County of Monterey
Board Policy Manual

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Policy Category Government and Administration		

I. Purpose

a. To outline the priorities and procedures for code enforcement within the County of Monterey, ensuring the protection of public health, safety, and the environment.
b. It is the policy of the County of Monterey to encourage and provide ample opportunities for those persons who are found to be in violation of County Codes to, in a timely manner, voluntarily comply with the Codes.
c. It is also the policy of the County to set reasonable deadlines for timely compliance, to adhere to those deadlines and to take appropriate escalated enforcement action when those deadlines are not met.

II. Background

The following priorities for code enforcement were adopted by the Board of Supervisors in October 1996. These priorities are reflective of the intention and direction of the County of Monterey to enforce its land use codes. These priorities do not imply that certain types of violations are to be condoned or are not to be subject to enforcement processes but is a recognition that priority must be given to certain types of violations to effectively protect the public's health and safety and the environment.

III. Policy

It is the policy of the County that enforcement priorities for code enforcement are as follows:

a. PRIORITY ONE: IMMEDIATE THREAT TO HEALTH, SAFETY OR ENVIRONMENTAL RESOURCES: Priority one violations are those actions which will do immediate, significant damage to the public's health and safety or to the environment. Examples of such violations include but are not limited to housing conditions where faulty structural or electrical systems exist and present an immediate hazard or violations of conditions of approval, such as noise or traffic mitigations, specifically designed protect the public. Environmental issues include but are not limited to removal of significant vegetation, and grading and erosion control in environmentally sensitive areas.
b. PRIORITY TWO: POTENTIAL THREAT TO HEALTH, SAFETY OR ENVIRONMENTAL RESOURCES: Priority two violations are those actions which have the potential to damage the public's health and safety or the environment. Violations in this category are essentially the same as priority one, except that the potential for damage is neither as immediate or as significant as would be found in priority one.

c. PRIORITY THREE: MINOR AND TECHNICAL CODE VIOLATIONS: Priority three violations are those which do not pose a threat to the public health or safety or the environment but which may, if not abated, compromise the purpose of the codes or perpetuate other violations. Priority three violations also include those activities which are technically code violations but pose no threat to the public health and safety or the environment and which are so minor that no adverse consequences can be anticipated from the activity.

IV. Procedure

a. When a violation is found to exist the enforcing officer will, in writing, notify the property owner and person (if other than the owner) causing the violation of the existence of the violation, the action needed to correct the violation and the deadline by which the prescribed action must be taken and the potential penalties if the violation is not corrected. The notice will also advise the owner of their ability to appeal the determination that the violation exists.
b. Except in situations where there is an immediate threat to the public health and safety or to the environment, no additional enforcement actions will be taken while a person in violation is diligently pursuing their administrative remedies to correct the violation within the timelines set by the enforcing officer.
c. The deadline set by the enforcing officer is to be determined in light of the time needed for a reasonable person making a diligent effort to correct the violation.
d. The enforcing officer may extend the deadline upon a showing by the persons in violation that unforeseen circumstances beyond their control have prevented them from complying with the deadline.
e. If the deadline established by the enforcing officer is not met, and no extension is given, the enforcing officer will proceed to the next: level of enforcement action based on the circumstances and severity of the violation. The possible levels of enforcement action include recordation of notices of violation, citations, and referral to the County Counsel or District Attorney.

V. Review Date

This Policy will be reviewed for continuance by July 1, 2030.

VI. Board Action

Legistar File Number: 25-451, July 2, 2030.