



PLANNING AND BUILDING DEPARTMENT

CODE ENFORCEMENT DIVISION

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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 and Order may request a hearing to contest the action.

SEE ATTACHED PAGES FOR APPLICABLE ORDINANCE SECTIONS

Request for Administrative Hearing

CASE NUMBER: _____ NOTICE 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 20 calendar days from the date of the notice. This hearing fee may be refunded if you prevail in the hearing. If you have been issued a Notice and Order you must deposit the full amount of any fines cited in the Notice and Order together with 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. A hearing to appeal or contest a Notice and Order shall not be held unless and until a request for hearing completed by appellant on the form prescribed by the County has been submitted together with the required hearing fee. The refundable hearing fee shall be \$200.00 payable to El Dorado County to defray the cost of the hearing and may be changed by resolution of the Board. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before twenty (20) calendar days after service of a Notice and Order.

B. Any hearing fee which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the Notice and Order or notice to abate was not responsible for the violation or that there was no violation as charged in the Notice and Order. If the Hearing Officer affirms the violation, the Hearing Officer may impose fines, and administrative fees per Section 9.02.450 equal to the cost of administering the code enforcement case.

C. If a hearing is requested but a person's financial condition prevents payment of the refundable hearing fee, the person may request waiver of the fee and the fee shall be waived if the person provides sufficient evidence of an inability to pay because of one of the reasons enumerated in California Government Code § 68632.

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. Unless a shorter time is provided elsewhere in the Code, the hearing shall be scheduled for a date no more than 60 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 ten 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 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.

09.02.430 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. Failure to request a hearing or to appear if one is requested shall constitute a failure to exhaust administrative remedies.

09.02.440 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 or 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. If an administrative order provides for abatement of the violation by the County, it shall state the means of abatement and whether the property shall be destroyed upon removal.

H. The administrative order shall become final on the date of service of the order.

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