

## Title 1

### GENERAL PROVISIONS

#### Chapters:

1.01 Code Adoption

1.04 General Provisions

1.08 Right of Entry

1.12 Official Seal

1.16 Election Precincts

1.20 General Penalty

1.22 Administrative Citations

Chapter 1.01  
CODE ADOPTION\*

Sections:

1.01.010	Adoption
1.01.020	Title—Citation—Reference.
1.01.030	Codification authority.
1.01.040	Ordinances passed prior to adoption of code.
1.01.050	Reference applies to amendments.
1.01.060	Title, chapter and section headings.
1.01.070	Reference to specific ordinances.
1.01.080	Effect of code on past actions and obligations.
1.01.090	Effective date.
1.01.100	Constitutionality.

1.01.010 Adoption. Pursuant to the provisions of Sections 50022.1 - -5022.8 and 50022.10 of the California Code Annotated, there is hereby adopted the “Jackson Municipal Code” as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the “Jackson Municipal Code.”  
(Ord. 353 §1, 1974).

---

\* For statutory provisions authorizing cities to codify their ordinances, see Gov. Code §§50022.1- - 50022.8 and 50022.10.

1.01.020 Title--Citation--Reference. This code shall be known as the “Jackson Municipal Code” and it shall be sufficient to refer to said code as the “Jackson Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Jackson Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Jackson Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 353 §2, 1774) .

1.01.030 Codification authority . This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Jackson, California, codified pursuant to the provisions of Sections 50022.1- - 50022.8 and 50022.10 of the California Code Annotated. (Ord. 353 §3, 1974) .

1.01.040 Ordinances passed prior to adoption of code . The last ordinance included in this code was Ordinance 347, passed in 1973. The following ordinances, passed subsequent to Ordinance 347, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances 348 through 352. (Ord. 353 §4, 1974) .

1.01.050 Reference applies to amendments . Whenever a reference is made to this code as the “Jackson Municipal Code” or to any portion thereof, or to any ordinance of the city of Jackson, California, the reference shall apply to all amendments, corrections and additions theretofore, now or hereafter made. (Ord. 353 §5, 1974) .

1.01.060 Title, chapter and section headings . Title, chapter and section headings contained herein 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 or section hereof. (Ord. 353 §6, 1974) .

1.01.070 Reference to specific ordinances . The provisions of this code shall not in any manner affect 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 the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 353 §7, 1974) .

1.01.080      Effect of code on past actions and obligations .

Neither this adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, 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 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 rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 353 §8, 1974) .

1.01.090      Effective date . This code shall become effective on the date the ordinance adopting this code as the “Jackson Municipal Code” shall become effective. (Ord. 353 §9, 1974) .

1.01.100      Constitutionality . If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council 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, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 353 §10, 1974) .

Chapter 1.04GENERAL PROVISIONSSections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing, permitting, etc.
- 1.04.040 Construction.
- 1.04.050 Repeal shall not revive any ordinances.
- 1.04.060 Effective date and direction to publish.
- 1.04.070 No duty of care imposed upon city.
- 1.04.080 Time provisions directory, except as otherwise required.
- 1.04.090 Administrative review.

1.04.010 Definitions. The following words and phrases whenever used in the ordinances of the city of Jackson, California, mean as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" means the city of Jackson, California, or the area within the territorial limits of the city of Jackson, California and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

C. "Council" means the city council of the city of Jackson, California. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of California.

D. "County" means the county of Amador, California.

E. "Law" denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the city of Jackson, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

F. "May" is permissive.

G. "Month" means a calendar month.

H. "Must" and "shall" are mandatory.

I. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

J. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

K. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

L. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or

tenant by the entirety, of the whole or a part of such building or land.

M. "Person" means natural person, 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.

N. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

O. "Preceding" and "following" mean next before and next after, respectively.

P. "Property" includes real and personal property.

Q. "Real property" includes lands, tenements and hereditaments.

R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

S. "State" means the state of California.

T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city 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.

U. "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

V. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.

W. "Written" includes printed, typewritten, mimeographed or multigraphed.

X. "Year" means a calendar year.

Y. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Z. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement includes all such acts performed by an authorized agent. (Ord. 333 §1, 1973).

1.04.020 Grammatical interpretation. The following grammatical rules apply in the ordinances of the city of Jackson, California:

A. Gender. The masculine gender includes the feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 333 §2, 1973).

1.04.030 Prohibited acts include causing, permitting, etc. Whenever in the ordinances of the city of Jackson, any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 333 §3, 1973).

1.04.040 Construction. The provisions of the ordinances of the city of Jackson, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 333 §4, 1973).

1.04.050 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 333 §5, 1973).

1.04.060 Effective date and direction to publish. The ordinance codified in this chapter shall take effect on August 1, 1973. The city clerk is directed to publish a copy of the ordinance codified in this chapter fifteen days after its passage in the Amador Dispatch, a newspaper of general circulation published and circulated within the city of Jackson. (Ord. 333 §6, 1973).

1.04.070 No duty of care imposed upon city. The provisions of this code are not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city so as to provide a basis of civil liability for damages except as otherwise imposed by law. (Ord. 501 §1, 1986).

1.04.080 Time provisions directory, except as otherwise required. Any provisions in this code governing the time within which an official is to act shall in all instances, except for notice requirements and as otherwise required by state law, be deemed directory rather than mandatory, unless otherwise specifically stated. (Ord. 501 §1, 1986).

1.04.090 Administrative review. Section 1094.6 of the California Code of Civil Procedure is adopted. This section provides as follows:

A. A petition for judicial review of any decision of a local agency must be filed not later than the ninetieth

day following the date on which that decision becomes final.

B. The local agency will include notice in its administrative decision of the ninety-day period within which judicial review must be sought. (Ord. 522 §1, 1989).

Chapter 1.08RIGHT OF ENTRYSections:

1.08.010 Conditions required.

1.08.010 Conditions required. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to

the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 332 §1, 1973).

Chapter 1.12OFFICIAL SEAL\*Sections:

1.12.010 Designated.

1.12.010 Designated. The seal heretofore used and now used by and for the city, (the inscription in the center thereof is "Incorporated Dec. 5, 1905," and on the circumference thereof is "City of Jackson, Amador County, Cal.") has been and now is the official seal of the city. The city clerk is the custodian of the city seal. (Ord. 329 §1, 1973; Ord. 16 §1, 1906).

Chapter 1.16

ELECTION PRECINCTS\*\*

Sections:

- 1.16.010 Established.
- 1.16.020 Precinct one.
- 1.16.030 Precinct two.
- 1.16.040 Precinct three.
- 1.16.050 Precinct four.
- 1.16.060 Precinct five.
- 1.16.070 Precinct six.

---

\* For statutory provisions requiring that the city clerk be the custodian of the city seal, see Gov. Code §40811.

\*\* For statutory provisions on voting precincts for municipal elections, see Elections Code §22804.1  
For the statutory provisions relating to notices required for municipal elections, see Elections Code §22830 et seq.

1.16.010 Established. The city, for the purposes of the election of officers thereof, general and special elections, and for any other purpose for which an election is or may be held in the city, is divided into six precincts as designated in Sections 1.16.020--1.16.070. (Ord. 338 §1(part), 1973).

1.16.020 Precinct one. Precinct one is that portion of the city which lies within the following described boundary;

Beginning at 1 3/4 inch wagon axle designating the north-east corner of the city limits of said city of Jackson, as indicated on that certain official map titled "Boundary Survey of the City of Jackson, California" as recorded in the office of the Amador County recorder in Book 9 of Maps and Plats at Page 41; thence from said point of beginning westerly and following the designated courses of the recorded city council-aries of said city of Jackson to a point in the centerline of China Graveyard Road; thence leaving said Jackson city bound-ary westerly along the centerline of said China Graveyard Road to its intersection with the centerline of North Main Street, also known as Jackson Gate Road; thence southerly along the centerline of said North Main Street to its intersection with the center of North Street; thence easterly along the center of said North Street to its intersection with the center of Church Street; thence southerly along the center of said Church Street to its intersection with the center of Court Street; thence northeasterly along the center of said Court Street to its intersection with the center of Water Street; thence southeasterly along the center of said Water Street to its intersection with the center of Pitt Street; thence south-easterly along the center of said Pitt Street to its intersec-tion with the centerline of California State Highway Route No. 88; thence northeasterly along the centerline of said Highway No. 88 to its intersection with the city limits of said city of Jackson; thence westerly and following the designated courses of said city of Jackson to the point of beginning. (Ord. 338 §1(part), 1973).

1.16.030 Precinct two. Precinct two is that portion of the city which lies within the following described bound-ary;

Beginning at a point on the center right-of-way of Cali-fornia State Highway Routes Number 49 and 88 North at which point the center of North Main Street intersects said Highways 49 and 88; thence from said point of beginning southerly along the centerline of said Highways 49 and 88 through an inter-section marking a directional change of said Highway 88 and continuing in said southerly direction along said Highway No. 49 to its intersection with the center of French Bar Road; thence southwesterly along the center of said French Bar Road to its intersection with the Jackson City Limits Boundary; thence easterly and following the designated courses of said

Jackson City boundary to the intersection of the centerline of Broadway, city street; thence northwesterly along the center of said Broadway to its intersection with the center of California State Highway No. 88 East; thence northeasterly along the center of said Highway 88 to its intersection with Pitt Street; thence northwesterly along the center of said Pitt Street; thence northerly along the center of said Water Street to its intersection with the center of Court Street; thence southwesterly along the center of said Court Street to its intersection with the center of Church Street; thence northerly along the center of said Church Street to its intersection with the center of North Street; thence westerly along the center of said North Street to its intersection with the center of North Main Street; thence southerly along the center of said North Main Street to the point of beginning. (Ord. 338 §1(part), 1973).

1.16.040 Precinct three. Precinct three is that portion of the city which lies within the following described boundary;

Beginning at 1 3/4 inch capped iron pipe, stamped 20, 21, 28, 29 Lis. 2902, designating the section corners common to Sections 20, 21, 28 and 29, Township 6 North, Range 11 East, Mount Diablo Base and Meridian, as shown on that certain official map titled "Boundary Survey of the City of Jackson, California" as recorded in the office of the Amador County recorder in Book 9 of Maps and Plats at page 41, said point being situated on the north-south boundary line of the city limit of said city of Jackson; thence north following the section line common to said Sections 20 and 21 and the designated boundary of said city of Jackson to a point on the southeast right-of-way of Vogan Toll Road; thence leaving said city boundary and continuing north 50 feet more or less along the projection of said section line to its intersection with the centerline of said Vogan Toll Road; thence southeasterly along the centerline of said Vogan Toll Road to its intersection with the centerline of California State Highway Routes 49 and 88 North, also known as Sutter Street; thence southerly along said highway to its intersection with the center of Jackson Creek; thence westerly along the centerline of said Jackson Creek to its intersection with the southerly prolongation of the north-south boundary line of said city of Jackson; thence north along said prolongation to its intersection with said north-south line; thence continuing northerly along the designated courses of said city of Jackson to the point of beginning. (Ord. 338 §1(part), 1973).

1.16.050 Precinct four. Precinct four is that portion of the city which lies within the following described boundary;

Beginning at a 1/2 inch iron pipe tagged L.S. 3570 designating the northeast corner of the Jackson city annexation as

indicated by Jackson city Ordinance 303 filed in the office of the Amador County clerk as official date 21, December 1970, said point also indicated on that certain official map titled "Record of Survey - area to be annexed to the City of Jackson" as recorded in the office of the Amador County recorder in Book 16 of maps and plats at page 100; thence from said point of beginning south and following the designated courses of the boundary of said city of Jackson to a point in the center of French Bar Road, from which point said Jackson city boundary bears east; thence leaving said Jackson city boundary line northeasterly along the centerline of said French Bar Road to its intersection with the centerline of California State Highway Route No. 49 South; thence northwesterly along the center of said Highway 49 to its intersection with the centerline of Jackson Creek; thence westerly along the centerline of said Jackson Creek to its intersection with the southerly prolongation of the north - south boundary line of said city of Jackson; thence north along said prolongation to its intersection with said north - south line; southwesterly along the designated courses of said city of Jackson to the point of beginning. (Ord. 338 §1(part), 1973).

1.16.060 Precinct five. Precinct five is that portion of the city which lies within the following described boundary;

Beginning at the intersection of the centerline of California State Highway No. 88 East with the intersection of the centerline of Broadway, city street; thence from said point of beginning southwesterly along the center of said Broadway to its intersection with the city of Jackson boundary line; thence easterly and following the designated courses of said city of Jackson boundary to its intersection with the centerline right-of-way of said California State Highway No. 88 East; thence southwesterly along the centerline of said Highway 88 to the point of beginning. (Ord. 338 §1(part), 1973).

1.16.070 Precinct six. Precinct six is that portion of the city which lies within the following described boundary;

Beginning at the intersection of the centerline of China Graveyard Road, with the city limit boundary of said city of Jackson as indicated by Jackson city Ordinance 282, filed in the office of the Amador County clerk as official date 19, August 1968; thence from said point of beginning northwesterly and following the designated courses of the recorded city boundaries of said city of Jackson to a point located on the southwest right-of-way line of Vogan Toll Road, said point being the intersection of said city boundary and the east section line of Section 20, Township 6 North, Range 11 East, Mount Diablo Base and Meridian; thence north along said section line 50 feet more or less to the centerline of said Vogan Toll Road; thence southeasterly along the center of said Vogan Toll

Road to its intersection with the centerline of California State Highway Route 49 and 88 North, also known as Sutter Street; thence southerly along said Highway Routes to the intersection with the centerline of North Main Street; thence northerly along the center of said North Main Street, also known as Jackson Gate Road, to its intersection with the center of said China Graveyard Road; thence easterly along the center of said China Graveyard Road to the point of beginning. (Ord. 338 §1(part), 1973).

Chapter 1.20GENERAL PENALTY\*Sections:

- 1.20.010 Misdemeanor.  
1.20.020 Infraction.

1.20.010 Misdemeanor. A. Unless otherwise specifically provided, any person violating any provision or failing to comply with any of the mandatory requirements of the city ordinances is guilty of a misdemeanor. Any person convicted of a misdemeanor under the city ordinances, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both fine and imprisonment.

B. Each day and any portion of any day during which a violation of the city ordinances is committed, shall be considered a separate offense regardless of the duration that the violation is allowed to continue or permitted by any person, and each such person shall be punished accordingly. (Ord. 567 §1, 1994: Ord. 334 §1, 1973).

1.20.020 Infraction. A. Except as otherwise provided, every person failing to comply with any provision of this code or any local ordinance which is punishable as an infraction, shall be punished upon the first conviction by a fine not exceeding one hundred dollars, and for a second conviction within a period of one year by a fine not exceeding two hundred dollars, and for a third conviction within the same year by a fine not exceeding five hundred dollars.

---

\* For statutory provisions authorizing cities to impose penalties for violations of ordinances not exceeding five hundred dollars in fines and six months imprisonment, see Gov. Code §36901.

B. Each and every day or any portion of any day during which a violation is allowed to continue may be considered a separate offense. The violator shall be punished accordingly. (Ord. 567 §2, 1994: Ord. 401 §4, 1977).

## **CHAPTER 1.22 ADMINISTRATIVE CITATIONS**

- 1.22.010 - Title of this article and authority.**
- 1.22.020 - Applicability.**
- 1.22.030 - Definitions.**
- 1.22.040 - Administrative citation.**
- 1.22.050 - Service of administrative citation – Property violation.**
- 1.22.060 - Service of administrative citation – Non-property violation.**
- 1.22.070 - Amount of fines.**
- 1.22.080 - Payment of the fine.**
- 1.22.090 - Hearing request.**
- 1.22.100 - Deposit waiver.**
- 1.22.110 - Hearing procedure.**
- 1.22.120 - Hearing officer's decision.**
- 1.22.130 - Late payment penalties and interest.**
- 1.22.140 - Recovery of administrative citation fines and costs.**
- 1.22.150 - Right to judicial review.**
- 1.22.160 - Notices.**

### **1.22.010 – Title of this article and authority.**

This article shall be known as the "administrative citations ordinance." It is adopted pursuant to Government Code Section 53069.4 authorizing local agencies, by ordinance, to make violation of any ordinance of the city subject to administrative fine or penalty.

### **1.22.020 - Applicability.**

Administrative citations shall be in addition to all other remedies, whether criminal, civil or equitable, which may be pursued by the city to address any violation of this code.

### **1.22.030 - Definitions.**

- A. "Administrative citation" shall mean the written notice provided to a responsible person to inform that person of a violation of this 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 this code, its adopted codes or applicable state codes.
- C. "Hearing officer" shall mean the hearing officer appointed by the city council. The hearing officer may be a city employee, but in that event the hearing officer shall not have had any responsibility for the investigation, prosecution or enforcement of this chapter and shall not have had any personal involvement in the proceeding to be heard within the past twelve months or possess any disqualifying interest in the outcome of the proceeding.

- 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 years, who causes, permits or maintains a violation of this 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 years, who causes, permits or maintains a violation of this code, its adopted codes or applicable state codes.

**1.22.040 - Administrative citation.**

- A. Whenever an enforcement officer charged with the enforcement of a provision of this code (including those uniform codes adopted herein by reference) determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to the person or entity responsible for the violation.
- B. Each administrative citation shall contain the following information:
  - 1. The date of the violation;
  - 2. The address or a definite description of the location where the violation occurred;
  - 3. The code section violated and a description of the violation;
  - 4. The amount of the fine for the code violation and an order to the responsible person to correct the violation(s) by a correction date if the violation is a non-emergency health and safety violation;
  - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine must be paid;
  - 6. An order prohibiting the continuation or repeated occurrence of the ordinance violation described in the administrative citation;
  - 7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form may be obtained;

8. The name and signature of the citing enforcement officer and the date the administrative citation is issued;
9. A description of the deposit waiver process, including the time within which a request for deposit waiver may be made and the place from which a request for hearing form may be obtained.

#### **1.22.050 - Service of administrative citation - Property violation.**

An administrative citation for a violation related to real property shall be on a form approved by the city manager and shall be issued to the responsible person by an enforcement officer for violations of this code, its adopted codes or applicable state codes in the following manner:

A. Personal service.

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. 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 days following deposit of such citation in the U.S. mail.

C. Service of citation by posting notice.

- A. 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.

**1.22.060 - Service of administrative citation – Non-property violation.**

An administrative citation for a non-real property related violation shall be on a form approved by the city manager and shall be issued to the responsible person by an enforcement officer for violations of this code, its adopted codes or applicable state codes in the following manner:

A. Personal service.

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. 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 posting notice.

1. If the enforcement officer does not succeed in serving the responsible person personally, the enforcement officer shall post the administrative citation in a conspicuous location on any personal or 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.

C. Service of citation by mail.

1. If the enforcement officer does not succeed in serving the responsible person personally, the administrative citation may 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. Service by mail as set forth in this subsection shall be an alternative to service as set forth in subsection B.
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 days following deposit of such citation in the U.S. mail.

**1.22.070 - Amount of fines.**

Fines imposed under administrative citations shall not exceed the amounts set forth in Government Code section 36900.

**1.22.080 – 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 twenty-one (21) calendar days from the correction date on the administrative citation. 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).
- C. Any administrative citation fine paid pursuant to subsection A of this section shall be refunded in accordance with Section 1.22.120(0) of this chapter if it is determined, after a hearing, that the person charged in the administrative citation either was not responsible for the violation or that there was no violation as charged in the administrative citation.

**1.22.090 – Hearing request.**

- A. Any recipient of an administrative citation may contest either or both that there was a violation as stated in the administrative citation, or that he or she is the responsible party, by completing a request for hearing form and returning it to the city clerk within twenty-one days from the date of the administrative citation, unless a different time period is otherwise prescribed by law or this code, together with either an advance deposit of the fine or an approved request for a deposit waiver.
- B. A request for hearing form may be obtained from the city clerk.
- C. The person requesting the hearing shall be notified by the city clerk of the time and place set for the hearing at least ten days prior to the date of the hearing.
- D. 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 on the person requesting the hearing at least five days prior to the date of the hearing.

**1.22.100 - Deposit waiver.**

- A. Any person who requests a hearing who is financially unable to make the advance deposit of the fine as required in 1.22.080(A) of this chapter may file a request for deposit waiver.
- B. The request shall be filed with the city manager, or his or her designee, within ten days of the date of the administrative citation on a deposit waiver application form, available from the city clerk. The city manager, or his or her designee, shall either issue or decline to issue the deposit waiver within two business days.
- C. The city manager, or his or her designee, shall issue the deposit waiver if the cited party submits to the city manager, or his or her designee, a sworn affidavit, or declaration under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the city manager, or his or her designee, the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.
- D. The city manager, or his or her designee, shall issue a written determination listing the reasons for his or her determination to issue or not issue the deposit waiver. The written determination of the city city manager, or his or her designee, shall be final, and shall be served upon the person who applied for the deposit waiver, the enforcement officer and the city clerk.

**1.22.110 - Hearing procedure.**

- A. No hearing to contest an administrative citation shall be held unless the fine has been deposited in advance in accordance with Section 1.22.080(A) of this chapter or a deposit waiver has been issued in accordance with Section 1.22.100 of this chapter.
- B. The hearing shall be set by the city clerk for a date that is not less than ten days and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this chapter.
- C. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. The hearing officer shall ensure an adequate record of the hearing is made.
- D. The city shall bear the burden of proof, by a preponderance of the evidence, that the violation occurred as charged and that the person to whom an administrative citation was issued is responsible for the violation. The city may be represented by the enforcement officer or be represented by counsel.

- E. The recipient of the administrative citation may cross examine the enforcement officer or any other witness against him or her, and may present such evidence as he or she may have. The recipient of the administrative citation may be represented by counsel.
- F. The formal rules of evidence shall not apply. The hearing officer may rely upon such evidence as he or she believes reasonable persons would rely upon in the conduct of their affairs. Any witnesses, including the enforcement officer and the recipient of the administrative citation, shall testify under oath.
- G. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained on those documents.

**1.22.120 - 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 to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the administrative citations should be upheld, then the fine amount on deposit with the city shall be retained by the city.
- C. 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 forth in the decision a payment schedule for the fine.
- D. If the hearing officer determines that the administrative citation should be canceled or reduced and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine or excess, as the case may be, together with interest at the average rate earned on the city's investment portfolio for the period of time that the fine amount was held by the city.
- E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

**1.22.130 - Late payment penalties and interest.**

Any person who fails to pay any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of a late payment penalty in the amount of ten percent of the fine. Thereafter, the amount of the fine, and the penalty, shall accrue interest at ten percent per annum until paid.

**1.22.140 - Recovery of administrative citation fines and costs.**

The city may collect any past due administrative citation fine or late payment penalty and interest by use of all available legal means. Without limiting the generality of the foregoing, all such fines or late payments shall constitute civil debts and may be recovered in an action at law or, where the violation relates to or occurred upon real property owned by the person to whom an administrative citation was issued, a lien or special assessment may be filed by the city against such real property.

**1.22.150 - Right to judicial review.**

A. The failure of the party contesting the administrative citation to appear at the administrative citation hearing shall result in a forfeiture of the fine and shall constitute a failure to exhaust administrative remedies.

B. Subject to the provisions of subsection A of this section, any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an appeal in a court of competent jurisdiction within twenty days after service of the decision in accordance with the provisions of Government Code Section 53069.4(b)(2).