



Code Enforcement • 2 Florida St • Vallejo • CA • 94590 • 707.648.4469 • code.enforcement@cityofvallejo.net

NOTICE OF VIOLATION APPEALS PROCESS

Any property owner may appeal the Notice of Violation by requesting a hearing before the Code Enforcement Appeals Board (Board) as outlined in **Section 7.54.080 of the Vallejo Municipal Code**:

1. An appeal form shall be obtained from the Code Enforcement Division office. The completed appeal form shall be filed with the Division Commander or Designee **within thirty (30) days of the effective date of the notice of violation, which is the date of the certified mailing, together with an appeal fee of \$462.00. If submitting a request for an advanced fee deposit waiver, then this appeal form must be filed with the Division Commander or Designee within fifteen (15) days of the effective date of the notice of violation.**
2. Only after the completed appeal form has been filed together with the appeal fee or with an *approved* advanced fee deposit waiver form shall the Division Commander or Designee set the date for a hearing. The hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days after the Division Commander or Designee received the request.
3. The appellant may request one continuance, but in no event shall the hearing be continued more than thirty (30) days after the date of the originally scheduled hearing unless the Division Commander or Designee finds circumstances of hardship warrant a longer continuance not to exceed ninety (90) days after the date of the originally scheduled hearing.
4. The appellant shall be notified by certified mail of the date, time and place set for the hearing. Such notice shall be sent at least ten (10) days prior to the date of the hearing. The notice shall include a statement that if the violation is found to be a public nuisance and the violation is not substantially abated, then the city may pursue any and all legal and equitable remedies for the recovery of unpaid abatement costs and administrative charges. The notice shall be sent to the appellant at the address provided on the completed appeal form. Failure of the appellant to receive such notice shall not affect the validity of any proceedings taken under **Section 7.54.080 of the Vallejo Municipal Code**.
5. Any documentation, other than the Notice of Violation, which the Division Commander or Designee has submitted or will submit to the Board shall be served on the appellant at least three (3) days before the hearing.

Failure of any property owner to file an appeal in accordance with the provisions of **Section 7.54.080 of the Vallejo Municipal Code** shall be deemed to waive his or her right to an appeal hearing.

Appeal Fee Waiver. Any property owner who requests a hearing to appeal a Notice of Violation and is financially unable to pay the appeal fee may file a request for an appeal fee waiver as follows:

1. The request for waiver shall be made on a form obtained from the Division Commander or Designee and submitted to the Division Commander or Designee within fifteen (15) days of the effective date of the Notice of Violation which is the date of the certified mailing. The request for waiver must be submitted along with the appeal hearing request form.
2. The Division Commander or Designee may issue an appeal fee waiver only if the person requesting the waiver submits a sworn affidavit together with any supporting documents demonstrating to the satisfaction of the Division Commander or Designee the person's financial inability to deposit with the city the full amount of the fee in advance of the appeal hearing.



Code Enforcement · 2 Florida St · Vallejo · CA · 94590 · 707.648.4469 · code.enforcement@cityofvallejo.net

3. The Division Commander or Designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver within ten (10) days of the receipt of the request. The decision of the Division Commander or Designee shall be final.
4. If the Division Commander or Designee determines a waiver is not warranted, the property owner shall remit the appeal fee within ten (10) days of the determination. If the Division Commander or Designee does not receive the appeal fee within this time period, the request for hearing shall not be accepted and shall constitute a failure of the property owner to exhaust his or her administrative remedies.

Appeal hearing procedure.

Hearings by the Board are informal and formal rules of evidence and discovery shall not apply.

The city and appellant shall be given the opportunity to testify and present evidence concerning the alleged violation and proposed rehabilitation, repair and/or demolition of the subject property.

The Notice of Violation and any additional report submitted by the Division Commander or Designee shall constitute *prima facie* evidence of the respective facts contained in those documents.

The Board may continue a hearing to request additional information from the Division Commander or Designee and/or appellant and/or to conduct an inspection of the subject property prior to concluding the hearing.

The Board may inspect the subject property prior to concluding the hearing provided that the appellant consents to the inspection, is given the notice of the date and time of the inspection, and is permitted to be present during the inspection. The Board shall state for the record during the hearing the material facts observed and conclusions drawn from the inspection. The appellant shall be afforded an opportunity to rebut or explain the matters so stated by the Board. If the subject property can be inspected from areas accessible to the general public or with the permission of other persons authorized to provide access to the property, then notice to and consent of the appellant is not required.

Failure of the appellant to appear at the hearing shall constitute a waiver of his or her right to an administrative hearing.

Decision of the Code Enforcement Appeals Board

After considering all of the testimony and evidence submitted during the hearing, the Board shall issue a written decision to the appellant within ten days of the conclusion of the hearing to uphold, modify or cancel the notice of violation. The effective date of the written decision shall be the date the decision is mailed certified to the appellant. The Board shall give its decision orally at the conclusion of the hearing prior to issuing the written decision. The decision of the Board is final. The written decision shall include the reasons for that decision which may be based on any or all of the following factors:

1. Duration of the violation;
2. Frequency, recurrence and/or number of related or unrelated violations by the appellant;
3. Seriousness of the violation;



Code Enforcement · 2 Florida St · Vallejo · CA · 94590 · 707.648.4469 · code.enforcement@cityofvallejo.net

4. Good faith efforts of the appellant to abate the violation;
5. Economic impact of abatement on the appellant; and/or
6. Other factors as justice may require.

If the Board determines the Notice of Violation should be upheld, then the written decision shall include the action required to correct the violation and the date by which such action must be completed. The date of compliance shall be no more than sixty (60) days from the date of the Board's decision. The decision shall include a payment schedule for any unpaid administrative charges. The decision shall also include the consequences of failing to correct the violation and the right to judicial review pursuant to [Section 7.54.120](#).

If the Board determines the Notice of Violation should be modified in terms of methods of abatement and/or time limit for compliance, then the written decision shall include the modified action to correct the violation and/or the date by which correction must be completed. The decision shall include a payment schedule for any unpaid administrative charges. The decision shall also include the consequences of failing to correct the violation and the right to judicial review pursuant to **Section 7.54.120**.

The Board may determine that the Notice of Violation should be canceled and all further actions related to this notice of violation shall be terminated.

Limitation on judicial review

The appellant may seek judicial review of the Board's decision by filing a petition with a court of competent jurisdiction pursuant to **California Code of Civil Procedure Sections 1094.5 and 1094.6**. The written decision of the Board shall contain a statement advising the appellant of this time limit on seeking court review.