

ORDINANCE NO. 449.239
AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE
PROHIBITING PAROLEE-PROBATIONER HOMES

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, parolee-probationer homes are hereby prohibited in the unincorporated area of Riverside County because they may be in conflict with a contemplated zoning proposal that the planning department is studying and because they may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, or any extension hereof, expires or is repealed, the County shall not issue a land use approval, a building permit or any other entitlement for a parolee-probationer home and no person shall operate a parolee-probationer home in the County. As used in this ordinance, the following terms shall have the following meanings:

a. Parolee-Probationer Home. Any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given or paid by the parolee-probationers, or given or paid by any person on behalf of the parolee-probationers, excluding any state-licensed residential care facility serving six (6) or fewer persons. In determining whether a state-licensed residential care facility serves six (6) or fewer persons, the licensee, members of the licensee's family and persons employed as facility staff shall not be counted.

b. Parolee. A person convicted of a federal crime and sentenced to a United States federal prison who has received conditional and revocable release in the community under the supervision of a federal parole officer; a person serving a period of supervised community custody as defined by Penal Code section 3000, following a term of imprisonment in a state prison, who is under the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority") who has received conditional and revocable release in the community under the supervision of the California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

c. Probationer. A person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer, or a person convicted of a misdemeanor who has received a suspension of the imposition or execution of a sentence and an order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer, as provided in Penal Code section 1203.

d. State-Licensed Residential Care Facility. A facility licensed by the State of California to provide residential care services, including those facilities described in Health & Safety Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and those facilities described in Welfare and Institutions Code section 5116.

Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect forty-five (45) days from the date of its adoption unless extended pursuant to law. In adopting this ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the public health, safety and welfare for the following reasons:

Parolee-probationer homes are proliferating in Riverside County and the California Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the County even when they committed crimes in other counties and have no ties to the area;

Based on reports generated by various public agencies throughout California, parolee-probationer homes often result in increased criminal activity and generate a disproportionate number of requests for law enforcement services; this adversely affects other segments of the community needing such services and unduly imposes a burden on law enforcement services in general;

Parolee probationer homes often result in parking and noise problems and have other harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into sleeping spaces;

The harmful secondary effects associated with parolee-probationer homes may negatively affect surrounding home values and result in increased foreclosures and resident displacement;

Existing zoning regulations do not adequately regulate parolee-probationer homes and absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks, playgrounds and other sensitive uses.

Section 3. In adopting this ordinance, the Board reports that measures to alleviate the conditions that led to its adoption will be taken and that such measures shall include, but not be limited to, the formulation and adoption of regular zoning regulations, consistent with State law, that adequately regulate parolee-probationer homes and protect the public from their harmful secondary effects.

Section 4. The Clerk shall schedule a public hearing before the Board to consider any extension of this ordinance which shall normally be at its second regular meeting before expiration of the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular zoning ordinance regulating parolee-probationer homes is adopted and effective before such expiration, this ordinance is repealed, or the Board otherwise orders.

Section 5. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance.

Adopted: Item: 3.90 of 07/27/2010 (Eff: immediately)