

SCC NO. 1608

AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO
TOBACCO RETAILERS

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Section 4.06.225 of Chapter 4.06, Title 4, of the Sacramento
County Code is amended to read as follows:

4.06.225 Review by Board of Supervisors.

Upon receipt by the Clerk of the Board of Supervisors of the request for review, a hearing shall be scheduled before the Board of Supervisors within thirty (30) days of the filing the request for review with the Clerk of the Board of Supervisors. Written notice of the time, date and place of the Board hearing shall be served on the Tax and License Collector and the applicant or licensee not later than ten (10) days preceding the date of the Board hearing. The Board of Supervisors shall be authorized to deny the introduction of evidence and decide the matter after oral argument presented during the hearing, or to admit supplementary evidence with respect to challenges or particular findings, or reject the findings and conclusions and conduct a de novo hearing. Pursuant to the granting of an appeal, the Board of Supervisors shall be authorized to order the issuance, renewal or continuance of a license upon such terms and conditions as in the discretion of the Board of Supervisors are deemed to be necessary and appropriate pursuant to the provisions of this chapter.

The Board of Supervisors shall render a written decision and shall file the same with the Clerk of the Board of Supervisors with ten (10) days following the date on which the hearing is closed with a copy thereof forwarded to the Tax and License Collector. Within five days of filing the decision, the Clerk of the Board of Supervisors shall serve the Licensee with a notice of decision and a copy thereof as provided in Section 4.02.090. The decision of the Board of Supervisors shall become final upon its filing with the Clerk of the Board of Supervisors and service upon the applicant or licensee.

The decision by the Board of Supervisors granting or denying the appeal shall be accompanied by findings of fact and conclusions, which may consist of an adoption by reference of those by the Hearing Authority.

SECTION 2. Sections 4.07.010 through 4.07.060 of Chapter 4.07, Title 4, of the
Sacramento County Code are amended to read as follows:

4.07.010 Findings.

The Board of Supervisors finds that:

A. State law prohibits the sale or furnishing of cigarettes, tobacco products and smoking paraphernalia to persons under the age of twenty-one (21), as well as the purchase, receipt or possession of tobacco products by persons under the age of twenty-one (21).

B. State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under twenty-one (21) years of age and provides procedures for using persons under twenty-one (21) years of age to conduct onsite compliance checks of tobacco retailers.

C. State law requires that tobacco retailers post a conspicuous notice at each point of sale stating that selling tobacco products to anyone under twenty-one (21) years of age is illegal.

D. State law prohibits the sale or display of cigarettes through a self-service display and prohibits public access to cigarettes without the assistance of a clerk.

E. State law prohibits the sale of "bidis" (hand-rolled filterless cigarettes imported primarily from India and South Asian Countries) except at those businesses that prohibit the presence of persons under eighteen (18) years of age.

F. State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than twenty (20) and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than six tenths of an ounce of tobacco.

G. State law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees.

H. In 2015, the Sacramento County Department of Health and Human Services Tobacco Education Program found that nine and one half (9.5) percent of tobacco retailers sampled in the County of Sacramento unlawfully sold tobacco products to persons under eighteen (18) years of age.

I. Almost ninety (90) percent of adults who have ever smoked tried their first cigarette by the age of eighteen (18), and the average age at which smokers try their first cigarette is fourteen and one-half (14 1/2).

J. Research suggests that retailer compliance with all laws regulating the sale of cigarettes must be at ninety (90) percent to impact youth smoking rates.

K. The County of Sacramento has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by persons under twenty-one (21) years of age; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to persons under twenty-one (21) years of age; and in protecting persons under twenty-one (21) years of age from being lured into illegal activity through the misconduct of adults.

L. State law authorizes local tobacco retailer licensing laws to provide for the suspension or revocation of the local tobacco retailer license for any violation of a state tobacco control law.

M. Education programs for tobacco retailers acquaint them with State law and County of Sacramento Tobacco Retailer License ordinances to improve compliance with the ordinance and related State laws.

N. Additional requirements for a tobacco retailer's business license will not unduly burden legitimate business activities of retailers who sell or distribute tobacco products or tobacco paraphernalia to persons age twenty-one (21) years of age or older. It will, however, allow the County to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws.

4.07.020 Purpose.

The purpose of this chapter is to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those that prohibit or discourage the sale or distribution of tobacco products or tobacco paraphernalia to persons under twenty-one (21) years of age, but not to expand/or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the criminal penalty provided for violations.

4.07.030 Definitions.

As used in this chapter, the following words, and phrases shall have the meaning given them in this section, unless the context clearly requires otherwise:

“County” means the County of Sacramento.

“Itinerant tobacco retailing” means engaging in tobacco retailing at other than a fixed location.

“License” means a business license issued by the County pursuant to this Title.

“Licensee” means any person holding a license issued by the County pursuant to this Title.

“Person” shall mean a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture or other individual or entity carrying on an enterprise for which a license must first be procured, and shall include any officer, employee, agent or other representative by or through whom the enterprise is operated or conducted, and charitable, philanthropic and other non-profit entities and enterprises as well as those which are for profit.

“Tobacco product” shall be as defined in Business and Professions Code section 22950.5.

“Tobacco paraphernalia” means any product, instrument, or paraphernalia that is designed for the smoking or ingestion of tobacco, tobacco products, or any controlled substance.

“Tobacco retailer” means any person who sells, offers for sale, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged or offered for exchange.

“Tobacco retailing” shall mean selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged or offered for exchange.

4.07.040 Tobacco Retailer License Required.

A. It shall be unlawful for any person to act as a tobacco retailer unless under and by authority of a valid, unexpired, unsuspended, unrevoked Tobacco Retailer License issued pursuant to this chapter for each location at which tobacco retailing is to occur. No license will be issued to authorize tobacco retailing at other than a fixed location, as defined in Sacramento County Code section 4.02.030. No license will be issued for itinerant tobacco retailing, tobacco retailing from vehicles, or tobacco retailing via mail or internet.

B. Nothing in this chapter shall be construed to grant any person obtaining a license any status or right other than the right to act as a tobacco retailer at the location

in the County identified on the face of the license, subject to compliance with all other applicable laws, regulations and ordinances. Nothing in this chapter shall be construed to render inapplicable, supersede or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on indoor smoking made applicable to business establishments by Labor Code Section 6404.5.

C. The provisions of this chapter are in addition to those of Chapter 4.06 of this Code. A licensed tobacco retailer shall have a valid, active General Business License pursuant to Chapter 4.06.

4.07.050 Application Procedure.

All applications for a license shall be submitted to the Tax and License Collector in the name of each person proposing to conduct tobacco retailing and shall be signed by each person or an authorized agent thereof. A person proposing to conduct tobacco retailing at more than one location shall submit a separate application for each location. The application shall be in a form prescribed by the Tax and License Collector, including, but not limited to, the following information:

- A. The name, address and telephone number of the owner of the enterprise.
- B. The business name, address and telephone number of the fixed location for which a license is sought.
- C. Such other information as the Tax and License Collector deems necessary for the administration or enforcement of this chapter.

4.07.060 Issuance and Renewal of License.

A. Upon the receipt of an application for a license and the applicable license fee, the Tax and License Collector shall issue a license within forty-five (45) days unless the Tax and License Collector finds in writing that any of the following apply, in which case, the application may be denied:

- 1. The application is incomplete or inaccurate;
- 2. The application seeks authorization for tobacco retailing at an address that appears on a license that is suspended or is subject to suspension or revocation proceedings for violation of any of the provisions of this chapter or Chapter 4.06.; provided, however, the license may be issued once the suspension period has been served or the suspension or revocation proceedings have concluded, whichever occurs later;
- 3. The application seeks authorization for tobacco retailing that is unlawful pursuant to this Code or that is unlawful pursuant to any other local, state or federal law;
- 4. The Tax and License Collector has information that the applicant or his or her agents or employees have violated any local, state or federal tobacco control law at the location for which the license or renewal of the license is sought within the preceding thirty (30) day period;
- 5. The applicant or licensee has failed to complete a required Sacramento County-approved Tobacco Merchant Education Program; or
- 6. There is no valid, active General Business License for the enterprise, pursuant to Chapter 4.06 of this Code.

B. A license shall be valid for one year and an application for renewal must be filed not later than thirty (30) days prior to the expiration of the license, but no earlier than sixty (60) days prior to the expiration of the license. Unless revoked on an earlier date, all licenses shall expire one year after the date of issuance. A license may be

renewed for additional periods of one year by submitting an application to the Tax and License Collector and payment of the applicable license fee; provided, however, a license that is suspended, has been revoked, or is subject to suspension or revocation proceedings shall not be renewed. The application and license fee shall be submitted at least thirty (30) days, but not more than sixty (60) days, prior to the expiration of the current valid license. The applicant shall follow all of the procedures and provide all of the information required by Section 4.07.050. The Tax and License Collector shall process the application according to the provisions of this section. Provided that an application is made within the time period required by this subdivision, a licensee may continue the sale of tobacco products pending a determination of the Tax and License Collector to renew or disapprove the renewal of the license.

SECTION 3. Section 4.07.065 of Chapter 4.07, Title 4, of the Sacramento

County Code is added to read as follows:

4.07.065 Method and Effect of Denial.

A denial of an initial application or renewal application for a Tobacco Retailer's License by the Tax and License Collector shall be in writing, with the findings stated therefor as required by Section 4.07.060 of this chapter. Written notice of the denial, together with a copy of the provisions of this chapter, shall be served upon the applicant or licensee and upon the owner of the property on which the enterprise is located, if applicable, pursuant to the provisions of Section 4.02.090.

In the event the applicant files an administrative appeal from the denial of the renewal application in the manner and within the time prescribed by Section 4.07.120, the immediately preceding Tobacco Retailer's License shall continue in full force and effect until the administrative appeal is final as determined by Section 4.07.130 or 4.07.135, as applicable, or upon settlement or dismissal of the administrative appeal, as applicable.

With respect to the denial of a new application for a Tobacco Retailer's License, the denial shall be effective fifteen (15) days following the date of service of the notice of denial on the applicant as required by this section but may be appealed pursuant to Section 4.07.120.

SECTION 4. Section 4.07.070 of Chapter 4.07, Title 4, of the Sacramento

County Code is amended to read as follows:

4.07.070 Conditions.

The Tax and License Collector may issue a Tobacco Retailer's License upon such conditions relating to method or manner of operation of the enterprise as deemed necessary to adequately protect members of the public in their patronage or dealings with the enterprise, or to reduce the incidence, detect the commission of, or identify perpetrators of crime. Such conditions may be imposed at the time a Tobacco Retailer's License is initially issued, upon renewal of the license, or at any time during the term of the license.

Any condition imposed pursuant to the provisions of this section, whether established at the time of issuance, at the time of renewal or during the term of a

Tobacco Retailer's License, shall be embodied, together with the reasons therefor, in a written notice to be served upon the applicant or holder. The condition shall become effective fifteen days following the date of service of the notice thereof; provided that in the event an appeal therefrom is filed within the time and in the manner prescribed, the condition shall not become effective until the appeal is finally determined.

SECTION 5. Section 4.07.075 of Chapter 4.07, Title 4, of the Sacramento

County Code is added to read as follows:

4.07.075 Display of License.

Each license shall be prominently displayed in a publicly visible location at the licensed premises.

SECTION 6. Sections 4.07.080 and 4.07.110 of Chapter 4.07, Title 4, of the

Sacramento County Code are amended to read as follows:

4.07.080 License Fee.

The fee for issuance or renewal of a license shall be established by resolution of the Board of Supervisors and shall be in addition to the County's General Business License fee imposed by this Code upon the applicant. The license fee, together with any other license fee, shall be paid to the County at the time the license application is submitted. The amount of the fee shall be determined on the basis of the costs of the Department of Environmental Management, the Sheriff, and the Department of Health and Human Services incurred in the enforcement of tobacco retailing laws together with the costs, including the costs of counsel, of the Tax and License Collector incurred in the administration of this chapter.

4.07.110 Suspension or Revocation of License.

A. In addition to any other remedy authorized by law, a license shall be suspended or revoked as provided in this section, if the Tax and License Collector finds, in writing, that the licensee or his or her agents or employees have violated this section by committing an act that would constitute a violation of any local, state or federal laws, rules or regulations regarding the sale of tobacco products or tobacco paraphernalia to persons under twenty-one (21) years of age. Additionally, if a licensee is found to be in violation of any other of the provisions of this chapter or Chapter 4.06 and, upon reinspection of the licensed premises is found, in writing, to be in continued violation, the license may be suspended or revoked; however, violations of this chapter or Chapter 4.06 by a licensee at one location may not be accumulated against other locations of that same licensee, nor may violations accumulated against a prior licensee at a licensed location be accumulated against a new licensee at the same licensed location provided that the new licensee demonstrates to the satisfaction of the Tax and License Collector that the premises were acquired in an arm's length transaction.

1. Upon a finding by the Tax and License Collector of a first license violation involving the sale to persons under twenty-one (21) years of age of tobacco products or tobacco paraphernalia within any three-year period, the license shall be suspended for thirty (30) days.

2. Upon a finding by the Tax and License Collector of a second license violation involving the sale to persons under twenty-one (21) years of age of tobacco products or tobacco paraphernalia within a three-year period, the license shall be suspended for ninety (90) days.

3. Upon a finding by the Tax and License Collector of a third license violation involving the sale to persons under twenty-one (21) years of age of tobacco products or tobacco paraphernalia within a three-year period, the license shall be suspended for one year.

4. Upon a finding by the Tax and License Collector of a fourth license violation involving the sale to persons under twenty-one (21) years of age of tobacco products or tobacco paraphernalia within a three-year period, the license shall be revoked.

5. Except as provided in Section 4.07.110 (C), for all other violations of this chapter, the Environmental Management Department may issue a written warning to the licensee regarding the violation and require reinspection of the premises to determine that the violation has been cured. Costs of reinspection shall be charged to the licensee. If, after reinspection, the violation has not been cured, the Environmental Management Department shall recommend the Tax and License Collector proceed to suspend or revoke the license.

B. Notwithstanding Section 4.07.110 (A), a license shall be revoked if the Tax and License Collector finds that either one or both of the following conditions exist:

1. One or more of the bases for denial of a license under Section 4.07.060 existed at the time application was made or at any time before the license was issued.

2. The information contained in the license application, including supplemental information, if any, is found to be false in any material respect.

C. A licensee for whom a license suspension is in effect must remove all tobacco products and tobacco paraphernalia from public view at the address that appears on the suspended license. Violation of this subsection or engaging in tobacco retailing while the license suspension is in effect shall result in a further thirty (30) day suspension of the license.

D. Completion of a County-approved Tobacco Merchant Education program during the suspension period may be required for a licensee whose license has been ordered suspended.

SECTION 7. Section 4.07.115 of Chapter 4.07, Title 4, of the Sacramento

County Code is added to read as follows:

4.07.115 Method of Suspension or Revocation.

A. Based on findings as required by Section 4.07.110, the Tax and License Collector shall issue written notice of suspension or revocation, stating the reasons therefor as indicated in such findings. The notice, together with a copy of the provisions of this chapter, shall be served by the Tax and License Collector, upon the holder of the license and upon the owner of the property on which the enterprise is located, if applicable, pursuant to the provisions of Section 4.02.090. Except as provided in subsection (B) herein, the suspension shall become effective fifteen (15) days after the date of service, unless the holder of the license files an administrative appeal within the time and in accordance with the provisions of Section 4.07.120. If such an

administrative appeal is filed, the suspension or revocation shall not become final until the administrative appeal is final as determined in Section 4.07.130 or 4.07.135, as applicable, or upon settlement or dismissal of the administrative appeal, as applicable.

B. Notwithstanding subsection (A) above, a Tobacco Retailer's License may be temporarily suspended pending expiration of the time for appeal or commencement of the appeal hearing pursuant to Section 4.07.125 for the suspension or revocation of the license if the County finds in writing that such temporary suspension is necessary in order to protect against a serious and immediate threat to the health or safety of the public caused by the exercise of the license. In the event the County orders a temporary suspension, the notice of suspension or revocation shall be delivered to the business address of the enterprise or the residential address of the licensee, served upon the licensee, and shall contain the following:

1. The finding justifying the temporary suspension;
2. The time, date, and place at which the licensee may appear in advance of the commencement of the temporary suspension for the purpose of responding to the charges in the notice; and
3. The time and date on which the temporary suspension commences, which shall not be earlier than twenty-four (24) hours following the time and date of delivery of the notice.

The notice of suspension or revocation shall also be served on the owner of the property on which the enterprise is located, if applicable, pursuant to the provisions of Section 4.02.090.

C. In the event of a temporary suspension as authorized herein, the suspension shall last in duration until commencement of an appeal hearing as described in Section 4.07.125 of this chapter. At the hearing, the Hearing Officer may, at the request of the license holder, address the appropriateness of continuing the temporary suspension. The Hearing Officer may lift the temporary suspension pending the conclusion of administrative proceedings or the issuance of the written decision, or the Hearing Officer may continue the temporary suspension pending the conclusion of the administrative proceedings or the issuance of the written decision.

D. In no event shall a temporary suspension of a Tobacco Retailer's License ordered pursuant to this section be of a duration greater than thirty (30) days, unless within that period, the County issues written findings and a notice of denial, suspension or revocation as required by Section 4.07.060 or 4.07.110, as applicable. Upon the issuance of written findings, the duration of the temporary suspension shall be extended until the commencement of administrative proceedings as described in subsection (C) of this section.

SECTION 8. Section 4.07.120 of Chapter 4.07, Title 4, of the Sacramento

County Code is amended to read as follows:

4.07.120 Appeals.

A. The holder of a Tobacco Retailer's License or applicant therefor may file an administrative appeal from the following:

1. The denial of an initial application or renewal application of a Tobacco Retailer's License pursuant to the provisions of Section 4.07.060;

2. The imposition of conditions on the Tobacco Retailer's License pursuant to Section 4.07.070;

3. The suspension of a Tobacco Retailer's License pursuant to the provisions of Section 4.07.110; or

4. The revocation of a Tobacco Retailer's License pursuant to the provisions of Section 4.07.110.

B. Any such administrative appeal provided in subsection (A) of this section shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with and received by the Tax and License Collector not later than fifteen (15) days after the date of service by the Tax and License Collector of the notices prescribed by Section 4.07.065, 4.07.070, or 4.07.115, as applicable. If an administrative appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived.

C. In the event the applicant or licensee files an administrative appeal from the denial of a renewal application, suspension, or revocation, the immediately preceding Tobacco Retailer's License shall continue in full force and effect until the administrative appeal is final as determined by Section 4.07.130 or 4.07.135, as applicable, or upon settlement or dismissal of the administrative appeal, as applicable, except when a temporary suspension of the license has been imposed, pursuant to Section 4.07.115 (B).

SECTION 9. Sections 4.07.125 through 4.07.140 of Chapter 4.07, Title 4, of the Sacramento County Code are added to read as follows:

4.07.125 Appeal Hearing.

Not later than thirty (30) days following the date of filing an appeal within the time and in the manner prescribed by Section 4.07.120, the County shall schedule a hearing before the Hearing Authority for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the appellant not later than ten (10) days preceding the date of the hearing.

During the hearing, the burden of proof shall rest with the County. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. The Hearing Authority shall have the power to issue subpoenas in order to require the production of documents and persons, or both, at the hearing when relevant to the issues on appeal at the request of the appellant or the County, as applicable. At the conclusion of the hearing, the Hearing Authority shall prepare a written decision, which either grants or denies the appeal, and contains findings of fact and conclusions of law. The written decision, including a copy thereof, shall be filed with the Tax and License Collector not later than fifteen (15) days following the date on which the hearing is closed. The Tax and License Collector shall within five (5) days of the filing of such decision serve the applicant or licensee with notice of the written decision including a copy of such decision.

In a case of an appeal from the imposition of conditions authorized by Section 4.07.070, the County must demonstrate by substantial evidence the necessity of the

conditions and, if the imposition of such conditions is upheld, the Hearing Authority shall provide in its decision findings regarding specific evidence within the record supporting the Hearing Authority's determination.

4.07.130 Finality of Determination.

With respect to an administrative appeal from the denial of an initial application for a Tobacco Retailer's License pursuant to Section 4.07.060, the decision by the Hearing Authority shall be filed with the Tax and License Collector and shall become final upon the date of service of the decision by the Tax and License Collector on the applicant or licensee.

With respect to an administrative appeal from a denial of a renewal application of a Tobacco Retailer's License pursuant to Section 4.07.060, the imposition of conditions on the License pursuant to Section 4.07.070, the suspension of the License pursuant to Section 4.07.110, or the revocation of the License pursuant to Section 4.07.110, the decision by the Hearing Authority shall be filed with the Tax and License Collector and shall become final fifteen (15) days following the service of the decision on the applicant or licensee by the Tax and License Collector unless review of the decision by the Board of Supervisors is requested by the Tax and License Collector or the applicant or licensee. Review by the Board of Supervisors may be requested by filing with the Clerk of the Board of Supervisors a written request for review not later than fifteen (15) calendar days following the date of service of the Hearing Authority's decision on the applicant or licensee. The request for review shall state in detail the reasons therefor and error alleged in the Hearing Authority's decision, and shall have attached thereto a copy of the decision. In the event of a timely and proper request for review before the Board of Supervisors of a denial of an application for renewal of a Tobacco Retailer's License, the imposition of conditions on the license, the suspension of the license, or the revocation of the license, the immediately preceding Tobacco Retailer's License, without any conditions appealed from, shall continue in full force and effect during the pendency of the review, until the date of final decision by the Board of Supervisors, except when a temporary suspension of the license has been imposed, pursuant to Section 4.07.115 (B).

4.07.135 Review by Board of Supervisors.

Upon receipt by the Clerk of the Board of Supervisors of the request for review, a hearing shall be scheduled before the Board of Supervisors within thirty (30) days of the filing the request for review with the Clerk of the Board of Supervisors. Written notice of the time, date and place of the Board hearing shall be served on the Tax and License Collector and the applicant or licensee not later than ten (10) days preceding the date of the Board hearing. The Board of Supervisors shall be authorized to deny the introduction of evidence and decide the matter after oral argument presented during the hearing, or to admit supplementary evidence with respect to challenges or particular findings, or reject the findings and conclusions and conduct a de novo hearing. Pursuant to the granting of an appeal, the Board of Supervisors shall be authorized to order the issuance, renewal or continuance of a license upon such terms and conditions as in the discretion of the Board of Supervisors are deemed to be necessary and appropriate pursuant to the provisions of this chapter.

The Board of Supervisors shall render a written decision and shall file the same with the Clerk of the Board of Supervisors with ten (10) days following the date on which the hearing is closed with a copy thereof forwarded to the Tax and License Collector. Within five days of filing the decision, the Clerk of the Board of Supervisors shall serve the Licensee with a notice of decision and a copy thereof as provided in Section 4.02.090. The decision of the Board of Supervisors shall become final upon its service upon the applicant or licensee.

The decision by the Board of Supervisors granting or denying the appeal shall be accompanied by findings of fact and conclusions, which may consist of an adoption by reference of those by the Hearing Authority.

4.07.140 Enforcement.

A. In addition to any other remedy, any person violating any provision of this chapter shall be guilty of a misdemeanor for each day such violation continues.

B. Any violation of this chapter may be remedied by a civil action brought by the County Counsel. The County may recover reasonable attorney fees and costs of suit in any civil action brought by the County Counsel to remedy any violation of this chapter.

C. Any person violating the provisions of this chapter shall also be liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. Violations of this chapter are hereby declared to be public nuisances subject to abatement by the County.

SECTION 10. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on April 11, 2017, and on April 11, 2017, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Peters, seconded by Supervisor Serna, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 25th day of April, 2017, by the following vote:

AYES: Supervisors, Frost, Kennedy, Nottoli, Peters, Serna

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None
(PER POLITICAL REFORM ACT (§ 18702.5.))



Florence Evans
Clerk, Board of Supervisors

1132803

Don Nottoli

Chair of the Board of Supervisors
of Sacramento County, California

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on 4.25.17

By: *S. Studdert*
Deputy Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

APR 25 2017
BY *Florence Evans*
CLERK OF THE BOARD