



Public Information

County of Ventura • Resource Management Agency • Planning Division

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Condition Compliance Civil Administrative Penalties Program

In December 2006, the Ventura County Board of Supervisors adopted an ordinance that amended Section 8114-3.7 of the Non-Coastal Zoning Ordinance relating to the imposition of civil penalties. The amendments took effect in early 2007. The Civil Administrative Penalties Program Ordinance can be viewed on the home page of the Planning Division's website. To request a copy, call (805) 654-2045.

WHY ARE CIVIL PENALTIES IMPOSED?

Penalties are imposed to bring about correction of violations. The Civil Administrative Penalties Program was created in response to a growing number of unresolved Planning-related code violation cases. After providing individuals ample opportunity, many have simply ignored requests to correct violations. Prolonged violation cases cost taxpayers a great deal of money each year. It is believed that the imposition of daily fines for each violation will motivate parties with violations to correct them more promptly. The penalty amount can range up to \$1,000 per violation per day.

WHEN ARE PENALTIES IMPOSED?

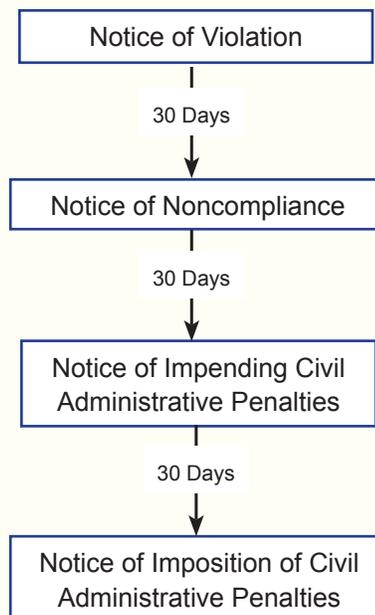
Penalties are only imposed after a violation has been confirmed and remains uncorrected after the allotted time.

Condition Compliance Officers respond to written complaints regarding parties who are in violation of the rules and regulations of the County Zoning Ordinance as well as approved conditions of an issued permit.

Confirmation of a violation will result in the issuance of a formal **Notice of Violation (NOV)** to the property owner and permittee. This notice demands correction of the violation within 30 days and begins charges for all staff time billed to the property owner.

Failure to abate a violation within 30 days of the NOV will result in a **Notice of Noncompliance** recorded against the property.

Schedule of Condition Compliance Violation Notices



A **Notice of Impending Civil Administrative Penalties** is issued, which urges the violating party to correct a violation within a specified time or penalties are imposed with the issuance of a **Notice of Imposition of Civil Administrative Penalties**.

One can contest the amount of the penalty if an appeal is filed within 10 days of the Notice of Imposition. The appeal is heard by a Hearing Officer whose decision is final unless an appeal is filed in Superior Court within 20 days of the Hearing Officer's decision.

From the date of the first letter, a Notice of Violation, it will usually take some 90 days before penalties are imposed. Cases that involve particularly dangerous situations may be processed at a quicker pace. It is presumed that the violating party will have had ample time to correct a violation before penalties are imposed. On rare occasions where correction of the violation cannot occur in the ideal amount of time, the imposition of penalties may be stayed in lieu of a Compliance Agreement. This is a contract to correct the violations in a specified manner and time frame and includes a sizeable cash surety deposit that will be forfeited if the terms of the agreement are not fulfilled.

Once penalties have been imposed, they run against the property until all violations are abated. New owners and potential buyers beware! Civil penalties are recorded as a lien payable upon sale or refinance of the property.

HOW ARE PENALTY AMOUNTS DETERMINED?

Sec. 8114-3.7 sets forth broad standards that are supplemented by Guidelines adopted by the Ventura County Board of Supervisors. These Guidelines provide additional parameters to help ensure that penalties are fair, appropriate and proportionate to the nature of the violation. They generally establish three categories of violations based on their severity and then provide guidelines to follow in lowering the penalty amount if there are mitigating circumstances -- or raising the penalty if there are aggravating circumstances.

The Planning Division staff sets the penalty amounts in light of the Zoning Ordinance provisions and the Guidelines adopted by the Ventura County Board of Supervisors.

INDEPENDENT APPEAL HEARING OFFICER

To ensure that parties have due process to challenge any penalties imposed, an independent Hearing Officer will hear appeals of the penalty amounts. The Hearing Officer cannot decide whether a violation exists, only what is an appropriate penalty amount. The Hearing Officer's decision can be contested by filing an appeal in Ventura County Superior Court.

Contact Us for Information and Questions

If you have general questions about the Civil Administrative Penalties Program, you are urged to visit the Planning Division's website at www.ventura.org/rma/planning, or call (805) 654-2045.

If you have permit condition violations on your property, you should contact the condition compliance officer who is handling your case.