

ORDINANCE NO. 4091

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING SECTIONS 23.0314, 23.0315, 23.0316, 23.0317, 23.0318 AND 23.0319 TO CHAPTER 3 OF DIVISION 3 OF TITLE 2 OF THE SAN BERNARDINO COUNTY CODE, AND AMENDING SECTION 23.0313, RELATING TO ENFORCEMENT REMEDIES FOR VIOLATIONS OF ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES REGULATIONS.

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

SECTION 1. Section 23.0313 of the San Bernardino County Code is amended, to read:

23.0313 Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive.

All remedies and penalties provided for in this chapter shall be cumulative and discretionary, and not exclusive, in accordance with this section and in the same manner as provided by Section 11.0202 of the San Bernardino County Code.

SECTION 2. Section 23.0314 of the San Bernardino County Code is added, to read:

23.0314 Authority to Inspect.

All persons authorized to enforce the provisions of this chapter are authorized to conduct investigations and inspections in accordance with this section and in the same manner as provided by Section 11.0203 of the San Bernardino County Code.

1 SECTION 3. Section 23.0315 of the San Bernardino County Code is
2 added, to read:

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4 **23.0315 Continuing Violations.**

5 Each and every day, and any portion of which, any violation of this Division is
6 committed, continued, or permitted shall be deemed a new and separate offense and
7 shall be punishable or actionable as set forth in this chapter.

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9 SECTION 4. Section 23.0316 of the San Bernardino County Code is
10 added, to read:

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12 **23.0316 Acts Including Causing, Aiding and Abetting.**

13 Whenever in this Division any act or omission is made unlawful, it shall include
14 causing, permitting, aiding or abetting such act or omission.

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16 SECTION 5. Section 23.0317 of the San Bernardino County Code is
17 added, to read:

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19 **23.0317 Criminal Actions.**

20 (a) Criminal penalties for violations.

21 It is unlawful for any person, firm, partnership, corporation or other entity
22 (hereafter "person") to violate any provision of this Division constituting a public offense.
23 Any person violating any such provision, unless as otherwise specified for certain
24 sections or for sections within a certain chapter of this Division, shall be deemed guilty
25 of an infraction or misdemeanor as hereinafter specified. To any person so convicted
26 the following shall apply:

27 (1) A first offense, shall constitute an infraction offense and punished
28 by a base fine not exceeding \$100.00 and not less than \$50.00.

1 (2) A second offense within one year shall constitute an infraction
2 offense and punished by a base fine not exceeding \$200.00 and not less than \$100.00.

3 (3) The third and any additional offense within one year, shall
4 constitute either an infraction or a misdemeanor offense, and if it is an infraction
5 offense, shall be punishable by a base fine not exceeding \$500.00, or if a misdemeanor
6 offense, punishable by up to six (6) months in jail, and/or base fine not exceeding
7 \$1,000.00.

8 (4) Any court costs that the court may otherwise be required to impose
9 pursuant to applicable state law or local ordinance shall be imposed in addition to the
10 base fine (Government Code §25132).

11 (5) Notwithstanding the above, a first or second offense may be
12 charged and prosecuted as a misdemeanor, punishable by up to six (6) months in jail,
13 and/or base fine not exceeding -\$1,000.00.

14 (6) Payment of any fine or service of a jail sentence shall not relieve a
15 person, firm, partnership, corporation or other entity from the responsibility of correcting
16 the condition resulting from the violation.

17 (b) Criminal citations.

18 Criminal citations shall be issued in the same manner and under the same
19 authority as provided by Section 11.0206(b) of this Code.

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21 SECTION 6. Section 23.0318 of the San Bernardino County Code is
22 added, to read:

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24 **23.0318 Civil Actions.**

25 All violations of this Division may be subject to enforcement through the initiation
26 of a civil action in accordance with this section and in the same manner and under the
27 same authority as provided at Section 11.0207 of the San Bernardino County Code.
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SECTION 7. Section 23.0319 of the San Bernardino County Code is added, to read:

23.0319 Administrative Citations and Penalties.

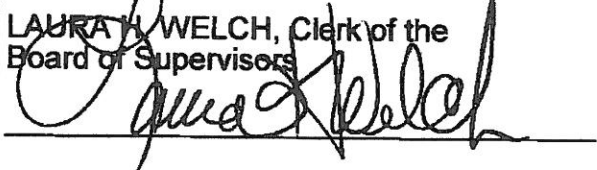
As an alternative to the criminal or civil enforcement of this Division, all violations of this Division may be subject to enforcement through the use of administrative citations in accordance with Government Code § 53069.4 and this section, and in the same manner and under the same authority as provided at Section 11.0208 of the San Bernardino County Code.

SECTION 8. This ordinance shall take effect thirty (30) days from the date of adoption.



GARY C. OVITT, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

LAURA H. WELCH, Clerk of the Board of Supervisors


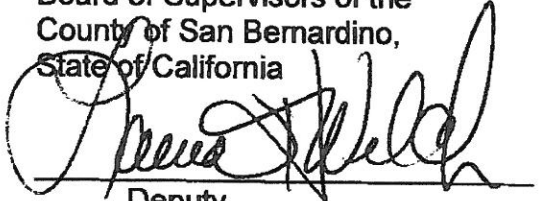
1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.


3 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of
4 San Bernardino, State of California, hereby certify that at a regular meeting of the Board
5 of Supervisors of said County and State, held on the 3rd day of November,
6 2009, at which meeting were present Supervisors: Brad Mitzelfelt, Paul Biane,
7 Neil Derry, Gary Ovitt, Josie Gonzales

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
9 to wit:

10 AYES: SUPERVISORS: Mitzelfelt, Biane, Derry, Ovitt, Gonzales
11 NOES: SUPERVISORS: None
12 ABSENT: SUPERVISORS: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
14 official seal of the Board of Supervisors this 3rd day of November, 2009.

15 LAURA H. WELCH, Clerk of the
16 Board of Supervisors of the
17 County of San Bernardino,
18 State of California

19 Deputy

20 Approved as to form:
21 RUTH E. STRINGER
22 County Counsel
23 By: 
24 Deputy County Counsel
25 Date: 10/22/09