

ADDITIONAL FACTS ON COUNTY BALLOT MEASURES

17-53 Solid Waste & Nuisance Ordinance

17-54 Code Enforcement Officer Ordinance

17-55 Hearings Officer Ordinance

17-56 Environmental Health Ordinance

THE CASE AGAINST THE NEW ORDINANCES

These ordinances revoke citizen protections in effect today

- *Without* improving the efficiency of the system

They provide financial incentives to county departments to seek and cite code violations

- Pitting county departments against the citizens they're meant to serve

They create a conflict of interest

- In which a Hearings Officer is appointed and paid by the litigant in the cases he presides over

The primary target of this new ordinance package is Planning permit violations

- Only 15% of violations reported last year related to solid waste or nuisances

17-53 – SOLID WASTE & NUISANCE ORDINANCE

CURRENT NUISANCE ORDINANCE (90-16)

- Adopted by voters in 1990
- Nuisance cases heard by Board of Commissioners¹
- County can abate nuisance and charge property owner²
 - But not without a hearing²
- Any relevant evidence or testimony allowed at hearing³
- Requires 3 signed complaints from adults living in ½ mile⁴
- Maximum fine \$500⁵

PROPOSED NUISANCE ORDINANCE (M17-53)

- Repeals current ordinance
- County must hire panel of Hearings Officers⁶
- County can abate nuisance and charge property owner⁷
- Forfeit right to hearing if notice not appealed in 10 days⁸
- Only matters raised in written appeal considered at hearing⁹
- Requires 1 signed complaint, no residency required¹⁰
- \$2,500 and up to 1 year in jail¹¹

1. 90-16, Section 8.020
2. 90-16, Section 8.020(I)
3. 90-16, Section 8.020(C)
4. 90-16, Section 6(A)
5. 90-16, Section 8.030(B)
6. 2013-002, Section 12.2
7. 2013-002, Section 11.3
8. 2013-002, Section 12.1.B
9. 2013-002, Section 12.4
10. 2013-002, Section 10.1
11. 2013-002, Section 13.2.D

17-54 CODE ENFORCEMENT OFFICER ORDINANCE

- Code Enforcement Officers can enforce any County ordinance, code, rule, regulation, or other law¹
- No citizen complaint is required to issue a citation²
- Fines are paid to the department that issues the citation³
- Fines can be \$200 per day, up to \$10,000 maximum⁴
- Declares any violation a Public Nuisance, and authorizes County to abate it in any manner provided by law⁵
- If any profit should result through any violation, the property owner may be sentenced to pay up to twice the value of the property on which the violation occurred⁶

1. 2013-003, Section 8.1
2. 2013-003, Section 8.2, 8.3
3. 2013-003, Section 18.8.B
4. 2013-003, Section 18.1
5. 2013-003, Section 18.11 (listed as the second 18.10) *
6. 2013-003, Sections 18.6, 18.6.A

* Nuisance Abatement: The proposed Nuisance Ordinance (Measure 17-53) authorizes the County to direct County personnel to abate a nuisance directly, and to bill the property owner or put a lien on the property to pay for it, if the owner doesn't abate it within the time specified. (2013-002, Section 11.3)

17-55 HEARINGS OFFICER ORDINANCE

- Hearings officers are appointed by, and serve at the pleasure of, the Board of County Commissioners¹
- The County is the litigant in every case they preside over²
- Hearing Officers can impose both civil and criminal penalties³
- No legal training or experience is required⁴
- Department that issued citation may prosecute the case⁵
- Hearings are not conducted according to the rules of evidence and witnesses required in a Court of Law⁶

1. 2013-004, Section 5.1
2. 2013-004, Section 5.3, 17.1
3. 2013-004, Section 5.4
4. 2013-004, Section 6.2
5. 2013-004, Section 17.2
6. 2013-004, Section 16.1

17-56 ENVIRONMENTAL HEALTH ENFORCEMENT ORDINANCE

- **Adopts certain state statutes and administrative rules as County ordinances¹**
 - Applies to Tourist Facilities, Pool Facilities, Restaurants, Bed & Breakfasts, Commissaries, Mobile Units and Vending Machines, and Public Water Systems (including domestic wells)²
- **Empowers County to enforce these under Code Enforcement and Hearings Officer Ordinances (17-54 & 17-55) and to collect fines for violations³**
- **Declares *any* violation a Public Nuisance and authorizes the County to abate it in any manner provided by law⁴**

1. 2013-005, Section 3
2. 2013-005, Sections 3.1-3.5
3. 2013-005, Sections 4.1, 5, 9.2
4. 2013-005, Section 6*

* Nuisance Abatement: The proposed Nuisance Ordinance (Measure 17-53) authorizes the County to direct County personnel to abate a nuisance directly, and to bill the property owner or put a lien on the property to pay for it, if the owner doesn't abate it within the time specified. (2013-002, Section 11.3)

BAD LAWS MAKE BAD GOVERNMENT

The new ordinances are badly written and overreaching

We need to preserve the protections we have today

Our current nuisance ordinance provides all the “teeth” we need

But ordinances don’t enforce themselves

The BCC needs to apply the means already at their disposal