

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
ADOPTING CIVIL ADMINISTRATIVE PENALTY GUIDELINES  
FOR VIOLATIONS OF THE  
VENTURA COUNTY NON-COASTAL ZONING ORDINANCE  
AS DIRECTED IN SECTION 8114-3.7.**

**WHEREAS**, the County of Ventura has adopted its Non-Coastal Zoning Ordinance for the purpose of protecting the public health, safety and general welfare, providing the environmental, economical and social advantages which result from an orderly, planned use of resources, establishing the most beneficial and convenient relationships among land uses, and implementing the County's General Plan; and

**WHEREAS**, pursuant to *Article 14: Enforcement and Penalties* of the Non-Coastal Zoning Ordinance, the Planning Division is required to enforce the provisions, standards and requirements of the Non-Coastal Zoning Ordinance, and to ensure compliance with the terms and conditions of any land use permit, entitlement, variance or amendment thereto; and

**WHEREAS**, pursuant to Government Code Section 53069.4, the County Board of Supervisors is authorized to "make any violation of any ordinance enacted by [it] subject to an administrative fine or penalty" by ordinance, which shall include governing procedures for the imposition, enforcement, collection and administrative review of those administrative fines or penalties; and

**WHEREAS**, On November 21, 2006, the Board of Supervisors repealed and re-enacted Section 8114-3.7 of the Non-Coastal Zoning Ordinance, thereby establishing a process and procedure for the imposition, enforcement, collection and administrative review of civil administrative penalties to enforce and ensure compliance with the Non-Coastal Zoning Ordinance and terms and conditions of any adopted permit, entitlement, variance or amendment thereto; and

**WHEREAS**, the Board of Supervisors has the authority and responsibility to establish the amounts of civil administrative penalties to be levied under Government Code Section 53069.4 and Section 8114-3.7 of the Non-Coastal Zoning Ordinance; and

**WHEREAS**, the Board finds that the establishment and implementation of the civil administrative penalty provisions in Section 8114-3.7 of the Non-Coastal Zoning Ordinance would benefit from the adoption and implementation of Civil Administrative Penalty Guidelines in order to ensure consistent and fair application of the civil administrative penalty provisions by the Planning Division;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Ventura County hereby adopts Civil Administrative Penalty Guidelines (Exhibit "1") for the purposes of implementing Section 8114-3.7 of the Non-Coastal Zoning Ordinance.

Upon a motion by Supervisor Long and seconded by Supervisor Lynn, duly carried, the foregoing resolution is approved on this 31st day of November, 2006.

Linda Parker  
Chair, Board of Supervisors

ATTEST: John F. Johnston  
Clerk of the Board of Supervisors  
County of Ventura, State of California



By: Gene DeLaTouche  
Deputy Clerk of the Board

Exhibit "1" – Civil Administrative Penalty Guidelines, Ventura County Non-Coastal Zoning Ordinance

**Exhibit 1**  
**To Board of Supervisors' Resolution No. \_\_\_\_\_**  
**Adopted November \_\_\_\_\_, 2006**

**CIVIL ADMINISTRATIVE PENALTY GUIDELINES**  
**VENTURA COUNTY**  
**NON-COASTAL ZONING ORDINANCE**

The Civil Administrative Penalty Guidelines are established to provide direction in the administration of Sec. 8114-3.7 of the Non-Coastal Zoning Ordinance, and shall be known as the Civil Administrative Penalty Guidelines (hereinafter referred to as the "Guidelines").

**I. Purpose**

These Guidelines are adopted to provide specific direction to County staff in their administration of the civil administrative penalties provisions in Section 8114-3.7 of the Non-Coastal Zoning Ordinance. These Guidelines seek to ensure consistent, equitable, and proportionate enforcement of Zoning Ordinance provisions and to provide the Planning Director and Hearing Officer with the necessary parameters for the exercise of their discretion in each violation enforcement and penalty case.

**II. Penalty Types and Basic Penalty Amounts**

Civil Administrative Penalties ("Penalties") shall be based on the nature and impact of the subject violation. Each violation shall be evaluated and assigned to one of the following violation categories. The violation categories themselves are based on: 1) the extent, seriousness or gravity of the violation; 2) the likelihood of the violation to cause harm to people and the environment; and 3) whether or not the violation can be cured by obtaining the applicable permit from the County, and if so, what type of permit. Each violation category has a basic penalty amount which can be increased or decreased in accordance with the "Penalty Adjustment Criteria" outlined in Section III.

Major Violation – (\$250/day)      A violation which either: 1) poses a major threat to human health or safety or the environment; 2) involves a prohibited use or structure as set forth in the Zoning Ordinance; or 3) does both.

Moderate Violation -A violation which either: 1) poses a moderate risk to human health or safety or the environment; 2) involves a structure or use that is subject to a discretionary permit approval; or 3) does both.  
(\$100/day)

Minor Violation - A violation which either: 1) poses no immediate threat to human health or safety or the environment; 2) involves a structure or use that is subject to ministerial permit approval; or 3) does both.  
(\$50/day)

See Attachment "A" for examples of common types of violations.

### III. Penalty Adjustment Criteria

The Planning Director or Hearing Officer may increase or decrease the basic civil administrative penalty for a given violation set forth in Section II. above in accordance with any one or combination of the following criteria:

- A. The culpability of the violator in causing the violation;
- B. The nature and persistence of the violator's failure to perform or comply with applicable Zoning regulations or direction to take corrective action;
- C. The length of time the violation has existed;
- D. The violator's history of past violations, either of a similar or different nature, on the same or different property under the same ownership;
- E. The violator's cooperation with the County or other regulatory enforcement agency in resolving the existing and past violations;
- F. The financial burden of immediate compliance or corrective action on the violator;
- G. The extent of harm caused by the violation to human health, safety or the environment;
- H. The frequency of past violations, if any; and
- I. Other factors as deemed relevant by the Planning Director or Hearing Officer.

Depending on the facts and circumstances of the violation case and the applicability of the criteria listed above, the Planning Director, or the Hearing Officer following an appeal hearing, may either increase or decrease the basic penalty amount anywhere from zero percent (0%) up to one hundred percent (100%) per day per violation.

#### **IV. Application of Penalties**

Penalties, as they may be adjusted pursuant to Section III. above, are applied in accordance with the following provisions:

1. The penalties shall begin to accrue from the date specified in the Notice of Imposition of Civil Administrative Penalties.
2. Each day during any portion of which a violation occurs is a separate violation subject to the applicable per day penalty amount.

#### **V. Planning Director's Enforcement Discretion**

Although these Guidelines are intended to assist the Planning Director enforcement of the provisions of the Zoning Ordinance, these Guidelines cannot address all possible violation cases. Therefore, the Planning Director, as the Non-Coastal Zoning Ordinance designated enforcing agent, retains all of his authority to exercise his enforcement discretion, where specific direction is not expressly provided by the Zoning Ordinance or these Guidelines, to protect the public health, safety and welfare.

**Attachment "A"**  
**Administrative Penalties Matrix**  
**Sample Violations**

Minor Violations \$50/day	Moderate Violations \$100/day	Major Violations \$250/day
Illegal Dwelling/Illegal Construction (sanitary and permitable)	Illegal Dwelling/Illegal Construction (unsanitary and/or unpermitable)	Illegal Dwelling/Illegal Construction (unsanitary and unpermitable)
Open Storage/Dumping (no hazardous, flammable or unsanitary materials and outside of required setbacks)	Open Storage/Dumping (hazardous, flammable or unsanitary materials and/or within required setbacks)	Open Storage/Dumping (hazardous, flammable or unsanitary materials within required setbacks or watercourse areas)
Illegal Sign(s)		
Illegal Grading/Brush Clearance (permitable)	Illegal Grading/Brush Clearance (unpermitable)	Illegal Grading/Brush Clearance (unpermitable and within a habitat/wetland area)
Illegal Business (permitable)	Illegal Business (unpermitable)	Illegal Business (its operation constitutes a threat to human health or safety or environment)
Continuation/Operation with an Expired Permit (permitable)	Continuation/Operation with an Expired Permit (unpermitable)	Continuation/Operation with an Expired Permit (its operation constitutes a threat to human health or safety or environment)
Violation of Parking Standards		
Tree Violation (permitable)	Tree Violation (unpermitable)	Tree Violation (unpermitable and constitutes a threat to human health or safety or environment)

Note: The determination of what category to place a violation not specifically listed in the table shall be made based upon the adopted violation definitions.