



# PLANNING AND BUILDING DEPARTMENT

## CODE ENFORCEMENT DIVISION

[www.edcgov.us/Government/CodeEnforcement](http://www.edcgov.us/Government/CodeEnforcement)

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**CODE ENFORCEMENT**

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Pursuant to Section 09.02.380 of the County Code, a party who has been issued a Notice to Correct or Administrative Citation may request a hearing to contest the action.

SEE ATTACHED PAGES FOR APPLICABLE ORDINANCE SECTIONS

## Request for Administrative Hearing

CASE NUMBER: \_\_\_\_\_ NOTICE OR CITE DATE: \_\_\_\_\_

SITE OF VIOLATION: \_\_\_\_\_ APN: \_\_\_\_\_

NAME: \_\_\_\_\_  Owner  Tenant / Occupant

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

**Reason for requesting a hearing:**

I am not responsible for the violation(s) *Instructions: Provide a written statement explaining why you are not responsible.*

I have abated / removed the violation(s) *Instructions: Provide written and /or photo evidence of removal.*

Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**In order for your request to be considered, you must submit this form to the address above along with a hearing fee of \$200.00 on or before 10 calendar days from the date of the notice or citation. This hearing fee may be refunded if you prevail in the hearing. If you have been issued a citation you must deposit the full amount cited in addition to the \$200.00 hearing fee.**

Appellant's signature: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Date: \_\_\_\_\_

(Office Use)

Case #

Date received:

Amt. paid:

Receipt #:

Initials:

**9.02.270 Notice to abate; general procedures.**

(a) Whenever the enforcement official or hearing officer determines that public or private property or any portion of public or private property is in violation of any section of the Code, a notice to abate may be issued to the responsible person to abate the violation. If the notice pertains to events occurring on or the status or condition of property the notice shall also be served on all property owners of record. **The notice to abate shall include the following information:**

- (1) A description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to specific sections of the Code violated;
- (2) A description of the action required to abate the violation which may include, without limitation, corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants or other appropriate action and shall establish time frames by which each action must occur;
- (3) A description of consequences should the responsible person fail to comply with the terms of the notice; and
- (4) **A statement that the responsible person may request an administrative hearing on the notice to abate in accordance with this Chapter.**

(b) **Abatement time suspended for administrative hearing: If a responsible person requests an administrative hearing within the required time period set forth in this Chapter the date specified in the notice by which the owner must abate the condition is suspended for the period during which the owner requests a hearing and receives a decision.**

**09.02.380 Procedures for requesting an administrative hearing.**

(a) No hearing to contest an administrative citation or notice to abate a violation(s)/vehicle(s) shall be held unless and until a request for hearing form provided by the County has been completed and submitted with a hearing fee. The refundable hearing fee shall be two hundred dollars (\$200.00) payable to the Development Services Department to defray the cost of the hearing and may be changed by resolution of the Board of Supervisors. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before 10 calendar days after service of an administrative citation or notice to abate.

(b) Any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. If the hearing officer affirms the violation, the hearing officer may impose administrative fees per 09.02.450 equal to the cost of administering the Code Enforcement case.

**09.02.390 Procedures for notification of administrative hearing.**

(a) Where the responsible person has made a timely request for an administrative hearing, the hearing officer shall schedule a day, time and place for the hearing. The hearing shall be scheduled for a date no more than 90 calendar days after receipt of the request for hearing unless both parties agree to a later date.

(b) Written notice of the time and place of the hearing shall be served at least 10 calendar days prior to the date of the hearing on responsible person.

(c) The notice of hearing shall be served by any of the methods of service listed in this Chapter.

**09.02.400 Procedures at administrative hearing: admission of evidence.**

(a) Administrative hearings are intended to be informal in nature. The hearing officer is not bound by formal rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The rules of evidence of courts of the State of California will be followed but may be relaxed at the discretion of the hearing officer when deviation from the formal rules of evidence will aid in a determination of the truth. The rules pertaining to discovery do not apply.

(b) An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon

which the relief sought must be stated briefly. The hearing officer, with or without objection may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

(c) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

**09.02.440 Failure to attend administrative hearing.** Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed.

**09.02.450 Administrative order: compliance with administrative order.**

(a) The decision of the hearing officer shall be entitled "administrative order".

(b) Once all evidence and testimony are completed, the hearing officer shall issue an administrative order which affirms, modifies or rejects the enforcement official's action. The administrative order may affirm, modify or reject the daily rate or duration of the administrative fines depending upon review of the evidence and may increase or decrease the total amount of administrative fines assessed.

(c) The hearing officer may issue an administrative order that requires the responsible person to cease violating the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.

(d) As part of the administrative order, the hearing officer may establish specific deadlines for the payment of administrative fines, fees and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.

(e) The hearing officer may issue an administrative order which imposes additional administrative fines as set forth in this Chapter that will continue to be assessed for each day the violation continues until the responsible person complies with the hearing officer's decision and corrects the violation.

(f) The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.

(g) The administrative order shall become final on the date of service of the order.

(h) The administrative order shall be served on all parties by any one of the methods listed in this Chapter.