ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF SISKIYOU**

**AMENDING SECTION 10.14.100 OF THE SISKIYOU COUNTY CODE REGARDING AMOUNT OF ADMINISTRATIVE FINES AND IMPOSITION OF PROPERTY LIENS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS FOLLOWS:

SECTION I: Section 10-14.100 of the Siskiyou County Code, entitled “Administrative civil penalties”, is hereby amended to read as follows:

“**Sec. 10-14.100 Administrative civil penalties**.

In addition to any other remedies provided by this Code or State law, there is hereby imposed the following civil penalty for each violation of this chapter and/or each violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements as a result of, or to facilitate, unlicensed cultivation, manufacturing, processing, distribution, or retail sale of cannabis for which a license is required, as imposed by the enforcing officer:

(a) Where a reasonable period of time to correct or remedy the violation prior to imposition of the penalty has been provided, up to five thousand dollars ($5,000.00) per day per violation for each day that the violation continues.

(b) The enforcing officer shall have the sole and exclusive discretion to impose the civil penalties set forth in this section. The enforcing officer shall not impose a penalty set forth in this section, unless the enforcing officer's department has established a written policy setting forth how civil penalties are determined. Such policy may take into account the facts and circumstances of the violation including, but not limited to, whether or not the violation poses a threat to human health, safety or to the environment; the seriousness or gravity of the violation; the length of time the violation has existed; the culpability of the person in violation or the willfulness of the violation; the sophistication of the persons creating or causing the violation; the extent of the violation and its effect on adjoining properties; attempts, if any, to comply with the applicable ordinances; and any other information which might be relevant to the determination of penalty to be imposed by this section.

(c) Immediate imposition of penalty or fine.

1. Pursuant to Government Code Section 53069.4(a)(2)(B), or as that section may be amended from time to time, the enforcing officer may immediately impose a civil penalty for the violation of zoning restrictions or building, plumbing, electrical or other similar structural, or health and safety requirements if the violation exists as a result of, or to facilitate, the unlicensed cultivation, manufacturing, processing, distribution, or retail sale of cannabis for which a license is required. When civil penalties are immediately imposed the penalties shall be limited up to one thousand dollars ($1,000.00) per day per violation, not to exceed ten thousand dollars ($10,000.00) per day, for each day the violation(s) continues.

A civil penalty imposed under this subsection shall be imposed upon the property owner and, if any, upon each owner of the occupant business entity engaging in unlicensed commercial cannabis activity. The property owner and each owner of the occupant business entity, if any, shall be held jointly and severally liable for the civil penalty. If the Responsible party abates the nuisance or violation within the voluntary time period provided on the notice to abate, the director of the enforcing Department may cancel the civil penalty.

1. Exception to immediate imposition of penalty or fine. Pursuant to Government Code Section 53069.4(a)(2)(E) prior to the imposition of administrative fines or penalties, the enforcing officer shall provide for a reasonable period of time, no longer than five (5) days from the time and date of notice, to correct the violation after considering the circumstances of the case, if all of the following are true:

(i) A tenant is in possession of the property that is the subject of the administrative action.

(ii) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits commercial cannabis activity.

(iii) The rental property owner or agent did not know the tenant was engaging in unlicensed commercial cannabis activity and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the unlicensed commercial cannabis activity.

(e) Interest. Any administrative fine and penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 30th day after the penalty becomes a final decision or order.

(f) Right to Judicial Review. Pursuant to Government Code section 53069.4, within twenty (20) days after service of the final order or decision pursuant to the hearing held under subsection (d), a person contesting the final administrative order or decision may seek review by filing an appeal with the Superior Court.

(g) Enforcement and Collection of Fines. The County may collect any past due fine or late payment charge, and may also recover its collection costs, by use of all available legal means. The failure of any person to pay a fine assessed under this chapter, or a late payment charge or collection costs related to a notice to abate, by the due date shall constitute a debt to the County. The County may seek payment of the debt by use of all available legal means, including, but not limited to, the following:

(1) The county may refer the debt for collection.

(2) The County may file a civil action in the Superior Court or the Small Claims Court to recover the debt including, but not limited to, the remedies of money judgment or foreclosure.

SECTION II: This ordinance amendment has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines (i.e., the “general rule exemption because it can be seen with certainty that the proposed amendment does not have the potential to result in a significant impact on the environment.”)

SECTION III: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2024 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ed Valenzuela, Chair

Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum, Clerk,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy