

# The County of Yuba

## Community Development and Services Agency

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**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 7.36. - Property Maintenance Ordinance, of the Yuba County Ordinance Code. (Ten minute estimate) (Roll Call Vote)

**DATE:** June 11, 2024

**NUMBER:** 284/2024

**RECOMMENDATION:** We hereby request that the Yuba County Board of Supervisors waive second reading and adopt an ordinance amending certain sections of Chapter 7.36. – Property Maintenance Ordinance, of the Yuba County Ordinance Code.

**BACKGROUND:** Chapter 7.36. of the Yuba County Ordinance Code regulates the maintenance of properties within Yuba County, and provides a comprehensive method for the identification and abatement of public nuisances. The ordinance defines conditions that create a public nuisance, and where conditions are found to exist on properties, an enforcement official may allege the property to be a public nuisance. An enforcement official may issue a Notice and Order to Abate Public Nuisance on properties where a public nuisance is determined to exist. Anyone who is issued a Notice and Order to Abate Public Nuisance has a right to request a hearing to appeal the determination of the enforcement official – either as to the determination of the public nuisance or as to the amount of the Administrative Penalty imposed. The appeal request must be in writing and be received within 15 days of the date of the Notice and Order. The appeal shall be heard by an Administrative Law Judge (“ALJ”), who shall, among other things, render his or her written decision relating to the existence of the alleged nuisance, and either confirm or deny the Administrative Penalty.

**DISCUSSION:** We are requesting that the Board of Supervisors amend Chapter 7.36. 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.

Additionally, we are requesting that the period for requesting a hearing or filing an appeal be changed from 15 days to 10 days. This amendment will create consistency across various County ordinances related to the time to request or file an appeal with other County ordinances, as well as increase efficiency by reducing the amount of time it could take to resolve cases.

Below is a table of each section that will be amended. The proposed amendments are as follows: replace all references to Administrative Law Judge with County Hearing Officer, change all references to Hearing Officer to County Hearing Officer, change the period for requesting a hearing from 15 to 10 days, change the period for requesting an appeal from 15 to 10 days, and remove some text from 7.36.945. (b).

<b>CODE SECTION</b>	<b>PROPOSED CHANGE</b>	<b>SUMMARY OF CHANGES</b>
7.36.140. (2)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.510.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.512.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.515.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.520.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.530.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.535.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.540. (b), (c), (d), and (e)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.545.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”

7.36.550.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.555.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.625. (d)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.625. (d)	AMENDED	The period for requesting a hearing will change from “15” to “10” days
7.36.628.	AMENDED	The period for requesting a hearing will change from “15” to “10” days
7.36.628.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.638.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.640., (a), (a) (2), and (d)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.640. (d)	AMENDED	The period for requesting an appeal will change from “15” to “10” days
7.36.642.	AMENDED	The period for filing an appeal will change from “15” to “10” days
7.36.642.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.645. (a), (a) (3), (b), (c), (d)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
7.36.645. (a), (a) (1), and (a) (2)	AMENDED	The appeal period will change from “15-day” to “10-day”
7.36.645. (a) (3)	AMENDED	“15 calendar days” will change to “10 calendar days”
7.36.650.	AMENDED	All references to “Administrative Law Judge” will change to “County Hearing Officer”

7.36.655. (a) (4)	AMENDED	All references to “Administrative Law Judge” will change to “County Hearing Officer”
7.36.760. (a) and (c)	AMENDED	All references to “Administrative Law Judge” will change to “County Hearing Officer”
7.36.780.	AMENDED	All references to “Administrative Law Judge” will change to “County Hearing Officer”
7.36.940.	AMENDED	The period for requesting a hearing will change from “15” to “10” days
7.36.945. (b)	AMENDED	Add “County” before “Hearing Officer”. Remove “of the contractor administering administrative citations on behalf of public agencies”
7.36.945. (c) and (h)	AMENDED	Add “County” before “Hearing Officer”
7.36.950. (a), (b), (c), and (d)	AMENDED	Add “County” before “Hearing Officer”

By adopting the proposed ordinance amendments to Chapter 7.36., 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:**

284/2024 Proposed Ordinance Amending 7.36. (Clean Version)

284/2024 Proposed Ordinance Amending 7.36. (Strikethrough Version)