

CHAPTER 13.75

LEVEE FEES

Sections

- 13.75.010 General Provisions**
 - 13.75.020 Establishment of Fees**
 - 13.75.021 Establishment of a Reduced Fee**
 - 13.75.030 Adoption of Studies**
 - 13.75.040 Deposit of Fees in Trust Fund**
 - 13.75.050 Protests and Appeals**
 - 13.75.060 Administration**
 - 13.75.070 Enforcement**
-

13.75.010 General Provisions.

(a) Authority. This chapter is adopted under and pursuant to the provisions of, but not necessarily limited to, Chapter 5 (commencing with Section 66000) of Division 1 of Title 7 of the California Government Code.

(b) Findings. The Board of Supervisors of Yuba County, after review of the record and consideration of testimony and evidence presented at a public hearing, hereby finds and declares:

(1) The County has previously established the East Linda Specific Plan (ELSP) Area, the Plumas Lake Specific Plan (PLSP) Area, and the North Arboga Study Area (NASA). Collectively, the property within and around these areas is referred to herein as “flood zone”.

(2) Property located within the flood zone lies within the Yuba River Flood Plain/Inundation Area, the Feather River Flood Plain/Inundation Area, or both flood plain/inundation areas.

(3) Development is occurring and is anticipated to continue to occur within the flood zone. In order to protect the health, safety and welfare of current and future residents within the flood zone, a series of levee improvements to the Yuba River, Feather River, Bear River and Western Pacific Interceptor Canal are needed to provide flood protection within the flood zone.

(4) Based upon current flood plain/inundation maps, property within the flood zone is divided between the Northern Flood Linda Zone and the Southern Flood Plumas Zone.

(5) The boundaries of the Northern Flood Linda Zone and the Southern Plumas Flood zone are depicted in Exhibit “A” hereto, which exhibit is incorporated herein by reference.

(6) The required levee improvements cannot be constructed unless funds are generated to pay for such improvements.

(7) Establishment of development impact fees (“levee fees”) will generate the necessary revenue for the levee improvements. The establishment of the levee fees, pursuant to a nexus study, will ensure that new development within the flood zone pays its proportionate share of the levee improvement costs.

(8) The preliminary total cost estimate for levee improvements for each flood plain and the remaining local share of those costs is set forth in Exhibit “B” hereto, which exhibit is incorporated herein by reference. A preliminary summary of the development projects and remaining units and acreage in the flood zone is set forth in Exhibit “C” hereto, which is incorporated herein by reference.

(9) There is a reasonable relationship between the use of the levee fees and the development projects subject to their respective fees because such development projects contribute to the need for the levee improvements identified herein.

(10) There is a reasonable relationship between the amount of the levee fees and the potential cost of the levee improvements attributable to development projects within the flood zone and subject to the fees.

(11) The method of allocation of the respective levee fees to a particular development project bears a fair relationship, and is roughly proportional to, the development project's burden on, and benefits from, levee improvements to be funded by the levee fees. The adoption of this ordinance is statutorily exempt from the California Environmental Quality Act under Sections 15262 and 15269 of the California Environmental Quality Act Guidelines.

(12) The levee fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which a proposed construction schedule or plan has been adopted. (#1372)

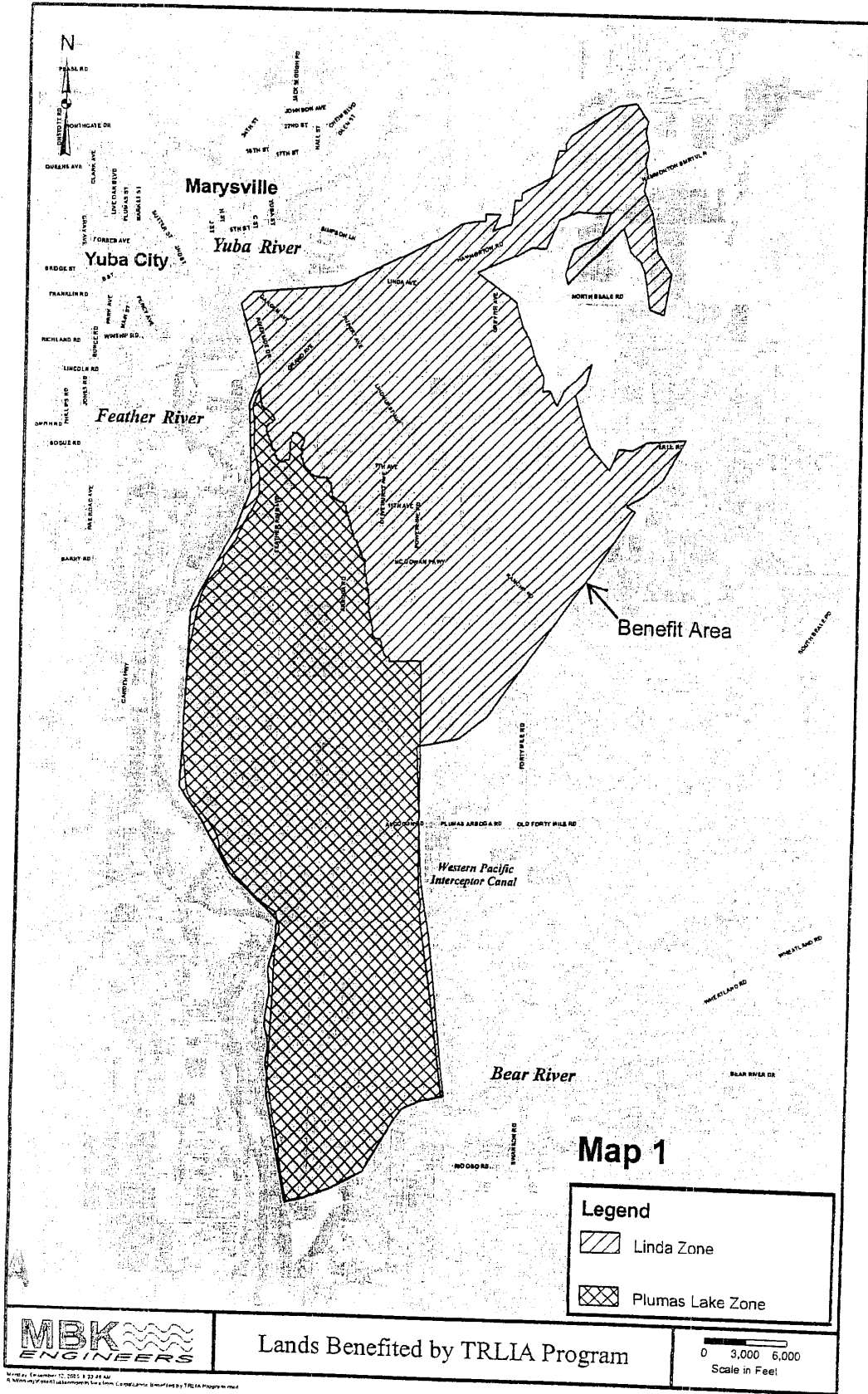




EXHIBIT A

MBK
ENGINEERS

Lands Benefited by TRLIA Program

Legend

-  Linda Zone
-  Plumas Lake Zone

0 3,000 6,000
Scale in Feet

MBK Engineers, Inc. 12/2005 1:22:48 AM
A Microsoft Word 2003 document. This file contains information that is confidential to the TRLIA Program.



Economic
Planning Systems

1000 Poydras Street
New Orleans, LA 70112
504.586.6200
www.dotd.la.gov

APPENDIX B

LOCAL SHARE OF COST CALCULATIONS

Table B-1	Total Cost Estimate for Levee Improvements (2 pages)	B-1
Table B-2	Total Cost Estimate for Environmental Mitigation	B-3
Table B-3	Allocation of Public Funding and Local Share Summary for TRLIA Levee Program	B-4
Table B-4	Summary of Adjusted Acreage	B-5
Table B-5	Cost Summary by Zone	B-6

EXHIBIT
APPENDIX B

DRAFT

Table B-1
Total Cost Estimate for Levee Improvements
Three Rivers Levee Improvement Authority Fair Share Funding Study

Page 1 of 2

Levee Improvement Costs

Cost Item/Task Levee Improvement Costs [1]	Total Cost (2006\$)	Benefiting Flood Plains			
		Yuba River Plain		Feather River Plain	
		Allocated Cost	Percentage of Total	Allocated Cost	Percentage of Total
Phase 1					
Pre Phase 1 costs	\$0	\$0	100%	\$0	0%
Design	\$0	\$0	100%	\$0	0%
Construction	\$0	\$0	100%	\$0	0%
Construction Management	\$0	\$0	100%	\$0	0%
Right of Way	\$657,938	\$657,938	100%	\$0	0%
YCWA Reimbursement	\$0	\$0	100%	\$0	0%
Contingency	\$0	\$0	100%	\$0	0%
Phase 1 Non-Categorized	\$3,982,286	\$3,982,286	100%	\$0	0%
Subtotal Phase 1 Costs	\$4,640,224	\$4,640,224	100%	\$0	0%
Phase 2					
Design	\$4,605,600	\$797,398	17% [2]	\$3,808,202	83% [2]
Construction	\$16,862,960	\$3,792,759	22% [2]	\$13,070,201	78% [2]
Construction Management	\$1,400,000	\$179,794	13% [2]	\$1,220,206	87% [2]
Right of Way	\$3,940,000	\$3,850,000	98% [2]	\$90,000	2% [2]
TRLIA Project Management	\$590,000	\$189,707	32% [2]	\$400,293	68% [2]
Subtotal Phase 2 Costs	\$27,398,560	\$8,809,658	32%	\$18,588,902	68%
Phase 3					
Design	\$4,850,000	\$0	0%	\$4,850,000	100%
Construction - Unit 1 & 2	\$20,800,000	\$0	0%	\$20,800,000	100%
Construction Management	\$2,918,123	\$0	0%	\$2,918,123	100%
Right of Way	\$17,200,000	\$0	0%	\$17,200,000	100%
TRLIA Project Management	\$468,000	\$0	0%	\$468,000	100%
Contingency	\$2,000,000	\$0	0%	\$2,000,000	100%
Subtotal Phase 3 Costs	\$48,236,123	\$0	0%	\$48,236,123	100%
Subtotal Page 1 Costs	\$80,274,907	\$13,449,882	17%	\$66,825,025	83%

Source: Yuba County, Klienfelder Engineering, HDR Engineering, TRLIA, MBK Engineers

Wria_costs

- [1] Updated estimates provided in Cash Flow worksheets distributed by the TRLIA Escrow/Finance Committee on 4/13/05.
- [2] Cost break-apart estimates for Yuba & Feather flood plains provided through input by MBK Engineers.

Phase 4
HDR Contract (Yuba River)

DRAFT

Table B-1
 Total Cost Estimate for Levee Improvements
 Three Rivers Levee Improvement Authority Fair Share Funding Study

Page 2 of 2

Levee Improvement Costs

Cost Item/Task Levee Improvement Costs [1]	Total Cost (2006\$)	Benefiting Flood Plains			
		Yuba River Plain		Feather River Plain	
		Allocated Cost	Percentage of Total	Allocated Cost	Percentage of Total
Design [2]	\$2,002,000	\$2,002,000	100%	\$0	0%
Construction	\$17,154,000	\$17,154,000	100%	\$0	0%
Construction Management	\$1,144,000	\$1,144,000	100%	\$0	0%
Right of Way	\$1,000,000	\$1,000,000	100%	\$0	0%
TRLIA Project Management	\$354,000	\$354,000	100%	\$0	0%
Contingency	\$4,400,000	\$4,400,000	100%	\$0	0%
BE/GEI Contract (Feather River)					
Design [2]	\$10,872,000	\$0	0%	\$10,872,000	100%
Construction	\$72,482,000	\$0	0%	\$72,482,000	100%
Construction Management	\$5,799,000	\$0	0%	\$5,799,000	100%
Right of Way	\$6,502,000	\$0	0%	\$6,502,000	100%
Cultural Resources	\$0	\$0	0%	\$0	100%
TRLIA Project Management	\$900,000	\$0	0%	\$900,000	100%
Contingency	\$15,600,000	\$0	0%	\$15,600,000	100%
Subtotal Phase 4 Costs	\$138,209,000	\$26,054,000	19%	\$112,155,000	81%
Olivehurst DB					
Construction	\$6,755,970	\$0	0%	\$6,755,970	100%
Construction Management	\$200,000	\$0	0%	\$200,000	100%
Right-of-Way	\$808,560	\$0	0%	\$808,560	100%
TRLIA Project Management	\$60,000	\$0	0%	\$60,000	100%
Subtotal Olivehurst Detention Basin Costs	\$7,824,530	\$0	0%	\$7,824,530	100%
TRLIA General Expenses					
Services and Supplies [3]	\$5,855,000	\$1,022,035	17%	\$4,832,965	83%
Subtotal this Page	\$151,888,530	\$27,076,035	18%	\$124,812,495	82%
Subtotal from Page 1	\$80,274,907	\$13,449,882	17%	\$66,825,025	83%
Total Estimated Costs	\$232,163,437	\$40,525,917	17%	\$191,637,520	83%

Source: Yuba County, Klienfelder Engineering, HDR Engineering, TRLIA, MBK Engineers

trial_costs

- [1] Updated estimates provided within Cash Flow worksheets distributed by the TRLIA Escrow/Finance Committee on 4/13/05.
- [2] This amount includes a portion of environmental design work.
- [3] TRLIA General Expenses are allocated to the two zones on a pro-rata share of all other program costs.

DRAFT

Table B-2
Total Cost Estimate for Environmental Mitigation
 Three Rivers Levee Improvement Authority Fair Share Funding Study

Cost Item/Task Environmental Mitigation Costs [1]	Total Cost (2006\$)	Benefiting Flood Plains			
		Yuba River Plain		Feather River Plain	
		Allocated Cost	Percentage of Total	Allocated Cost	Percentage of Total
Phase 1					
Environmental Studies and Permitting	\$0	\$0	100%	\$0	0%
Environmental Mitigation	\$0	\$0	100%	\$0	0%
Subtotal Phase 1 Costs	\$0	\$0		\$0	
Phase 2					
Environmental Mitigation	\$594,450	\$96,338	16%	\$498,112	84%
Subtotal Phase 2 Costs	\$594,450	\$96,338		\$498,112	
Phase 3					
Environmental Mitigation (Wildlands offsite and onsite)	\$10,686,950	\$0	0%	\$10,686,950	100%
Environmental Restoration (onsite and VELB)	\$5,827,000	\$0	0%	\$5,827,000	100%
Existing Floodway Orchard Removal	\$420,000	\$0	0%	\$420,000	100%
Subtotal Phase 3 Costs	\$16,933,950	\$0		\$16,933,950	
Phase 4					
<i>HDR Contract (Yuba River)</i>					
Environmental Studies and Permitting [2]	\$0	\$0	0%	\$0	0%
Environmental Mitigation	\$1,532,300	\$1,532,300	100%	\$0	0%
<i>BEIGE Contract (Feather River)</i>					
Environmental Studies and Permitting [2]	\$0	\$0	0%	\$0	0%
Environmental Mitigation	\$5,432,700	\$0	0%	\$5,432,700	100%
Subtotal Phase 4 Costs	\$6,965,000	\$1,532,300		\$5,432,700	
Olivehurst DB					
Environmental Mitigation/Restoration	\$500,000	\$0	0%	\$500,000	100%
Subtotal Olivehurst Detention Basin Costs	\$500,000	\$0		\$500,000	
Total Estimated Costs	\$24,993,400	\$1,628,638	7%	\$23,364,762	93%

Source: Yuba County, Klienfelder Engineering, HDR Engineering, TRLIA, MBK Engineers

"trils_env_costs"

[1] Updated estimates provided in Cash Flow worksheets distributed by the TRLIA Escrow/Finance Committee on 4/13/05.
 [2] Amount included in Phase 4 levee improvement engineering & design amount.

DRAFT

Table B-3
Allocation of Public Funding and Local Share Summary for TRLIA Levee Program
Three Rivers Levee Improvement Authority Fair Share Funding Study

Item	Source	Label	Total	Allocation	
				Yuba River Flood Plain	Feather River Flood Plain
Levee Improvement Costs	Table 1	A	\$232,163,437	\$40,525,917	\$191,637,520
Percentage of Levee Improvement Cost [1]		B		17.5%	82.5%
Environmental Costs	Table 2	C	\$24,993,400	\$1,628,638	\$23,364,762
Percentage of Environmental Cost [1]		D		6.5%	93.5%
Estimated Interest Costs on Advanced Funding [2]	Table 12	E	\$72,000	\$12,672	\$59,328
Total TRLIA Program Costs		F=A+C+E	\$257,228,837	\$42,167,227	\$215,061,610
				16.4%	83.6%
Levee Improvement Funding					
Proposition 13 Funds for Levee Improvements [3]					
Phase 2 Design			\$4,776,581		
Phase 2 Design - Retention			\$530,731		
Phase 2 Construction			\$14,088,206		
Phase 2 Construction - Retention			\$1,565,356		
Phase 3 Design			\$4,458,195		
Phase 3 - Retention			\$495,355		
Phase 3 Construction			\$18,897,377		
Phase 3 Construction - Retention			\$2,099,709		
Subtotal Prop 13 Funding			\$46,911,509		
Yuba County Water Agency Loan			\$632,633		
FEMA Olivehurst Detention Basin			\$1,500,000		
DWR Reimbursement to TRLIA			\$0		
Miscellaneous [4]			\$1,506,441		
Total Levee Improvement Funding		G	\$50,550,583		
Levee Funding Allocation					
Percentage of Funding to Allocate		B (repeated for clarity)		17.5%	82.5%
Total Levee Funding		H = B x G	(\$50,550,583)	(\$8,823,994)	(\$41,726,589)
Environmental Mitigation Funding					
Department of Fish & Game Funding			\$11,200,000		
Total Environmental Mitigation Funding		I	\$11,200,000		
Environmental Funding Allocation					
Percentage of Funding to Allocate		D (repeated for clarity)		6.5%	93.5%
Total Environmental Funding		J = D x I	(\$11,200,000)	(\$729,822)	(\$10,470,178)
Net Costs Funded by Local Sources		K=F+H+J	\$195,478,254	\$32,613,411	\$162,864,843

Source: TRLIA, Yuba County Public Works

public_funds

[1] The percentages are used for allocating public revenue funding.

[2] This cost is added to the program to account for the interest required to be paid to those builders who advanced funded Phases 1 - 3 work beyond their projects ultimate levee obligation. See Table 12.

[3] Proposition 13 levee improvement funding estimates of \$46,911,509 provided by TRLIA Escrow Committee on 4/13/06.

[4] Includes revenue generated from earned interest and other payments made by developers not directly creditable to specific levee projects.

DRAFT

Table B-4
Summary of Adjusted Acreage
Three Rivers Levee Fee Nexus Study

Area		Adjusted Acreage	Cost Allocation Percentage
Yuba River Flood Plain	<i>Source</i>	<i>A</i>	<i>B = A/3,317</i>
Linda Zone	<i>Table 10</i>	664	20%
Plumas Lake Zone	<i>Table 9</i>	2,653	80%
Total Yuba River Flood Plain Adjusted Acres		3,317	
Feather River Flood Plain		<i>A</i>	<i>B = A/2,653</i>
Plumas Lake Zone	<i>Table 9</i>	2,653	100%
Total Feather River Flood Plain Adjusted Acres		2,653	

Source: Source: Yuba County Assessor's Office, July 2005 CD-DATA Assessor's Parcel Tax Roll

"acre_share"

DRAFT

Table B-5
 Cost Summary by Zone
 Three Rivers Levee Fee Nexus Study

Item	Total Costs Funded by Local Sources	Linda Zone		Plumas Lake Zone		
		Percentage	Share of Cost	Percentage	Share of Cost	
	<i>Source:</i> <i>Formula:</i>	<i>Table B-3</i> <i>A</i>	<i>Table B-4</i> <i>B</i>	<i>C = A x B</i>	<i>Table B-4</i> <i>D</i>	<i>E = A x D</i>
Total Yuba River Flood Plain Costs	\$32,613,411	20%	\$6,531,952	80%	\$26,081,459	
Total Feather River Flood Plain Costs	\$162,864,843	0%	\$0	100%	\$162,864,843	
	<i>Formula:</i>	<i>A = Sum Above</i>	<i>B = C / A</i>	<i>C = Sum Above</i>	<i>D = E / A</i>	<i>E = Sum Above</i>
Total Share of Cost by Zone	\$195,478,254	3%	\$6,531,952	97%	\$188,946,302	

Source: EPS

"zone_costs"

B-6

DRAFT

Table E-1
Three Rivers Levee Fee Nexus Study
List of Potential Projects Paying Fee

Home Builder / Landowner	Name of Project	Potential Acreage
Linda Zone Projects		
Dantoni Ranch Estates (Reynen & Bardin)	Dantoni Ranch Estates (Quail Hollow)	9.57
David Lanza	East Side Ranch Estates	61.40
Dunmore Homes	The Orchard	49.70
Garcia	Garcia (2004-43)	2.53
Gene Yakubovich	Olivehurst Gardens (Condo)	1.20
Hinrichs, Karl & Laura	Laura Subdivision	1.38
JMC Homes	The Orchard	75.25
Medical Billing Service	Beale Estates (Bumpus)	14.75
Pheasant Point II	Cedar Estates	13.55
Sierra Vista	Sierra Vista Subdivision	21.40
Staas, James	Staas (2005-45)	19.30
Sycamore Ventures LLC	Sycamore Ventures Subdivision	52.00
Tej Maan (Costa, LLC)	Pheasant Pointe (2004-04)	29.12
The Arbors	The Arbors (2005-39)	7.70
Woodside Homes	Montrose at Edgewater	54.96
Plumas Lake Zone Projects		
Armada LLC - Ross Ranch	Ross Ranch	116.58
Armada LLC - Ross Ranch	Ross Ranch - Multi Family	8.70
Arnalz - Draper South	Draper Ranch South	133.80
Beazer (Remaining Portion)	Rio Del Oro (1-5, 7, & 9-13)	37.35
Blue Mountain Land	Blue Mountain Land	8.75
Cassano/Kamilos	Rio Del Oro (6 & 8)	44.36
Concept Studios, Inc. (Goddard)	Bishop Ranch	63.76
Cresleigh	Creekside Plumas Ranch	40.53
Cresleigh (Remaining Portion)	Woodside	98.60
DeValentine	Sawyer's Landing	51.00
DR Horton	Wheeler Ranch (Units 4 & 5)	66.36
DR Horton	River Oaks South	53.39
Dunmore Communities	Feather River Estates (Leal)	54.01
Gilbert Retail Holdings	Meadows Subdivision	99.85
Hansen Ranch Estates (Ellis)	Hansen Ranch	12.99
Homes by Towne	Rio Del Oro	57.89
Jensen Ranch Estates	Jensen Ranch Estates	10.30
K Hovnanian (Forecast)	Wheeler Ranch (Units 2, 3, 6 & 7)	99.78
KB Home	Hawes Ranch	17.30
KB (Option) - Leak	Plumas Lake Cobblestone	218.77
KB Home	Plumas Lake Cobblestone	180.93
Lakemont Homes (Arboga)	Feather Glen Phase 1	55.27
Lakemont Homes (Avian)	Feather Glen Phase 2	66.74
Lennar Renaissance	River Oaks East	92.20
Lennar Renaissance	River Oaks North	35.70
Lennar Winncrest	Northpoint	19.91
Matthews Homes	Riverside Meadows	173.85
Meritage Homes - Draper North	Draper Ranch North	131.80
North Wheeler Ranch Estates	North Wheeler Ranch Estates	19.12
Rio Del Oro 4	Rio Del Oro (Danna 70)	69.96
Rio Del Oro Farms #2	Rio Del Oro (Villages 15 & 16)	76.00
Ryland Homes	Thoroughbred Acres	103.70
Soto - Fairway West	Fairway West	11.00
Takhar	Takhar (2005-24)	11.00
Wheeler Land LLC	Wheeler Ranch Phase 2	125.94
YCH Communities	Fairway North	54.60
Yuba Investors (Mark Engstrom)	Plumas Lake Estates (2004-27)	29.00

Source: EPS, Development Community, Yuba County Surveyor

projects

DRAFT C

EXHIBIT

13.75.020 Establishment of Fees.

Fee. Levee fees are hereby established as more particularly set forth below:

- (a) The levee fee shall be charged to all new development within the Northern Flood Linda Zone and the Southern Flood Plumas Zone in accordance with the Three Rivers Levee Fee Nexus Study.
- (b) The levee fees shall be paid at the time of submission of the final map for approval. For any subdivision for which a final map has already been approved and recorded, the levee fees shall be paid at the time of issuance of a building permit.
- (c) Prior to the issuance of a building permit for a structure on a parcel which has not yet satisfied its entire levee funding obligation, either through previous funding agreements or participation in a levee funding Community Facilities District, the applicant shall pay the applicable Three Rivers Levee Fee on the remaining portion of the final map of which the parcel in question is a part for the parcels which have not yet been issued building permits for improvements and in which the applicant has an ownership interest. The amount of the fee due prior to building permit issuance shall be the Gross Developable Acreage of the entire final map multiplied by the applicable Three Rivers Levee Fee multiplied by the rough proportionality of the remaining parcels which do not have building permits to the entire number of parcels in the final map.
- (d) Retail/commercial development is exempt from the fees established by this ordinance for the two (2) years following adoption or such longer period as may be established by the Board by amendment. (#1372, amended by #1401, 1417)

13.75.021 Establishment of a Reduced Fee.

Reduced levee Fee: A discounted levee fee is hereby established as more particularly set forth below:

- (a) The reduced levee fee shall only apply to New Developments of Two or Less Lots as Single Family Dwellings within the Northern Flood Linda Zone and the Southern Flood Plumas Zone in accordance with the Three Rivers Levee Fee Nexus Study.
- (b) The reduced levee fee shall be charged and paid at the time of submission of the final map for approval. For any parcel for which a final map has already been approved and recorded, the reduced levee fee shall be paid at the time of issuance of a building permit.
- (c) The reduced levee fee shall be three (e) times the square footage of the single family dwelling. (#1401)

13.75.030 Adoption of Studies.

After review and public hearing, the Board of Supervisors of Yuba County hereby adopts the Three Rivers Levee Fee Nexus Study and the analyses, calculations and conclusions provided therein. (#1372)

13.75.040 Deposit of Fees in Trust Fund.

- (a) Each component of the levee fees received by the County shall be deposited in a separate trust fund in a manner to avoid any co-mingling of the fees with other revenues and funds of the County, except for temporary investments, and expended solely for the purposes for which the fees were collected. Any interest income earned by monies in any such trust fund shall also be deposited into such trust fund and shall be expended only for the purpose for which the fee was originally collected. (#1372)

13.75.050 Protests and Appeals.

- (a) Any party may protest the imposition of any fees hereunder by the County by meeting both of the following requirements:

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.

(2) Serving written notice on the Clerk of the Board of Supervisors, which notice shall contain all the following information:

(A) A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the Board of Supervisors of the factual elements of dispute and the legal theory or theories forming the basis for the protest.

(C) A protest filed in accordance with this section shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fee to be imposed on the development project. The County shall provide to the project applicant a notice in writing at the time of approval of the project or at the time of the imposition of the fees a statement of the amount of the fees and notification that the 90 day appeal period in which the applicant may protest has begun. The hearing before the Board of Supervisors shall be set by the Clerk of the Board of Supervisors within 30 days after submission of the notice of appeal or protest and the hearing shall occur within 90 days of such submission. At the hearing, oral and written evidence may be presented. The Board of Supervisors shall issue a written decision on the appeal or protest no later than 30 days after it is submitted to the Board for decision. The written decision shall be a final administrative decision. (#1372)

13.75.060 Administration.

(a) Fee. The County Auditor/Controller shall determine the estimated costs of administration of this ordinance and shall recommend to the Board of Supervisors the amount of fees which must be charged to recover those costs. Initially, costs shall be estimated and the Board may establish fees separately, by resolution, to reimburse this cost which shall include any additional costs resulting from implementing a County review process to identify development impacts and carry out this ordinance, or from analysis by the County, not otherwise required, of matters related to implementation and/or updating of information relating to this ordinance.

(b) Additional Rules and Regulations. The Board of Supervisors may adopt by ordinance or resolution rules, regulations, guidelines and procedures for the administration of this chapter. (#1372)

13.75.070 Enforcement.

(a) Misdemeanor. Violation of this chapter shall be a misdemeanor. The district attorney may institute criminal proceedings hereunder. A violator, upon conviction, shall be fined not more than one thousand dollars (\$1000.00), imprisoned for a period not exceeding six months, or both fined and imprisoned.

(b) Civil Proceedings. The County Counsel may institute civil proceedings to enforce this ordinance, including without limitation, actions for injunction and civil penalties. Construction without the authorization required by this ordinance may be suspended by a court of competent jurisdiction. Violation of this ordinance interferes with the provision of public services and, as such, shall be a public nuisance.

(c) Civil Penalties. Any violator of this ordinance shall be liable, in addition to payment of the amount of any fees due, for civil penalties not to exceed: Five hundred dollars (\$500.00) for each day during which construction proceeds in violation of this ordinance plus fifteen percent (15%) of the amount of any fee not paid when due.

(d) Lien. In the event of failure of the owner of a development project to pay in full any fee or fees payable under this chapter, County may place and record a lien upon the property on which the development is constructed in the amount of

the unpaid fee. The Board of Supervisors shall adopt rules concerning imposition of such liens, including notice of the imposition of such liens and an opportunity for hearing.

(e) Cost of Securing Compliance. Any person or entity not in compliance with this chapter shall be liable, in addition to other amounts provided herein, for attorney's fees and all other reasonable costs of securing compliance, including the cost of collection.

(f) Interest. Interest shall accrue on all fees not paid when due pursuant to this chapter at the rate prescribed by law for interest on judgments, from the date when payment was due until the date payment is received in full.

(g) Board Modification, Termination and Review of Fees. The Board of Supervisors may, by ordinance, modify or terminate any fees under this chapter and may establish additional fees or charges related to administration of this chapter.
(#1372)