

## **ADMINISTRATIVE CITATIONS APPEAL PROCESS**

### **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.