

MEMORANDUM

DATE: November 17, 2015

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP, Agency Director
Tim Wegner, Chief Building Official

BY: Ted Rel, Code Enforcement Supervisor

SUBJECT: Code Enforcement After-Hours Weekend Compliance Pilot Program

ACTION REQUESTED

1. Receive an update on Code Enforcement After-hour Weekend Compliance Pilot Program. No Board action is requested.

BACKGROUND

As a result of ongoing citizen complaints regarding concerns with businesses that operate predominately on evenings and weekends, the Placer County Code Enforcement Division developed and implemented an after-hours and weekend compliance pilot program on the western slope of the County. The pilot program commenced on April 1, 2015.

The after-hours and weekend compliance pilot program is intended to address land-use compatibility complaints from reporting parties while the activity is occurring. A Code Enforcement webpage was established that outlines the program's objective and offers a "hotline" for complaining parties to call. The "hotline" is monitored by a Code Enforcement Officer during program hours (Thursday and Friday nights from 5:00 p.m. to 10:00 p.m., and Saturdays and Sundays from 10:00 a.m. to 10:00 p.m.).

The after-hours and weekend compliance pilot program provides for a code enforcement officer to make a site visit after receiving a valid complaint. The site visit is intended to determine if County Code violations exist while the function or event is active. The officer, upon arrival to the complaint location, collects any evidence of County Code violations. The property owner and/or event coordinator is not contacted during the site visit, and the officer does not interfere with the activities occurring on the property.

After the collection of information, the Code Enforcement Officer follows standard code enforcement protocol. Code enforcement protocol includes issuing written notices to the property owner conveying that County Code violations may have occurred. The notices further provide a timeline for voluntary compliance. Should the property owner not voluntarily resolve the County Code violation in a timely manner as

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outlined on the notice of violation, the Code Enforcement Officer issues an administrative or judicial citation for failure to comply. Most involuntary compliance efforts are processed through the County's Administrative Hearing Program as outlined in County Code, Chapter 17, §17.62.180 and approved by the Board on October 19, 2010.

ANALYSIS

Code Enforcement's after-hours and weekend compliance pilot program has been in effect since April 1, 2015. Since that time, a limited number of valid land use compatibility complaints have been received. On average, the program receives less than one (0.7) valid complaints per week. The following is a breakdown of all calls received (including non-Code Enforcement calls) over the last six-month period:

- 57 total calls
 - 18 noise/party at residence; referred to the Placer County Sheriff's Office;
 - 22 miscellaneous complaints such as animals running at large, barking dogs, illegal parking, building without a permit, unsafe housing; referred to proper authority (i.e. Environmental Health, Animal Control)
 - 17 program-related complaints at four locations. Complaints included amplified music/DJ, illegal event, parking in the right-of-way.
 - Of the 17, only one-half of the received and inspected complaints were found to be valid.

Of the eight valid complaints meeting the objective of the program, one site (the Hitching Post, a bar in Dutch Flat) has been issued an administrative citation. In this case, the business conducted unpermitted events and expanded the facility without proper approvals. The matter has been heard by the County's Administrative Citation Hearing Officer, and the responsible party was found in violation of County Code. The Administrative Citation Hearing Officer imposed an initial sanction of \$200, and the property owner was informed additional sanctions could be issued if the property owner does not resolve the matter timely.

For the other three sites, one of the property owners (Gold Hill Gardens) has been issued a Notice of Violation for a violation of the Use Permit Conditions of Approval (noise after 10:00 p.m.), which has since been resolved. Gold Hill Gardens and Wise Villa Winery have also been issued Courtesy Notices for reported violations of the Use Permit Conditions of Approval (noise after 10:00 p.m.). At this time, the property owners are voluntarily addressing the needed corrections.

FISCAL IMPACT

Code Enforcement's after-hours and weekend compliance pilot program requires one code enforcement officer to be on stand-by and ready to respond to complaints received. Each week, an officer is on stand-by two weekday evenings (Thursday and

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Friday), and both weekend days (Saturday and Sunday). This stand-by scenario has a cost component consistent with the County's stand-by pay protocol. Overtime pay occurs once the office is deployed to a valid program objective complaint. There are sufficient monies in the Code Enforcement budget to accommodate these costs.

cc: Ted Rel, Code Enforcement Supervisor
Karin Schwab, County Counsel

