

SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES

CHAPTER 1. ADMINISTRATIVE CITATIONS

SEC. 18.101. APPLICABILITY.

(a) This chapter provides for administrative citations and fines which are in addition to all other legal remedies, which the County may pursue to address any violation of this code, the San Diego County Zoning Ordinance, or any other County ordinance.

(b) The use of this chapter shall be at the County's sole discretion.

(c) County staff may prepare a procedures manual which provides additional guidance for implementing the administrative citation program consistent with the provisions of this chapter.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.102. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Director" means the Director of any County department or his designated representative responsible to enforce County codes and ordinances.

(b) "Enforcement officer" means the Director of a County department or any County employee or agent of the County with the authority to enforce any provision of this code or County ordinance.

(c) "Hearing officer" means the person who presides over an administrative hearing provided for in this chapter.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.103. WARNING OF AN ADMINISTRATIVE CITATION.

Whenever an enforcement officer charged with the enforcement of this code or any County ordinance determines that a violation has occurred, the enforcement officer may issue a warning of an administrative citation to any person responsible for the violation. A warning shall be served as a prerequisite to the issuance of a first administrative citation. The warning shall identify the code or ordinance section violated, provide a description of the violation and how it can be corrected. The warning shall specify a time and date by which the violation shall be corrected, after which an administrative citation may be issued if the violation is not fully corrected. The enforcement officer shall provide for a reasonable period of time to correct the violation after considering the circumstances of the case, except that at least 24 hours shall be allowed from the time and date of the warning for the violation to be corrected. A warning shall not be required before issuing a second or any subsequent administrative citation for a continuing or repeated violation.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.104. ADMINISTRATIVE CITATION.

(a) Whenever an enforcement officer determines that a violation of the code or ordinance has occurred, the enforcement officer may issue an administrative citation to any person responsible for the violation provided that any warning required by section [18.103](#) has first been issued. Each and every day during a portion of which a violation of a Code is committed, continued or permitted is a separate and distinct violation for which an administrative citation may be issued.

(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 or ordinance section violated and a description of the violation;
- (4) A description of how the violation can be corrected;
- (5) The amount of the fine for the violation;
- (6) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- (7) An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
- (8) A description of the administrative citation review process, including the time within which the administrative citation may be contested by submitting a request for hearing form; and
- (9) The name and signature of the citing enforcement officer.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.105. SERVICE OF WARNING OR ADMINISTRATIVE CITATION.

Service of a warning or an administrative citation may be accomplished by any of the following methods:

(a) Personal Service. The enforcement officer, or an authorized designee, may obtain the signature of the person responsible for the violation on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(b) By mail as provided in San Diego County Code section [11.112](#).

(c) Posting. If service cannot be completed as specified in sections [18.105](#) (a) or (b) above, or as an additional method of notice at the discretion of the County, the administrative citation may be posted in a conspicuous place on or near the property on which the violation is located. Failure of a posted notice to remain in place after posting shall in no way affect the validity of the citation and subsequent proceedings.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.106. AMOUNT OF FINES.

(a) The fine for a violation imposed pursuant to this chapter shall be \$100 for the first citation, \$200 for the second citation, \$500 for the third citation and \$1,000 for the fourth or subsequent citation issued for a repeat violation of the same ordinance provision by the same person within one year from the date of an administrative citation. The maximum fine for a fourth or subsequent citation, however, shall be \$500 in cases where the applicable code or ordinance only authorizes the violation to be charged as an infraction. The fine amounts shall be cumulative where multiple citations are issued, however, the maximum amount of accumulated fines, excluding any late payment charges or other costs, shall not exceed \$10,000 per parcel or structure for any related series of violations.

(b) A late payment charge shall be paid to the County in the amount specified in section [18.113](#) if a fine has not been paid in full to the County on the date on which it is due.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.107. PAYMENT OF THE FINE.

(a) The fine shall be paid to the County within 30 days from the date of the administrative citation in accordance with the payment instructions printed on the citation form.

(b) Any administrative citation fine paid pursuant to section [18.107\(a\)](#) shall be refunded in accordance with section [18.112](#) if it is determined, after a hearing that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(c) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.108. REQUEST FOR HEARING.

(a) Any person receiving an administrative citation may contest that there was a violation or that he or she is the responsible party by completing a request for hearing form and returning it to the County department issuing the citation, within 14 days from

the date of the citation, together with an advance deposit of the full amount of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to section [18.109](#). The failure of any person to properly file a request for hearing within the time specified in this section shall constitute a waiver of the right to an administrative hearing and adjudication of the administrative citation or fine or any portion of the fine.

(b) A request for hearing form may be obtained from the County department issuing the citation. Any person requesting a hearing may provide the County with a mailing address to which any notice required under section [18.116](#) may be served.

(c) A hearing before the hearing officer shall be set for the earliest practicable date after a request for hearing has been properly filed in accordance with this chapter.

(d) The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.

(e) 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 shall also be served on the person requesting the hearing at least seven days prior to the date of the hearing.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.109. ADVANCE DEPOSIT HARDSHIP WAIVER.

(a) Any person who intends to request a hearing to contest that there was a violation of a Code or that he is the responsible party and who is financially unable to make the advance deposit of the fine as required in section [18.108](#) may file a request for an advance deposit hardship waiver.

(b) The request shall be filed with the Director of the County department issuing the administrative citation on an advance deposit hardship waiver application form, available from the County department, within 14 days of the date of the administrative citation.

(c) The requirement of depositing the full amount of the fine as described in section [18.108](#) shall be stayed unless or until the Director makes a determination not to issue the advance deposit hardship waiver.

(d) The Director may waive the requirement of an advance deposit set forth in section [18.108](#) and issue the advance deposit hardship waiver only if the person receiving the administrative citation submits to the Director a declaration under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Director the person's financial inability to deposit with the County the full amount of the fine in advance of the hearing.

(e) If the Director determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the County within 10 days of the date of that decision or 30 days from the date of the administrative citation, whichever is later.

(f) The Director shall issue a written decision listing the reasons for the determination to issue or not issue the advance deposit hardship waiver. The Director's written decision shall be final.

(g) The Director's written decision shall be served upon the person who applied for the advance deposit hardship waiver.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.110. HEARING OFFICER.

The Director shall appoint an independent hearing officer to preside over an administrative citation hearing which has been properly requested under the provisions of this chapter.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.111. HEARING PROCEDURE.

(a) No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance in accordance with section [18.108](#) or an advance deposit hardship waiver has been issued in accordance with section [18.109](#).

(b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(c) The failure of any person receiving an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

(d) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents. The enforcement officer may, but shall not be required to, appear at an administrative citation hearing.

(e) The hearing officer may continue the hearing and request additional information from the enforcement officer or the person receiving the administrative citation prior to issuing a written decision.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.112. 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 state the reasons for that decision. The hearing officer's decision shall be final.

(b) If the hearing officer determines that the administrative citation should be upheld the fine amount on deposit with the County shall be retained by the County.

(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 state in the decision a due date for payment of the fine.

(d) If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the County the County shall promptly refund the amount of the deposited fine.

(e) The person receiving the administrative citation shall be served with a copy of the hearing officer's written decision.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.113. LATE PAYMENT CHARGES.

Any person who fails to pay to the County any fine imposed pursuant to the provisions of this Chapter on or before the date that fine is due shall also be liable for the payment of a late payment charge in the amount of 50% of the total fine amount owed.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.114. RECOVERY OF ADMINISTRATIVE CITATION FINES, LATE PAYMENT CHARGES, AND COLLECTION COSTS.

The County may collect any past due administrative citation fine or late payment charge, and may also recover its collection costs, by use of all available legal means. The failure of any person to pay a fine assessed by an administrative citation, or a late payment charge or collection costs related to an administrative citation, by the due date shall constitute a debt to the County. The County may seek payment of the debt by use of all available legal means, including but not limited to the following:

(a) The County may refer the debt to the Auditor and Controller for collection.

(b) The County may file a civil action to recover the debt.

(c) The County may impose a code enforcement lien upon the real property upon which the violation is located. The lien shall continue until all fines, late payment charges, and other costs owed are fully paid. Any lien imposed pursuant to this chapter shall attach upon the recordation of a notice of code enforcement lien in the Office of the County Recorder.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.115. RIGHT TO JUDICIAL REVIEW.

Any person aggrieved by the administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an

appeal to the San Diego County Superior Court in accordance with the timelines and provisions set forth in California Government Code section 53069.4.

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 18.116. SERVICE.

Except as otherwise specified in section [18.105](#), all decisions or notices required to be served by this chapter shall be as provided in section [11.112](#).

(Added by Ord. No. 9263 (N.S.), effective 11-23-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

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