

### **1.13.070 Penalties assessed.**

(A) As authorized under Government Code Section [25132](#) and Chapter 1.12 SCCC, the administrative penalties assessed for a violation of the County Code for which an administrative citation is issued shall be as set forth below. An administrative citation may be issued for one or more violations of the County Code. Each violation of the County Code included in an administrative citation shall be subject to an administrative penalty in the amount specified below.

(1) If the responsible person fails to correct the violation, subsequent administrative citations may be issued for the same violation. The amount of the penalty shall increase at a rate specified in this chapter.

(2) The administrative penalties assessed for a violation, or repeated violation, of a provision of this code concerning building or safety shall not exceed the amounts set forth in Government Code Section 25132 for that type of violation.

(3) With the exception of cannabis licensing offenses (see SCCC 7.128) [and illegal dumping violations \(see SCCC 7.20.220\)](#), the administrative penalties assessed for each violation, or repeated violation, of a provision of this code unrelated to building or safety shall not exceed the following amounts:

(a) First violation: \$100.00.

(b) Second violation within a one-year period: \$200.00.

(c) Third or subsequent violation within a one-year period: \$500.00.

The penalties for cannabis licensing offenses are set forth in SCCC 7.128.210(B). The penalties for illegal dumping are set forth in SCCC 7.20.220 .

(4) All administrative penalties assessed shall be payable to the County of Santa Cruz. Payment of a penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the County. [Ord. 5328 § 2, 2020; Ord. 5196 § 1, 2015].

Section 7.20.220

### **7.20.220 Enforcement actions.**

(A) The procedures contained in this article and Article X of this chapter for the citation and penalization of persons caught committing the act of illegal dumping are expressly intended as a deterrent and remedy to further the abatement of illegal dumping; to protect residents and the public at large from harm to their health, safety and welfare; to avoid destruction and injury to lives and property; and, to compensate the County for damages

incurred as a result of the occurrence of the nuisance activities. Examples of such damages are the costs of cleaning up illegal disposal sites and diverting limited public agency resources to address the nuisance activities through direct enforcement or other programs designed to prevent illegal dumping.

(B) Any person who violates the provisions of this article is subject to the enforcement actions specified in Article X of this chapter. The Director is responsible for the enforcement of this article and shall act as the enforcement officer for the purposes of this article. Administrative penalties assessed for each illegal dumping violation, or repeated violation, are as follows:

(1) First violation: \$2,500.00;

(2) Second violation within a one-year period: \$5,000.00;

(3) Third or subsequent violation within a one-year period: \$10,000.00.

(C) In a criminal proceeding alleging a violation of this article, upon a prima facie showing by the prosecution that a person's items, solid waste, or property have been found in any location where it is unlawful to dispose of discarded materials, under circumstances which would lead a reasonable trier of fact to conclude that the items had been discarded in that location, or that surveillance data collected under any lawful surveillance program undertaken by the County would lead a reasonable trier of fact to conclude that the person has illegally dumped the materials in violation of this chapter, shall be sufficient to constitute a rebuttable presumption that the person is guilty of a violation of this article.

(D) For purposes of conducting any administrative hearing under this chapter, the presence of at least two pieces of addressed mail or other identifying information in the illegally dumped material shall constitute a rebuttable presumption that the person so identified by those items has committed illegal dumping in violation of this article and is subject to the penalties and remedies provided for in Article X of this chapter.

(E) In the event of a conviction of a violation of this article and under appropriate circumstances, the court may order the defendant to pay restitution in an amount according to proof to any public entity and/or private party which and/or who has incurred out-of-pocket expenses as a result of restoring the premises used as an illegal dumping site to its prior condition, in addition to any other penalty imposed. [Ord. 5383 § 2, 2021].

Section 7.20.440

#### **7.20.440 Violations and penalties.**

(A) In the event that any County officer with responsibility to enforce any provision of this chapter determines that any act or omission that constitutes a violation of the provisions of this chapter exists, that officer may proceed to issue citations, assess penalties, or conduct other enforcement actions in accordance with the provisions of SCCC 1.12, 1.13, 1.14, [7.20.220](#), and 14 CCR, Division 7, Chapter 12, Article 14 and Article 16.

(B) In addition to the imposition of penalties, fees, or other enforcement actions provided for in this section, the County may, at its sole discretion, take any other action necessary to respond to or address violations of this chapter including, but not limited to, revocation, suspension, or denial of any permit, registration, license, or other authorization permitting a person to conduct activities under this chapter. [Ord. 5383 § 2, 2021].