

Title 1

GENERAL PROVISIONS

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1.01.010 Adoption.

There is hereby adopted the “Santa Cruz County Code,” as compiled, edited and published by Book Publishing Company, Seattle, Washington. [Ord. 4619 § 1, 2001].

1.01.020 Title—Citation—Reference.

This code shall be known as the “Santa Cruz County Code” and it shall be sufficient to refer to said code as the “Santa Cruz County Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Santa Cruz County Code.” References may be made to the titles, chapters, sections and subsections of the “Santa Cruz County Code” and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. [Ord. 4619 § 2, 2001].

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the “Santa Cruz County Code” or to any portion thereof, or to any ordinance of the County of Santa Cruz, California, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. [Ord. 4619 § 3, 2001].

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provi-

sions of any title, chapter or section hereof. [Ord. 4619 § 4, 2001].

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. [Ord. 4619 § 5, 2001].

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 4604, passed November 21, 2000. The following ordinances, passed subsequent to Ordinance No. 4604, but prior to adoption of this code, are hereby adopted and made a part of this code:

- Ordinance No. 4379 (12/09/95)
- Ordinance No. 4605 (12/05/00)
- Ordinance No. 4606 (01/09/01)
- Ordinance No. 4607 (02/27/01)
- Ordinance No. 4608 (03/06/01)
- Ordinance No. 4609 (03/13/01)
- Ordinance No. 4610 (03/13/01)
- Ordinance No. 4611 (03/20/01)
- Ordinance No. 4612 (03/20/01)
- Ordinance No. 4609A (03/27/01)
- Ordinance No. 4610A (03/27/01)
- Ordinance No. 4613 (04/17/01)
- Ordinance No. 4614 (04/17/01)
- Ordinance No. 4615 (04/17/01)
- Ordinance No. 4616 (04/24/01)

[Ord. 4619 § 6, 2001].

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. [Ord. 4619 § 7, 2001].

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. [Ord. 4619 § 8, 2001].

1.01.090 References to prior code.

References in County forms, documents and regulations to the chapters and sections of the former County code shall be construed to apply to the corresponding provisions contained within this code. [Ord. 4619 § 9, 2001].

Chapter 1.04**GENERAL PROVISIONS****Sections:**

- 1.04.010 Rules of construction.**
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- 1.04.130 Prohibited acts include causing, permitting or suffering.**
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- 1.04.150 Service of notice.**
- 1.04.160 Proof of service of notice.**
- 1.04.170 Time limitation for judicial review of County decision—Writ of mandate.**
- 1.04.180 Effect of repeal of repealing ordinance.**
- 1.04.190 Savings clause—Termination or suspension of law creating criminal offense or infraction.**

1.04.010 Rules of construction.

Unless the context hereof otherwise requires, these general provisions, rules of construction and definitions shall govern the construction of the ordinances of Santa Cruz County adopted by the Board of Supervisors of Santa Cruz County. The provisions of each of the ordinances and proceedings thereunder are to be construed with a view to effect its objects, and to promote justice. [Ord. 597, 1959; prior code § 1.04.010].

1.04.020 Interpretation—Generally.

The provisions of this code shall be construed so as to give them effect and to avoid unconstitutionality wherever possible. No provision of this code shall be construed as being broad enough to permit or condone any direct or indirect censorship or previous restraint upon any constitutional right or freedom, nor shall it be construed as broad

enough to permit any other improper application. [Ord. 1532, 1970; prior code § 1.04.011].

1.04.030 Interpretation—Legislative intent.

The Board recognizes and approves the preferred place given in our scheme of government to the democratic freedoms and liberties secured by the United States Constitution and the California Constitution, and that these liberties and freedoms have a sanctity and sanction not permitting dubious intrusions. The Board has a zealous solicitude for rights falling within these constitutional guarantees. It is neither the express nor the implied intent of the Board to permit or allow any officials to exercise any discretionary power granted to them by this code so as to directly or indirectly impose a censorship or previous restraint upon these liberties and freedoms. [Ord. 1532, 1970; prior code § 1.04.012].

1.04.040 Interpretation—Property rights.

It is not the intent of the Board of Supervisors by the enactment of the Santa Cruz County Code to take private property for public use without payment of just compensation, in violation of either the United States or California Constitutions. No provision of this code shall be construed as being broad enough to permit any direct or indirect taking of private property for public use in violation of the intent expressed herein. [Ord. 1828, 1973; prior code § 1.04.014].

1.04.050 Interpretation—Administrative acts—Constitutional property rights.

It is not the intent of the Board of Supervisors in its administrative capacity to condone or permit the violation of the constitutional rights of any person, nor to condone or permit the taking of private property for public use without payment of just compensation in violation of either the United States or California Constitutions. [Ord. 1828, 1973; prior code § 1.04.015].

1.04.060 Interpretation—Severability.

If any section, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of the remaining portions of the code. The Board of Supervisors would have adopted this code and each section, sentence, clause or phrase and portion thereof, irrespective of the fact that any one or more sections, sentences, clauses, phrases or portions be invalid or unconstitutional. [Ord. 1532, 1970; prior code § 1.04.013].

1.04.070 Interpretation—Declaratory of existing law.

The Board has found and declared that SCCC 1.04.010 through 1.04.080 were intended to restate and clarify existing law in order to thereby facilitate and promote uniform administration of the County's business. The intent of the Board in enacting said sections was only to restate, codify and clarify existing law. [Ord. 2316, 1976; prior code § 1.04.017].

1.04.080 Particular applications—Intent—Validity—Time limitations.

(A) Applicability. The provisions of this chapter and this section apply to, but shall not be limited to, decisions and actions taken by the County pursuant to the Santa Cruz County Code; the California Coastal Act of 1976 (Sections 30000, et seq., Public Resources Code); the California Environmental Quality Act of 1970 (Sections 21000 et seq., Public Resources Code); State EIR Guidelines (Title 14, California Administrative Code, Sections 15000 et seq.); the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.); the State Planning and Zoning Law (Sections 65000 et seq., Government Code); the Subdivision Map Act (Sections 66410 et seq., Government Code); and any other mandated or permitted action taken which relates to planning, zoning approvals, permits, or other entitlements for use of property, or limitations or restrictions affecting the use of property pursuant to laws heretofore or hereafter enacted.

(B) Definitions. For the purposes of this chapter:

(1) "Adjudicatory decision" does not include actions or proceedings by or through courts of competent jurisdiction.

(2) "Decision," "determination," "action taken" and "action taken pursuant to this code" mean and shall include administrative, adjudicatory, legislative, discretionary, executive and ministerial decisions, determinations, proceedings or other actions taken or authorized by the County, or any commission, board, officer or agent thereof, or any of the proceedings, determinations or actions taken, done or made prior to such decision or action.

(C) Intent.

(1) In the absence of a duly adopted resolution of necessity for eminent domain proceedings pursuant to the California Constitution and statutes implementing same, no intent to take or damage property for public use shall be implied by reason of any past or future action taken pursuant to this code.

(2) It is not and never has been the intention of the Board of Supervisors to impose or authorize limitations or restrictions on the use of any property which would have the effect of either taking or damaging such property or which would otherwise entitle the owner thereof to dam-

ages or compensation under the United States Constitution, any statutes or judicial decisions.

(3) If any action taken pursuant to this code is subsequently found by any court to entitle the owner of the affected property to damages or other compensation for such action, the Board hereby declares that such action was taken, authorized, or permitted under a mistake of law and contrary to the intent expressed herein.

(D) Void Actions. To the extent that any action taken pursuant to this code is found by final decision of a court of competent jurisdiction to have the effect of taking or damaging property affected by such action, or to otherwise entitle the owner thereof to compensation, the action shall be null and void and of no effect in accordance with the intention and policy stated in subsection (C) of this section.

(E) Time Limitation for Commencement of Court Proceeding.

(1) Except as otherwise provided in SCCC 1.04.170, Sections 65860 and 66499.37 of the Government Code, and Sections 21167 and 30801 of the Public Resources Code, any legally permitted court action or proceeding to attack, review, set aside, void, annul or seek damages or compensation for any County decision or action taken pursuant to this code, as defined in subsection (B) of this section, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within 90 days after the date of such decision or action taken. Thereafter all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceedings, determinations, or actions taken.

(2) The provisions of this subsection shall not expand the scope of judicial review and shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter. [Ord. 2362, 1976; Ord. 2316, 1976; prior code § 1.04.016].

1.04.090 Effect of headings.

Division and section headings contained in any County ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any such division or section thereof. [Ord. 597, 1959; prior code § 1.04.020].

1.04.100 Reference to acts or omissions.

County ordinances shall refer only to the omission or commission of acts within unincorporated areas of the County of Santa Cruz, and to such territory under the supervision and control of the Board of Supervisors of the County, by virtue of the Constitution or any law, or by reason of ownership or control of property. [Ord. 597, 1959; prior code § 1.04.030].

1.04.110 Reference applies to amendments.

Whenever a reference is made to any County ordinance or portion thereof, such reference applies to all amendments and additions thereto, now or hereafter. [Ord. 597, 1959; prior code § 1.04.070].

1.04.120 Acts by deputies.

Whenever a power is granted to or a duty imposed upon a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee, or by a person otherwise duly authorized, pursuant to law or ordinance, unless the provisions of the applicable ordinance prescribe otherwise. [Ord. 597, 1959; prior code § 1.04.050].

1.04.130 Prohibited acts include causing, permitting or suffering.

Whenever, by the terms of any County ordinance, any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. [Ord. 597, 1959; prior code § 1.04.040].

1.04.140 Definitions and interpretation of terms.

(A) "Across" includes along, in or upon.

(B) "Board" means the Board of Supervisors of the County of Santa Cruz.

(C) "County" means the County of Santa Cruz.

(D) "Ex officio" means by virtue of office.

(E) Gender. The masculine gender includes the feminine and neuter.

(F) "Goods" means and includes wares and merchandise.

(G) "May" is permissive.

(H) "Oath" includes affirmation.

(I) "Operate" or "engage in" means and includes carry on, keep, conduct, maintain, or cause to be kept or maintained.

(J) "Owner," as applied to a building or land, means and includes any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.

(K) "Person," unless it otherwise appears from the context as used, means and includes any person, firm, association, corporation, organization, partnership, business trust, company, public agency, school district, the State of California, and its political subdivisions or instrumentalities.

(L) "Sale" means and includes any sale, exchange, barter, or offer for sale.

(M) "Shall" is mandatory except where it is used to direct a County or other public officer or employee to perform certain acts, in which case it is directory only.

(N) Singular and Plural. The singular number includes the plural, and the plural the singular.

(O) "State" means the State of California.

(P) "Street" means and includes all streets, highways, public roads, County roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in the County which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

(Q) "Tenant" or "occupant," as applied to a building or land, means and shall include any person who occupies the whole or part of such building or land, whether alone or with others.

(R) Tense. The present tense includes the past and future tense, and the future, the present.

(S) Titles of Officers and Departments. The use of the title of any officer, employee, office, commission, department or board shall mean such officer, employee, office, commission, department or board of the County of Santa Cruz.

(T) "Writing" means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by any County ordinance, it shall be made in writing in the English language unless it is expressly provided otherwise. [Ord. 2685, 1979; Ord. 2506, 1977; Ord. 2483, 1977; Ord. 597, 1959; prior code §§ 1.04.060, 1.04.100].

1.04.150 Service of notice.

Whenever a notice is required to be given under the provisions of any County ordinance, unless different provisions therein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail, in a sealed envelope, postage prepaid, addressed to each person to be notified, at his last known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the United States Post Office, or a mail box sub-post office, substation or mail chute, or other collection facility regularly maintained by the Government of the United States. [Ord. 2139, 1975; Ord. 597, 1959; prior code § 1.04.080].

1.04.160 Proof of service of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the County or by affidavit of any person over the age of 18 years, which shows service in conformity with this chapter, or other provisions of law applicable to the subject matter concerned. [Ord. 597, 1959; prior code § 1.04.090].

1.04.170 Time limitation for judicial review of County decision—Writ of mandate.

(CCP Sections 1094.5, 1094.6.)

(A) The provisions of Code of Civil Procedure Section 1094.6 shall be applicable with regard to proceedings to obtain judicial review of County decisions by writ of mandate. Judicial review of any decision of the County or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate pursuant to said section is filed within the time limits specified in Section 1094.6 of the Code of Civil Procedure; provided, that if a State or Federal law prescribes a shorter statute of limitations for the type of action, compliance shall be required with such shorter statute of limitation. Thereafter all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceedings, determinations or actions taken.

(B) The provisions of Section 1094.6 of the Code of Civil Procedure shall not expand the scope of judicial review, but shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a State or Federal law which provides a shorter statute of limitations in which case the shorter statute of limitations shall apply. [Ord. 3519 § 1, 1984; Ord. 2362, 1976; prior code § 1.04.110].

1.04.180 Effect of repeal of repealing ordinance.

(A) Except as provided in subsection (B) of this section, no part of this code and no ordinance or part of any ordinance, repealed by another ordinance, is revived by the repeal of the repealing ordinance without express words reviving such repealed part of this code and ordinance or part of an ordinance.

(B) If a later-enacted part of this code or an ordinance that deletes or extends the date of termination or repeal of a previously enacted law is approved before such date of termination or repeal, the terminated or repealed law is revived when the later-enacted part of this code or ordinance becomes operative. [Ord. 2660, 1979; prior code § 1.04.120].

1.04.190 Savings clause—Termination or suspension of law creating criminal offense or infraction.

(A) The termination or suspension, by whatsoever means effected, of any ordinance or part of this code creating a criminal offense or infraction does not constitute a bar to the indictment, information, or prosecution and punishment of an act already committed in violation of the ordinance or part of this code so terminated or suspended, unless the intention to bar such indictment, information or

prosecution and punishment is expressly declared by an applicable provision of law or ordinance.

(B) It is the express legislative intent of the Board to retain and exercise its constitutional authority to preserve criminal sanctions for acts committed prior to termination or suspension of such laws and to so alter established common-law rules, if any, to the contrary. [Ord. 2660, 1979; prior code § 1.04.130].

Chapter 1.05

CLAIMS AGAINST THE COUNTY

Sections:

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- 1.05.020 Purpose.**
- 1.05.030 Scope.**
- 1.05.040 Requirements to bring suit.**
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- 1.05.060 Late filing of claims.**
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- 1.05.100 Reexamination of rejected claims.**
- 1.05.110 Contract claims.**
- 1.05.120 Waiver of waiting period.**
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- 1.05.150 Action on special education claims.**

1.05.010 Authority.

This chapter is adopted pursuant to and in conformity with Sections 905, 930.2, 935 and 29700 et seq. of the California Government Code. [Ord. 3977 § 1, 1989].

1.05.020 Purpose.

The purposes of this chapter are to allow the County of Santa Cruz to make a timely investigation of the facts on which a claim is based so as to have an opportunity to settle just claims before suit is brought, defend itself against unjust claims, and correct promptly any conditions or practices which gave rise to claims. [Ord. 3977 § 1, 1989].

1.05.030 Scope.

All claims against the County of Santa Cruz for money or damages which are excepted by Section 905 of the Government Code from the claims procedure provided by Part 3 of Division 3.6, Title 1 of the Government Code and which are not expressly governed by any other statute or regulation shall be governed by this chapter. [Ord. 3977 § 1, 1989].

1.05.040 Requirements to bring suit.

No suit for money or damages may be brought against the County on a cause of action for which this chapter requires a claim to be presented until a written claim therefor has been filed in conformity with this chapter. Only the person who filed the claim may bring such a suit. [Ord. 4397 § 1, 1996; Ord. 3977 § 1, 1989].

1.05.050 Time limitation.

The claim for any cause of action specified in SCCC 1.05.030 shall be presented in the manner provided in SCCC 1.05.070 as applicable and shall be presented and processed as provided by Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the Government Code insofar as said provisions are not in conflict with this chapter. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months after accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action. Each claim shall be verified by the person who claims to be entitled to be paid the money or damages or by his or her guardian, conservator, executor or administrator. [Ord. 4397 § 2, 1996; Ord. 3977 § 1, 1989].

1.05.060 Late filing of claims.

In accordance with Section 935 of the Government Code, the late filing of claims pursuant to this chapter is regulated by Sections 911.4 to 912.2, inclusive, of the Government Code. [Ord. 3977 § 1, 1989].

1.05.070 Claim form.

Claims under this chapter shall be filed as specified in this section:

(A) Any claim for salaries and wages of County officers and employees shall be presented to the Auditor in the number and on the forms prescribed by the Auditor. The claim shall be certified by the head of the department or office in which the officer or employee is employed.

(B) Any claim for mileage, travel and other expenses of County employees shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be signed by the claimant and certified by the head of the department or office whose appropriations are charged with the expenditure.

(C) Any claim for transportation of County officers or employees, wards, prisoners or other authorized persons, payable to public carriers, shall be presented to the Auditor on forms prescribed by the Auditor. The claims shall be certified by the officer whose appropriations are charged with the expenditure.

(D) Any claim for public assistance under any law under which the County administers such assistance shall be presented to the Auditor on forms prescribed by the Auditor. Other than for modifications, the Auditor may prescribe a procedure eliminating the filing of claims for routine or repetitive public assistance benefits. The claims shall be certified by the officer directing the expenditure. Where the form or forms prescribed by the Auditor require the signature of the claimant and/or the recipient,

either or both signatures may be waived at the discretion of the Auditor.

(E) Any claim for public assistance under Section 987(a) of the Penal Code or other statute providing for counsel for persons not financially able to employ counsel shall be presented to the Auditor on forms prescribed by the Auditor. The claims shall be signed by the claimants and certified by a judge of the court in which the services were performed that the counsel services were unable to be provided under any existing County contract for indigent legal services due to a conflict of interest and that the amount of the claim is reasonable.

(F) Any claim for principal or interest shall be based solely upon presentation of the matured bond, interest coupon, or other evidences of indebtedness.

(G) Any claim by the State or a department or agency of or by another public entity relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented to the Clerk of the Board of Supervisors. Any other claim by the State or a department or agency thereof or by another public entity shall be presented to the Auditor on forms prescribed by the Auditor and such claim shall be certified by the officer directing the expenditure, where appropriate.

(H) Any claim for money or damages for loss or damage to personal property entrusted to the care and custody of a County officer or employee as a result of such claimant's confinement in any County facility and for which existing public liability and property damage insurance policies of the County do not otherwise cover, shall be filed with the clerk of the Board of Supervisors.

(I) Any claim for money or benefits under the Workers' Compensation Law (Division 4 of the Labor Code and Title 8 of the California Administrative Code) shall be presented to the Risk Manager on forms prescribed by the Division of Industrial Accidents or by the Risk Manager.

(J) Wherever in this section certification of a claim is required to be made by the head of a department or office, it shall be deemed to include certification by his designated subordinate; wherever in this section certification is required on a claim, the claimant shall present the claim to the designated officer for certification before presentation to the Auditor or Risk Manager, but if within 10 days after presentation to such officer the officer has failed or refused to certify the claim, the claimant may present the uncertified claim to the Auditor or Risk Manager including thereon an appropriate notation showing presentation to the designated officer and his failure or refusal to certify.

(K) As an alternative procedure to that specified in this section for the filing of any of the foregoing claims, any claimant of a claim under this chapter may file such claim with the Clerk of the Board of Supervisors on the

form provided by the Auditor or Risk Manager but need not obtain certification of the claim prior to such filing.

(L) Whenever as prescribed in subsection (A) of this section certification of a claim is required to be made by the head of a department or office for salaries and wages of County officers and employees and a state of extreme emergency, state of disaster, or state of local disaster exists as defined in Chapter 2.26 SCCC, including an emergency resulting from a labor controversy, during the period of such state of extreme emergency, state of disaster, or state of local disaster, including an emergency resulting from a labor controversy, it will be presumed in absence of receipt by the Auditor of information to the contrary that no change in the payroll status of the County officers and employees in the department or office has occurred and that work by the officers and employees has been performed during normal working hours. In such event salaries and wages of such County officers and employees may be paid without a certification of a claim from the head of the department or office as otherwise provided. Any amounts paid in excess of salaries and wages due and owing to such County officers and employees by reason of this provision shall be recovered by the County from such County officers and employees in the same manner as other overpayments for salaries and wages are recovered.

(M) Whenever, as prescribed in subsection (D) of this section, certification of a claim is required to be made by the Director of the Human Resources Agency for public assistance under any law under which the County administers such assistance and a state of extreme emergency, state of disaster, or state of local disaster exists as defined in Chapter 2.26 SCCC, including an emergency resulting from a labor controversy, during the period of such state of extreme emergency, state of disaster or state of local disaster, including an emergency resulting from a labor controversy, it will be presumed in the absence of receipt by the Auditor of information to the contrary that no change in status of routine or repetitive public assistance benefits has occurred and that such routine or repetitive public assistance benefits are the same as those paid for the period immediately preceding the state of extreme emergency, state of disaster, state of local disaster, or emergency resulting from a labor controversy. In such event, routine or repetitive public assistance benefits may be paid without a certification of a claim by the Director of the Human Resources Agency. Any amounts paid in excess of the public assistance benefits due and owing to persons receiving such benefits by reason of this provision shall be recovered in accordance with rules and regulations of the County and the State Department of Social Welfare applicable to overpayment of public assistance. [Ord. 3977 § 1, 1989].

1.05.080 Auditor's duties.

The Auditor shall audit and allow or reject claims presented to the Auditor under SCCC 1.05.070(A) through (F) in lieu of and with the same effect as allowance or rejection by the Board. [Ord. 3977 § 1, 1989].

1.05.090 Time for action by County officers and claimant.

The Auditor, Risk Manager, or Board of Supervisors shall act upon any claim filed pursuant to this chapter within the time prescribed by Section 912.4 of the Government Code and in the manner prescribed by Section 912.6 of that code for action by a board, and the failure or refusal of the Auditor, Risk Manager, or Board of Supervisors to act on a claim shall be the effect stipulated in said Section 912.4. Any action brought by the claimant in the cause of action set forth in any claim filed pursuant to this chapter shall be brought within the time specified in Section 945.6 of the Government Code. [Ord. 3977 § 1, 1989].

1.05.100 Reexamination of rejected claims.

The Auditor, Risk Manager, or Board of Supervisors may, in their discretion, within the time prescribed by Section 945.6 of the Government Code for commencing an action on the claim, reexamine a previously rejected claim within their jurisdiction in order to consider settlement of the claim in accordance with Section 913.2 of the Government Code. [Ord. 3977 § 1, 1989].

1.05.110 Contract claims.

In accordance with the authorization granted by Section 930.2 of the Government Code, the following procedure may be made applicable to the presentation and processing of claims arising out of or relating to contracts and agreements to which the County is a party.

(A) Time Limitation. A claim under this chapter based upon the accrual of a cause of action arising from a purchase order or other agreement of the County shall be presented in the manner provided in subsections (B) and (C) of this section not later than one year after the accrual of the cause of action. For the purpose of computing the time limit prescribed by this section the date of accrual of a cause of action which is the subject matter of a claim is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations, as defined by Section 901 of the Government Code.

(B) Claim Form—Purchase Order Claims. The presentation of claims for materials or services furnished in compliance with purchase orders issued by the County shall be as follows:

(1) The claimant shall file one copy of his invoice with the Auditor, Room 100, County Governmental Center, Santa Cruz, California 95060.

(2) The invoice shall show the following:

(a) The date service was rendered or materials furnished;

(b) The purchase order reference under which the materials or services were furnished;

(c) The claimant's name and post office address to which the remittance is to be mailed;

(d) A detail of the items invoiced, the unit price, sales tax where applicable, and the total amount claimed.

(3) The Auditor shall, prior to payment of the invoice, secure the certification of the ordering department of receipt of goods in compliance with the purchase order.

(C) Claim Form—Agreements Other Than Purchase Orders. If the claim is based upon an agreement other than a purchase order, the claim shall be completed by the claimant by filling in all applicable blanks and shall be presented by the claimant to the Auditor or to the officer or agent to whom the Board has given responsibility for administrative supervision of the contract performance in triplicate, on forms furnished or approved by the Auditor. A claim may be filed by mail but will not be deemed filed unless and until its actual receipt by the Auditor or other authorized officer or agent. The Auditor shall secure certification of performance by the administering officer or agent prior to the payment of the claim.

(D) Action on Contract Claims. If the claim is based upon a purchase order or if the claim is based upon a contract other than a purchase order, it shall be acted upon by the Auditor within the time prescribed by Section 912.4 and in the manner prescribed by Section 912.6 of the Government Code for action by the board of a local public entity. Should the Auditor fail or refuse to act upon the claim, his failure or refusal shall have the effect of the failure or refusal of a board to act as specified in said Section 912.4. Any action brought by the claimant on the cause of action set forth in the claim shall be brought within the time specified in Section 945.6 of the Government Code. Should the Auditor reject any claim in whole or in part, he shall promptly report in writing thereon to the Board. Any claim which is not within the authority of the Auditor to allow under the provisions of Article 2 of Chapter 4, Division 3, Title 3 of the Government Code (commencing with Section 29740) shall not be acted upon by the Auditor but shall be verified for mathematical errors by the Auditor, preaudited and referred to the Board for action. Sections 911.4 to 912.2 of the Government Code shall apply to all claims under this section.

(E) Action on Certain Car Rental Agreement Claims. Notwithstanding subsections (B), (C) and (D) of this section, claims for damages to rental cars under contracts or agreements with the County where collision damage waivers are declined shall be administered by the Risk Manager, subject to the same settlement authority autho-

rized for settlement of tort liability claims under SCCC 1.05.130. [Ord. 3977 § 1, 1989].

1.05.120 Waiver of waiting period.

The three-day waiting periods prescribed by Sections 29701 and 29742 of the Government Code for consideration of claims and issuance of warrants may be waived by the Auditor on any claims against the County of Santa Cruz for money or damages. [Ord. 3977 § 1, 1989].

1.05.130 Action on liability claims.

(A) All tort liability claims required to be presented to the County of Santa Cruz under the provisions of the California Tort Claims Act of 1964 (Government Code Section 810, et seq.) or this chapter shall be filed with the Clerk of the Board of Supervisors.

(B) The Personnel Director or his/her designee of the County of Santa Cruz is authorized to allow, compromise or settle any tort liability claim or other claim for damages or any legal action for damages that is filed against the County of Santa Cruz, its officers or employees; provided:

(1) The amount to be paid pursuant to such allowance, compromise or settlement, does not exceed \$15,000 and the allowance, compromise or settlement is approved by County Counsel; or the amount to be paid is greater than \$15,000, but less than \$25,000 and the allowance, compromise or settlement is approved by the County Counsel and the County Administrative Officer. If the amount to be paid exceeds \$25,000, the allowance, compromise or settlement must be approved by the Board of Supervisors;

(2) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

(C) In all claims or actions that are allowed, compromised or settled, the Auditor-Controller will be responsible upon written order of the County Counsel, and in accordance with the terms of such allowance, compromise or settlement, to cause the necessary warrant to be issued upon the Treasury of the County of Santa Cruz in any amount for which such tort liability claim or action has been allowed, compromised or settled pursuant to this section. [Ord. 4824 § 1, 2006; Ord. 4395 § 1, 1995; Ord. 3977 § 1, 1989].

1.05.140 Action on workers' compensation claims.

(A) All County employees making a claim for workers' compensation benefits under the provisions of Division 4 (commencing with Section 3200) of the Labor Code shall file such claims with the Risk Manager, or the Workers' Compensation Appeals Board pursuant to Divi-

sion 4, Chapter 3 of the Labor Code and Title 8, Administrative Code, Section 10400.

(B) The Risk Manager of the County of Santa Cruz is authorized to allow, compromise or settle any workers' compensation claim or case that is filed against the County of Santa Cruz; provided:

(1) The amount to be paid pursuant to such allowance, compromise or settlement does not exceed \$15,000;

(2) The claim or action is for benefits as defined under the Workers' Compensation Laws of the State;

(3) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy; and

(4) Any such compromise or settlement is approved by the Workers' Compensation Appeals Board (WCAB).

(C) In all workers' compensation claims or actions that are allowed, compromised or settled, the County's workers' compensation claims administrator shall, upon order from the Risk Manager, cause the necessary check to be issued from the County's workers' compensation trust account in an amount for which any workers' compensation claim or action has been allowed, compromised or settled and approved by the Workers' Compensation Appeals Board (WCAB). [Ord. 4824 § 2, 2006; Ord. 3977 § 1, 1989].

1.05.150 Action on special education claims.

(A) This section shall govern the settlement or compromise of any request for mental health related special education services, and related legal proceeding, under the provisions of the Federal Individuals with Disabilities Education Act, the California Special Education Programs, Education Code Sections 5600, et seq., or Government Code Section 7570, et seq.

(B) The health services agency director of the County of Santa Cruz is authorized to compromise or settle any claim or legal proceeding for mental health related special education services, made against the County of Santa Cruz, which complies with each of the following provisions:

(1) The amount to be paid pursuant to such compromise or settlement does not exceed \$10,000. If the amount to be paid exceeds \$10,000, the compromise or settlement must be approved by the Board of Supervisors;

(2) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy;

(3) The compromise or settlement is approved by the County Counsel.

(C) In all requests or proceedings that are compromised or settled, the Health Services Agency Administrator shall be responsible, upon written order of the County

Counsel, and in accordance with the terms of such compromise or settlement, to cause the necessary warrant to be issued upon the appropriate mental health budget account of the County of Santa Cruz in the amount for which such mental health related special education services request or proceeding has been compromised or settled pursuant to this section. [Ord. 4824 § 3, 2006].

Chapter 1.06

SANTA CRUZ COUNTY FLAG

Sections:

- 1.06.010 Santa Cruz County flag.**
- 1.06.020 Unauthorized or improper use prohibited.**
- 1.06.030 Violation—Penalty.**

1.06.010 Santa Cruz County flag.

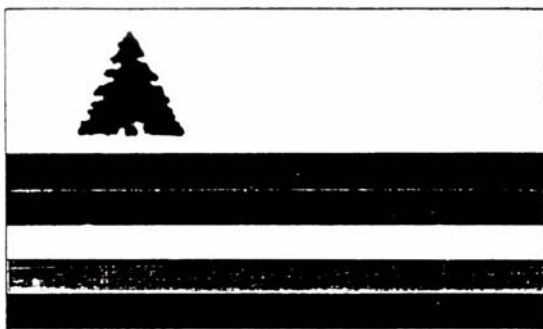
The following described flag is adopted as the official Santa Cruz County flag:

(A) Appearance. As viewed with the hoist end of the flag to the left of the observer, there appears in the upper left-hand corner of a white field a green evergreen tree. Below the evergreen tree are five equal size, horizontal color stripes the length of the flag in the order, top to bottom: red, orange, yellow, green and blue.

(B) Dimensions. The hoist or flag width is approximately three-fifths of the fly or flag length; the white field width is equal to the width of four stripes, and each color stripe is equal to one-ninth of the flag width. The bottom of the evergreen tree is three-tenths of the width of one stripe above the first horizontal color stripe; the tip of the evergreen tree is seven-tenths of the width of one stripe from the top of the flag; and the lower left edge of the evergreen tree is at a width of two and one-half stripes to the right of the hoist end of the flag.

(C) Colors. The colors on the flag are to be substantially the same as the following color references: the green of the evergreen tree is Pantone 348-M; the red stripe is Pantone 185-M; the orange stripe is Pantone 165-M; the yellow stripe is Pantone 109-M; the green stripe is Pantone 368-M; and the blue stripe is Pantone 392-M.

(D) The general design and details of the Santa Cruz County flag, excluding colors, shall correspond substantially with the following representation:



[Ord. 3784 § 1, 1986].

1.06.020 Unauthorized or improper use prohibited.

No person, group, corporation, association or profit organization, association or political committee shall cause to be prepared, distributed or published, or permit the preparation, distribution or publication of, any letter, advertisement, bumper sticker, flyer, pamphlet, handbill or other material containing a representation of the Santa Cruz County flag, or any other similar flag, without the express authorization of the Board of Supervisors of the County. [Ord. 3784 § 1, 1986].

1.06.030 Violation—Penalty.

(A) Any person violating or causing or permitting the violation of SCCC 1.06.020 shall be deemed guilty of an infraction, and shall be punished by a fine not exceeding \$100.00; provided, however, that any offense which would otherwise be an infraction shall be a misdemeanor if a defendant has been convicted of three or more violations of this chapter within the 12-month period preceding the commission of the offense in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

(B) For purposes of this section and chapter, a separate offense shall be deemed to occur each time any material is prepared, printed or published in violation of SCCC 1.06.020. However, the printing or duplicating of a number of such items by mechanical means at one time, all of which are identical, shall be deemed a single offense.

(C) In addition to the penalties hereinabove set forth, the County of Santa Cruz shall have the right to initiate legal action against any person to restrain by court injunction the printing, distribution or publication of any material prepared in violation of SCCC 1.06.020. [Ord. 3784 § 1, 1986].

Chapter 1.08**COUNTY SEAL****Sections:**

- 1.08.010** **Definitions.**
1.08.020 **Unauthorized or improper use prohibited.**
1.08.030 **Violation—Penalty.**

1.08.010 **Definitions.**

As used herein:

(A) “Seal” means any seal, insignia, decal or other artistic rendering which is substantially similar to, and is designed or intended to be a facsimile of, the seal of the County of Santa Cruz.

(B) “Seal of the County of Santa Cruz” means the official seal of the County of Santa Cruz. The seal may be described as follows: It contains the words “The Great Seal of the County of Santa Cruz,” “Sine Praejudicio” and “1850” encircling a pictorial representation of a California Brown Bear in the foreground, with mountains, ocean and redwoods in the background. [Ord. 2567, 1978; prior code § 5.75.010].

1.08.020 **Unauthorized or improper use prohibited.**

No person, group, corporation, nonprofit organization, association or political committee shall cause to be prepared, distributed or published, or permit the preparation, distribution or publication of, any letter, advertisement, bumper sticker, flyer, pamphlet, handbill or other written document containing the seal of the County of Santa Cruz, or any other similar seal, without the express authorization of the Board of Supervisors of the County. [Ord. 2728, 1979; Ord. 2567, 1978; prior code § 5.75.020].

1.08.030 **Violation—Penalty.**

(A) Any person violating or causing or permitting the violation of SCCC 1.08.020 shall be deemed guilty of an infraction, and shall be punished by a fine not exceeding \$100.00; provided, however, that any offense which would otherwise be an infraction shall be a misdemeanor if a defendant has been convicted of three or more violations of this chapter within the 12-month period preceding the commission of the offense in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

(B) For purposes of this section and chapter, a separate offense shall be deemed to occur each time a written document is prepared, printed or published in violation of SCCC 1.08.020. However, the printing or duplicating of a number of such documents by mechanical means at one

time, all of which are identical, shall be deemed a single offense.

(C) In addition to the penalties hereinabove set forth, the County of Santa Cruz shall have the right to initiate legal action against any person to restrain by court injunction the printing, distribution or publication of any material prepared in violation of SCCC 1.08.020. [Ord. 2728, 1979; prior code § 5.75.030].

Chapter 1.12

GENERAL PENALTY AND ENFORCEMENT

Sections:

- 1.12.010 Code violations deemed misdemeanors—Continuing violations.**
- 1.12.020 Infractions—Violation of administrative provisions.**
- 1.12.030 Penalty for misdemeanors.**
- 1.12.040 Penalty for infractions.**
- 1.12.050 Violations deemed public nuisance—Abatement.**
- 1.12.060 Violations—Effect on permit issuance.**
- 1.12.070 Code violations—Civil penalties—Illegal rents—Enforcement costs—Hearing officers—Administrative hearing procedures.**

1.12.010 Code violations deemed misdemeanors—Continuing violations.

It is unlawful, and constitutes a misdemeanor, for any person to violate, or to fail to comply with, any provision of the Santa Cruz County Code unless otherwise specified. Where the violation is denominated a misdemeanor, enforcement may be pursued by one or more of those alternatives set forth in SCCC 19.01.030. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of this code is committed, continued or permitted. [Ord. 4987 § 1, 2008; Ord. 1532, 1970; prior code § 1.08.010].

1.12.020 Infractions—Violation of administrative provisions.

Acts denominated infractions shall not be deemed to be misdemeanors. Administrative provisions appearing in Chapter 1.16 SCCC, SCCC Title 2, SCCC Title 3, Chapters 4.28 through 4.48 and Chapter 7.56 SCCC shall not be deemed to be criminal offenses unless specifically denominated infractions or misdemeanors. [Ord. 1532, 1970; prior code § 1.08.020].

1.12.030 Penalty for misdemeanors.

Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 3620 § 1, 1985; Ord. 1532, 1970; prior code § 1.08.030].

1.12.040 Penalty for infractions.

(A) Acts denominated infractions shall not be punishable by imprisonment. Every violation determined to be an infraction is punishable by:

- (1) A fine not exceeding \$100.00 for a first violation;
- (2) A fine not exceeding \$200.00 for a second violation of the same provision of the County Code within one year;
- (3) A fine not exceeding \$500.00 for each additional violation of the same provision of the County Code within one year.

(B) A person charged with an infraction shall not be entitled to a trial by jury. A judgment that a person convicted of an infraction be punished by fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise to either pay the fine as provided or to appear in court on the due date. Any person who willfully violates any such written promise is guilty of a misdemeanor. [Ord. 3517 § 1, 1984; Ord. 2685, 1979; Ord. 1532, 1970; prior code § 1.08.040].

1.12.050 Violations deemed public nuisance—Abatement.

(A) Any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be abated as such by the County in accordance with this code and State law.

(B) In addition to the penalties herein provided, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this code except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner to pay treble the costs of abatement. [Ord. 4070 § 1, 1990; Ord. 1532, 1970; prior code § 1.08.050].

1.12.060 Violations—Effect on permit issuance.

An application for a permit pursuant to provisions of the Santa Cruz County Code may be denied or conditionally approved if one or more posted violations of the code or State law are found to exist on the same property and said application does not address the posted violations, with the exception of an application that the Planning Director determines is necessary to address immediate health and safety concerns. Acceptance of an application for a permit may be withheld until the applicant has paid the County's total cost of enforcement with regard to any violation(s) sought to be resolved by the application and with regard to any related violation; and any unpaid application fees and charges relating to the same property may be required to be paid prior to issuance of a permit. [Ord.

4987 § 2, 2008; Ord. 4266 § 1, 1993; Ord. 4257 § 1, 1993; Ord. 2366, 1976; prior code § 1.08.070].

**1.12.070 Code violations—Civil penalties—
Illegal rents—Enforcement costs—
Hearing officers—Administrative
hearing procedures.**

(A) Civil Penalties. Notwithstanding the legal authority to seek criminal remedies, including fines and/or imprisonment, the County may seek one or more of the civil remedies set forth in SCCC 19.01.030. Any person who violates any provision of the Santa Cruz County Code, including any failure to comply with any provision of the code, shall be liable in a civil proceeding for: (1) a civil penalty not to exceed \$100.00 for each violation that would otherwise be an infraction; provided, that a second violation of the same ordinance within 12 preceding months shall be subject to a civil penalty not to exceed \$200.00 and any additional violation of the same ordinance within one year shall be subject to a civil penalty not to exceed \$500.00; or (2) a civil penalty not to exceed \$2,500 for each violation that would otherwise be a misdemeanor. After any person has been given notice that any act or failure to act is a violation of the code, it shall be a separate offense for each and every day during any portion of which that person knowingly and intentionally commits or permits additional acts constituting a violation of that provision of this code. Any penalties recovered under this subsection in excess of the total County costs of enforcement shall be deposited in the County's general fund.

(B) Illegal Rents. In addition to the civil penalty provided by subsection (A) of this section, any person who constructs or converts, installs or maintains a structure for human habitation without a building or development permit in violation of any provision of this code which would otherwise be a misdemeanor shall be liable for a civil penalty in the amount of any rent received from any occupant or, in the alternative, in the amount of the reasonable rental value of the structure based on the Santa Cruz County Housing Authority's schedule of payment standards for rentals from the date of its construction, conversion, installation, or maintenance. For the purposes of this subsection, a structure for human habitation shall include, but not be limited to, a recreational vehicle, trailer, mobile home, tent, modular or other enclosure used for human habitation. Any penalties recovered under this subsection shall be deposited in a fund designated by the Board of Supervisors for code compliance related functions.

(C) Enforcement Costs. A person violating any of the provisions of the Santa Cruz County Code which would otherwise be a misdemeanor shall be liable to pay the County's total costs of enforcement, including charges for reasonable attorney's fees.

(D) Hearing Officers.

(1) Duties. The Board of Supervisors shall provide independent contractor Hearing Officers to conduct hearings, to issue subpoenas, to receive evidence, to administer oaths, to rule on questions of law and the admissibility of evidence, to prepare a record of the proceedings, to issue enforcement orders with regard to violations of the County Code or of specified chapters of the County Code, and to provide for the recovery of enforcement costs, any civil penalties including, but not limited to, penalties imposed as a result of illegal rents, and any other costs of abatement as a special assessment against the property on which the violation(s) occurred or as a personal obligation of the person violating, causing, permitting or continuing the violation(s).

(2) Notice of Violation—Contents.

(a) Prior to instituting any administrative proceedings for the recovery of civil penalties for continuing violations which pertain to building, plumbing, electrical or similar structural or zoning or environmental issues that do not create an immediate danger to health or safety, notice of the opportunity to correct or remedy the violation within 90 calendar days without civil penalties shall be provided to the person responsible for the continuing violation by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing and by posting the notice on the site of violation.

(b) The notice of violation shall also state the County Code provisions alleged to have been violated; the location of the property on which the alleged violation has occurred, including the parcel number used by the assessor on the current roll; the name and address, if known, of the person alleged to have committed or permitted the violation(s) and of the property owner and other person, if any, in possession of the property, and the name, address and telephone number of the department or agency issuing the notice to which protests, or objections, or other communications may be directed.

(3) Notice of Administrative Hearing. Should a code enforcement matter be set for administrative hearing, written notice of the time, date and location of a hearing before the Hearing Officer shall be given by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the person or persons alleged to have violated the County Code, and to any other person known to own or possess the property, at least 15 days prior to the date of the hearing.

(4) Hearing Officer Disqualification. Hearing officers shall be licensed attorneys of the State Bar of California in good standing. A Hearing Officer shall disqualify himself or herself from serving as Hearing Officer in a particular matter where he/she has a conflict of interest within the meaning of the Political Reform Act (Government Code Sections 87100 et seq.), and shall otherwise

comply with the disqualification provisions of Canon 3.E. of the Code of Judicial Ethics. The notice of hearing shall also identify the Hearing Officer designated to conduct the hearing and advise the recipient(s) of their right to submit within 10 business days of the date of the notice of hearing a written objection to the designated Hearing Officer. In the event of such a disqualification, a new Hearing Officer shall be randomly selected from the panel of alternate Hearing Officers established by the Board of Supervisors. Each party shall only have the right to disqualify one Hearing Officer for a particular matter.

(5) Hearing Officer Procedures.

(a) Requirements for Taking Testimony. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee have the power to administer oaths and affirmations and to certify to official acts. Oaths of witnesses may be given individually or en masse. Witnesses shall be asked to raise their right hands and to swear or affirm that the testimony they shall give will be the truth, the whole truth, and nothing but the truth.

(b) Continuances. The Hearing Officer may continue the hearing as determined appropriate by the Hearing Officer.

(c) Administrative Interpretations. In conducting the hearing, the Hearing Officer shall consider the previously established interpretation of an ordinance provision by the department charged with its enforcement unless that interpretation is shown to be clearly erroneous or unauthorized.

(d) Hearing Officer Decisions. At the conclusion of the hearing held on the alleged violation(s), the Hearing Officer shall have the authority, subject to the limitations set forth in this section, to render a decision, supported by written findings, which:

(i) Determines whether the person given notice has committed, maintained, or permitted the alleged violation(s) of the County Code;

(ii) Orders the payment of the total verified amount of the County's enforcement costs and other abatement costs by any such person found to have committed or permitted the violations;

(iii) Orders the payment of civil penalties, including any imposed as a result of illegal rents, to be paid by any such person found to have committed or permitted the violations;

(iv) Orders action to be taken to correct any violations by any such person found to have committed or permitted the violations including, but not limited to, the termination of tenancies and the vacating of illegal structures;

(v) Determines whether any enforcement costs, other abatement costs, and civil penalties are to be made a special assessment against the property on which the viola-

tion(s) occurred and collected on the secured tax roll, and/or are to be the personal obligation of the person committing or permitting the violation and collected on the unsecured tax roll.

(E) In determining the amount of civil penalties to be assessed against any person violating a provision of the County Code, which would otherwise be a misdemeanor, the Hearing Officer shall take into consideration the following:

(1) The extent to which the person knowingly and wilfully violated the County Code;

(2) The magnitude of the violation;

(3) The extent to which the person derived a financial benefit from the violation;

(4) Any prior history of related violations by the same person on the subject property or on other parcels within the County;

(5) The financial ability of the person to pay;

(6) Any corrective action voluntarily undertaken by the person prior to the hearing to eliminate the violation and any other mitigating circumstances justifying a reduction of the amount of the penalties.

(F) The authority of the Hearing Officer to impose civil penalties for a violation which would otherwise be a misdemeanor is limited to a maximum of \$2,500 per violation, and a total of \$10,000 for related multiple violations on a single parcel of property by any one person. These maximum limitations shall be exclusive of any civil penalties imposed as a result of illegal rents.

(G) The decision of the Hearing Officer shall be final when issued in writing, and shall be enforceable 21 days after service of the decision by mail, unless an appeal of the decision has been filed by the person in accordance with subsection (H) of this section. The decision of the Hearing Officer shall include a statement of the appeal rights of any party to the proceeding as set forth in subsection (H) of this section.

(H) The provisions of Section 53069.4 of the Government Code shall be applicable with regard to proceedings to obtain judicial review of the decisions of the Hearing Officer. The decision of the Hearing Officer shall be subject to judicial review pursuant to the provisions of Section 53069.4 of the Government Code only if an appeal is filed with the Santa Cruz superior court clerk, together with the applicable appeal fee, within 20 days after service of the decision of the Hearing Officer by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. Any person filing an appeal shall serve a copy of the notice of appeal in person or by first class mail on the Hearing Officer with a copy to the County Planning Director. Within 15 days from request from the court, the Hearing Officer shall forward to the court the file of the hearing together with the notice of violation of this code, the notice of code violation hearing before a

Hearing Officer, and the decision of the Hearing Officer. If an appeal is not timely filed in accordance with this subsection, all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceedings, determinations or actions taken.

(I) The Hearing Officer shall submit the decision to the Clerk of the Board of Supervisors and a copy to the Planning Director. At such time as a decision which imposes a special assessment is enforceable as provided in subsection (G) of this section, the Planning Director shall cause to be recorded in the County Recorder's Office a notice of code enforcement assessment lien if the special assessment is then unpaid. Upon recordation of a notice of code enforcement assessment lien, the assessment lien shall attach to the property. Each such assessment lien shall be subordinate to all existing special assessment liens previously imposed upon such property and paramount to all other liens except those for State, County and municipal taxes with which it shall be upon parity. The lien shall continue until the amount of the lien and all interest and penalties due and payable thereon are paid. Recordation of a notice of code enforcement assessment lien shall have the same effect as recordation of an abstract of a money judgment. At such time as any decision of the Hearing Officer is enforceable which orders the payment of enforcement costs, and other abatement costs, and/or civil penalties, and such costs and civil penalties have not then been paid in full, the Planning Director shall file with the Auditor-Controller and Tax Collector a certified copy of the notice of code enforcement assessment lien for each obligation for payment which has been made a special assessment, and a notice of code enforcement personal obligation for each which is a personal obligation. The Auditor-Controller shall add the unpaid amount(s) of the special assessments to the next regular tax bill for taxes levied against said property for County purposes. For personal obligations, the Auditor-Controller shall add the unpaid amounts to the unsecured tax roll. Thereafter, said amount(s) added to the secured and unsecured tax rolls shall be collected at the same time and in the same manner as County taxes are collected, and shall be subject to the same interest charges and penalties and procedure for sale in case of delinquency as provided for property taxes of the County, and all laws applicable to the levy, collection and enforcement of County taxes shall be applicable. If any real property to which a code enforcement assessment lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of County taxes would become delinquent then the enforcement costs, other abatement costs, and civil penalties shall not result in a lien against the real

property but shall be transferred to the unsecured roll for collection.

(J) On payment of the Tax Collector of a special assessment, the Tax Collector shall cause to be recorded a release of lien with the County Recorder, and from the sum collected pursuant to this section the Auditor-Controller shall distribute to the County Recorder a release of lien fee established by Government Code Section 27631.3.

(K) The County Counsel upon receipt of a final decision of a Hearing Officer which orders the payment of civil penalties or payment of enforcement costs or other abatement costs, or upon obtaining authorization from the Board of Supervisors of the County, may (in addition to any other collection procedures provided by this section) prepare and file a civil action on behalf of the County in any court of competent jurisdiction to recover the civil penalties and costs of enforcement provided by this section and for injunctive or any other appropriate relief.

(L) In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney's fees.

(M) The remedies and civil penalties provided by this section shall be in addition to any other remedies and penalties provided by law. [Ord. 4987 § 3, 2008; Ord. 4708 § 1, 2003; Ord. 4701 § 1, 2003; Ord. 4695 § 4, 2002; Ord. 4546 § 1, 1999; Ord. 4401 § 1, 1996; Ord. 4290 § 1, 1994; Ord. 4266 § 2, 1993; Ord. 4257 § 2, 1993; Ord. 4110 § 1, 1991; Ord. 3991 § 1, 1989; Ord. 3951 § 1, 1988].

Chapter 1.14**NUISANCE ABATEMENT****Sections:**

- 1.14.010** **Order for abatement—When issued—Duration.**
- 1.14.020** **Order for abatement—Appeal.**
- 1.14.025** **Summary abatement.**
- 1.14.030** **Abatement performed by County—When authorized.**
- 1.14.040** **Abatement—Report and costs.**
- 1.14.050** **Hearing on report—Assessment of costs.**
- 1.14.060** **Service of orders or notices.**
- 1.14.070** **Rescheduling or continuing hearings.**
- 1.14.080** **Court action—Time limit.**

Prior history: Ords. 1794, 2025, 2165 and 2250; prior code §§ 1.08.060(a), (f), (g) and (h).

1.14.010 **Order for abatement—When issued—Duration.**

(A) Whenever a County department head or designee with responsibility to enforce any of the provisions of this code determines that a nuisance exists as a result of a violation of any of the provisions of this code, he may issue a written order requiring that the conditions constituting the nuisance be abated within a period of 10 days thereafter. He shall forthwith serve the order on the person maintaining such conditions, or the person occupying any premises on which the conditions are found to exist. If no person is occupying the premises, the order shall be posted upon the premises in a conspicuous place, and a copy shall be mailed to the owners of the premises as their names and addresses appear upon the last equalized assessment roll.

(B) An order for abatement shall continue in full force and effect until modified or rescinded by the County department head or designee issuing same, or until modified, vacated or superseded by order of the County's Hearing Officer, after hearing, as provided in this chapter. The time specified in the order may be extended for good cause by written order of the issuing County department head or designee. The order shall advise the person served of his right to appeal to the County Hearings Officer, and that order will be stayed pending such appeal. The order for abatement shall also identify the Hearing Officer designated to conduct the hearing and advise the recipient(s) of the notice of their right to submit within 10 business days of the date of the order for abatement a writing rejecting the designated Hearing Officer. Hearing officers shall be licensed attorneys of the State Bar of California in good standing. A Hearing Officer shall disqualify himself or herself from serving as Hearing Officer in a particular

matter where he/she has a conflict of interest within the meaning of the Political Reform Act (Government Code Sections 87100 et seq.), and shall otherwise comply with the disqualification provisions of Canon 3.E. of the Code of Judicial Ethics. In the event of such a disqualification, a new Hearing Officer shall be randomly selected from the panel of alternate Hearing Officers established by the Board of Supervisors. Each party shall only have the right to disqualify one Hearing Officer for a particular matter. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee have the power to administer oaths and affirmations and to certify to official acts. Oaths of witnesses may be given individually or en masse. Witnesses shall be asked to raise their right hands and to swear or affirm that the testimony they shall give will be the truth, the whole truth, and nothing but the truth. [Ord. 4695 § 5, 2002; Ord. 4330 § 1, 1994].

1.14.020 **Order for abatement—Appeal.**

(A) Any person ordered to abate a nuisance pursuant to SCCC 1.14.010 may, within 10 days after receipt of the written order, file an appeal to the County's Hearing Officer, with the County department head or designee issuing the order, who shall in turn convey it to the Hearing Officer. The appeal shall be in writing and accompanied by the filing fee established by resolution of the Board, and shall specify the grounds upon which the appeal is taken.

(B) Upon receipt of the appeal, the Hearing Officer shall set the matter for hearing not less than 10 nor more than 60 days after the date the appeal was received by the clerk. The filing of such an appeal shall stay the effect of the order for abatement until the Hearing Officer hears the appeal and issues an order modifying, vacating or affirming the order for abatement. Written notice of the time and place of hearing shall be given to the appellant at least five days prior to the date set for the hearing. [Ord. 4330 § 1, 1994].

1.14.025 **Summary abatement.**

(A) Whenever a County department head or designee with responsibility to enforce any of the provisions of this code determines that a nuisance exists as a result of a violation of any such provision which poses an immediate threat to the public health or safety, the County department head or designee may order the summary abatement of the nuisance in accordance with this section. Upon determining that there is such a nuisance condition posing an immediate threat to the public health or safety, the County department head or designee may issue a written order requiring that the condition be abated within 48 consecutive hours from the time the person maintaining the

condition or occupying the premises on which it exists is personally served with a written order to abate such condition. If the person occupying the property is not the owner, the County department head or designee shall also give oral or written notification of the abatement order to the owner of the property as soon as possible.

(B) An order to abate a nuisance condition pursuant to this section shall continue in full force and effect until rescinded by the County department head or designee or vacated or superseded by an order of the County Hearing Officer made after a hearing before the Hearing Officer. The order to abate shall advise the person served of his right to file an appeal to the Hearing Officer as provided in this section.

(C) Whenever an order to abate a nuisance condition is to be issued by a County department head or designee pursuant to this section, the County department head or designee shall contact the Hearing Officer to obtain a time for a hearing in the event a timely appeal is filed, and shall thereafter transmit to the Hearing Officer a copy of the order and the County department head or designee's written report concerning the condition. The hearing shall be scheduled to be held within 12 business hours after the expiration of the period for appeal provided by this section, which hearing shall be held as scheduled if an appeal is filed, and canceled if an appeal is not filed. The order to abate a nuisance condition shall advise the person of his or her right to appeal, shall notify said person of the time and place of the hearing scheduled on this matter before the Hearing Officer if an appeal is filed and of said person's right to be present, and to present evidence to the Hearing Officer.

(D) Any person maintaining the condition or occupying or owning the premises whereon said condition exists may appeal to the County's Hearing Officer within 48 consecutive hours after personal service of the order of abatement on the person maintaining the condition or occupying the premises whereon the condition exists. If the 48-hour period expires on a day when County offices are closed, the time within which to file an appeal shall be extended until 5:00 p.m. of the next day County offices are open. The right of appeal may be exercised by notifying the County department head or designee, who issued the order or abatement, either verbally or in writing, that a hearing is desired. Such appeal shall stay the effect of such order until the Hearing Officer hears and decides the appeal, but such stay of the order of abatement shall not relieve any person from any other civil or criminal liability and responsibility for maintaining a nuisance or violation of this code.

(E) If an appeal is taken, the Hearing Officer shall meet pursuant to a notice given by the County department head or designee. The Hearing Officer shall review the evidence presented by the County department head or des-

ignee, and any evidence presented by the appellant, and shall thereafter affirm, modify or vacate the order. In addition, the Hearing Officer shall determine whether to authorize the County department head or designee to abate a nuisance condition in the event that there is a failure to comply with an order, as affirmed or modified. [Ord. 4330 § 1, 1994].

**1.14.030 Abatement performed by County—
When authorized.**

In the event that a nuisance is not abated in accordance with the County department head or designee's order of abatement or the order of the Hearing Officer, if any, the County department head or designee may proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the County department head or designee, subject to such budgetary controls as established by the Board of Supervisors. [Ord. 4330 § 1, 1994].

1.14.040 Abatement—Report and costs.

When an abatement is completed, the County officer shall prepare and file with the Hearing Officer a report specifying the work done, the itemized and total cost of the work, including the administrative and enforcement costs incurred by the County, a description of the real property upon which the nuisance is or was located, and the names and addresses of the record owner, the holder of any mortgage or deed of trust of record, and any other person known to have a legal interest in the property. [Ord. 4330 § 1, 1994].

**1.14.050 Hearing on report—Assessment of
costs.**

The Hearing Officer shall hold a hearing on the report and any protest or objections thereto, and notice of the hearing shall be given to the persons with a legal interest in the property at least 10 days prior to the date set for the hearing. The Hearing Officer shall determine at the conclusion of the hearing the proper charge, if any, assessed for the work. The Hearing Officer shall determine whether any enforcement cost and cost for abatement work are to be made a special assessment against the property on which the violation(s) occurred and collected on the secured tax roll, or are to be the personal obligation of the person committing or permitting the violation and collected on the unsecured tax roll. The Hearing Officer shall submit the decision to the Clerk of the Board of Supervisors. If such costs are not paid within 21 days of the decision by the Hearing Officer, the Planning Director shall cause to be recorded in the County Recorder's Office a notice of special assessment lien. Upon recordation of a notice of special assessment lien, the assessment lien shall be attached to the property. Each such assessment lien

shall be subordinate to all existing special assessment liens previously imposed upon such property and paramount to all other liens except those for State, County and municipal taxes with which it shall be upon parity. The lien shall continue until the amount of the lien and all interest and penalties due and payable thereon are paid. Such assessment shall be collected at the same time and in the same manner as County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment. In the event the costs of abatement exceed the value of the property to which the assessment lien attached, such excess costs shall be the personal obligation of the owner of the property. [Ord. 4466 § 1, 1997; Ord. 4447 § 1, 1997; Ord. 4330 § 1, 1994].

to such decision, shall not be maintained by any person unless such action or proceeding is commenced within the time period set forth in SCCC 1.04.170. Thereafter, all persons are barred from maintaining any such action or proceeding, or asserting any defense of invalidity or unreasonableness of the Hearing Officer's decision, proceedings, acts or determination. [Ord. 4330 § 1, 1994; Ord. 4251 § 1, 1993].

1.14.060 Service of orders or notices.

Except as provided in SCCC 1.14.025 for summary abatements, each notice or order to be given or made under this chapter shall be served upon the person occupying the premises upon which the nuisance exists, or, if no person occupies the premises, the notice or order shall be posted upon the premises in a conspicuous place, and, in addition, a copy of the notice or order shall be served on the property owner of the premises. Service of each notice or order shall be made upon all persons entitled thereto, either personally or by mailing a copy of the notice or order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the County, or as known to the County department head or designee. If no address of any such person so appears or is known to the County department head or designee, then a copy of the notice or order shall be so mailed, addressed to such person at the address of the premises. The failure of any such person to receive such notice or order shall not affect the validity of any proceeding taken under this chapter. Service by certified mail in the manner herein provided shall be effective on the date of the mailing. [Ord. 4330 § 1, 1994].

1.14.070 Rescheduling or continuing hearings.

The Hearing Officer may reschedule or continue any proceeding under this chapter if necessary to ensure that the parties are afforded due process. [Ord. 4330 § 1, 1994].

1.14.080 Court action—Time limit.

Any court action or proceeding to attack, review, set aside, void or annul any decision made by the Hearing Officer under this chapter, or concerning any of the proceedings, acts or determinations taken, done or made prior

Chapter 1.16**WORKING PRISONERS****Sections:**

- 1.16.010 County Jail prisoners may be compelled to work.**
- 1.16.020 Work Furlough Law made operative.**
- 1.16.030 Work Furlough Administrator— Probation officer authority.**

1.16.010 County Jail prisoners may be compelled to work.

Prisoners confined in the County Jail of Santa Cruz County under judgment of conviction of misdemeanors shall when physically able, be compelled to work under the direction of a responsible person appointed by the Sheriff upon the public grounds, roads, streets, alleys, highways or public buildings, or in such other places as are deemed advisable for the benefit of the County. [Ord. 605, 1959; Ord. 9, 1884; prior code § 5.95.010].

1.16.020 Work Furlough Law made operative.

The provisions of the Work Furlough Law (Cobey Work Furlough Law), commencing at Section 1208 of the California Penal Code, are hereby made operative in the County of Santa Cruz, the Board of Supervisors finding that, on the basis of employment and education conditions, the state of the County Jail facilities and other pertinent circumstances considered by the Board, that the operation of the Work Furlough Law insofar as it relates to employment and insofar as it relates to education in the County of Santa Cruz is feasible. [Ord. 1629, 1971; prior code § 5.95.020].

1.16.030 Work Furlough Administrator— Probation officer authority.

The chief probation officer of the County is hereby designated as the officer who shall perform the functions of Work Furlough Administrator within the County. [Ord. 1629, 1971; prior code § 5.95.030].