



ADMINISTRATIVE CITATION HEARING REQUEST

Any responsible person receiving an Administrative Citation may contest that there was a violation or that he or she is the responsible person and may request a hearing before the Code Enforcement Appeals Board (Board) as outlined in **Section 1.15.090 of the Vallejo Municipal Code**:

1. A request for hearing form shall be obtained from the Code Enforcement Division Commander or designee via the Code Enforcement Division office. The form shall include a section permitting a brief statement outlining the responsible person's basis for contesting the Citation and for the provision of an address at which notice of any additional proceeding, correspondence or the decision of the hearing officer/Board may be received. **This request shall be filed with the Commander or designee via the Code Enforcement Division office within thirty (30) days of the effective date of the citation, which is the date of the certified mailing, together with an advance fee deposit or a request for an advanced fee deposit waiver.**
2. Only after a completed request for hearing form has been filed with the Commander or designee via the Code Enforcement Division office and the responsible person has submitted the advanced fee deposit or has obtained an advanced fee deposit waiver shall the Commander or designee set the date, time and place for the hearing. The hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days after the Commander or designee via the Code Enforcement Division office received the request and the advanced fee deposit or an approved waiver.
3. The responsible person requesting the hearing shall be notified by certified mail of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. The notice shall be sent to the address provided on the request for hearing form by the responsible person requesting the hearing. Service shall become effective on the date of certified mailing. Failure of the responsible person requesting the hearing to receive such notice shall not affect the validity of any proceedings taken.
4. The responsible person requesting the hearing or the Commander or designee may request one continuance, but in no event may the hearing be continued more than thirty (30) days after the date of the originally scheduled hearing unless the hearing officer/Board finds circumstances warrant a longer continuance not to exceed ninety (90) days after the date of the originally scheduled hearing.
5. Any documentation, other than the Administrative Citation, which the Commander or designee submits to the Board shall be served on the responsible person, at the address provided on the request hearing form, at least three (3) days before the hearing.

Failure of any responsible person to file a request for hearing in accordance with the provisions of **Section 1.15.090 of the Vallejo Municipal Code** shall be deemed to have waived their right to an administrative hearing.



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Advanced Fee Deposit Waiver. Any responsible person who requests a hearing to contest an Administrative Citation and is financially unable to deposit the fee may file a request for an advanced fee deposit waiver as follows:

1. The request for waiver shall be made on a form obtained from the Commander or designee via the Code Enforcement Division office and shall be submitted to the Commander or designee via the Code Enforcement Division office within thirty (30) days of the effective date of the citation which is the date of the certified mailing.
2. The requirement of depositing the full amount of the fee shall be stayed unless or until the Commander or designee makes a determination not to issue the advanced fee deposit hardship waiver.
3. The Commander or designee may issue an advanced fee deposit waiver only if the person requesting the waiver submits a sworn affidavit together with any supporting documents demonstrating to the satisfaction of the Commander or designee the person's financial inability to deposit with the city the full amount of the fee in advance of the hearing.
4. The Commander or designee via the Code Enforcement Division office shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The written determination shall be final and shall be served upon the person who applied for the waiver.
5. If the Commander or designee decides not to issue a waiver, the responsible person shall remit the advanced fee deposit within ten (10) days of the decision. If the advanced fee deposit is not received by this date, the request for hearing shall not be accepted and the responsible person shall be deemed to have waived their right to an administrative hearing.



ADMINISTRATIVE CITATION APPEAL HEARING PROCEDURE

DURING THE APPEAL HEARING:

Administrative hearings are informal, and formal rules of evidence and discovery do not apply.

The City and the responsible person (you) contesting the administrative citation shall be given the opportunity to testify and present evidence concerning the Administrative Citation. You may represent yourself or be represented by any person of your choice.

The Administrative Citation and any additional report submitted by the Code Enforcement Officer shall constitute *prima facie* evidence of the respective facts contained in those documents.

The Code Enforcement Appeals Board (Board) may continue the hearing and request additional information from the Code Enforcement Officer and/or the responsible person or to conduct an inspection of the building and/or property involved in the hearing prior to concluding the hearing and issuing a written decision.

The Board may inspect the building and/or property involved in the hearing prior to or during the hearing provided that you consent to the inspection, are given 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 and you shall be afforded an opportunity to rebut or explain the matters so stated by the board. If the building, structure and/or property can be inspected from areas in which the general public has access, or with permission of other persons authorized to provide access to the building and/or property, then notice to you and your consent is not required.

Your failure to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and shall be deemed to have waived your right to an administrative hearing.

DECISION OF THE CODE ENFORCEMENT APPEALS BOARD:

After considering all of the testimony and evidence submitted at the hearing, the Board shall orally give its decision at the conclusion of the hearing, either upholding, reducing, conditionally reducing or canceling the fines stated in the Citation or any administrative charges imposed. The Board shall issue a written decision within ten (10) days of the conclusion of the hearing stating the reasons for that decision and the right to judicial review of the decision pursuant to **Section 1.15.130 of the Vallejo Municipal Code**. The Code Enforcement Appeals Board's decision is final.

If the Board determines that the Administrative Citation should be upheld, then the advance fine deposit shall be retained by the City. If an advance fine deposit waiver was issued, the written decision shall require the fine to be paid within thirty (30) days of the date of service of the decision. If the fine is not paid within the time specified, the fine shall be subject to the imposition of an administrative charge as set forth in Section 1.15.070 of the Vallejo Municipal Code.



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If the Board determines the Administrative Citation should be canceled and the advance fine was deposited with the City, then the City shall refund the amount of the deposited fine. If the fine is reduced by the Board, the City shall make a partial refund of the advance fine deposit.

You shall be served with a copy of the Board's written decision by certified mail to the address you provided on the request for hearing form.

LIMITATION ON JUDICIAL REVIEW:

You 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 so advising the appellant (you) of this time limit on seeking court review.