

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 Sections of Chapter 10.05. - Building Standards and Construction Code, of the Yuba County Ordinance Code (Ten minute estimate) (Roll Call Vote)

DATE: June 11, 2024

NUMBER: 290/2024

RECOMMENDATION: We hereby request that the Yuba County Board of Supervisors waive second reading and adopt an ordinance amending certain sections of Chapter 10.05. - Building Standards and Construction Code, of the Yuba County Ordinance Code.

BACKGROUND: Chapter 10.05. of the Yuba County Ordinance Code declares that any violation of this Code may be abated by any enforcement process authorized by law or as outlined in the Code, such as the issuance of a Notice and Order to Abate. Furthermore, Chapter 10.05. establishes rules and criteria for appeals related to orders and/or decisions of the Building Official or their designee. Currently, any person, entity, firm, or corporation named in an order or decision, has the opportunity to request an appeal hearing before the Board of Appeals. When the Board of Appeals is unable or unavailable to conduct an appeal hearing, an Administrative Law Judge (“ALJ”) is authorized to conduct a hearing. The current period to file an appeal is 15 calendar days from the date of issuance of an order.

DISCUSSION: We are requesting that the Board of Supervisors amend Chapter 10.05. 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. Lastly, we are requesting that Code Section 10.05.310. be removed entirely, as the Chief Building Official will no longer be an appointed position.

Below is a table of each section that will be amended. The proposed amendments replace all references to Administrative Law Judge with County Hearing Officer and change the period for filing an appeal from 15 to 10 days.

CODE SECTION	PROPOSED CHANGE	SUMMARY OF CHANGES
10.05.200. D.	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
10.05.730. (b)	AMENDED	The period for filing an appeal will change from “15” to “10” days
10.05.750. (a)	AMENDED	All references to “Administrative Law Judge” change to “County Hearing Officer”
10.05.310.	AMENDED	Deleted

COMMITTEE ACTION: None Required.

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:

- 290/2024 Proposed Ordinance Amending Ch. 10.05. (Clean Version)
- 290/2024 Proposed Ordinance Amending Ch. 10.05. (Strikethrough Version)

