

Title 1

GENERAL PROVISIONS

Chapters:

- 1. Adoption of Code**
- 2. Penalty Provisions**
- 3. Rules of Construction**
- 4. Appeals**
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Chapter 1

ADOPTION OF CODE

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Sec. 1-1.01. Title: Reference to Code.

This Code shall be known as the "Yolo County Code". It shall be sufficient to refer to this Code as the Yolo County Code in any prosecution for the violation of any provision thereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing this Code, or portions thereof, as an addition or amendment to, or a repeal of, the Yolo County Code, or a portion thereof.

Sec. 1-1.02. Authority.

Except as otherwise herein or hereafter provided, this Code consists of all the regulatory, penal, and administrative laws of general application of the County of Yolo, codified pursuant to the authority contained in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California.

Sec. 1-1.03. Effective date.

This Code shall take effect upon the effective date of the ordinance adopting this Code by reference.

Sec. 1-1.04. Effect of Code on past actions and obligations.

Neither the adoption of this Code nor the repeal hereby of any ordinance of the County shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Code, nor be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all vested rights and obligations thereunder appertaining shall continue in full force and effect.

Sec. 1-1.05. Reference to specific ordinances.

The provisions of this Code shall not in any manner affect deposits or other matters of record

which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within this Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

Sec. 1-1.06. Validity of Code.

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 1-1.07. Repeal of ordinances.

All ordinances of the County in force upon the effective date of this Code are hereby repealed except those ordinances relating to matters of a special or temporary nature (listed in Table 2 of the Appendix of this Code).

Sec. 1-1.08. Maintenance of Code.

At least three (3) copies of this Code, duly certified by the County Clerk, shall be maintained on file in his office as the official copies of the Code. Additional copies of the Code shall be distributed to the departments and divisions of the County as shall be prescribed by the County Executive. Duly certified copies of each ordinance making changes in the Code shall be filed in the office of the County Clerk in books for such purpose, duly indexed for ready reference. At least quarterly the County Clerk shall cause the loose leaf pages of this Code in which changes have been made to be reproduced, including the notation as to the ordinance number and date pursuant to which change is adopted, and distributed in order that the loose leaf copies of the Code, prepared for the use and convenience of the officers and employees of the County and the general public, may be brought up-to-date.

Chapter 2

PENALTY PROVISIONS

Sections:

- 1-2.01 Violations a misdemeanor.**
- 1-2.02 Prohibited acts.**
- 1-2.03 Imposition of penalty.**
- 1-2.04 Determination of punishment.**
- 1-2.05 Place of confinement.**
- 1-2.06 Fees, charges, and taxes made a civil debt.**

Sec. 1-2.01. Violations a misdemeanor.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code or the provisions of any code adopted by reference by this Code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of his Code, or the provisions of any code adopted by reference by this Code, is committed, continued, or permitted by such person and shall be punishable accordingly.

In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this Code, or the provisions of any code adopted by reference by this Code, shall be deemed a public nuisance and may be summarily abated by this County, and each day such condition continues shall be regarded as a new and separate offense.

Sec. 1-2.02. Prohibited acts.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Sec. 1-2.03. Imposition of penalty.

The provisions of this Code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment described.

Sec. 1-2.04. Determination of punishment.

Whenever in this Code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case shall be determined by the court authorized to pass sentence, within such limits as may be prescribed by this Code.

Sec. 1-2.05. Place of confinement.

Every person found guilty of violating any of the provisions of this Code and sentenced to imprisonment shall be imprisoned in the County Jail.

Sec. 1-2.06. Fees, charges, and taxes made a civil debt.

The amount of any fee, service charge, utility charge, license, or tax of any nature whatsoever imposed by any provision of this Code shall be deemed a civil debt owing to the County. An action may be commenced in the name of the County in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, utility charge, license, or tax, together with any penalties applicable thereto as prescribed by this Code. The remedy prescribed by this section shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this Code or by law for the purpose of enforcing the provisions thereof.

Chapter 3

RULES OF CONSTRUCTION

Sections:

- 1-3.01 Scope of chapter.**
- 1-3.02 Provisions construed as restatements and continuations.**
- 1-3.03 Tenure of officers preserved.**
- 1-3.04 Effect of headings.**
- 1-3.05 Meaning of section and subsection.**
- 1-3.06 References to acts or omissions within the County.**
- 1-3.07 Acts by deputies.**
- 1-3.08 Writing.**
- 1-3.09 References to ordinances: Application to amendments.**
- 1-3.10 Service of notices.**
- 1-3.11 Service of notices: Proof.**
- 1-3.12 Statute of limitations.**
- 1-3.13 Definitions.**

Sec. 1-3.01. Scope of chapter.

Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in this chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

Sec. 1-3.02. Provisions construed as restatements and continuations.

The provisions of this Code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Sec. 1-3.03. Tenure of officers preserved.

All persons who, at the time this Code takes effect, hold office under any of the ordinances repealed by this Code, which offices are continued by this Code, shall continue to hold them according to their former tenure.

Sec. 1-3.04. Effect of headings.

Title, chapter, article, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section of this Code.

Sec. 1-3.05. Meaning of section and subsection.

"Section" shall mean a section of this Code, unless some other source is specifically mentioned. "Subsection" shall mean a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

Sec. 1-3.06. References to acts or omissions

within the County.

This Code shall refer only to the omission or commission of acts within the territorial limits of the County and to that territory outside the County over which the County has jurisdiction or control by virtue of the Constitution of the State of California or any law, or by reason of ownership or control of property.

Sec. 1-3.07. Acts by deputies.

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

Sec. 1-3.08. Writing.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Sec. 1-3.09. References to ordinances: Application to Amendments.

Whenever any reference is made to an ordinance, the reference shall apply to such ordinance of the County unless otherwise specifically provided. Whenever any reference is made to any portion of this Code, or to any ordinances of the County, the reference shall apply to all amendments and additions now or hereafter made.

Sec. 1-3.10. Service of notices.

Whenever a notice is required to be given under this Code, unless different provisions are otherwise specifically made in the Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records of the County or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Sec. 1-3.11. Service of notices: Proof.

Proof of giving any notice may be made by the certificate of any officer or employee of the County or by affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

Sec. 1-3.12. Statute of limitations.

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has

begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

Sec. 1-3.13. Definitions.

For the purposes of this Code, unless otherwise apparent from the context, certain words and phrases used in this Code are defined as follows:

(a) "Board" shall mean the Board of Supervisors of the County of Yolo.

(b) "Calendar year" shall mean from January 1 through December 31 of any given year.

(c) "County" shall mean the County of Yolo.

(d) "Fiscal year" shall mean from July 1 of any given year through June 30 of the following year.

(e) "Gender" The masculine gender shall include the feminine and neuter genders.

(f) "May" shall be permissive.

(g) "Month" shall mean a calendar month unless otherwise expressed.

(h) "Number" The singular number shall include the plural, and the plural number shall include the singular.

(i) "Oath" shall include affirmation.

(j) "Office" The use of the title of any officer, employee, office, or ordinance shall mean such officer, employee, office, or ordinance of this County, unless otherwise specified.

(k) "Official time standard". Wherever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the County.

(l) "Owner", applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.

(m) "Person" shall include any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district in the County of Yolo, the State of California, or the United States of America, or any department or agency of any thereof, unless this Code expressly provides otherwise.

(n) "Personal property" shall include money, goods, chattels, things in action, and evidences of debt.

(o) "Property" shall include both real and personal property.

(p) "Quarterly", where used to designate a period of time, shall mean the first three (3) calendar months of any given year or any succeeding period of three (3) calendar months.

(q) "Real property" shall include lands, tenements, and hereditaments.

(r) "Road" shall include all roads, streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the County which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

(s) "Shall" shall be mandatory.

(t) "State" shall mean the State of California.

(u) "Tenant or occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(v) "Tenses" The present tense shall include the past and future tenses, and the future tense shall include the present tense.

Chapter 4

APPEALS

Sections:

- 1-4.01 Right to appeal.**
- 1-4.02 Time limit for filing.**
- 1-4.03 Hearings: Notice.**
- 1-4.04 Hearings.**

Sec. 1-4.01. Right to appeal.

Except where an appeals procedure is otherwise specifically provided in this Code, any person excepting to the denial, suspension, or revocation of a permit applied for or held by him pursuant to any of the provisions of this Code, or to any administrative decision made by any official of the County, if the denial, suspension, or revocation of such permit or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this Code, may appeal in writing to the Board by filing with the County Clerk a written notice of such appeal, setting forth the specific grounds thereof.

No appeal may be taken to any such administrative decision made by an official of the County pursuant to the provisions of this chapter unless such decision to appeal has been first taken up with the department head concerned.

No right of appeal to the Board from any administrative decision made by an official of the County pursuant to any of the provisions of this Code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this Code, whether the administrative decision involves the denial, suspension, or revocation of a permit or any other administrative decision.

Sec. 1-4.02. Time limit for filing.

The appellant shall file a notice of appeal with the County Clerk within fourteen (14) days after receipt of the notice of the administrative decision concerned.

Sec. 1-4.03. Hearings: Notices.

Upon receipt of the filing of the notice of appeal in proper form, the County Clerk shall place the matter the Board agenda for the next regular meeting of the Board which will be held at least five (5) days after the date of the filing of the notice of appeal. Except in cases of emergency when the Board may determine the matter immediately, the Board shall set the matter for hearing at a subsequent meeting, but in no event later than thirty (30) days after the date of the filing of the notice of appeal with the County Clerk. The County Clerk shall cause written notice of the hearing to be given to the applicant not less than five (5) days prior to such hearing, unless such notice is waived in writing by the applicant.

Sec. 1-4.04. Hearings.

At such hearing the appellant shall show cause on the ground specified in the notice of appeal why the action appealed from should not be approved. The Board may continue the hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter.

Chapter 5

ADMINISTRATIVE CITATIONS

Sections:

- 1-5.01 Purpose and findings.**
- 1-5.02 Definitions.**
- 1-5.03 Authority.**
- 1-5.04 Procedure.**
- 1-5.05 Service Procedures.**
- 1-5.06 Contents of Notices of Violation and Administrative Citations.**
- 1-5.07 Refusal to Issue.**
- 1-5.08 Appeal of Administrative Citation.**
- 1-5.09 Hearing Officer.**
- 1-5.10 Hearing Procedure.**
- 1-5.11 Hearing Officer's Decision.**
- 1-5.12 Failure to Pay Fines and Fees.**
- 1-5.13 Right to Judicial Review.**
- 1-5.14 Fines and Fees.**

Sec. 1-5.01. Purpose and Findings.

(a) Prompt and effective enforcement of the County Code is an important public service. At present, the main enforcement provisions of the County Code are set forth in Article 1, Chapter 2. These provisions deem any violation of the County Code a misdemeanor punishable by a fine of up to Five Hundred Dollars (\$500.00) or imprisonment in the County Jail for up to six (6) months. To date, however, these and other enforcement provisions in the County Code have proven to be difficult to implement on a routine basis and are not suitable for application in all instances. Accordingly, the Board finds that the adoption of an ordinance that provides an additional method of enforcing violations of the County Code is a necessary and desirable means of enhancing County Code enforcement.

(b) The Board finds that a comprehensive code enforcement scheme that uses a combination of judicial and administrative remedies is essential to gain compliance with County Code provisions. Government Code section 53096.4 authorizes the Board to adopt an Administrative Citation program for the purpose of imposing administrative fines or penalties for violations of the County Code. After careful consideration, the Board finds that such a program would complement the existing enforcement provisions of the County Code.

(c) This Chapter sets forth the administrative procedures that govern the imposition, enforcement, collection and administrative review of fines imposed pursuant to the Administrative Citation program. The Administrative Citation program set forth in this Chapter is intended to supplement, not supplant, other available means of enforcing the County Code. Consequently, the County has sole discretion in selecting an appropriate enforcement strategy, which may include administrative fines or penalties pursuant to the Administrative Citation

program as well as other appropriate legal remedies. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.02. Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

(a) "Assistant Director" means the Assistant Director, Assistant Department Head, or designee with overall responsibility, secondary only to the Director, for the general subject matter of the County Code section(s) at issue with respect to a particular Violation.

(b) "County Code" means the Yolo County Code.

(c) "Director" means the Director, Department Head or designee with overall responsibility for the general subject matter of the County Code section(s) at issue with respect to a particular Violation.

(d) "Enforcement Officer" means any County officer or employee with the authority to enforce a Violation by issuing Notices of Violation and Administrative Citations.

(e) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(f) "Repeat Offender" means any Responsible Person who causes or maintains, in whole or part, one or more essentially identical Violations within a twelve (12) month period of the initial Violation.

(g) "Responsible Person" means a Person determined to be responsible for causing or maintaining a Violation. The term "Responsible Person" includes but is not limited to a property owner, tenant, or a person with a legal interest in, or possession of, real property where a violation occurs or exists.

"Violation" includes, but is not limited to, all violations of the County Code, any codes adopted by reference by the County, and non-compliance with any condition imposed by any entitlement, permit, agreement, or environmental document issued or approved under the provisions of the County Code. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.03. Authority.

(a) All Enforcement Officers have the authority and power to gain compliance with the provisions of the County Code by, among other things, issuing Notices of Violation and Administrative Citations, inspecting public and private property with the consent of the owner or occupant (or, if such consent is not given, pursuant to the procedures set forth in California Code of Civil Procedure sections 1822.50 through 1822.59), coordinating with all County departments and state or local agencies with an interest in the Violation(s) or other observed conditions, and using whatever administrative and

judicial remedies are available under the County Code or California law to enforce County Code violations and achieve prompt compliance.

(b) The issuance of a Notice of Violation to a Responsible Person shall be in accordance with the procedures set forth in section 1-5.04.

(c) The issuance of an Administrative Citation to a Responsible Person shall be in accordance with the procedures set forth in section 1-5.04.

(d) Following the issuance of an Administrative Citation and the expiration of the deadline for correcting the Violation(s) noted in the Administrative Citation, each and every day that the Violation continues ("Day of Violation") constitutes a separate and distinct Violation. Separate Administrative Citations may be issued for each Day of Violation; alternatively, a single Administrative Citation may cover multiple Days of Violation. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.04. Procedure.

When a Violation is determined to exist, the Enforcement Officer shall take the following steps to gain compliance:

(a) Issuance of a Courtesy Notice. The Enforcement Officer shall issue the Responsible Person(s) a Courtesy Notice by service in the manner provided for in section 1-5.05. The Courtesy Notice shall identify the Violation(s) at issue and the steps required for compliance. In addition, the Courtesy Notice shall state that it is being provided as a public service for the purpose of advising the recipient of the requirements of the County Code and the means to achieve prompt compliance. The Courtesy Notice shall also state that compliance is required within fifteen (15) days, unless a shorter compliance deadline is necessary in the judgment of the Enforcement Officer because the violation presents an immediate public health and safety hazard.

(b) Issuance of Notice of Violation. The Enforcement Officer shall issue the Responsible Person(s) a Notice of Violation by service in the manner provided for in section 1-5.05. The Notice of Violation shall include all of the information set forth in section 1-5.06. The Notice of Violation shall demand compliance within fifteen (15) days, unless a shorter compliance deadline is necessary in the judgment of the Enforcement Officer because the violation presents an immediate public health and safety hazard. When the violation does not pose an immediate hazard to public health and safety, the Enforcement Officer may extend the fifteen (15) day compliance deadline to another date deemed reasonable by the Enforcement Officer if he or she determines that reasonable progress is being made to correct the violation or for other good cause.

(c) Office Hearing Regarding Notice of Violation. The Responsible Person may request an office hearing with the Enforcement Officer and the Director or Assistant Director within fifteen (15) calendar days of service of the Notice of Violation. A request for an office hearing shall temporarily suspend the obligation

to pay the fees demanded in the Notice of Violation until the office hearing has occurred. Such hearing shall take place as soon as practicable after the request is made. At such hearing, the Director or Assistant Director shall lead a discussion of the violation with the goal of ascertaining whether the Notice of Violation was properly issued and, if so, the corrective steps to be taken and the timeframe for compliance. At his or her sole discretion, the Director or Assistant Director may extend the compliance and/or fee payment deadlines contained in the Notice of Violation for a reasonable period. Alternatively, the Director or Assistant Director may waive payment of the fees demanded in the Notice of Violation. Any such fee waiver shall be granted only if the Director or Assistant Director deems the waiver to be consistent with the purposes of this Chapter and the general health, safety, and welfare of County residents. The right to an office hearing shall be deemed waived if the Responsible Party fails to attend the office hearing or, absent a showing of good cause of delay, fails to request an office hearing within 15 calendar days of service of the Notice of Violation. (as amended by §2, Ordinance 1342, eff. April 6, 2006)

(d) Issuance of Administrative Citation. Following the expiration of the compliance deadline stated in a Notice of Violation, the Enforcement Officer shall investigate whether a Code violation has been addressed. When the Responsible Person neither complies with the Notice of Violation within the applicable compliance deadline nor timely requests an office hearing, the Enforcement Officer may serve an Administrative Citation in the manner provided in section 1-5.05. Following service of the initial Administrative Citation for a Violation, the Responsible Person must do both of the following unless he or she timely requests an appeal in accordance with section 1-5.08:

(1) Pay the fine and fees to the County within fifteen (15) days from the issue date of the Administrative Citation. Payment of a fine shall not excuse or discharge the failure to correct the Violation nor shall it bar further enforcement action by the County; and

(2) Remedy the Violation within the compliance deadline stated in the Administrative Citation. If the Responsible Person fails to correct the Violation, a subsequent Administrative Citation may be issued for the same Violation. No additional time for compliance shall be given after the expiration of the compliance deadline specified in the initial Administrative Citation issued for a Violation. The amount of the fine for failure to correct the Violation shall increase at a rate specified in this chapter with each subsequent Administrative Citation.

(e) Repeat Offenders. If issued a subsequent Administrative Citation for a continuing Violation, the Responsible Person must correct the Violation immediately and shall pay all fines and fees imposed for the offense within fifteen days.

(f) Recording Notice of Code Violation. If a Violation on real property is not timely corrected

following the issuance of a Notice to Comply and an Administrative Citation and no appeal is timely requested, the Enforcement Officer may record a Notice of Code Violation with the Office of the County Recorder.

(1) Recording Notice. The Responsible Person, the property owners(s) (if different from the Responsible Person), and other lienholders shall be notified of the recordation. Notice to the owner(s) shall be sent to the address listed in the County Assessor's roll. (as amended by §2, Ordinance 1342, eff. April 6, 2006)

(2) Releasing Notice. The Enforcement Officer shall submit a Release of Notice of Code Violation to the Office of the County Recorder when it is determined that all Violations have been corrected or removed and all fines and fees have been paid. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.05. Service Procedures.

(a) Service. Notices of Violation and Administrative Citations shall be served upon the Responsible Person(s) by any of the following methods:

(1) Personal service;

(2) Certified mail, postage prepaid, return receipt requested, to the address listed on the County Assessor's roll or any other address reasonably calculated to give the Responsible Person actual notice of the violation. If service by certified mail is used, the same notice shall be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, unless the notice sent by regular mail is returned.

(3) Posting the notice conspicuously on or in front of the property. The form of the posted notice shall be approved by the County Counsel.

(b) Proof of Service. Proof of service of notice may be made by a declaration of service by any officer or employee of the County or by affidavit of any person over the age of eighteen (18) years. The proof of service shall show that service was accomplished in conformity with the County Code or other applicable provisions of law. The failure of a person to receive a properly addressed service shall not affect its validity or the validity of any proceedings relating to the violation(s). (§1, Ordinance 1320, eff. July 22, 2004)

(4) All notices and forms are available in English and Spanish and include a referral to a Spanish-speaking staff member. (§2, Ordinance 1342, eff. April 6, 2006)

Section 1-5.06. Contents of Notices of Violation and Administrative Citations.

The County Counsel shall approve forms to be used for Notices of Violation and Administrative Citations. Each Notice of Violation shall be clearly designated as such and shall include the following information for each Violation:

(a) Date, approximate time, and address or detailed description of the location where the Violation was observed;

(b) The County Code section(s) in violation and a description of the Violation;

(c) An order to correct the Violation within fifteen (15) days, unless the Violation poses an immediate hazard to life, limb, property or safety, in which case the Violation must be corrected immediately;

(d) A list of the necessary corrections to bring the property into compliance or to otherwise resolve the Violation;

(e) A statement and demand for payment of the fees incurred by County staff in connection with investigating the Violation and preparing the Notice of Violation;

(f) An explanation of the potential consequences of failing to correct the violation after the expiration of the compliance deadline, including but not limited to: criminal prosecution; civil injunction; administrative abatement; civil penalties and fines; revocation of permits; recordation of an Administrative Citation; and withholding of future County permits;

(g) The name and signature of the Enforcement Officer.

(h) An statement of the opportunity to request an office hearing with the Enforcement Officer and the Director or Assistant Director, as more fully described in section 1-5.04.

In addition to the foregoing (with the exception of item (h)), an Administrative Citation shall be clearly designated as such and shall also include the following information:

(a) The amount of the fine and fees for each Violation covered by the Administrative Citation;

(b) An explanation of how the fine and fees shall be paid and the time period in which they shall be paid; and

(c) Statement of rights of appeal, including the time within which the citation may be contested and the place to obtain a Request for Hearing form to contest the Administrative Citation. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.07. Refusal to Issue.

(a) No department, commission or employee of the county vested with the duty or authority to issue or approve permits, licenses or other entitlements shall do so when there is an outstanding Violation. The authority to deny shall apply whether the applicant was the occupant or owner of record at the time of such Violation or whether the applicant is either the current occupant or owner of record or a vendor of the current owner of record pursuant to a contract of sale of the real property, with or without actual or constructive knowledge of the Violation at the time he or she acquired his or her interest in such real property.

Upon notification that a Violation exists, all departments and employees shall refuse to issue permits or licenses or entitlements involving the

premises except those necessary to abate such Violation.

(b) Rescission of Refusal to Issue. The refusal to issue shall be rescinded when the department has been notified that all required work to abate the Violation has been completed and has been approved by the affected department.

(c) Waiver. The Director may waive the provisions of this section regarding refusal to issue when they determine such waiver to be required to allow necessary or desirable remedial, protective work, preventative work or other exceptional circumstances. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.08. Appeal of Administrative Citation.

Regardless of whether a Responsible Party previously exercises the right to an Office Hearing, any recipient of an Administrative Citation may contest the occurrence or existence of a Violation of the County Code or that he or she is the Responsible Person by completing a Request for Hearing form and returning it to the County within fifteen (15) days from the issue date shown on the initial Administrative Citation issued for a Violation, together with an advance deposit of the fine and fees by cash or cashier's check payable to the County of Yolo. Such fine and fees 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. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.09. Hearing Officer.

(a) Appointment. The County Counsel's office is authorized to retain one or more Hearing Officers for the purpose of hearing Administrative Citation appeals on terms that are calculated to ensure effective and timely code enforcement in a manner that preserves the due process rights of the Responsible Party. To this end, the County Counsel is authorized to contract with the California Office of Administrative Hearings for the services of a qualified administrative law judge pursuant to Government Code section 27727 or, alternatively, to designate one or more attorneys qualified to practice law in the State of California for service as a Hearing Officer for a single term not to exceed two (2) years. The County Counsel may also employ other means of selecting an appropriate Hearing Officer for code enforcement matters, in his or her sole discretion. The Hearing Officer shall not be a county employee.

(b) Disqualification. Any person appointed to serve as a Hearing Officer is subject to disqualification for bias, prejudice, significant financial interest in the outcome, or for any other reason which a judge may be disqualified in a court of law.

(c) Powers. The Hearing Officer may continue a hearing for good cause shown by one of the parties thereto. The Hearing Officer may, if requested, subpoena witnesses, documents and other evidence

where the attendance of the witness or the admission of evidence is deemed necessary to issues at the hearing. The requesting party shall bear all costs related to the subpoena. The failure to obey a subpoena issued by the Hearing Officer constitutes contempt and may be prosecuted as a misdemeanor. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.10. Hearing Procedure.

(a) No hearing to contest an Administrative Citation before a Hearing Officer shall be held unless and until a Request for Hearing form has been completed and submitted, and the fine and fees have been deposited with the County in the form of cash or a cashier's check.

(b) A hearing before a Hearing Officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) days from the date that the Request for Hearing form is filed in accordance with the provisions of this Article. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. The notice of hearing shall be served pursuant to section 1-5.05.

(c) The Hearing Officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation of the County Code on the date(s) specified in the Administrative Citation.

(d) The person contesting the Administrative Citation shall be given the opportunity to testify and present witnesses and evidence concerning the Administrative Citation, and may be represented by counsel.

(e) The failure of any recipient of an Administrative Citation to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(f) The Administrative Citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents. The burden of proving whether a violation occurred rests with the County, which must meet such burden by a preponderance of evidence.

(g) If the Enforcement Officer submits an additional written report concerning the Administrative Citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least ten (10) days prior to the date of the hearing.

(h) At least fifteen (15) days prior to the hearing or within ten (10) days of receiving a request from the Responsible Party (whichever is earlier), the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the Enforcement Officer. No other discovery is permitted except in the discretion of the Hearing Officer, as set forth in section 1-5.09(c). Formal rules of evidence shall not apply.

(i) At least five (5) days prior to the hearing, the recipient of an Administrative Citation shall provide the County with a brief written summary of the position(s) that he or she will advance at the hearing, along with a complete statement of the factual, legal, or other basis for that position. This document shall be delivered to the office of the County Counsel.

(j) The Hearing Officer may continue the hearing and/or request additional information from the Enforcement Officer or the recipient of the Administrative Citation prior to issuing a written decision. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.11. Hearing Officer's Decision.

(a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within ten (10) days of the hearing to uphold or deny the Administrative Citation. The decision shall include a statement of the grounds for the decision, and it may order the Responsible Person to correct Violations or take other action as authorized or required by the County Code and applicable state laws. The decision of the Hearing Officer shall be final.

(b) If the Hearing Officer determines that the Administrative Citation should be upheld, then the County shall retain the fine and fees. Thereafter, the Enforcement Officer shall monitor the violations and determine compliance.

(c) If the Hearing Officer determines that the Administrative Citation should be canceled, then the County shall promptly refund the amount of the deposited fine and fees.

(d) The recipient of the Administrative Citation shall be served with a copy of the Hearing Officer's written decision in the manner provided in section 1-5.05. The failure to comply with the final decision of the Hearing Officer may be prosecuted as a misdemeanor. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.12. Failure to Pay Fines and Fees.

The failure of any person to pay the administrative fines and fees assessed by an Administrative Citation within the time specified on the citation may result in the County filing a claim with the small claims court and pursuing any and all other remedies available at law, including placing a lien on the property until the administrative fines and fees are paid in full. The County may also recover its collection costs according to proof. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.13. Right to Judicial Review.

Any person aggrieved by an administrative decision of a Hearing Officer on an Administrative Citation may obtain review of the administrative decision by filing a petition for review with the Superior Court for the State of California, County of Yolo, located at 725 Court Street, Woodland, CA, in accordance with the timeliness and provisions as set forth in California Government Code Section 53069.4. (§1, Ordinance 1320, eff. July 22, 2004)

Section 1-5.14. Fines and Fees.

(a) Fines for Administrative Citations issued pursuant to this chapter shall be imposed at the maximum amount permitted in Government Code Section 25132 for infractions.

(b) Fees shall include any and all costs and expenses related to the enforcement action as set forth by resolution of the Board of Supervisors, to the extent recoverable under California law. (§1, Ordinance 1320, eff. July 22, 2004)