of our list of priorities for the Division. A training log will be created and kept for each officer, which shall include all training and continuing education classes attended by that officer. Typical annual training for officers will include a minimum of 16 hours of continuing education include classes on the currently approved lists of the California Association of Code Enforcement Officers (CACEO) and other approved internal and external County training opportunities.

All Code Enforcement Officers are required to successfully complete the 832 PC course as prescribed by the Commission on Peace Officer Standards and Training (POST) prior to

exercising the powers of a peace officer. The initial 40-hour course shall be completed within one year of their date of hire as a code enforcement officer.

As time and resources permit the department encourages Code Enforcement Officers to attend training opportunities provided by the California Association of Code Enforcement Officers (CACEO) and become Certified Code Enforcement Officers. Once certified, officers are encouraged to attend continuing education courses to maintain their certification.

Complaints

An Investigative Service Request Form (See Appendix A – Common Forms) is submitted by mail, walk-in, e-mail, online, or fax. Supporting letters, photos or other submitted documentation should be attached. Complaints should be filed when someone feels there is a violation of county codes occurring in their neighborhood or community. Complainants are encouraged to work within their neighborhoods and communities to resolve issues before filing a complaint whenever possible. The following information is mandatory before a complaint is accepted for investigation:

- The site address or Assessor Parcel Number (APN) of the alleged violation.
- Reporting party's name, address and telephone number (*Cannabis Compliance Complaints do not require this*).
- A detailed description of the potential violation.

All completed Investigative Service Request Forms are forwarded to the Code Compliance Program Manager or their assigned designee. Complaints from residents about violations in their neighborhood are the most important source of information obtained in seeking code compliance. The Division understands that people may be hesitant to complain thinking that the complaining party is freely disclosed. The Division has determined that it is in the public interest to preserve the confidentiality of persons who have complained about code violations. The County accepts confidential, but not anonymous complaints (specific Cannabis Compliance complaints may be anonymous). Complainants should feel free from fear of reprisals. Therefore, although information is requested on the complaint form, the Division routinely declines to disclose the identity of an informant (absent a court order). The Investigative Service Request Form includes a space for a complainant to check to specifically request that the identity of the complainant be kept confidential.

Complaint Screening & Assignment

The Code Compliance Program Manager or designee is responsible for preliminary screening and assignment of all Investigative Service Request Forms under the responsibilities of the Code Compliance Division. All complaints are assigned to a Code Compliance Officer for investigation.

Department policy does not allow anonymous complaints (except for specific Cannabis Compliance complaints). A Code Compliance Officer may need to contact the reporting party for additional information. The reporting party should be assured that any Code Compliance staff member will not divulge his/her identity. At the discretion of the Director, Code Compliance Program Manager, or their designee where extreme extenuating circumstances exist a code compliance investigative services request may be filed anonymously. Code Compliance will accept complaints filed by County employees and place them in the priority system.

The Code Compliance Program Manager or designee performs the following duties relating to intake of investigative service requests:

- Gives immediate attention to potentially fire, life safety, or health related complaints.
- Sees that phone and/or email messages left regarding violations are returned within 24 hours whenever possible.
- Oversees the creation of a digital case file for the complaint in the permit management software system, including but not limited to the following:
 1. A copy of the Investigative Service Request Form
 2. Owner's name, address, phone/fax number, and other contact/site information.
 3. Assessor's parcel number & any current or historic parcel number page notations
 4. Prior zoning permit history
 5. Prior building permit history
 6. Prior violation history
- Assigns cases by assigned staff geographic regions when the digital case file is created. The Director, Code Compliance Program Manager or their designee may assign cases to different officers depending on staffing, workloads, conflicts, and/or other factors.

General Code Compliance Officer Investigations

1. Before making initial contact with the property owner or performing an on-site investigation, the Code Enforcement Officer completes research that often includes an inspection from public-right-of-way areas. These site visits may take place at any point in the investigation. In addition to verifying case file information, the following may be reviewed, as appropriate:
 - Site visit inspection results
 - County archives for original project plans
 - Historical zoning ordinances
 - Photographs
 - Business advertisements
 - Internet websites
 - Assessor's Office records when available
 - Any other pertinent information
2. The Code Compliance Officer may make the following contacts before talking to the owner:
 - Reporting parties may be contacted by phone, mail, email, or in person; to obtain information as needed, Code staff will be cautious to protect confidential information.
 - Other Community Development Agency staff - if there is an active permit application and they may have pertinent information.
 - Other County Departments or outside agencies - if a case overlaps with their jurisdiction or if they may have pertinent information. These might include, but not limited to, the Assessor, County Counsel, Social Services, Child Support Services, CEO, and/or Recorder Offices.
3. The Code Compliance Officer analyzes case facts for compliance or non-compliance based on relevant ordinances.

4. The Code Compliance Officer determines whether a violation may exist. If a violation is determined to exist, the case investigation continues. If it is certain that no violation exists, the Officer closes the case and where appropriate, notifies the complainant.
5. If the violation cannot be determined through an initial site visit, the Code Compliance Officer
may make contact with the responsible party to obtain further evidence in support of the alleged
violation, which may include viewing the violation from the reporting party's property.
6. When a letter is sent, the Code Compliance Officer obtains as much information as possible from the owner/tenant when he/she responds (e.g., work/cell phone numbers, emails, etc.) At this time, the Officer schedules a site visit. The Officer may also invite the owner/tenant to meet at the County offices.
7. If the initial response deadline is missed, the Code Compliance Officer may attempt to make contact by visiting the property or may send a Violation or a Citation Warning Notice as appropriate based the case facts and offering another inspection date. The owner/tenant is advised that missing this deadline may result in further legal action.

The notices sent provides (when available) the: property address; assessor's parcel number (APN), violations, a date to correct violations, mailing address for property owner and the contact information for the Division.

9. Once a violation has been verified, the Code Compliance Officer sends a Violation Warning Letter to the property owner on record, outlining the necessary steps to correcting or permitting the violation:
 - Restate the determination of the violation, if appropriate
 - Advise that permits may also be required, if appropriate
 - Set or restate the compliance deadline and the required action (e.g., permit application, or abatement where the use/structure is prohibited)
 - Restate available options
 - If not previously provided include a Notice of Fees, if applicable
10. If a complaint is received regarding current construction that requires a building and/or grading permit the Code Compliance Officer should place a Stop Work Order on or near the area of construction or grading (often referred to as a Red Tag).

Site Inspection Specifics

The hallmark of a positive and productive site inspection is to be observant and respectful. The purpose of a site inspection is to determine if a violation exists or continues to exist. A Code Compliance Officer has a legal right to enter property with good cause. However, if entry is refused, an inspection warrant may be obtained. Regardless of the legal entry rights and personal liability immunity, County agents must act responsibly, respectfully, politely and professionally at all times.

1. Document observations and facts: take photos, videos, notes, measurements, etc.

2. Officers should remain composed and leave the site immediately if the person is physically or verbally abusive.
3. If you go to a site unannounced, go directly to the obvious main entrance and contact the owner/tenant at the front door. If no contact is made, a door hanger or business card will be left onsite with Officer contact information.
4. So long as the officer in proceeding to the main entrance photos and/or video may be taken. If a property owner, once contacted, denies permission to take photos and/or video no additional photos/videos should be taken while located within the property boundaries.

Investigation Specifics

1. Officers shall be aware and recognize other fire, life safety, and/or health violations in plain view (e.g. solid waste, required permits, and health and safety concerns). Act responsibly and do not search for minor violations that are not specified in the Investigation Service Request (e.g. strapped hot water heaters, GFI electrical plugs not being used, etc.).
2. Officers may discuss preliminary findings with the owner/tenant if available onsite, including potential options to correct the violation. Officers are not required to commit to or feel pressured into a decision in the field. It is common for property owners to ask either verbally or writing for an “exact” and/or “complete and comprehensive” list of what must be done to achieve compliance. Code Compliance Officers are not able, nor are they required, to provide such a document. The reason for this is that as a case moves towards resolution while working with other departments and agencies additional matters that must be addressed often arise. To provide a so-called complete list can lead to unnecessary frustration and confusion which should be avoided.
3. Officers may explain that final conclusions require additional research and that applicable County staff will get back to them.
4. Officers will explain the solutions possible to solve the problems when they are readily known.
5. Officers will explain potential fees, fines, and other costs that may be imposed related to the violations. Deadlines for correction will be given when readily known in the field and followed up in writing.
6. Officers shall always be courteous and respectful when interacting with customers.

Stop Work Orders

Stop Work Orders (SWO) (also known as Red Tags) are an effective tool, frequently used in enforcement, for immediately requiring that all work stop until the need for permit violation issue is settled. They are most useful for mid-construction, grading in progress, in-progress destruction of natural resources and/or other urgent situations. Prior to placing a SWO, the Code Compliance Officer needs to determine:

1. Whether potential significant harm will occur to the environment if the work is allowed to

continue; and/or

2. Whether the construction work on a building clearly does not have permits or does not conform to the issued set of project plans.

Steps to the utilization of a SWO include:

- Completing the SWO by clearly identifying the violation and the department to be contacted. If a code compliance case has been opened, SWO information shall become part of the case file.
- Announcing your intention to anyone on the site and direction for them to stop work (e.g. owner, work crew, etc.).
- Posting in an obvious place/places on the site, return completed bottom stub to the Building Department and case file as needed.
- Documenting by taking photos of the posted SWO and the work occurring at the site.

Inspection Warrants

An inspection warrant is obtained through the courts for the right to inspect property/buildings where entry was refused. A refusal may be a direct verbal refusal or refusal by the violator failing to respond to the Code Compliance Officer's requests for meetings or inspections. General grounds for an Inspection Warrant are based upon probable cause/reason to believe that a condition of nonconformity exists. An inspection warrant needs Code Compliance Program Manager and/or their designee approval prior to delivery to the Superior Court.

1. The documentation in the case file will detail all actions that occurred during the investigation and a copy delivered to applicable agency representatives that they may be asked to join in the inspection.
2. Prepare an Affidavit in Support of Warrant as well as an Administrative and Inspection Warrant. The Warrant will include the following:
 - Property location (e.g., address)
 - Description of the structure(s), properties, and/or premises to be searched
 - Purpose for the search (e.g., violation)
 - A statement that consent to inspect was sought and refused, or facts justifying the failure to secure consent (e.g., immediate health and safety issue or a history of prior violations).
3. The Affidavit in Support of Warrant is signed in front of the judge. The original Warrant is retained by the Code Compliance Officer, a copy is left with the clerk of the court along with the original of the Affidavit in Support of the Warrant. The original is required to be on site when the inspection is executed for review by the violator. A copy of both the Warrant and Affidavit in Support of the Warrant is placed into the file; one is posted on the property; one is mailed to the property owner.
4. Once all necessary signatures have been obtained, these two documents become the warrant giving staff the right to inspect the property in question.
5. Typically, a 24-hour notice of execution is given by posting property or area to be inspected, unless the Officer and judge finds immediate execution necessary to the case and violations

onsite. In addition, a copy shall be mailed certified and first-class mail. Owner/tenant refusal to permit inspection by warrant is a misdemeanor.

6. An Inspection Warrant is valid for up to 14 days unless the judge specifies a shorter time period. The judge may also extend or renew the warrant.
7. Execution is typically required as follows:
 - Between 7 a.m. and 6 p.m., unless otherwise approved by the judge.
 - Owner/tenant will typically be present unless they choose to not be.
 - No forcible entry unless authorized by the judge for good reason (e.g., immediate health and safety threat or unsuccessful attempts to serve a previous warrants).
8. Return the executed original Inspection Warrant with a Return of Inspection Warrant, describing the execution of the warrant and findings, to the court.

Permit Revocation

If an owner/tenant has exceeded the scope and/or violated a condition of an issued zoning, building, or encroachment permit (i.e.: home occupation permit which has exceeded use or visits for zoning, permit expired with continued work, etc.), Code Compliance may work with applicable departments and/or agencies to move to have revoked part of or the entire permit, and require restoration (see applicable land use ordinances for provisions).

Citations

Administrative citations are not the preferred legal tool for enforcement, as it takes resources away from the violator who, if they had cooperated, could be used toward improvements in order to meet compliance. However, administrative citations will be used after other efforts have failed to achieve compliance. It is at the discretion of the Code Compliance Officer when to use citations as an enforcement tool specific to a case.

1. A citation is issued by a Code Compliance Officer after site visit(s), if applicable, and communication with the violator/property owner when possible. This communication may be in the form of letters, phone, email, site visit, and/or other form of communication. Unless an imminent health and safety concern, or a case of repeat offences where the responsible party has been noticed that a repeat offence will result in immediate citation, a citation is preceded by a Violation Warning Letter and a Citation Warning Letter. These steps have already included a time frame for correction, which must have expired with no compliance prior to issuing a Citation.
2. The Code Compliance Officer issuing the Citation must have knowledge of the violation, or from a source deemed to be a credible witness during an appeal such as report from the Nevada County Sheriff's Office or other such governmental entity.
3. The Code Compliance Officer must attempt to document the owner/tenant's contact information and/or identification. If contact information and/or identification is refused or unavailable, the Code Compliance Officer notes the refusal or unavailability and relies upon the most readily available information in County records and the currently registered owner information. The Code Compliance Officer may request the assistance of the Nevada County

Sheriff's Office to obtain this information on site or after the fact.

4. The Code Compliance Officer completes the digital Citation Letter form (See Appendix A for administrative citation). Information included in a citation:
 - Date of issuance.
 - Applicable regulations, including reference to Land Use and Development Code (LUDC) Chapter and Section, or other codes.
 - Violation description
 - Violation fine amount

Post Citation:

Administrative Citations: The violator is notified by mail, email, or direct delivery of the citation. Each citation shall include the notice of appeal and steps to be taken by appeal and applicable timelines. (See Appendix A). Those cited may appeal through an Administrative Hearing (which has a fee unless a hardship waiver has been granted), or in superior court.

All Citation information is documented in the case management software tool.

Preparation of Court Review and/or Administrative Hearing

1. Review the file documentation thoroughly and arrange notes in order.
2. Gather all documents applicable to the case that will be associated to the specific appeal.
3. Bring clearly labeled photos that will be entered into evidence (if not a part of appeal packet already).
4. Bring the applicable ordinance information and be familiar with all ordinance sections that regulate the activity in question.

Violations – Inspection and Other Fees

Owner, tenant, and/or responsible parties may be billed, depending on the type of violation, whether abated, permitted after-the-fact, or subject to legal action. No hourly fees apply if no violation is determined. Fees are not typically assessed if violations are abated expeditiously after initial contact.

Invoices may be sent at any time during or following the course of a case. Regarding inspection fees, notice of required payment are sent after each inspection when possible. All bills must be paid up to date prior to any permit application submittal, public hearing, permit approval and/or issuance for the parcel. Permits are not granted for any parcel, if a violation or violation invoice is outstanding.

Cases of extended non-payment may result in a Notice of Non-Compliance, Notice of Pendency, or lien to be filed with the County Recorder. In addition, collection efforts will be made in accordance with current County ordinances and policies.

Fee Appeals

If a customer requests to appeal a fee assessed to them or their property, they can appeal through the citation appeal process per County Ordinance.

Case Documentation

The primary vehicles used to document case activity are:

- The land use software digital case file by detailed writings on use of property, observations, agreements, next steps, etc.
- Letters and notices
- Photographs
- Documents from other departments and sources
- Copies of permits
- Other information relevant to the case and/or communications.

Photos

Digital cameras are used by Code Compliance staff. In many cases the camera places the date and time of photo on the print. However, the report of the Code Compliance Officer takes precedent over what might be labeled on the photo by the camera. Description of photographic evidence is included in contact reports when appropriate.

Time Tracking

All time spent working on code compliance cases is recorded in the land use software digital case file.

Record Keeping/Reports

When another Department determines that there is a need for a Code Compliance Officer to participate in an inspection, she/he shall request a Code Compliance Officer at least 24 hours prior to the inspection time whenever possible. If violations are found, it shall be the responsibility of the Code Compliance Officer to see that a case is opened. The documents in the case file shall identify noted violations. The case will be assigned to the Code Compliance Officer that has that assigned area unless assigned to a different Officer by the Code Compliance Program Manager or their designee. The assigned Officer shall be the lead in resolving the case. Records of past Code Violations shall be maintained for a period as determined by the Office of the County Counsel.

Lead Agency

The Code Compliance Officer will prepare an initial investigation and do the primary interviewing of responsible parties and others with pertinent knowledge regarding the alleged property in violation. Code Compliance shall be responsible for keeping track of evidence and maintain case information. The evidence shall be collected and maintained under the proper chain of custody procedures. If a violation becomes a civil matter, the Code Compliance Officer shall be the lead agent in preparing documents from the case file as well as be responsible for

obtaining reports and evidence from other agencies involved, in coordination of the Office of County Counsel. A complete copy of the case file shall be maintained by the County.

Responsibilities

Shown below are typical violations that the Code Compliance Division is responsible for responding to when a formal complaint is received:

- Issues that are violations of zoning regulations
- Non-conforming uses and activities in zone districts
- Illegal business activities
- Structures built without required permits
- Construction in violation of land-use ordinances, but exempt from Building Permits
- Environmental Health issues: septic, wells, solid waste, etc.
- Construction/grading without Environmental Health permits
- Illegal signs

It is understood that the majority of complaints received involve violations that cross multiple departments regulations and codes. This does not limit the enforcement or investigation authority granted to Code Compliance, nor does it eliminate the responsibility of other departments to see that their department's requirements and conditions are met.

During the compliance process, the Code Compliance Officer is responsible for the case shall notify the property owner or responsible party if permits are required from the other department. That is, in advance of contacting the property owner, the lead agency shall inquire with the other departments as to which permits may be needed and will direct to property owner to the appropriate department to determine any fees associated with the permit(s).

Case Closure

At the end of an investigation, a determination of the status of the complaint shall be made. The determination shall consist of either "In Compliance" or "Unfounded."

When a violation has been corrected, the Code Compliance Officer shall make a case note entry regarding the corrective actions taken and current status of the violation.

Where there is no violation determination, it shall be determined that the allegations were unfounded upon research and/or inspection of the premises. The case shall be closed as Unfounded.

Administrative and Legal Enforcement Action

Code Compliance Officers will clearly document case actions and interactions throughout an ongoing case in the digital case file. When compliance of violations has not been obtained as the result of compliance actions, enforcement actions including Administrative Citations may take place. At the discretion of the Code Compliance Program Manager, and/or their designee, citations may immediately be issued in accordance with County of Nevada Ordinances depending on the type, frequency, and severity of the violations.

Resolution of Cases

A Code case will not be closed until the necessary permits have been obtained and/or other violations mitigated, and compliance has occurred, inspections have been made to verify compliance (Zoning, Building, Environmental, Safety, Etc.) and Code Compliance billings, if any, have been provided to the property owner. When a case is closed due to no violation being present, the status of “unfounded” shall be used stating that no violations were found during the investigation. When all violations have been corrected, the Code Compliance Officer shall document the reason for case closure and close the digital case file.

Coordination on Legal Prosecution of Cases, Civil and/or Criminal

Code Compliance has several tools at its disposal in addressing issues on non-compliant cases. The preferred method is to seek voluntary compliance to resolve violations. If this approach does not work, Code has several enforcement related tools to seek compliance. These include administrative citations, and nuisance abatement. The most widely used tool is administrative fines of building and safety codes, which includes fines of \$130 for a first violation, \$700 for a second and \$1,300 for a third and subsequent violation of the same Code section within one year of the first citation being issued. We also have administrative fines infractions which includes fines of \$100 for a first violation, \$200 for a second and \$500 for a third and subsequent violation of the same Code section within one year of the first citation being issued. Another method is for the agency/department to take the party in question through an administrative nuisance abatement hearing process. This process is more complex because Code must secure the services of an administrative hearing officer. However, the benefit in utilizing this methodology is that Code is able to seek to recover the total costs in bringing this case to a hearing including staff time, hearing officer costs, preparation for the hearing, staff investigation time, which can equate to thousands of dollars. It should be noted under the administrative nuisance abatement that the party has a right to appeal as part of the recovery of enforcement costs. The last option is for the agency/department to utilize the judicial injunctive process.

Filing of Notice of Non-Compliance and/or Notice of Pendency

Notice of Non-Compliance and/or Notice of Pendency (pending violations) may be used to the extent allowed by code; however, it shall be used only where violations are clear. Notice of Non-Compliance will be used in cases where violators have refused to clear violations after methods have failed, or violators have openly refused compliance. Notice of Non-Compliance and/or Notice of Pendency will only be removed on completion of all corrections needed to clear violations and upon payment of any outstanding fees or changes to the violation. These will be placed upon a property title as directed by the Director, Code Compliance Program Manager, or their designee.

Release of Records/Confidentiality

County Counsel has determined that portions of the Code Compliance files are available for public review upon request (See Government Code Section 6254), except for identity of complainant or items that would serve to identify the complainant. Requests shall be made using the County’s standard Public Records Request form or approved alternate as required in the California Public Records Act.

Documents from open/ongoing Code cases are generally not made available to the public upon direction from the Office of the County Counsel as they are in fact ongoing investigations. The Code Compliance Division receives guidance from the Office of County Counsel when there is a matter to be resolved as to what information should be provided under a Public Records Request.

Guidelines for the Abandoned Vehicle Abatement (AVA) Program

The Nevada County Vehicle Abatement (AVA) Program as administered by the Code Compliance Division is governed by the California Vehicle Code Section 22669 and the Nevada County Land Use and Development Code, Chapter II, Section 5.20, Abatement and Removal of Inoperable Motor Vehicles.

Officer Safety

The safety and welfare of our personnel is extremely important and a high priority for management and supervision. Code Compliance Officers are expected to act in a professional manner when dealing with the public; however, if they are dealing with hostile individuals, officers are expected to avoid confrontation and remove themselves from the situation as quickly and safely as possible.

Many potential officer safety issues can be avoided by following proper investigative techniques:

- Reviewing prior cases to determine any potential safety hazards or potential hostile individuals.
- Becoming familiar with the geographical area of the complaint, prior to initial contact.
- Speaking with officers who investigated previous complaints.
- Having additional resources available, such as a second code officer, a supervisor law enforcement or animal control when warranted.

Supervisor will be made aware of all potentially harmful situations, by phone call, email, text and/ or face-to-face, prior to any initial contact, develop strategies to best address those hazards.

Threats, Assaults and Batteries

All threats, assaults and batteries directed at Code Compliance Officers, shall be reported to supervision, management, and law enforcement immediately. Officers should obtain information as safely as possible about the subject making the threat, assault, or battery, including their intent, ability, and desire to carry out their actions. This information will be vital for law enforcement and Code Compliance supervision.

The code compliance and police departments are expected to share information regarding known and potential dangerous occupant(s) of properties under investigation by code compliance, and take necessary steps to mitigate risk of harm to the inspectors, including but

not limited, to obtaining assistance from law enforcement in making any and all contacts with such individual(s), reporting location prior to making contact and after completing the inspection or other contact, and adhering to safety standards, training, and protocols.

All Code Compliance officers shall be dressed so that they can be easily identifiable as a code compliance officer. This shall be by hat, beanie, shirt, jacket, badge and/ or any other means.

Use of Force

Code Compliance Officers will exercise good judgment at all times if force is necessary. The ability to leave the location prior to any confrontation taking place is the best course of action. In cases of immediate and direct threat, the Code Compliance Officers may use the minimum force necessary to mitigate the threat and safely leave the area.

Mere verbal threats of violence, verbal abuse, or hesitancy in following commands does not necessarily justify the use of physical force without additional facts or circumstances substantiating an imminent potential for physical harm. However, if a Code Compliance Officer is receiving threats, particularly threats of violence even without additional manifestations of intent to carry it out, the Code Compliance Officer should immediately retreat to a safe location and notify the law enforcement and a code enforcement supervisor.

General Safety

SELF-DEFENSE

Code Compliance Officers have two defense options:

1. Leave the scene (walk, run, crawl, drive, etc.) and call for help.
2. If you cannot leave the scene, such as being cornered or held, you may defend yourself until you are able to leave the scene or assistance arrives. You may use defensive tactics skills, as well as issued equipment as reasonable and not excessive to defend against an attack.

Unreasonable application of physical force on a person is a violation of law, which may result in criminal prosecution of the Code Compliance Officer and potential civil liability to the Code Compliance Officer and the County.

PRIORITIES

1. Your own safety is your first priority. You cannot help anyone if you are hurt or incapacitated, and if you are injured it compounds the original problem.
2. The safety of other people is the next priority. Assistance should come from other department employees, or emergency service agencies, including the Police Department.

ALERTNESS

A crucial part of officer safety is staying alert and anticipating potential risks. This requires the use of all your senses to observe the surroundings, hear a threat, speak persuasively, or feel that you are about to be attacked. Being alert applies not only in the field, but also at the office.

- Pay attention to the people who come to the office. Making eye contact and greeting them tells them that you have noticed them.
- Watch for unusual circumstances and check into them. If you find someone in a restricted area, ask him or her why s/he is there. If you find a strange package in an unusual place notify a supervisor and don't touch it until it can be confirmed to be harmless.
- Plan an escape route. Every time you make a contact, consider what your options are if something goes wrong. This is extremely important when dealing with hostile people.
- Know your location. If you need help quickly, you won't have time to look at the map.
- When talking to people try to maintain at least an arm's-length of distance and a balanced stance on firm ground to be able to dodge a sudden lunge, punch, or kick.
- Avoid standing downhill, facing the sun, or at the edge of something that could trip you.
- Be aware of nearby objects that could be used as weapons against you, such as garden tools, screwdrivers, knives, 2x4's, pipes, etc. Move these kinds of objects out of reach or ask the person you are talking to step to a more neutral area.

The decision to use physical force places a tremendous responsibility on Code Compliance Officers. Code Compliance Officers should clearly understand that the standard for determining whether the force applied is that conduct which a reasonable Code Compliance Officer would exercise based upon the information the officer had when the conduct occurred.

Heat Related Illness

It is the policy of Nevada County to provide a safe, healthy, and secure workplace for all employees by implementing effective safety programs. This Heat Illness Prevention Program applies to all Nevada County workplaces or sites where the environmental risk factors for heat illness are present. All supervisors and employees managing or participating in job tasks when environmental risk factors for heat illness are present will meet or exceed the procedures in the Illness & Illness Prevention Program (IIPP). For more information, please reference the IIPP Heat Illness Injury Prevention Plan. Heat related illness plan can be found in each department vehicle.

Wildfire Smoke Exposure

Wildfire smoke is a complex mixture of carbon dioxide, water vapor, carbon monoxide, hydrocarbons, organic chemicals, nitrogen oxides, trace minerals, and particulate matter. Cal/OSHA requires employers to protect their employees from harmful exposure to wildfire smoke. Supervisor will monitor air quality during wildfire season and adjust plans for employees working outside to reduce exposure to wildfire smoke and send an email or hold a tailgate safety meeting to discuss. For more information, please reference the IIPP Wildfire Smoke Exposure Plan.

Reporting

Code Compliance Officers are required to immediately report all officer safety issues to a supervisor. This includes any force used in self-defense, verbal altercations, or incidents where a police officer had to arrest a party. After notification, the Code Compliance Officer will also submit a written report of the incident to a supervisor.

Use of Cell Phone Communications

Code Compliance Officers are required to advise office staff and/or supervisor of where they generally will be during the course of a shift. All Code Compliance Officers shall keep their electronic calendar up to date and add any unscheduled stops with their assigned a cell phone.

Missing Officer

If a Code Compliance Officer fails to return by their Return To Base (RTB) time, office staff shall begin to call, text and/ or radio the Code Compliance Officer to get an update. If unable to contact, contact other office staff and the supervisor to ascertain the missing Code Compliance Officer whereabouts. A search team should immediately be dispatched with at least one, and if feasible, two Code Compliance Officers to check the last known and future locations. Electronic means for GPS locating of the vehicle or cellular device should be implemented. The supervisor

will have access to vehicle GPS and will look up the vehicles last know location. If department supervisor is unavailable, contact the Building Director or Agency Director to look up vehicle GPS location. Last resort contact fleet to get vehicles last known location.

If met with negative results, conduct a systematic search of the area to help locate the missing Code Compliance Officer's vehicle and/or person. If the Code Compliance Officer still is not located, begin to call the Code Compliance Officer's personal emergency contacts to verify the

Code Compliance Officer did not leave abruptly without notifying staff. If still unable to locate, notify Police and provide the information attained above, to help locate the Code Compliance Officer.

Personal Protective Equipment

Code Compliance Officers may encounter environmental conditions which may be hazardous, such as mold, asbestos, insect infestation, feces, and airborne illnesses. As such, each Code Compliance Officer will be provided with an emergency medical kit and protective equipment. Based on the known or reasonably anticipated situation, each officer is required to wear or utilize the most appropriate equipment when entering hazardous areas. The protective equipment should be worn at all times until the Code Compliance Officer believes hazardous conditions have been mitigated or when the officer has left the hazardous area or property. Below is a list of essential equipment provided to each officer. Each officer is responsible for periodic inspection and inventory of stated equipment. If an officer finds equipment to be defective or requires replacement, please notify supervisor immediately. Listed below is the Agency provided protective equipment:

1. Respiratory protective gear-particulate mask, respirator etc.
 - a. For more information, see the Respiratory Protection Program in the Injury & Illness Prevention Program (IIPP))
2. Blood-borne pathogen kit- including disposable gloves and hand sanitizer
 - a. Blood-borne pathogen training will occur, please see Bloodborne pathogens in the IIPP.
3. Potable (drinking) water
4. Basic first aid kit
 - a. Please see IIPP for more information on first aid and training.
5. ANSI approved eye protection
6. ANSI approved head protection
7. Leather or work gloves

APPENDIX – *A Sample Forms*
Investigative Services Request Form

DRAFT



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9854

<https://www.mynevadacounty.com/176/Community-Development-Agency>

Planning Department
Fax (530) 265-9851

Environmental Health
Fax (530) 265-9853

Building Department
Fax (530) 265-8494

Code Compliance
Fax (530) 265-9851

Agricultural Commissioner
Fax (530) 470-2939

INVESTIGATION SERVICES REQUEST

Violation Location and Property Owner Information:

Street Address of Violation: _____

City: _____

Name of Property Owner: _____

Phone Number: _____ Assessor's Parcel Number (APN): _____

For issues in the incorporated cities please use the following contacts:
City of Grass Valley 530-274-4310 • City of Nevada City 530-265-2496 • City of Truckee 530-582-2919

Complaint Types: Check categories that apply **AND** include details in space provided below.

- Building a structure without a permit
- Business Related Signs
- Grading or diversion of water flows without permit
- Home Based Business - Commercial uses in a residential zoning district
- Inoperable or Junk Vehicles
- Lack of final inspection, using an unfinished or non-approved building
- Living in Motor Home/Travel Trailer/ Recreational Vehicle
- Other dangerous or un-permitted construction (specify below)
- Use permit, zoning, or other planning violations
- Site development, setback violations (the County does not enforce easement disputes)
- Septic system violations (check one)
 - No system present
 - Surfacing sewage
 - Unpermitted system installation
- Solid waste accumulation: trash, junk, and debris
- Unsafe dwelling, Dangerous building

The Nevada County Environmental Health Department responds to complaints about environmental conditions at restaurants, temporary food facility events (street fairs, festivals, etc.), public swimming pools in addition to hazardous material spills, improper storage, underground tanks or illegal dumping. Please contact them directly for environmental issues at 530-265-1222 or <https://www.mynevadacounty.com/1470/Environmental-Health>

DESCRIBE THE VIOLATION IN YOUR OWN WORDS: (specific details required)

[Investigative Services Request Form \(Cont.\)](#)

All complaints must be filled out completely and SIGNED by the reporting party.

Please complete the vicinity map.

LOCATION OF VIOLATION(S)

Records of complaints are considered "acquired in confidence" consistent with Section 1040 Of the Evidence Code and Section 6254 of the Government Code.

YES, I request that my identity as complainant be kept CONFIDENTIAL.

In submitting this complaint, I understand that Page 1 of this form is public record; Page 2 will remain confidential unless the County or a court determines that the disclosure of the reporting party identified is legally required.

NO, I do not request that my identity as the complainant be kept confidential.

For case status, call 530-265-1222 (option #4). Please allow 4-6 weeks from date of submittal.

REPORTING PARTY INFORMATION (REQUIRED)

PLEASE PRINT THE FOLLOWING:

Reporting Party Name: _____
Reporting Party Address: _____
Phone: _____ Email: _____
Signature: _____ Date: _____

This request will not be processed if not SIGNED and if the REPORTING PARTY NAME is not LEGIBLE.

Incomplete or insufficient information may delay or stop this investigation.

For additional information on Code Compliance please visit our website:

<https://www.mynevadacounty.com/1306/Code-Compliance-Division>

[Violation Warning Letter](#)



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
CODE COMPLIANCE DIVISION
950 MAIDU AVENUE SUITE 170, PO BOX 5999002
NEVADA CITY, CA 95959-7902
(530) 265-1222 FAX (530) 265-9851 <https://www.mynevadacounty.com/>

Trisha Talbotton
Community Development Agency Director

Violation Warning Letter

Jeff Merriman
Code Compliance Program Manager

Date of Letter: November 16, 2021
Mailed via USPS on : November 16, 2021
Effective Mail Service Date: November 19, 2021

NEVADA COUNTY OF
950 MAIDU AVENUE
Nevada City, CA 95959

Re: APN 005020025 - 950 MAIDU AVENUE, Nevada City, CA 95959
Code Compliance Case #: CC21-0126

Dear NEVADA COUNTY OF,

The county has recently become aware of the following code violation(s) on your property:

- 2019 California Building Code Section 105.1, Permits Required.
Description: Unpermitted red barn Today date
Corrective Action: Needs as built or demo permit
Date Observed: 06/04/2021

[Violation Warning Letter \(Cont.\)](#)

If voluntary compliance is not achieved, additional enforcement measures may be imposed, including but not limited to the following:

- **Local Building and Safety Code Violations:** Mandatory fine of \$130 for the first offense, \$700 for the second and \$1,300 for the third and subsequent violations within a 12-month period;
- **Other Code Violations:** Mandatory fine of up to \$100 for the first offense, \$200 for the second, and \$500 for the third and subsequent violations within a 12-month period, plus penalty assessments.
- Unless you as the responsible party abate the code violation (s) or seeks an appeal within the time prescribed in the notice, the code violation may be abated at your expense. The abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll, and you shall be jointly and severally liable for all abatement costs incurred by the County.

Please be aware, if efforts are not made to bring the property into compliance, an hourly inspection fee of \$129.02 may be assessed on all forthcoming inspections, calls, emails and/or research. Please bring your property into compliance by December 20, 2021 to avoid additional penalties and fines. As the responsible part(ies), it is your responsibility to contact the Code Compliance Division to schedule an inspection to show the outstanding violations have been abated. Please contact me or the Code Compliance Division if you feel that compliance is unattainable by December 20, 2021, or you believe that our records are incorrect and there are no existing violations on the property.

The Code Compliance Division is aware that many violations are often the result of a lack of knowledge concerning regulations. We are bringing the reported violation to your attention and requesting that you bring the issue into compliance.

The policy of the County of Nevada Code Compliance Division is to work with property owners to achieve voluntary compliance. If you have any questions or if I can provide assistance, please contact me at (530)265-7083.

Respectfully,



Susan Caplan
Code Compliance Officer
County of Nevada
Susan.Caplan2@co.nevada.ca.us

[Violation Warning Letter \(Cont.\)](#)

IMPORTANT – READ CAREFULLY

Contesting a Notice of Violation: Administrative notice of violations may be contested by requesting an administrative hearing. A request for an administrative hearing does not stay enforcement, including abatement orders and imposition of fines and penalties.

Administrative Hearing: A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within 5 calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider. The hearing on the appeal shall occur not more than 30 days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least 10 days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay a deposit the full amount of any fine and/or penalty imposed by a Notice of Violation, Abatement Order, and/or an administrative citation, in the event the fine and/or penalty has not yet been paid. No request for an administrative hearing shall be accepted without payment of the deposit of the fine and/or penalty amount at the time the administrative hearing request is filed. The County may waive or defer the fine and/or penalty upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.

[Citation Warning Letter](#)



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
CODE COMPLIANCE DIVISION
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <https://www.mynevadacounty.com/>

Trisha Tillotson
Community Development Agency Director

Citation Warning Letter

Jeff Merriman
Code Compliance Program Manager

Date of Letter: November 16, 2021
Mailed via USPS on : November 16, 2021
Effective Mail Service Date: November 19, 2021

NEVADA COUNTY OF
950 MAIDU AVENUE
Nevada City, CA 95959

Re: APN 005020025 - 950 MAIDU AVENUE, Nevada City, CA
95959
Code Compliance Case #: CC21-0126

Dear NEVADA COUNTY OF,

There currently remains an open Code Compliance case on your property. As of our last inspection, the following violations are outstanding:

Code Violation(s):

- 2019 California Building Code Section 105.1, Permits Required.
Description: Unpermitted red barn Today date
Corrective Action: Needs as built or demo permit
Date Observed: 06/04/2021

[Citation Warning Letter \(Cont.\)](#)

If voluntary compliance is not achieved, additional enforcement measures may be imposed, including but not limited to the following:

- **Local Building and Safety Code Violations:** Mandatory fine of \$130 for the first offense, \$700 for the second and \$1,300 for the third and subsequent violations within a 12-month period;
- **Other Code Violations:** Mandatory fine of up to \$100 for the first offense, \$200 for the second, and \$500 for the third and subsequent violations within a 12-month period, plus penalty assessments.
- Unless you as the responsible party abate the code violation (s) or seeks an appeal within the time prescribed in the notice, the code violation may be abated at your expense. The abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll, and you shall be jointly and severally liable for all abatement costs incurred by the County.

Please be aware, if efforts are not made to bring the property into compliance, an hourly inspection fee of \$129.02 may be assessed on all forthcoming inspections, calls, emails and/or research. Please bring your property into compliance by December 20, 2021 to avoid additional penalties and fines. As the responsible part(ies), it is your responsibility to contact the Code Compliance Division to schedule an inspection to show the outstanding violations have been abated. Please contact me or the Code Compliance Division if you feel that compliance is unattainable by December 20, 2021, or you believe that our records are incorrect and there are no existing violations on the property.

The Code Compliance Division is aware that many violations are often the result of a lack of knowledge concerning regulations. We are bringing the reported violation to your attention and requesting that you bring the issue into compliance.

The policy of the County of Nevada Code Compliance Division is to work with property owners to achieve voluntary compliance. If you have any questions or if I can provide assistance, please contact me at (530)265-7083.

Respectfully,



Susan Caplan
Code Compliance Officer
County of Nevada
Susan.Caplan2@co.nevada.ca.us

Citation Warning Letter (Cont.)

IMPORTANT – READ CAREFULLY

Contesting a Notice of Violation: Administrative notice of violations may be contested by requesting an administrative hearing. A request for an administrative hearing does not stay enforcement, including abatement orders and imposition of fines and penalties.

Administrative Hearing: A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within 5 calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider. The hearing on the appeal shall occur not more than 30 days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least 10 days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay a deposit the full amount of any fine and/or penalty imposed by a Notice of Violation, Abatement Order, and/or an administrative citation, in the event the fine and/or penalty has not yet been paid. No request for an administrative hearing shall be accepted without payment of the deposit of the fine and/or penalty amount at the time the administrative hearing request is filed. The County may waive or defer the fine and/or penalty upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.



Administrative Citation



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
CODE COMPLIANCE DIVISION**
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <https://www.mynevadacounty.com/>

Trisha Tiltonson
Community Development Agency Director

Citation

Jeff Merriman
Code Compliance Program Manager

Letter Date: November 16, 2021
Mailed via USPS on : November 16, 2021
Effective Mail Service Date: November 19, 2021

NEVADA COUNTY OF
950 MAIDU AVENUE
Nevada City, CA 95959

Re: APN 005020025 - 950 MAIDU AVENUE, Nevada City, CA
95959
Administrative Citation # CC21-0126-01

Code Violation(s):	Fine Amount
<ul style="list-style-type: none"> • 2019 California Building Code Section 105.1, Permits Required. Description: Unpermitted red barn Today date Corrective Action: Needs as built or demo permit Date Observed: 06/04/2021 	\$1300

Total: \$1300.00

[Administrative Citation \(Cont.\)](#)

Dear NEVADA COUNTY OF,

This citation has been issued as a result of the above referenced violations not being corrected.

Please be aware, if efforts are not made to bring the property into compliance, an hourly inspection fee of \$129.02 may be assessed on all forthcoming inspections, calls, emails and/or research. Please bring your property into compliance by December 20, 2021 to avoid additional penalties and fines. As the responsible part(ies), it is your responsibility to contact the Code Compliance Division to schedule an inspection to show the outstanding violations have been corrected.

If the property is not brought into compliance, penalties for local building and safety code violations will increase to \$700 per violation for the second citation and \$1,300 per violation for the third and subsequent violation citations. Other code violation penalties will increase to \$200 per violation for the second citation and \$500 per violation for the third and subsequent violation citations within a 12-month period, plus penalty assessments.

Additionally, the Code Compliance Division is authorized pursuant to Government Code Section 65908 to file a Notice of Pendency of Administrative Proceedings in the Nevada County Clerk Recorder's Office, thereby making the enforcement activity a matter of public record. This recording affects the title of the property and will give notice to purchasers or encumbrancers (e.g. lien holders) of pending violations.

Please see the last page for important information regarding this citation. Thank you for your attention to this matter. If you have any questions concerning this issue, I can be reached at [\(530\)265-7083](tel:5302657083).



Sincerely,

A handwritten signature in blue ink that reads "Susan L. Caplan".

Susan Caplan
Code Compliance Officer
County of Nevada
Susan_Caplan2@co.nevada.ca.us

Administrative Citation (Cont.)

IMPORTANT – READ CAREFULLY

Administrative Citation: The County of Nevada Land Use and Development Code, Sections L-II 5.23 provide for the issuance of administrative penalties for violations of the Land Use Code and Development Code as well as applicable ordinances, State codes and regulations. These fines are cumulative and penalties may be issued for each day the violation exists.

How To Pay Fine: The fine must be paid to the County of Nevada within 21 calendar days of the date of service of an administrative citation. You must pay by mail or in person at the:

**Eric Rood Administrative Center
Code Compliance Division (Community Development Agency Counter)
950 Maidu Avenue Suite 170
PO BOX 599002
Nevada City, CA 95959-7902**

Payment should be made by personal check or cashier's check made payable to the County of Nevada. Please reference the penalty number on the check. Cash payments may only be made in person at the same address. Payment of the fine or penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County of Nevada.

Contesting a Notice of Violation: Administrative notice of violations may be contested by requesting an administrative hearing. A request for an administrative hearing does not stay enforcement, including abatement orders and imposition of fines and penalties.

Administrative Hearing: A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within 5 calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider. The hearing on the appeal shall occur not more than 30 days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least 10 days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay a deposit the full amount of any fine and/or penalty imposed by a Notice of Violation, Abatement Order, and/or an administrative citation, in the event the fine and/or penalty has not yet been paid. No request for an administrative hearing shall be accepted without payment of the deposit of the fine and/or penalty amount at the time the administrative hearing request is filed. The County may waive or defer the fine and/or penalty upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.

Consequences of Failure to Pay Penalty/Fine: Your failure to pay the fine assessed when due may result in the County taking any action permitted by law (pursuant to Government Code Section 54988) including, but not limited to, recordation of a lien on the subject property, or a small claims action for a civil money judgment.

APPENDIX – B Notice of Rights

***Nevada County Code Compliance Officers commit to the Board Adopted Civility Policy.
Officers shall be considerate problem solvers.***

Notice of Rights and Obligations Related to Code Compliance Investigations

To inform parties of rights and obligations related to Code Compliance investigations, the Community Development Agency of Nevada County has developed this Notice of Rights and Obligations (Bill of Rights).

Article I: Rights

- You are entitled to refuse an inspection of private property without a warrant.
- You are entitled to rescind consent to a consented inspection of the property at any time during the inspection.
- You are entitled to appeal anything required as a result of the inspection in accordance with County Ordinances and State Law.
- You are entitled to be given a clear, definite, and certain notice of what is wrong, what is expected to be done, and why.
- You are entitled to a reasonable and feasible time to correct a violation.
- You are entitled to defend yourself during a hearing. This includes the right to put on your own case in any proper way, to cross examine witnesses, to have sufficient ability and time to prepare your defense, to have a record of the entire proceedings made so that if you want to do so, you can take the entire administrative proceeding to court for judicial review, and the right to be represented by counsel.
- You are entitled to see and obtain a copy at cost of any public record you ask for which is relevant to your case.
- You have the right to work towards changing laws that govern property use while working with elected officials at the state and local levels.

Article II: Responsibilities

- Property ownership implies the responsibility to comply with existing property laws.

Article III: Responsibilities of Code Compliance Officers.

- Code Compliance Officers are responsible to ensure compliance with land use laws enacted by the federal, state, and local governments.
- Code Compliance Officers are responsible to follow substantive and procedural due process requirements applicable in any case.
- Code Compliance Officers have the initial burden of proof.
- Code Compliance Officers are responsible to acknowledge and respond to citizen inquiries.

APPENDIX – C Glossary of Code Compliance Terms

Abated - An action of correction.

As-Built Permit - Building Permits issued after the construction has been started and or completed (applicable violation fees shall be applied)

AVA – Abandoned Vehicle Abatement

Cancellation of Notice of Non-Compliance/Notice of Pendency - A document recorded with the County Recorder removing the cloud or restrictions on title actions.

CCO - Code Compliance Officer

Civil Matter - Any matter that must be dealt with by private individuals through the Courts.

Complainant/Reporting Party - Person that filed a complaint.

Compliance - To eliminate any code violations, or achieve requirements set by the Code and/or Cannabis Compliance Department.

Violation Warning Letter - First letter sent in response to a received complaint.

Citation Warning Letter - The second letter sent response to a received complaint.

Contact Report - Written report prepared by staff when any time is spent on a property case.

Investigative Service Request Form - Community Development Agency form listing code violations that can be addressed by the Code and/or Cannabis Compliance Division.

Multiple Dwellings - More than one approved residence in single-family zonings.

Notice of Non-Compliance/Notice of Pendency - A document recorded with the County Recorder placing restrictions and/or notices on the title of a specific property.

Violations - Actions not adhering to local, state and/or federal code and laws.