

Pertinent Sections of the Non-Coastal Zoning Ordinance Related to Condition Compliance

Sec. 8111-8 - Compliance with Zoning Ordinance Requirements and Permit Conditions

Sec. 8111-8.1 - Responsibility for Compliance with Regulations and Permit Conditions

The permittee and his successors in interest shall be initially responsible for compliance with all applicable regulations and permit conditions. Should the permittee fail to comply with applicable requirements, the property owner and his successors in interest are responsible for such compliance.

Sec. 8111-8.2 - Acceptance of Permit Conditions

The inauguration of a use, construction of a structure, grading, or other preliminary site work, authorized or unauthorized, to establish a use for which an entitlement has been granted, shall constitute acceptance by the permittee and property owner of the conditions imposed on entitlements issued for such use or structure.

Sec. 8114-3 - Enforcement

Sec. 8114-3.4 - Monitoring and Enforcement Costs

The County may impose fees and charges on persons as established by resolution adopted by the Board of Supervisors, or as established by conditions of the entitlement to cover the full costs incurred by the County or its contractors for enforcing activities related to confirmed violations of the Zoning Ordinance and permit conditions and the monitoring of permits issued pursuant to this Chapter to ensure compliance with permit conditions and the requirements of this Chapter.

Where costs are related to condition compliance work or enforcement of violations associated with a permit, the party holding the permit (the permittee) shall be initially responsible for the costs incurred by the County. If the permittee fails to pay the costs billed to him, then the property owner shall become responsible for the costs since the property owner is the ultimate permittee because the permit goes with the land.

Parties purchasing property with outstanding permit monitoring costs or on which notices of violation are recorded are responsible for the unpaid County monitoring and enforcement costs associated with the property.

Enforcement activities shall be in response to confirmed violations and may include such measures as drafting and implementing compliance agreements, inspections, public reports, penalty hearings, forfeiture of sureties and suspension modification or revocation of permits. The recovery of costs for the abatement of confirmed violations shall be in accordance with the provisions of this Chapter, adopted charge rates, applicable compliance agreement terms and other authorized means such as, but not limited to, small claims court and liens on property. (AM. ORD. 4054 - 2/1/94; AM. ORD. 4291 - 7/29/03)

Sec. 8114-3.5 - Frequency of Monitoring Inspections

To ensure compliance with permit conditions and the provisions of this Chapter, all permits issued pursuant to this Chapter may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. The Planning Director may institute a more frequent monitoring schedule when he/she determines that the intensity of the use or failure to comply with applicable requirements could have a significant effect on the environment, surrounding properties and the public; or there have been violations which suggest the permittee is not assuming responsibility for monitoring his/her own compliance. (ADD. ORD. 4054 - 2/1/94)

Sec. 8114-3.6 - Notice of Violation and Notice of Noncompliance

For purposes of this section and section 8114-3.7, the following definitions apply: (a) "violation" means the lack of compliance with a provision of Division 8, Chapter 1 of the Ventura County Ordinance Code or any term or condition of any permit entitlement, variance or amendment thereto issued pursuant to this Chapter or any term or condition imposed and adopted as mitigation measures pursuant to the California Environmental Quality Act, including restrictive covenants; (b) "violation" means the owner of the property on which a violation exists and, if applicable, a permittee responsible in whole or in part for the violation. All notices required by this section shall be sent by first class mail to the last known address of the violator and shall be deemed served three days after the date of mailing.

Sec. 8114-3.6.1 – Notice of Violation

Whenever the Planning Director determines that a violation exists, the Planning Director shall send the violator a Notice of Violation. The Notice of Violation shall: 1) state the violation(s); 2) state how the violation(s) may be corrected; 3) advise that if the violation(s) is not corrected by the specified deadline, a Notice of Noncompliance may be recorded against the property in the Office of the County Recorder; 4) advise that all enforcement costs are recoverable pursuant to Section 8114-3.4; 5) advise that civil penalties may be imposed pursuant to Section 8114-3.7; and 6) advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with section 8111-7.

Sec. 8114-3.6.2 – Recorded Notice of Noncompliance

If the violation is not corrected pursuant to the Notice of Violation as determined by the Planning Director within the time allotted or if the violation is upheld after an appeal pursuant to section 8111-7, a Notice of Noncompliance may be recorded in the Office of the County Recorder. The Notice of Noncompliance shall describe the property and specify the Ordinance section(s) or permit terms or conditions violated. The Planning Director shall record a Release of Notice of Noncompliance with the Office of the County Recorder only if and after the violations have been fully corrected and all County's enforcement costs and fees have been paid to the satisfaction of the Planning Director. The violator must pay a fee for recordation of the Release of Notice of Noncompliance as determined in the adopted schedule of fees.

(ADD. ORD. 3807 - 3/31/87; AM. ORD. 4054 - 2/1/94; REP./REEN. ORD. 4354 – 12/5/06)