

ORDINANCE NO. 1352

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY AMENDING TRINITY COUNTY CODE SECTION 8.90.080 PERTAINING TO VIOLATIONS AND OTHER INFRACTIONS

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: Trinity County Code Section 8.90.080 (Violations and other infractions) shall hereby be amended to read as follows:

8.90.080 - Violations other than infractions.

For any violation of the county code, the director may impose an administrative fine within the amounts set forth below:

A. If the violation arises from an unlawful commercial, industrial, rental (residential or non-residential), owner-occupied residential or similar structure on the property, the director, in his or her discretion, may impose a fine in one of the following sums:

1. The fair market rental value of the land or structure in violation for the period of time elapsed from the date of transmittal of the notice of violation through to the abatement of the violation by whatever means;
2. Up to one hundred dollars from the date of transmittal of the notice of violation, and up to one hundred dollars for each calendar day thereafter that the violation exists on the property through the effective date of the notice of violation; or
3. In the event that the use of a structure in violation may be permitted with an appropriate permit, up to a maximum of five times the amount of the standard fee for such a permit.

B. If the violation arises from an unlawful action related to Cannabis, the director, in his or her discretion, may impose a fine in the following sum:

1. A fine not exceeding one thousand dollars (\$1000.00) for a first violation;
2. A fine not exceeding two thousand and five hundred dollars (\$2500.00) for a second violation of the same ordinance, term, or condition;
3. A fine not exceeding five thousand dollars (\$5000.00) for a third, and each additional, violation of the same ordinance, term, or condition.
4. A second or subsequent violation need only be of the same ordinance, term, or condition to require the larger fine, and need not involve the same personnel or property, provided that the same responsible party is cited. The fine amounts shall be cumulative where multiple citations are issued
5. Every day the violation of this code or any other county ordinance continues shall constitute a separate offense

C. For any other violation, the director in his or her discretion may impose a fine up to one hundred dollars from the date of transmittal of the notice of violation, and up to one hundred dollars for each calendar day thereafter that the violation exists on the property through the effective date of the notice of violation.

D. Although this section authorizes fines to be imposed in amounts up to one thousand dollars per day of violation, the director shall not automatically impose fines up to such amount for each day a violation exists. It is the intent of the board of supervisors in enacting this chapter that fines for violations of this code be set at amounts no higher than that which are sufficient to secure compliance with this code and to deter individuals and entities from violating this code. When setting the amount of the fine under either subsection A or B of this section, the director shall be strictly guided only by the factors set forth in Section 8.90.110. In no event shall the director impose a fine that is excessive in light of the nature and scope of the violation or that is intended to achieve some purpose other than securing compliance with this code or achieving deterrence.

Section II: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 18th day of August, 2020, and passed and enacted this 1st day of September, 2020 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Morris), and the following vote:

AYES: Supervisors Morris, Groves, Fenley and Chadwick
NOES: None
ABSENT: Supervisor Brown
ABSTAIN: None
RECUSE: None

BOBBI CHADWICK, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
RICHARD KUHNS, Psy.D
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Ordinance No. 1352

9/1/2020

Page 3 of 3

Margaret E. Long, County Counsel