

The County of Yuba

Community Development and Services Agency



TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement
Jeremy Strang, Building and Code Enforcement Manager

SUBJECT: Community Development and Services: Ordinance - Hold Public Hearing, Waive Second Reading, and Adopt Ordinance Amending Certain Sections of Chapter 7.35. - Abandoned, Wrecked, Dismantled or Inoperative Vehicles, of the Yuba County Ordinance Code (Ten minute estimate) (Roll Call Vote)

DATE: June 11, 2024

NUMBER: 281/2024

RECOMMENDATION: We hereby request that the Yuba County Board of Supervisors waive second reading and adopt an ordinance amending certain sections of Chapter 7.35. - Abandoned, Wrecked, Dismantled or Inoperative Vehicles, of the Yuba County Ordinance Code.

BACKGROUND: Chapter 7.35. of the Yuba County Ordinance Code declares the accumulation and storage of abandoned, wrecked, dismantled and inoperable vehicles, or parts thereof, to be a public nuisance. Where such vehicles are discovered to exist on properties in the unincorporated area of the County, a Code Enforcement Officer may cause those vehicles to be abated. Currently, when a Notice of Intention to Abate and Remove a vehicle is issued, both the property owner and the owner of the vehicle have an opportunity to request a hearing before an Administrative Law Judge (“ALJ”). An ALJ shall hold a hearing on the questions of abatement and removal of the vehicle and/or as to the assessment of the administrative and abatement costs related to the removal of the vehicle, or vehicle parts.

DISCUSSION: We are requesting that the Board of Supervisors amend Chapter 7.35. of the Yuba County Ordinance Code to remove the requirement that an ALJ preside over appeal hearings and instead allow the County Hearing Officer. On November 28, 2023, the Board adopted Ordinance 1621, which created Chapter 2.41. of the Yuba County Ordinance Code establishing the Office of the County Hearing Officer. The intent of Chapter 2.41. is to provide greater access to due process and create a more streamlined approach to conducting hearings within the County. Moreover, the County Hearing Officer can develop specialized expertise in public nuisance abatement, conducting hearings, and interpreting the Yuba County Ordinance Code. The Board may delegate its authority to conduct hearings to the County Hearing Officer by either Ordinance or Resolution.

Below is a table of each section that will be amended. The proposed amendments replace all references to the Administrative Law Judge with the County Hearing Officer.

CODE SECTION	PROPOSED CHANGE	SUMMARY OF CHANGES
7.35.100.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.35.110. (a), (b), (c), (d), (e), (f), and (g)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”

By adopting the proposed ordinance amendments to Chapter 7.35., Code Enforcement can utilize the services of the County Hearing Officer thus meeting the intended goals of creating that Office. These changes are necessary to ensure continued alignment with the County’s Strategic Plan and to provide optimal service to the residents of Yuba County.

COMMITTEE ACTION: Committee bypassed. The Board of Supervisors was notified of the proposed amendments during the adoption process of Chapter 2.41. of the Yuba County Ordinance Code.

FISCAL IMPACT: No Fiscal Impact - administrative only, staff time only; No funding commitment at this time, but has projected future costs. The cost of the County Hearing Officer is to be determined based on whether compensation is based on a contract, or as an employee of the County. Costs for the service will be paid by the department utilizing the service.

General Fund -
Non-General Fund -

Source of Funds: Varies by department. No additional General Funds are requested for this item.

ATTACHMENTS:

- 281/2024 Proposed Ordinance Amending Ch. 7.35. (Clean Version)
- 281/2024 Proposed Ordinance Amending Ch. 7.35. (Strikethrough Version)