

ORDINANCE NO. 2026-08

(Uncodified)

**ORDINANCE OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
ESTABLISHING ADMINISTRATIVE PENALTIES AND ENFORCEMENT
PROCEDURES FOR VIOLATIONS OF THE
DISTRICT FIRE CODE**

The Contra Costa County Board of Supervisors, as and constituting the Board of Directors of the Contra Costa County Fire Protection District, ordains as follows:

SECTION I. SUMMARY. This ordinance establishes administrative fines, enhanced enforcement procedures, cost recovery, and collection remedies that the Contra Costa County Fire Protection District may pursue to address violations of the Fire Code of the Contra Costa County Fire Protection District.

SECTION II. APPLICABILITY AND AUTHORIZATION.

- (a) This ordinance provides for administrative fines, enforcement, cost recovery, and collection remedies that the Contra Costa County Fire Protection District may pursue to address any violation of the Code.
- (b) Remedies under this ordinance are in addition to any other remedy allowed by the Code or applicable law, including without limitation, abatement provisions of the Code, which the Contra Costa County Fire Protection District may pursue to address a violation of the Code, and criminal enforcement. The use of this ordinance is at the sole discretion of the Contra Costa County Fire Protection District Enforcement Officers
- (c) This ordinance is authorized by California Government Code Sections 25132 and 53069.4, and California Health and Safety Code Sections 13870 and 13871.

SECTION III. DEFINITIONS. For purposes of this ordinance, the following words and phrases have the following meanings:

- (a) “Code” means the Fire Code of the Contra Costa County Fire Protection District.
- (b) “District” means the Contra Costa County Fire Protection District.
- (c) “Effective Date” means the date by which a violation must be corrected, as specified in the Notice of Violation.
- (d) “Enforcement Officer” means the District Fire Chief, District Fire Marshal, and authorized designees of the Fire Chief, including District Code Enforcement and Inspection Division Officers.

- (e) “Hearing Officer” means any of (1) the District Fire Chief, (2) the District Assistant Chief, Emergency Operations, or (3) the District Assistant Chief, Support Services.
- (f) “Notice of Fine” means a notice of violation of the Code as described in Section IV(e) of this ordinance.
- (g) “Notice of Violation” means a notice of violation of the Code as described in Section IV(b) of this ordinance.
- (h) “Responsible Person” means any owner, occupant, operator, or other person responsible for a property or condition upon which a violation arises.
- (i) “Service Date” means the date a notice or decision is served pursuant to Section IX.

SECTION IV. ADMINISTRATIVE FINES.

- (a) **Authority.** An Enforcement Officer is authorized to determine whether a violation of the Code exists with respect to any property within the District.
- (b) **Notice of Violation.** If a violation exists on a property, an Enforcement Office may serve a Notice of Violation on the Responsible Person as specified in Section IX below. A Notice of Violation shall include all of the following information:
 1. The date of the violation.
 2. The address or other description of the location where the violation occurred.
 3. The section or sections of the Code violated.
 4. A description of each violation included in the Notice of Violation.
 5. A description of how each violation can be corrected.
 6. A specified time period of at least at least 10 calendar days, beginning on the Service Date, within which the violation must be corrected.
 7. An advisement that the Responsible Person may be subject to an administrative fine under this ordinance if the violation has not been corrected, as specified in the Notice of Violation.
 8. The name and signature of the citing Enforcement Officer.
- (c) **Imposition of Fines.** An Enforcement Officer may impose an administrative fine on a Responsible Party if a violation specified in the Notice of Violation is not corrected within the time period for correction, and in accordance with the corrective actions, as specified in the Notice of Violation.
- (d) **Amount of Fine.** The amount of the fine will be one hundred thirty dollars (\$130) for a first violation, seven hundred dollars (\$700) for a second violation of the same Code

section within one year of the first violation, one thousand three hundred dollars (\$1,300) for each additional violation of the same Code section within one year, and two thousand five hundred dollars (\$2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property in accordance with the Code. Acts, omissions, or conditions in violation of the Code that continue, exist, or occur during separate ten-day periods constitute separate violations and offenses for each ten-day period.

- (e) **Notice of Fine.** An administrative fine will be assessed by means of a Notice of Fine. The Responsible Party will be served with the Notice of Fine as specified in Section IX below. A Notice of Fine shall include all of the following information:
1. The date of the violation.
 2. The address or other description of the location where the violation occurred.
 3. The section or sections of the Code violated.
 4. A description of each Code violation specified in the notice.
 5. The amount of the fine.
 6. An advisement of the right to request a hearing before a Hearing Officer contesting the imposition of the fine, and the time within which a hearing must be requested.
 7. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.
 8. The name and signature of the citing Enforcement Officer.
- (f) **Dismissal of Citation.** At any time before the expiration of the time to appeal a Notice of Fine, or at any time before the appeal hearing if an appeal of a Notice of Fine was filed, the District Fire Marshal may dismiss a Notice of Fine and cancel any scheduled hearing if the District Fire Marshal determines that there was no violation as charged in the Notice of Fine or that the Notice of Fine should be dismissed. A dismissal of a Notice of Fine under this subsection does not prohibit the later issuance of a Notice of Fine.

SECTION V. APPEALS.

- (a) **Appeal of Citation.** Any person upon whom an administrative fine is imposed by an Enforcement Officer may appeal the fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the Enforcement Officer issuing the Notice of Fine within thirty (30) calendar days of the Service Date of the Notice of Fine. The written appeal shall include:

1. A brief statement setting for the interest the appealing party has in the matter relating to the imposition of the fine; and,
 2. A brief statement of the material facts that the appellant claims supports the contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.
- (b) **Notice of Hearing.** A notice of the appeal hearing will be served on the appellant as specified in Section IX below. The notice will set the appeal hearing for no sooner than 15 days and no later than 60 days following the Service Date of the notice of appeal hearing.
- (c) **Hearing Officer.** An appeal of an administrative fine imposed for violations of the Code will be heard by a Hearing Officer.
- (d) **Evidence.** At the hearing, the appellant will be given the opportunity to testify and present evidence.
- (e) **Additional Materials.** If the Enforcement Officer submits additional materials concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of such materials shall also be provided to the person requesting the hearing at least five days before the date of the hearing.
- (f) **Continuances.** The Hearing Officer may continue the hearing and may request additional information from the Enforcement Officer or the person upon whom the administrative citation was imposed, before issuing the decision.
- (g) **Written Decision.** After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the Hearing Officer will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Section IX below.

SECTION VI. FINAL ORDER. The imposition of an administrative fine becomes a final administrative order on the date that one of the following first occurs:

- (a) **No appeal.** On the date the Notice of Fine is served, if the Responsible Party fails to file a written appeal to the Enforcement Officer within the time specified in the Notice of Fine.
- (b) **Appeal.** On the date of the written decision by the Hearing Officer, if the Responsible Party files a written appeal to the Enforcement Officer within the time specified in the Notice of Fine.

SECTION VII. PAYMENT OF FINES.

- (a) **Due Date.** An administrative fine imposed under this ordinance must be paid to the District within 30 days after the imposition of the administrative fine becomes a final administrative order (as specified in Section VI, above). Payment of a fine under this ordinance does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the Notice of Fine.
- (b) **Further Violations Not Excused.** The payment of a fine under this ordinance does not preclude the District from taking any other enforcement action regarding a violation that is not corrected.

SECTION VII. COLLECTION. If an administrative fine is not paid within 30 days after the imposition of the fine becomes a final administrative order, the District may collect the fine, the District's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the 20th day after the fine becomes a final administrative order. The District may collect by using any available legal means, including but not limited to the following:

- (a) **Civil Action.** The District may file a civil action. If a civil action is commenced, the District is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure section 1033.5.
- (b) **Permits.** The District may withhold issuance of license, permits, and other entitlements to a Responsible Party on any project, property, or application of any kind whenever an administrative fine remains unpaid.
- (c) **Enforcement of Judgment.** The District may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgment Law, California Code of Civil Procedure section 680.010 et seq.

SECTION IX. SERVICE. All notices or decisions required to be served by this ordinance must be served either by the method specified in subsection (a) or by the method specified in subsection (b). The failure of a person to receive properly addressed service shall not affect the validity of the proceedings.

- (a) **Personal service.** Personal service is deemed complete on the date the notice or decision is personally served.
- (b) **Certified mail and posting.** Certified mail will be addressed to the Responsible Party at the address shown on the last equalized assessment roll or as otherwise known. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the

United States mail. Simultaneously, the same notice or decision may be sent by regular mail. If a notice or decision sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail. Posting of the notice or decision will be conspicuously on or in front of the property that is the subject of the citation. If the property has no frontage, posting will be on the portion of the property nearest to a street, highway, or road, or the location most likely to give actual notice to the Responsible Party.

SECTION X. RIGHT TO JUDICIAL REVIEW. A final administrative order may be appealed to Superior Court of Contra Costa County in accordance with the provisions set forth in Government Code Section 53069.4.

SECTION XI. SEVERABILITY. If any provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining provisions of this ordinance.

SECTION XII. ORDINANCE 2012-03. Contra Costa County Fire Protection District Ordinance No. 2012-03 is hereby repealed and superseded by this ordinance as of the effective date of this ordinance. However, this repeal shall not affect any administrative enforcement actions commenced under Ordinance No. 2012-03 prior to the effective date of this ordinance, and any such actions shall be concluded in accordance with Ordinance No. 2012-03.

SECTION XIII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage. Within 15 days of passage, this ordinance shall be published once with the names of the supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED and ADOPTED on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Board Chair

ATTEST:
MONICA NINO, Clerk of the Board
of Supervisors and County Administrator

By _____
Deputy