

ORDINANCE NO. 1342
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY COUNTY
CODE 8.90.150
COLLECTION OF FINES AND PENALTIES.

WHEREAS, Trinity County Code 8.90.150 set forth the method for collection of administrative fines and cost.

WHEREAS, the County has been awarded court costs and has assessed substantial sums in administrative fines.

WHEREAS, the County is currently placing liens on properties where administrative fines, costs and attorneys' fees have been, but have not been successful in recovering from the liens.

WHEREAS, the County has been left with costs of enforcement and no reasonable means to collect the fines, fees and cost incurred from the offender(s).

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

Section I.

Section 8.90.150 Trinity County Code shall be amended to add section E and F to read as follows:

E. In any action brought under County Code against the occupier or owner of the parcel or both, the prevailing party shall be awarded attorney's fees and costs in accordance with California Government Code §25845 (b) and (c).

F. In any action brought under County Code where attorney's fees and costs have been ordered, the Board of Supervisors may order the cost of the abatement to be specially assessed against the parcel in accordance with California Government Code §25845 (d). The assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary County taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

Section II:

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

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

Section III:

The Board of Supervisors finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the Board of Supervisors finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section IV:

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 15th day of November, 2016, and passed and enacted this 20th day of December, 2016 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Morris), and the following vote:

AYES:	Supervisors Morris, Groves, Burton, Fenley and Fisher
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

L. Karl Fisher, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret Long, County Counsel