

ORDINANCE NO. 18 – 1111

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, ADDING CHAPTER 9 TO TITLE 1 OF THE PLUMAS COUNTY CODE CONCERNING CANNABIS CULTIVATION ENFORCEMENT.

The Board of Supervisors of the County of Plumas, State of California, **DOES ORDAIN** as follows:

Section 1. Chapter 9 entitled “Cannabis Cultivation Enforcement” is added to Title 1 of the Plumas County Code to read as follows:

**CHAPTER 9.
CANNABIS CULTIVATION ENFORCEMENT**

Sec. 1-9.01. Statement of Purpose.

Because cannabis cultivation in violation of county ordinance is a public nuisance with unique impacts and a need for time-sensitive abatement in order to render local regulations meaningful, the purpose and intent of this chapter is to allow code enforcement to more quickly and effectively control the adverse impacts associated with unlawful cannabis cultivation. Ordinary abatement provisions of this county code provide lengthy timeframes for appeal and abatement and require that every appeal be heard by an administrative hearing board, and, upon further appeal, by the board of supervisors, before an order for abatement may issue. A more streamlined appeal schedule and enforcement process is necessary and proper for cases involving unlawful cannabis cultivation because such activity poses unique risks to public health and safety and to the natural environment. Illegal cannabis cultivation is also potentially lucrative enough to incentivize unlawful activity at cultivation sites for as long as possible pending harvest. The intent of the board of supervisors is to therefore disincentivize such conduct by adopting higher fines and a streamlined appeal process for citations related to cannabis cultivation.

Sec. 1-9.02. Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) “Enforcing officer” means the “Code Compliance Officials” as defined by Section 8-15.01 or the sheriff, or the authorized deputies or designees of either, or any person employed by the County of Plumas and appointed to the position of code enforcement officer, each of whom is independently authorized to enforce this chapter.

(b) “Legal parcel” means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(c) “Premises” shall mean a single, legal parcel of property. Where contiguous

legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single “premises” for purposes of this chapter.

Sec. 1-9.03 Abatement of Unlawful Cannabis Cultivation.

The cultivation of cannabis in the unincorporated area of the Plumas County in violation of Plumas County ordinance that has been declared a public nuisance may be abated in accordance with this chapter.

Sec. 1-9.04 Notice to abate unlawful cannabis cultivation.

Whenever the enforcing officer determines that a public nuisance as described in chapter exists on any premises within the unincorporated area of Plumas County, he or she is authorized to notify the owner(s) and/or occupant(s) of the property, through issuance of a “Notice to Abate Unlawful Cannabis Cultivation.”

Sec. 1-9.05 Contents of notice.

The notice set forth in Section 1-9.04 shall be in writing and shall:

(a) Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.

(b) Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.

(c) Identify such property by reference to the assessor’s parcel number.

(d) Contain a statement that unlawful cannabis cultivation exists on the premises and that it has been determined by the enforcing officer to be a public nuisance described in this chapter.

(e) Describe the unlawful cannabis cultivation that exists and the actions required to abate it.

(f) Contain a statement that the owner or occupant is required to abate the unlawful cannabis cultivation within ten calendar days after the date that said notice was served.

(g) Contain a statement that the owner or occupant may, within ten calendar days after the date that said notice was served, make a request in writing to the clerk of the board of supervisors for a hearing to appeal the determination of the enforcing officer that the conditions existing constitute a public nuisance, or to show other cause why those conditions should not be abated in accordance with the provisions of this chapter.

(h) Contain a statement that, unless the owner or occupant abates the unlawful cannabis cultivation, or requests a hearing before the board of supervisors, within the time prescribed in the notice, the enforcing officer will abate the nuisance. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

(i) State the applicable hearing fee, if such a fee has been established, and contain a statement that one who is legally indigent may obtain a waiver of the hearing fee as provided in this chapter.

Sec. 1-9.06 Service of notice.

(a) The notice set forth in Section 1-9.04 shall be served by delivering it personally to the owner and to the occupant, or by mailing it by regular United States mail, together with a certificate of mailing, to the occupant of the property at the address thereof, and to any non-occupying owner at his or her address as it appears on the last equalized assessment roll, except that:

- (1) If the records of the county assessor show that the ownership has changed since the last equalized assessment roll was completed, the notice shall also be mailed to the new owner at his or her address as it appears in said records; or
- (2) In the event that, after reasonable effort, the enforcing officer is unable to serve the notice as set above, service shall be accomplished by posting a copy of the notice on the real property upon which the nuisance exists as follows: Copies of the notice shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two copies of the order be posted on a property pursuant to this section.

(b) The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable.

Sec. 1-9.07 Recordation.

(a) Upon issuance of a notice to abate unlawful cannabis cultivation or notice and administrative order to show cause, the enforcing officer may record with the Plumas County Recorder a notice of pending nuisance abatement proceeding. A notice of pending nuisance abatement proceeding will describe the property and the condition in violation of this chapter.

(b) If a notice of pending nuisance abatement proceeding is recorded, the enforcing officer shall serve and record a notice of final disposition when the nuisance abatement proceeding has been completed, including any hearings or appeals and the completion of any work necessary to abate the nuisance. If the work to abate the nuisance is performed at county expense, or if administrative penalties are imposed under this chapter, the notice of final disposition need not be issued until those costs and penalties have been paid or a lien for those costs and penalties has been recorded. The notice of final disposition shall be served upon any party that was served with the notice to abate unlawful cannabis cultivation or notice and administrative order to show cause.

Sec. 1-9.08 Administrative review.

(a) Any person upon whom an notice to abate unlawful cannabis cultivation has been served may appeal the determination of the enforcing officer that the conditions set forth in the notice constitute a public nuisance to the board of supervisors, or may show cause before the board of supervisors why those conditions should not be abated in

accordance with the provisions of this chapter. Any such administrative review shall be commenced by filing a written request for a hearing with the clerk of the board of supervisors within ten calendar days after the date that said notice was served. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this section, the findings of the enforcing officer contained in the notice shall become final and conclusive on the eleventh day following service of the notice.

(b) Upon timely receipt of a written request for hearing which complies with the requirements of this section, the clerk of the board of supervisors shall set a hearing date not less than seven days nor more than thirty days from the date the request was filed. The clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the notice was served, and to the enforcing officer.

(c) Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The board of supervisors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

(d) The board of supervisors may continue the administrative hearing from time to time.

(e) The board of supervisors shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the notice to abate unlawful cannabis cultivation. The board of supervisors shall issue a written decision in the form of a resolution, which shall include findings relating to the existence or nonexistence of the alleged unlawful cannabis cultivation, as well as findings concerning the propriety and means of abatement of the conditions set forth in the notice. Such decision shall be mailed to, or personally served upon, the party requesting the hearing, any other parties upon whom the notice was served, and the enforcing officer.

(f) The decision of the board of supervisors shall be final and conclusive.

Sec. 1-9.09 Alternative procedure.

As an alternative to the procedures set forth in Sections 1-9.04 through 1-9.08, the enforcing officer may issue a notice and administrative order to show cause in accordance with this section. The notice and administrative order to show cause may be combined with a notice of violation and proposed administrative penalty issued pursuant to Section 9-1.20.

(a) The notice and order shall:

(1) Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.

- (2) Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.
- (3) Identify such property by reference to the assessor's parcel number.
- (4) Contain a statement that unlawful cannabis cultivation exists on the premises and that it has been determined by the enforcing officer to be a public nuisance described in this chapter.
- (5) Describe the unlawful cannabis cultivation that exists and the actions required to abate it.
- (6) Contain a statement that the owner or occupant is required to abate the unlawful cannabis cultivation within five calendar days after the date that said notice was served.
- (7) Notify the recipient(s) that, unless the owner or occupant abates the conditions, a hearing will be held before a hearing officer appointed in accordance with this Section to determine whether there is any good cause why these conditions should not be abated. The notice shall specify the date, time, and location of this hearing, and shall state that the owner or occupant will be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions existing on the property constitute a nuisance under this chapter, or whether there is any other good cause why those conditions should not be abated.
- (8) Contain a statement that, unless the owner or occupant abates the conditions, or shows good cause before the Hearing Officer why the conditions should not be abated, the enforcing officer will abate the nuisance. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

(b) The notice and order shall be served in the manner set forth in Section 1-9.06, provided that any service by mail shall be made by overnight mail or overnight courier service. If the Notice and Order is served by overnight mail or overnight courier service, then the time periods set forth in subdivisions (a)(6) and (d) of this section shall be extended by one additional day. Copies of the notice and order shall also be posted in accordance with subdivision (a)(2) of Section 1-9.06, in addition to any other methods of service set forth in that section. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings.

(c) In order to hear cases brought by the enforcing officer under this section, the board of supervisors hereby establishes for such purpose the Office of County Hearing Officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, to which Office the Board of Supervisors shall appoint one or more hearing examiners. Each such hearing examiner shall be an attorney at law having been admitted to practice before the courts of this state for at least five years. Hearing examiners shall be appointed for a period of not less than one year. In the event that the Board appoints more than one hearing examiner, each day of hearings required

under this section shall be assigned to a hearing examiner based upon an alphabetical rotation. Hearing examiners shall have those powers set forth in sections 27721 and 27722 of the Government Code, including the power to conduct the hearing, the power to decide the matter under this section upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to issue subpoenas at the request of a party of interest, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the admissibility of evidence, the power to continue the hearing from time to time, and the power to prepare a record of the proceedings.

(d) Pursuant to Government Code sections 25845, subdivision (i) and 27721, subdivision (A), the Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a nuisance under this chapter, or whether there is any other good cause why those conditions should not be abated. This hearing shall be held no less than five calendar days after service of the notice.

(e) The owner or occupant of the property shall be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions existing on the property constitute a nuisance under this chapter, or whether there is any other good cause why those conditions should not be abated.

(f) In the event that the owner or occupant does not appear and present evidence at the hearing, the hearing officer may base their decision solely upon the evidence submitted by the enforcing officer. Failure of the owner or occupant to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.

(g) Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

(h) The hearing officer shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the notice and order. The Hearing Officer shall issue a written decision, which shall include findings relating to the existence or nonexistence of the alleged unlawful cannabis cultivation, as well as findings concerning the propriety and means of abatement of the conditions set forth in the notice. If the notice and order has been combined with a Notice of Violation and Proposed Administrative Penalty, the decision shall also include the matters set forth in Plumas County Code section 1-9.20, subdivision (h). Such decision shall be mailed to, or personally served upon, the party requesting the hearing, any other parties upon whom the notice was served, and the enforcing officer. The decision shall be final when signed by the Hearing Officer and served as herein provided.

(i) Whenever the enforcing officer becomes aware that an owner or occupant has failed to abate any unlawful cannabis cultivation within two calendar days of the date of service of the decision of the Hearing Officer under this section requiring such abatement,

the enforcing officer may enter upon the property and abate the nuisance by county personnel, or by private contractor under the direction of the enforcing officer. The enforcing officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the board of supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California.

(j) The costs of abatement and administrative costs for every abatement carried out under this section may be recovered in accordance with Sections 1-9.10 and 1-9.13 through 1-9.19.

Sec. 1-9.10 Liability for costs.

(a) In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the unlawful cannabis cultivation to exist shall be liable for all costs incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter;

(b) In any action by the enforcing officer to abate unlawful cannabis cultivation under this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the county elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.

Sec. 1-9.11 Abatement by owner or occupant.

Any owner or occupant may abate the unlawful cannabis cultivation or cause it to be abated at any time prior to commencement of abatement by, or at the direction of, the enforcing officer. An owner or occupant abating unlawful cannabis cultivation hereunder shall notify the enforcing officer upon completion of abatement and shall provide evidence that the unlawful cannabis cultivation has been lawfully disposed or lawfully relocated to another premises in compliance with this chapter or outside the county. Abatement shall not be deemed completed until the unlawful cannabis cultivation has been completely removed from the premises and lawfully disposed or relocated, and notification has been provided as set forth in this section.

Sec. 1-9.12 Enforcement.

(a) Whenever the enforcing officer becomes aware that an owner or occupant has failed to abate any unlawful cannabis cultivation within ten days of the date of service of

the notice to unlawful cannabis cultivation, unless timely appealed, or of the date of the decision of the board of supervisors requiring such abatement, the enforcing officer may take one or more of the following actions:

- (1) Enter upon the property and abate the nuisance by county personnel, or by private contractor under the direction of the enforcing officer. The enforcing officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the board of supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California; and/or
- (2) Request that the county counsel commence a civil action to redress, enjoin, and abate the public nuisance.

Sec. 1-9.13 Accounting.

The enforcing officer shall keep an account of the cost of every abatement carried out and shall render a report in writing, itemized by parcel, to the board of supervisors showing the cost of abatement and the administrative costs for each parcel.

Sec. 1-9.14 Unlawful cultivation upon public benefit properties.

(a) The board of supervisors may, in its sole and exclusive discretion, withhold imposition of, or may compromise the amount of, any abatement cost, administrative cost, or administrative civil penalty that would otherwise be imposed under this chapter upon a property owner that meets all of the following conditions:

- (1) The property owner is a public agency, a public utility, a mutual water company, a nonprofit public benefit corporation that has as a principal purpose the conservation of land and water resources, or a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development;
- (2) The property owner, or their officers, employees, or agents, did not cause, permit, or otherwise suffer or allow the unlawful cannabis cultivation to exist upon the property; and
- (3) The property owner has provided the County with any necessary consent for the abatement of the unlawful cannabis cultivation from the property.

(b) The withholding or compromise of any abatement cost, administrative cost, or administrative civil penalty for any property owner under this section shall not reduce or otherwise affect the amount or enforceability of any abatement cost, administrative cost, or administrative civil penalty imposed under this Chapter upon any other person.

Sec. 1-9.15 Notice of hearing on accounting; waiver by payment.

Upon receipt of the account of the enforcing officer, the clerk of the board of supervisors shall deposit a copy of the account pertaining to the property of each owner in

the mail addressed to the owner and include therewith a notice informing the owner that, at a date and time not less than ten calendar days after the date of mailing of the notice, the board of supervisors or hearing officer, as applicable, will meet to review the account and that the owner may appear at said time and be heard. The owner may waive the hearing on the accounting by paying the cost of abatement and the cost of administration to the enforcing officer prior to the time set for the hearing. Unless otherwise expressly stated by the owner, payment of the cost of abatement and the cost of administration prior to said hearing shall be deemed a waiver of the right thereto and an admission that said accounting is accurate and reasonable.

Sec. 1-9.16 Hearing on accounting.

(a) At the time fixed, the board of supervisors shall meet to review the report of the enforcing officer. An owner may appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance upon the land of the owner is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed.

(b) The report of the enforcing officer shall be admitted into evidence. The owner shall bear the burden of proving that the accounting is not accurate and reasonable.

(c) The board of supervisors shall also determine whether or not the owner(s) had actual knowledge of the unlawful cannabis cultivation, or could have acquired such knowledge through the exercise of reasonable diligence. If it is determined at the hearing that the owner(s) did not have actual knowledge of the unlawful cannabis cultivation, and could not have acquired such knowledge through the exercise of reasonable diligence, costs for the abatement shall not be assessed against such parcel or otherwise attempted to be collected from the owner(s) of such parcel.

Sec. 1-9.17 Modifications.

The board of supervisors shall make such modifications in the accounting as it deems necessary and thereafter shall confirm the report by resolution.

Sec. 1-9.18 Alternative hearing procedure.

If a hearing officer has been appointed in accordance with Section 1-9.09, the hearing required under Sections 1-9.15 through 1-9.17 may be conducted by such hearing officer, who will prepare a recommended decision and resolution for the board of supervisors pursuant to Government Code sections 25845, subdivision (i) and 27721, subdivision (b). The recommended decision and resolution shall include any proposed modifications to the accounting. The hearing officer shall promptly submit that recommendation and the administrative record to the clerk of the board of supervisors. The board of supervisors may adopt the recommended decision and resolution without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors. In the event that the board sets the matter for de novo hearing, such hearing shall be held in accordance with the provisions of Sections 1-9.15 through 1-9.17.

Sec. 1-9.19 Special assessment and lien.

The board of supervisors may order that all or any part of the cost of abating nuisances pursuant to this chapter and the administrative costs as confirmed by the board be placed upon the county tax roll by the county auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to section 25845 of the Government Code; provided, however, that the cost of abatement and the cost of administration as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The board of supervisors may also cause notices of abatement lien to be recorded against the respective parcels of real property pursuant to section 25845 of the Government Code.

Sec. 1-9.20 Administrative civil penalties.

(a) In addition to any other remedy prescribed in this chapter, any nuisance as described in this chapter may be subject to an administrative penalty of up to one thousand dollars per day. The administrative penalty may be imposed via the administrative process set forth in this section, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

(b) Acts, omissions, or conditions in violation of this chapter that continue, exist, or occur on more than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(c) In the case of a continuing violation, if the violation does not create an immediate danger to health or safety, the enforcing officer or the court shall provide for a reasonable period of time, not to exceed five calendar days, for the person responsible for the violation to correct or otherwise remedy the violation prior to the imposition of administrative penalties.

(d) In determining the amount of the administrative penalty, the enforcing officer, or the court if the violation requires court enforcement without an administrative process, shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.

(e) The enforcing officer may commence the administrative process by issuance of a notice of violation and proposed administrative penalty, which shall state the amount of the proposed administrative penalty and the reasons therefore. The notice of violation and proposed administrative penalty may be combined with a notice to abate unlawful cannabis cultivation issued pursuant to Section 1-9.04 or a notice and administrative order to show cause pursuant to Section 1-9.09. The notice shall be served by certified mail addressed to all of the following: (i) the owner of the property on which the violation exists, at the address shown on the last equalized assessment roll or as otherwise known to the enforcing officer; (ii) anyone known to the enforcing officer to be in possession of the property subject to the notice, at the street address of the property; and (iii) any other person known to the enforcing officer who has caused, permitted, maintained, conducted, or otherwise suffered or allowed the violation to exist. The failure to serve any person described in this subsection shall not affect the validity of service or the validity of any penalties imposed upon any other person.

(f) Except as provided in subdivision (g), the notice shall inform the recipient of their right to request a hearing before the board of supervisors in accordance with this section. If such a hearing is not requested within ten calendar days after issuance of the notice, the proposed penalty shall become final and conclusive, and the person to whom the notice was issued shall immediately make payment of the penalty amount to the county. If any person to whom the notice is issued requests a hearing before the board of supervisors, the person shall be notified by first class mail, postage prepaid, when the matter has been set for hearing.

(g) If the notice of violation and proposed administrative penalty is combined with a notice and administrative order to show cause pursuant to Section 1-9.07, the notice shall inform the recipient that a hearing will be held before a hearing officer appointed in accordance with that section and specify the date, time, and location of this hearing. Failure of the person or persons to whom the notice was issued to appear and present evidence shall constitute a failure to exhaust administrative remedies.

(h) After the hearing, the board or hearing officer may impose, modify, or disapprove, in whole or in part, by written order, the proposed penalty set forth in the notice. The decision of the board of supervisors or hearing officer shall be final and conclusive. Any order of the board of supervisors or hearing officer shall become effective upon issuance thereof and shall be served by first class mail, postage prepaid, upon the appellant. Payment of an administrative penalty specified in said order shall be made to the county within twenty calendar days of service of the order, unless timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b).

(i) Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.

(j) In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this Section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, all or any part of this obligation may be enforced as a lien against the real property on which the violation occurred.

- (1) The lien provided herein shall have no force and effect until recorded with the county recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure section 697.340, and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220, inclusive.
- (2) Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.
- (3) Prior to recording any such lien, the enforcing officer shall prepare and file with the clerk of the board of supervisors a report stating the amounts due and owing.
- (4) The clerk of the board of supervisors will fix a time, date, and place for the board of supervisors or hearing officer, as applicable, to consider the report and any protests or objections to it.

- (5) The clerk of the board of supervisors shall serve the owner of the property with a hearing notice not less than ten calendar days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of owner to actually receive notice does not affect its validity.
 - (6) Any person whose real property is subject to a lien pursuant to this Section may file a written protest with the clerk of the board of supervisors and/or may protest orally at the hearing. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.
 - (7) At the conclusion of the hearing, the board of supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.
 - (8) If a hearing officer has been appointed in accordance with Section 1-9.07, the hearing required under this subdivision (j) may be conducted by such hearing officer, who will prepare a recommended decision and resolution for the board of supervisors. The hearing officer shall forthwith submit that recommendation and the administrative record to the clerk of the board of supervisors. The board of supervisors may adopt the recommended decision and resolution without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors. In the event that the board sets the matter for de novo hearing, such hearing shall be held in accordance with the provisions of this subdivision (j).
 - (9) Within thirty days following the board of supervisors' adoption of a resolution imposing a lien, the clerk of the board of supervisors will file same as a judgment lien in the Plumas County recorder's office.
 - (10) Once the county receives full payment for outstanding principal, penalties, and costs, the clerk of the board of supervisors will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Plumas County recorder's office. This notice of satisfaction will cancel the county's lien under this section.
 - (11) The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The county shall be entitled to its attorneys fees and costs.
- (k) Administrative penalties imposed pursuant to this section shall also constitute a personal obligation of each person who causes, permits, maintains, conducts or otherwise suffers or allows the nuisance to exist. In the event that administrative penalties are imposed pursuant to this section on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the county may prosecute a civil action through the office of the county counsel to collect any administrative penalty imposed pursuant to this section.

(l) Payment of administrative penalties under this section does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of violation and proposed administrative penalty. The payment of administrative penalties does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

Sec. 1-9.20 Administrative hearing fees.

(a) The board of supervisors may, by resolution, establish fees for hearings conducted under Sections 1-9.08 and 1-9.20.

(b) If the requesting party claims an economic hardship in paying the hearing fee, that party may apply for a waiver of the hearing fee on forms provided by the clerk of the board of supervisors for that purpose. The forms shall be substantially similar to those required of litigants initiating court proceedings in forma pauperis pursuant to Government Code sections 68630 et seq. The forms shall be executed under penalty of perjury and contain a declaration as to the truthfulness and correctness of the information contained therein. If the clerk is satisfied from the information contained in the forms that an requesting party qualifies for a waiver under this section, the clerk shall allow the hearing to go forward without payment of the fee.

Upon filing a timely hearing request and for good cause shown, the clerk may grant the requesting party a period of time beyond expiration of the appeal period in which to complete and submit the waiver forms. In no event shall the additional time exceed two days.

Failure to submit the waiver forms or pay the hearing fee in a timely manner shall cause the appeal request to be automatically denied. Enforcement of the notice to abate unlawful cannabis cultivation and/or notice of violation and proposed administrative penalties, as applicable, may then proceed as if no request for hearing had been submitted.

(c) If the hearing fee is paid and the board of supervisors finds there is no nuisance as described in this chapter, the hearing fee shall be refunded to the person who paid the fee, without interest.

Sec. 1-9.22 Enforcement by civil action.

As an alternative to the procedures set forth in Sections 1-9.04 through 1-9.08, the county may abate the violation of this chapter by the prosecution of a civil action through the office of the county counsel, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this chapter or requiring compliance with other terms.

Sec. 1-9.23 Summary abatement.

Notwithstanding any other provision of this chapter, when any unlawful cannabis cultivation constitutes an immediate threat to public health or safety, and when the procedures set forth in Sections 1-9.04 through 1-9.08 would not result in abatement of that nuisance within a short enough time period to avoid that threat, the enforcing officer may direct any officer or employee of the county to summarily abate the nuisance. The enforcing officer shall make reasonable efforts to notify the persons identified in Section

1-9.06, but the formal notice and hearing procedures set forth in this chapter shall not apply. The county may nevertheless recover its costs for abating that nuisance in the manner set forth in Sections 1-9.13 through 1-9.19.

Sec. 1-9.24 No duty to enforce.

Nothing in this chapter shall be construed as imposing on the enforcing officer or the County of Plumas any duty to issue an notice to abate unlawful cannabis cultivation, nor to abate any unlawful cannabis cultivation, nor to take any other action with regard to any unlawful cannabis cultivation, and neither the enforcing officer nor the County of Plumas shall be held liable for failure to issue an order to abate any unlawful cannabis cultivation, nor for failure to abate any unlawful cannabis cultivation, nor for failure to take any other action with regard to any unlawful cannabis cultivation.

Sec. 1-9.25 Remedies cumulative.

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided by law. Nothing in this chapter shall be deemed to authorize or permit any activity that violates any provision of state or federal law.

Sec. 1-9.26 Other nuisance.

Nothing in this chapter shall be construed as a limitation on the county's authority to abate any nuisance which may otherwise exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

Sec. 1-9.27 Severability.

If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

Sec. 1-9.28 No criminal penalty.

Notwithstanding any other provision of this Code, violation of this chapter shall not be a misdemeanor or an infraction.

Section 2. Section 1 of this ordinance, which amends the Plumas County Code, shall be codified. The remainder of the ordinance shall not be codified.

Section 3. The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

Section 4. A post-adoption summary of this ordinance shall be published, pursuant to Section 25124 of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the Feather River Bulletin, a newspaper of general circulation in the County of Plumas.

Section 5. This ordinance shall become effective thirty (30) days after its date of final adoption.

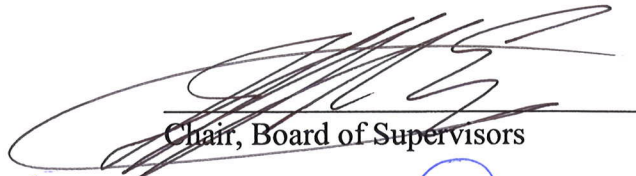
The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 15th day of May, 2018, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 31 day of May, 2018, by the following vote:

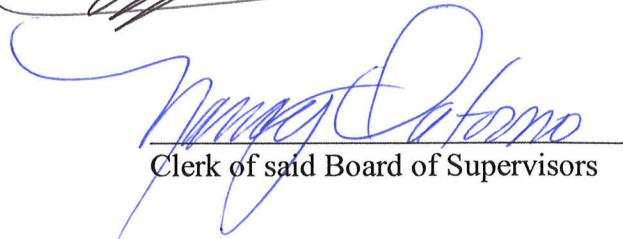
AYES: Supervisors: SIMPSON, THRALL, GOSS, SANCHEZ, ENGEL

NOES: Supervisors: NONE

ABSENT: Supervisors: NONE

ATTEST:


Chair, Board of Supervisors


Clerk of said Board of Supervisors