

**PLANNING, BUILDING AND ENVIRONMENTAL SERVICES
CODE COMPLIANCE POLICIES**

1.0. Purpose, Goals, and Benefits of Code Enforcement

- 1.1. The purpose of the Code Compliance Division is to assure compliance with State and local laws relating to building and zoning requirements, health and safety concerns, property maintenance standards, and other land use laws and regulations.
- 1.2. The County is committed to maintaining the quality of life in Napa County through orderly and regulated land use and development. Several studies have shown that a good compliance program promotes safer neighborhoods, increased land values, and pride in ownership. The Code Compliance Division contributes to the promotion of the health, safety, and welfare of the community.
- 1.3. The Code Compliance staff's goal is to serve the community to safeguard lives and property and to respect the Constitutional rights of all members of the community. They conduct themselves as a model for the community and are accountable and accept professional and personal responsibility. They make decisions free from prejudice, honor the spirit and letter of the law, and safeguard public confidence by conducting themselves in a manner that maintains public trust.
- 1.4. The primary approach of the Code Compliance is to gain voluntary compliance with the law. This can be accomplished by engaging the public in numerous ways. Education regarding applicable laws and direct communication with the public, both at large and in a particular case, can be effective tools in obtaining immediate compliance and a long-range solution to ongoing nuisances.
 - 1.4.1. As the focus of the Code Compliance program is compliance, the Code Compliance Division is not meant to be punitive. Penalties may be necessary to the extent that they encourage the voluntary compliance, or they deter violation of the law in the future.
 - 1.4.2. The costs of enforcing the Code should not be borne by the public. The Code Compliance Division should seek to recover all costs incurred in pursuit of compliance from the violator, as allowed by law. The public should be reminded that early voluntary compliance reduces the costs incurred by staff.
- 1.5. The Code Compliance Program is primarily complaint-driven, relying on complaints submitted by members of the public to initiate further investigation and potential enforcement action. Because of the need for such information from the public, it is in the public's interest that the identity and identifying information of complainants be kept confidential to the greatest extent under the law.
 - 1.5.1. Code Compliance Staff will independently verify the scope and extent of any alleged violations and will develop evidence independent of any complaints, such that the identity of the complainant is not relevant to the determination of the existence and extent of any violations.

- 1.6. While Code Compliance Staff cannot be expected to identify all violations on their own, they should be expected record and investigate violations that they do observe during the course of their duties. Code Compliance Staff may pursue compliance of staff-observed violations in the same manner as those raised by complaints from the public.

2.0. Delegation of Authority to Director of Planning, Building and Environmental Services.

- 2.1. Unless otherwise indicated in the Napa County Code, the Director of the Department of Planning, Building and Environmental Services, or their designated agent(s), is the enforcement officer, charged and empowered to enforce the Napa County Code, or other applicable state or federal laws or regulations. The Board has delegated the enforcement authority to the Director, including the discretion to determine the enforcement method or methods necessary or appropriate to gain compliance with the Napa County Code.
- 2.2. Such discretion shall be exercised reasonably, in compliance with the law, and in furtherance of this Policy. However, a decision to pursue a particular method of enforcement in one case shall not be binding on the Director in any other case. Each property, each violation, and each individual are unique and the Director's enforcement decisions should be based on those unique circumstances.
- 2.3. The Code Compliance Division shall maintain a Policy and Procedures Manual, which shall describe the specific procedures that will guide the Director in making enforcement decisions and Code Compliance Staff in their daily work. The procedures should reflect the purposes and priorities established by this Policy and should outline the best practices for each formal enforcement method. The procedures shall not require Code Compliance Staff to pursue any specific path for compliance.
 - 2.3.1. Code Compliance Staff, in consultation with County Counsel, shall maintain the necessary forms that Code Compliance Staff will need to ensure consistency and compliance with the obligations and responsibilities established by law and this Policy.
 - 2.3.2. The Code Compliance Policy and Procedures Manual, adopted by the Board on February 7, 2017, shall constitute the Policy and Procedures Manual under this section, but can be updated and amended as needed by the Code Compliance Division.

3.0. Priorities of Code Compliance Division

- 3.1. The County will always prioritize the health, safety, and welfare of its residents and visitors. Most of the ordinances and regulations that the County enforces were enacted pursuant to the County's police power, which is the constitutional authority vested in the County to make laws to protect the health, safety, and general welfare of the public. However, the wide range of circumstances resulting from violations of the Napa County Code, as well as the limitation on resources available to devote to enforcement requires Code Compliance staff to make decisions regarding which cases to prioritize.
- 3.2. The Board sets forth this general policy to assist the Code Compliance Division in making decisions regarding prioritization of code enforcement cases. Code Compliance Staff shall consider the following list of priorities, in order of importance, when deciding how much time and resources should be allocated to each particular case:
 - 3.2.1. Priority 1 – Violations with a high level of danger, instability, or risk to life, health or safety;

- 3.2.2. Priority 2 – Violations that have a high impact on the environment where swift action would reduce or eliminate the impact;
 - 3.2.3. Priority 3 – Violations involving inhabited or habitable structures, including violations of the Building Code or other regulations, that are not imminent threats to health and safety;
 - 3.2.4. Priority 4 – Violations impacting the environment that require long-term resolutions;
 - 3.2.5. Priority 5 – Violations of the Zoning Code or land use entitlements that do not involve imminent threats to health and safety, or to the environment;
 - 3.2.6. Priority 6 – Violations that do not involve habitation or environmental impacts.
- 3.3. The foregoing list does not represent a strict rule or order for staff to pursue without regard to the circumstances of each case. Rather, the priority list identifies the types of cases that likely involve greater threats to health, safety and welfare, relative to other cases, and therefore should take priority. The Director of PBES and Code Compliance Staff should still exercise the discretion granted through the delegation of authority, set forth above, but shall be guided by this Policy in making decisions about the allocation of its resources.

4.0. Code Compliance Staff Safety and Training

- 4.1. Code compliance and enforcement can often lead to emotional responses from members of the public, which can include aggressive or threatening behavior. As the first points of contact for those members of the public, Code Compliance Staff may bear the brunt of that aggression or may be the targets of such threats. Staff safety and well-being is of primary importance. Therefore, the Code Compliance Division shall prioritize staff safety through the development and maintenance of safety standards and procedures that ensure that Code Compliance Staff are protected during the course of their duties. These standards shall satisfy the requirements of Penal Code section 829.7, and address the following issues, at a minimum:
- 4.1.1. Prevention, Avoidance, and De-Escalation
 - 4.1.2. Safety During Inspection of Vacant Buildings
 - 4.1.3. Threats, Assaults, and Batteries
 - 4.1.4. Dealing with Animals
 - 4.1.5. Use of Force
 - 4.1.6. Safe and Effective Handling of Protective Equipment
 - 4.1.7. Protocols and Procedures for Sheriff Assistance
 - 4.1.8. Reporting and Documentation