

Chapter 21.02

ADMINISTRATIVE CITATIONS

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Section 21.02.010 Legislative findings and statement of purpose.

The City Council hereby finds that there is a need for an alternative method of code enforcement to the traditional civil, criminal or administrative abatement actions, to effect compliance with the Galt Municipal Code, its adopted codes and applicable State codes. The City Council further finds that an appropriate alternative method of enforcement for code violations is an administrative citation program as authorized by Government code section 53069.4.

The procedures established in this Chapter shall be in addition to criminal, civil or administrative abatement or any other legal remedy established by law, which may be pursued to address violations of the Galt Municipal Code, its adopted codes or applicable State codes.

Use of this Chapter shall be at the sole discretion of the City.

(2006-07, Added, 06/06/2006)

Section 21.02.020 Definitions.

A. "Administrative citation" shall mean the written notice provided to a responsible person to inform that person of a violation of the Galt Municipal Code, its adopted codes or applicable State codes.

B. "Enforcement officer" shall mean any officer or employee, including his or her

designee, with the authority to enforce the Galt Municipal Code, its adopted codes or applicable State codes.

C. "Hearing officer" shall mean hearing officer as defined by section 21.03.020A.

D. "Non-emergency health or safety violation" shall mean a violation of any building, plumbing, electrical or other similar structural or zoning ordinance which does not create an immediate danger to health or safety.

E. "Responsible person" shall mean either of the following:

1. Any individual or legal entity who is the owner, tenant, co-tenant, lessee, sub-lessee, occupant or other person with any right to possession of the real property, owner or authorized agent of any business, company or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of the Galt Municipal Code, its adopted codes or applicable State codes.

2. Any individual, legal entity or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of the Galt Municipal Code, its adopted codes or applicable State codes.

(2006-07, Added, 06/06/2006)

Section 21.02.030 Authority.

A. Any responsible person violating any provision of the Galt Municipal Code, its adopted codes or applicable State codes may be issued an administrative citation by an enforcement officer as provided in this Chapter. A violation of this code includes, but is not limited to, all violations of the Galt Municipal Code, the Uniform codes adopted by the City Council, or failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Each and every day or portion thereof that a violation of the Galt Municipal Code, its adopted codes or applicable State codes exists constitutes a separate and distinct offense.

C. A civil fine shall be assessed by means of an administrative citation issued by an enforcement officer and shall be payable directly to the City of Galt, Citations c/o Finance

Department, 380 Civic Drive, Galt, CA 95632.

D. Except where otherwise provided in the code, fines shall be assessed in the amounts specified by resolution of the City Council, or where no amount is specified, fines shall be assessed in an amount not exceeding:

1. One hundred dollars (\$100.00) for a first violation;

2. Two hundred dollars (\$200.00) for a second violation of the same provision (other than a building and safety code provision) within one year, and five hundred dollars (\$500.00) for a violation of a building and safety code provision;

3. Five hundred dollars (\$500.00) for each additional violation of the same provision (other than a building and safety code provision) within one year, and one thousand dollars (\$1,000.00) for a violation of a building and safety code provision.

(2006-07, Added, 06/06/2006)

Section 21.02.040 Service procedures.

An administrative citation on a form approved by the City Manager shall be issued to the responsible person by an enforcement officer for violations of the Galt Municipal Code, its adopted codes or applicable State codes in the following manner:

A. Personal service.

1. The enforcement officer shall attempt to locate and personally serve the responsible person and, if possible, obtain the signature of the responsible person on the administrative citation.

2. If the served responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

B. Service of citation by mail.

1. If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a return receipt requested. Simultaneously, the administrative citation may be sent by first class mail.

2. Service by mail shall be sent to the responsible person's address as shown on public records or as known to the City. If the

administrative citation is sent by certified mail and returned unsigned, then service shall be deemed effective by first class mail, provided the administrative citation sent by the first class mail is not returned.

3. Service of the administrative citation shall be deemed effective three (3) days following deposit of such citation in the U.S. mail.

C. Service of citation by posting notice.

1. If the enforcement officer does not succeed in serving the responsible person personally or by certified or first class mail, the enforcement officer shall post the administrative citation in a conspicuous location on any real property within the City in which the City has knowledge that the responsible person has a legal interest.

2. Posting of the administrative citation shall be deemed effective service as of the date that the citation is actually posted.

(2006-07, Added, 06/06/2006)

Section 21.02.050 Contents of notice.

Each administrative citation shall contain the following information:

A. Date, approximate time and address or definite description of the location where the violation(s) was observed;

B. The code section(s) or condition(s) violated and a description of the violation(s);

C. A description of the action required to correct the violation(s);

D. An order to the responsible person to correct the violation(s) by a correction date and an explanation of the consequences of failure to correct the violation(s);

E. The amount of the fine for the violation(s);

F. An explanation of how the fine shall be paid, the deadline by which it shall be paid, and the place to which the fine shall be paid;

G. An order prohibiting the continuation or repeated occurrence of the code violation(s) described in the administrative citation;

H. Identification of rights of appeal, including the time within which the administrative citation may be contested and the place to obtain a Notice of Appeal and Request for Hearing form to contest the administrative citation; and

I. The name and signature of the enforcement officer and, if possible, the signature of the responsible person.
(2006-07, Added, 06/06/2006)

Section 21.02.060 Satisfaction of administrative citation.

A. Upon receipt of an administrative citation, the responsible person shall do the following:

1. Remedy the violation(s) if the violation(s) is of such a nature that it can be remedied. If a non-emergency health or safety violation(s) is corrected before the correction date provided on the administrative citation, no fine shall be imposed.

2. Pay the fine to the City within fifteen (15) calendar days from the correction date on the administrative citation. All fines assessed shall be payable to the City of Galt, Citations c/o Finance Department, 380 Civic Drive, Galt, CA 95632. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the City;

B. If the responsible person fails to correct the violation(s) set forth in the administrative citation, subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at the rate specified in section 21.02.030D.
(2006-07, Added, 06/06/2006)

Section 21.02.070 Appeal of administrative citation.

A. Any recipient of an administrative citation may contest that there was a violation of the Galt Municipal Code or that he or she is the responsible person by completing a Notice of Appeal and Request for Hearing form and filing it with the City Clerk within fifteen (15) calendar days from the date of issuance of the administration citation, together with an advance deposit of the total amount of the fine, or the timely filing of a Request for an Advance Deposit Hardship Waiver form pursuant to section 21.02.080. Any 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.

B. In addition to the requirements listed in section 21.02.070A, any appeal of the administrative citation shall include a detailed written explanation as to the grounds for appeal of the administrative citation. Any appeal shall be limited to such written grounds.

C. Appeals of administrative citations shall be conducted under the provisions of Chapter 21.03 of Title 21.

(2006-07, Added, 06/06/2006)

Section 21.02.080 Advance deposit hardship waiver.

A. Any person who intends to request a hearing to contest an administrative citation and who is financially unable to make the advance deposit of the fine may file a Request for an Advance Deposit Hardship Waiver form, available from the Finance Department.

B. The request shall be filed with the Finance Department within five (5) days of the date of the issuance of the administrative citation.

C. The requirement of depositing the full amount of the fine as described in section 21.02.070A shall be stayed unless or until the Director of Finance makes a determination not to issue the advance deposit hardship waiver.

D. The Director may waive the requirement for advance deposit only if the cited party submits to the Director a declaration under penalty of perjury supported by evidence that shows to the Director's reasonable satisfaction that such party is financially unable to deposit the total amount of the fine in advance of the hearing.

E. If the Director determines not to issue an advance deposit hardship waiver, the cited party shall remit the deposit to the City within five (5) days of the date of that decision or fifteen (15) days from the date of issuance of the administrative citation, whichever is later.

F. The Director shall list his/her reasons for granting or not granting an advance deposit hardship waiver in writing and serve it on the cited party. The Director's decision is final.

(2006-07, Added, 06/06/2006)

Section 21.02.090 Hearing officer' s decision.

A. If the hearing officer determines that the administrative citation should be upheld, then the City shall retain the fine amount on deposit with the City.

B. If the hearing officer determines that the administrative citation should be upheld, and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set a fine payment schedule for the payment of the fine.

C. The payment of any administrative fine shall not excuse or otherwise provide any defense to the continued violation of any provision of this Code.

(2006-07, Added, 06/06/2006)

Section 21.02.100 Failure to pay fines.

A. The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the City Attorney to file a claim with the applicable court. Alternatively, the City may pursue any other legal remedy to collect the civil fines, including, but not limited to, a lien pursuant to section 21.01.100 or assessment pursuant to section 21.01.110.

B. Any person who fails to pay to the City any fine imposed pursuant to this Chapter on or before the date that fine is due also shall be liable for the payment of a onetime late payment charge in the amount of twenty-five dollars (\$25.00), plus interest at the maximum rate permitted by law.

C. The payment of any administrative fine shall not excuse or otherwise provide any defense to the continued violation of any provision of this code.

(2006-07, Added, 06/06/2006)

Section 21.02.110 Notices.

A. The administrative citation and all notices to be given by this Chapter shall be served on the responsible person in accordance with the provisions of this Chapter and section 21.02.040, where applicable.

B. Failure to receive actual notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

(2006-07, Added, 06/06/2006)