



EL DORADO COUNTY
DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT UNIT

2850 Fairlane Court
Placerville, CA 95667

<http://www.co.el-dorado.ca.us/devservices>

Phone: (530) 621-5999
Fax: (530) 622-2921

December 14, 2009

Sten K. Seemann
Elizabeth A. Muckerman
2309 Sutter Trail
South Lake Tahoe, CA 96150

RECEIVED

DEC 15 2009

EL DORADO COUNTY
BUILDING DEPARTMENT

ADMINISTRATIVE ORDER

RE: Appeal of Administrative Citation, CE Case #192902
Assessor's Parcel # 025-743-10-1
Hearing Date: November 25, 2009

This is to advise that the Hearing Officer has denied your appeal and has made the following determinations:

There was no factual dispute in this proceeding. The property owners admitted that they house ten (10) chickens on property less than one acre in size and zoned residential. The County argued that such use violates County Ordinance 17.14.060 – Stables and County Ordinance 17.56.020 – Uses Permitted by Right (TR1.) The County also argued that the use violates rules and regulations established by TRPA. Because the violation of TRPA rules was not included in the Notice to Correct, the hearing officer declined to consider this argument. The Notice to Correct, the Request for Hearing, County Policy Determination 94-02 and related documents pertaining to this case were submitted by the County in a folder marked as Exhibit 1. Exhibit 1 was admitted into evidence without objection by the parties.

After considering the testimony from the parties, the hearing officer issued a verbal tentative ruling dismissing the County argument that the use violates Section 17.14.060 but upholding the County argument that the use is not allowed by right under 17.56.020. The hearing officer granted the parties until December 14, 2009 to submit additional written argument in this matter. No additional argument was submitted by the County. The property owner submitted additional argument dated December 10, 2009.

The hearing officer finds that the use does not violate 17.14.060. This Section simply permits the construction of a stable in an R1A zone and does not appear to be particularly relevant to this case. This Section also provides that "No horse shall be kept on a building site of less than one acre in any district." County Policy Determination 94-02 interpreted this section to prohibit any domestic farm animal on a parcel less than one acre. The hearing officer finds that the plain wording of 17.14.060 does not apply to any animal other than a horse. "*Expressio unius est exclusio alteriu*" (the express mention of one thing excludes all others) and other

standard rules of statutory interpretation preclude interpreting 17.14.060 to apply to all farm animals when its express terms only apply to a horse.

However, the County Zoning Code establishes the uses that are allowed by right and the uses allowed by special use permit in the various zone districts. In this case, raising farm animals is not included as a use allowed by right in the TR1 zone. Importantly, the use is specifically listed as a use allowed by right in numerous other zone districts. For example 17.28.190(E) allows raising domestic farm animals by right in an RE-5 zone. The fact that the right is specifically granted in other zone districts displays a clear intent to disallow the use in those districts where the use is not expressly authorized. We also take note of the fact that under the Zoning Code this use is only allowed in zone districts that require large parcels with acreage, a common practice in zoning regulations.

The December 10, 2009 letter submitted by the property owners argues that ambiguities in the code preclude interpreting the code in a manner that restricts raising chickens in a TR1 zone. The owners further argue that under Title 6 of the code, a chicken should be allowed in all zone districts as a pet or companion. Although we agree that the Code is not as clear as it could be on this issue, we cannot ignore the fact that raising farm animals is a use specifically allowed in numerous zone districts. To hold that it is also allowed in all zone districts would render those sections where it is allowed meaningless. We decline to interpret the Code in a manner that will render numerous provisions of the Code meaningless.

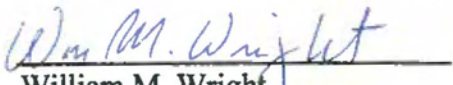
Due to the ambiguity arising from the interpretation of 17.14.060, the hearing officer invokes the authority of Section 9.02.440(b) to waive the administrative fine levied in this matter. The hearing fee charged under 9.02.380 is not waived.

The property owner expressed an interest in appealing this decision and requested the order to be stayed upon the filing of the appeal. The right to appeal is set forth in Section 9.02.470. If the owner files a timely appeal, this order shall be stayed pending a determination of the appeal by the Board. If the appeal is not filed, the owner must comply with this order within 30 days from the date this order is served on the owner.

The County is responsible for serving a copy of this order on the owner in accordance with the Code.

**09.02.460 Failure to comply with the administrative order; misdemeanor:
Failure to comply with an administrative order constitutes a misdemeanor. A misdemeanor is punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.**

**SEE THE BACK OF THIS LETTER FOR ADDITIONAL COUNTY ORDINANCES
REGARDING ADMINISTRATIVE ORDERS**



William M. Wright
Hearing Officer

09.02.440 Administrative order; compliance with administrative order:

- (a) The decision of the hearing officer shall be entitled "administrative order".
- (b) Once all evidence and testimony are completed, the hearing officer shall issue an administrative order, which affirms, modifies or rejects the enforcement official's action. The administrative order may affirm, modify or reject the daily rate or duration of the administrative fines depending upon review of the evidence and may increase or decrease the total amount of administrative fines assessed.
- (c) The hearing officer may issue an administrative order that requires the responsible person to cease violating the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.
- (d) As part of the administrative order, the hearing officer may establish specific deadlines for the payment of administrative fines, fees and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.
- (e) The hearing officer may issue an administrative order which imposes additional administrative fines as set forth in this Chapter that will continue to be assessed for each day the violation continues until the responsible person complies with the hearing officer's decision and corrects the violation.
- (f) The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.
- (g) The administrative order shall become final on the date of service of the order.
- (h) The administrative order shall be served on all parties by any one of the methods listed in this Chapter.

09.02.450 Lien.

If the violation is not abated within the time prescribed in the Administrative Order, the Board of Supervisors may cause the violation to be abated as provided in this Chapter and the cost of abatement, including any unpaid fines and civil penalties (Government Code section 53069.4) shall be charged against the real property upon which the violation has occurred and shall be a recorded lien upon such property and assessed and enforced, pursuant to Government Code section 25845.



Development Codes Department
Code Enforcement Unit

(530) 621-5999 FAX (530) 622-2921
www.co.el-dorado.ca.us/building

2850 ... Lane Court
Placerville CA 95667

Request for Administrative Hearing

PLEASE PRINT

PLACERVILLE
DEPARTMENT OF
PUBLIC WORKS
RECEIVED
SEP 16 2009

Pursuant to Section 09.02.380 of the County Code, a party who has been issued an Administrative Citation may request a hearing to contest the citation. In order for your request to be considered, you must submit this form to the address above along with the full amount of the citation fine and a hearing fee of \$100.00 on or before 10 calendar days from the date of the citation. These amounts may be refundable -
SEE BACK OF FORM FOR APPLICABLE ORDINANCE SECTIONS.

CITATION NUMBER: C# 192902 CITATION DATE: Sept. 16, 2009
SITE OF VIOLATION: 2309 Sutter Trail APN: 025-743-107
NAME: Sten Seemann Owner Tenant / Occupant
MAILING ADDRESS: 2309 Sutter Trail
CITY, STATE, ZIP: S. Lake Tahoe, CA 96150
PHONE NUMBER: 530-542-2715

Reason for requesting a hearing:

- I am not responsible for the violation(s) *Instructions: Provide a written statement explaining why you are not responsible.*
- I have removed the violation(s) *Instructions: Provide written and /or photo evidence of removal.*
- Other: I do not believe I am in violation.

Sten Seemann
Appellant's signature:

Sten Seemann
Name Printed:

Date: 30 September, 2009

(Office use only)

Case # Date received: Amt. paid: Receipt #: Fine Amount: Initials:



Development Services Department
Code Enforcement Unit

(530) 621-5999 FAX (530) 622-2921
www.co.el-dorado.ca.us/building

200 Fairlane Court
Placerville CA 95667

ADMINISTRATIVE CITATION

SEE REVERSE SIDE OF THIS NOTICE
And County Ordinance 09.02.

DATE: 9-16-09

TIME: OFFSITE

<input checked="" type="checkbox"/>	1 st CITATION \$ 100.00	<u>1ST CITATION IN A 12 MONTH PERIOD</u>
<input type="checkbox"/>	2 nd CITATION \$ 250.00	<u>2ND CITATION IN A 12 MONTH PERIOD</u>
<input type="checkbox"/>	3 rd CITATION \$ 500.00	<u>3RD CITATION IN A 12 MONTH PERIOD</u>
<input type="checkbox"/>	Contact the Code Enforcement Unit by <u> 1 / 1 </u> to schedule a re-inspection	

LOCATION / ADDRESS OF VIOLATION(S): 2309 SUTTER TR APN: 025-743-10

RESPONSIBLE PERSON: Owner Tenant / Occupant
NAME: STEN K SEEMANN
ELIZABETH A. MUCKERMAN CDL#: _____

MAILING ADDRESS: 2309 SUTTER TRAIL

CITY, STATE, ZIPCODE: S. LAKE TAHOE CA 96150 PHONE #: _____

VIOLATION(S): CHICKENS KEPT ON LESS THAN 1 ACRE.
COUNTY ORDINANCE 17.14.060 STABLES INTERPRETATION DATED
5-22-2009 (ATTACHED)

ACTIONS REQUIRED TO CORRECT: REMOVE CHICKENS FROM PROPERTY

(OFFICE USE ONLY)

VIOLATION(S) CORRECTED ON THE SPOT VIOLATION(S) CLEARED AS OF 1 / 1
 POSTED & PHOTO 1 / 1 TIME _____ CE OFFICER JIM WASSNER
INSPECTION DATE 6-4-09 (530) 621-6539

WITHOUT ADMITTING GUILT, my signature below attests to my understanding of the following:

I may request a hearing within the next 10 calendar days following the date of this Administrative Citation. Such request shall be initiated with the Building Division, Code Enforcement Unit, who will provide me the required form.

My failure to voluntarily abate the violation charged, without requesting a hearing or providing written evidence of non-responsibility shall be deemed as consent for the County to abate and charge the costs to me. The County may record a lien against my property for subsequent non-payment.

I am encouraged to meet with the Code Enforcement Officer prior to requesting a hearing to seek resolution of this matter. Such a meeting shall not extend the time for filing a request for hearing.

If the Contact Code Enforcement for re-inspection block is checked, contact the Code Enforcement Officer at (530) 621-5999 at least 48 hours prior to the "to be corrected by date" to schedule your re-inspection.

This notice was issued under the following alleged circumstances:

- A previous Notice to Correct was not acted upon
- A Stop Work Order was ignored
- The violation was repeated in the last 12 months
- The violation cannot be corrected

* Any penalty sanctions levied on the reverse side of this Notice may be paid in person at the Development Services Department, 2850 Fairlane Court, Placerville, CA 95667, between the hours of 8:00 A.M. to 4:00 P.M.; or via US mail. Do not send cash through the mail. Make checks or money orders out to County of El Dorado. A copy of the Administrative Citation must accompany your payment.

* If you fail to pay the monetary sanctions, in full, within the appropriate time, the County of El Dorado may place a lien or special assessment on any real property owned by you. Administrative fees and/or penalties will be added in addition to the sanctioned amount. Interest rates of 10 percent per annum will be charged on overdue sanction amounts. Additionally, the County may withhold other entitlements until payment is received.

Should you need assistance or have questions during the process of attaining compliance, contact the Building Services Permit Center at (530) 621-5315 or the Code Enforcement Unit at (530) 621-5999.



RESPONSIBLE PERSON'S SIGNATURE

ELIZABETH NUCKERMAN

PRINT NAME

530-542-2715

PHONE NUMBER

(THIS NOTICE IS VALID WITH OR WITHOUT A SIGNATURE)

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

CODE
ENFORCEMENT



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 821-5315 / (530) 822-1708 FAX
bdgdept@co.el-dorado.ca.us
PLANNING (530) 821-5365 / (530) 842-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-8082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

October 7, 2009

STEN K SEEMANN
ELIZABETH A MUCKERMAN
2309 SUTTER TRL
SOUTH LAKE TAHOE CA 96150

RE: C# 192902
2309 SUTTER TRL
APN: 025-743-10-1

Dear Property Owners;

An Administrative Hearing regarding your case has been scheduled for November 25, 2009 at 1:00 PM in the Planning Commission Chambers located at 2850 Fairlane Court in Placerville California. Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed. County ordinances relating to Administrative hearings are attached and may also be viewed online at <http://www.sterlingcodifiers.com/CA/EI%20Dorado%20County/index.htm>

The Hearing Officer may issue an Administrative Order to have the violation(s) abated. A separate hearing will then be scheduled to request reimbursement by the owners for the County's costs to administer this Code Enforcement case per ordinance. Failure to comply with an Administrative Order is a misdemeanor. If the property owner fails to comply with the Abatement Order, the County will abate the nuisance, bill the owner, and lien the property for all costs incurred in the abatement process per County ordinance. If the violation(s) are not abated Code Enforcement may also refer the violation to the District Attorney for prosecution.

Please call the Code Enforcement Unit at (530) 621-5999 if you have any questions regarding the Administrative Hearing process or the abatement of these violations.

Sincerely,

JIM WASSNER
Sr. Code Enforcement Officer
Code Enforcement Unit

7009 0080 0000 7323 9228

Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

Return Receipt Fee
 (Endorsement Required)
 Restricted Delivery Fee
 (Endorsement Required)
 Total Postage & Fees

Postmark
Here

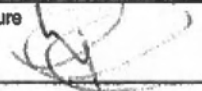
U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail only. No Insurance Coverage Provided)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Sten K Seeman
Elizabeth A Muckerman
2309 Sutter Trl
So Lake Tahoe CA
96150

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X 

B. Received by (Printed Name) *Muckerman* C. Date of Delivery *10-13-04*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0080 0000 7323 9228

C#192902-7JZH

9.02.110 Collection of administrative fines or fees.

Fines or fees incurred in connection with code enforcement activities may be recovered through the billing process. Those fees billed shall be paid within 30 days after the date of billing. Any fees not paid within such 30 day period shall be subject to a late fee in the amount of ten percent (10%) of the established fee. The total fee plus late fee as described herein shall accrue interest at the rate of one percent (1%) per month for each month the fees remain unpaid. Any fee which remains unpaid 90 days after the due date shall be referred to the El Dorado County Treasurer for collection purposes and will be subject to additional fees to cover the cost of collection.

9.02.220 Failure to Pay a Monetary Sanction.

If the responsible party does not pay the monetary sanction, the amount of ten percent of the monetary sanction shall be applied and the new total shall bear interest at a rate established by a resolution of the Board of Supervisors from the date such payment was due until paid in full. The County may take any of the following actions to collect the monetary sanction:

(a) Liens. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection constitutes and may be declared a lien on any real property owned by the responsible party within the County.

(1) Notice shall be given to the responsible party prior to the recordation of the lien, and shall be served as required by this Chapter.

(2) The lien shall attach when the Director of Development Services or his/her designee records a lien listing delinquent unpaid sanctions with the El Dorado County Recorder's Office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner.

(3) In the event that the lien is satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (a)(2) of this section shall be recorded by the County Recorder.

(b) Special Assessments. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection may be declared a special assessment against any real property owned by the responsible person within the County to the extent the responsible person owns more than one parcel within the County. The Board may impose the special assessment on more than one parcel. The Director of Development Services /or his/her designee may present a resolution to the Board to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the El Dorado County Recorder's office.

The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary taxes.

9.02.230 Recovery of collection costs.

(a) Any person who fails to pay any obligation shall be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs.

(b) Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.

(c) Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.

9.02.350 Administrative hearings procedures.

This chapter establishes the procedures for the use of hearing officers and the procedures governing administrative hearings for code enforcement actions under this Chapter. (Ord. 4706, 10-24-2006)

9.02.360 Qualification and Disqualification of Hearing Officer.

(a) The Board may appoint any person to serve as a hearing officer deemed to have sufficient knowledge and training regarding the administrative process. No such person appointed need be an attorney or judge.

(b) Any person serving as a hearing officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. A hearing officer must not have any personal interest in the outcome of any administrative action under this Chapter or any other provision of the Code.

9.02.370 Powers of hearing officer.

(a) The hearing officer shall preside over administrative hearings.

(b) The hearing officer shall have the power to administer oaths, and may impose such rules of decorum upon the proceeding as will promote the fair and efficient consideration of matters before the hearing officer.

(c) The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded.

(d) The hearing officer, upon receipt of a written request which is submitted no later than five business days before the hearing, may issue a subpoena for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena.

(e) The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

9.02.380 Procedures for requesting an administrative hearing.

(a) No hearing to contest an administrative citation shall be held unless and until a request for hearing form provided by the County has been completed and submitted with a hearing fee and the administrative fine. The refundable hearing fee shall be one hundred dollars (\$100.00) payable to El Dorado County to defray the cost of the hearing and may be changed by resolution of the Board of Supervisors. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before 10 calendar days after service of an administrative citation or notice to abate.

(b) Any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. If the hearing officer affirms the violation, the hearing officer may impose administrative fees per 09.02.450 equal to the cost of administering the Code Enforcement case. (Ord. 4706, 10-24-2006)

9.02.390 Procedures for notification of administrative hearing.

(a) Where the responsible person has made a timely request for an administrative hearing, the hearing officer shall schedule a day, time and place for the hearing. The hearing shall be scheduled for a date no more than 90 calendar days after receipt of the request for hearing unless both parties agree to a later date.

(b) Written notice of the time and place of the hearing shall be served at least 10 calendar days prior to the date of the hearing on responsible person.

(c) The notice of hearing shall be served by any of the methods of service listed in this Chapter.

9.02.400 Procedures at administrative hearing; admission of evidence

(a) Administrative hearings are intended to be informal in nature. The hearing officer is not bound by formal rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The rules of evidence of courts of the State of California will be followed but may be relaxed at the discretion of the hearing officer when deviation from the formal rules of evidence will aid in a determination of the truth. The rules pertaining to discovery do not apply.

(b) An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief sought must be stated briefly. The hearing officer, with or without objection may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

(c) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

9.02.410 Standard of proof.

The County bears the burden of proof at an administrative hearing to establish the existence of a violation of the Code. The standard of proof is by a preponderance of the evidence.

9.02.420 Representation.

Any person or persons may appear at any proceeding, conducted under this Chapter with or without representation by an attorney. No right shall exist for the appointment of counsel.

9.02.430 Failure to attend administrative hearing.

Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed.

9.02.440 Administrative order; compliance with administrative order.

(a) The decision of the hearing officer shall be entitled "administrative order".

(b) Once all evidence and testimony are completed, the hearing officer shall issue an administrative order which affirms, modifies or rejects the enforcement official's action. The administrative order may affirm, modify or reject the daily rate or duration of the administrative fines depending upon review of the evidence and may increase or decrease the total amount of administrative fines assessed.

(c) The hearing officer may issue an administrative order that requires the responsible person to cease violating the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.

(d) As part of the administrative order, the hearing officer may establish specific deadlines for the payment of administrative fines, fees and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.

(e) The hearing officer may issue an administrative order which imposes additional administrative fines as set forth in this Chapter that will continue to be assessed for each day the violation continues until the responsible person complies with the hearing officer's decision and corrects the violation.

9.02.450 Lien.

If the violation is not abated within the time prescribed in the Administrative Order, the Board of Supervisors may cause the violation to be abated as provided in this Chapter and the cost of abatement, including any unpaid fines and civil penalties (Government Code section 53069.4) shall be charged against the real property upon which the violation has occurred and shall be a recorded lien upon such property and assessed and enforced, pursuant to Government Code section 25845.

9.02.460 Failure to comply with the administrative order; misdemeanor.

Failure to comply with an administrative order constitutes a misdemeanor. A misdemeanor is punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

CODE
ENFORCEMENT



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bldgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:

3388 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

RE: C# 192902
2309 SUTTER TRAIL
APN: 025-743-10-1

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of, and employed in El Dorado County where the mailing occurred. My business address is 2850 Fairlane Court, Placerville, California 95667.

I served the foregoing: ADMINISTRATIVE HEARING SCHEDULED LETTER, named herein by enclosing a true copy in a sealed envelope and depositing said envelope in the United States mail with postage fully prepaid on October 7, 2009, and addressed as follows:

Name: STEN K SEEMANN, ELIZABETH A MUCKERMAN

Address: 2309 SUTTER TRL

City: SOUTH LAKE TAHOE CA 96150

I declare under penalty of perjury, under the law of the State of California, that the foregoing is true and correct and that this declaration was executed on October 7, 2009, at Placerville, California.

JUDY HICKENLOOPER
Development Tech.
Code Enforcement Unit

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

CODE
ENFORCEMENT



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 822-1708 FAX
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LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96160
(530) 573-3330
(530) 542-9082 FAX
tahobuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

September 16, 2009

STEN K SEEMANN
ELIZABETH A MUCKERMAN
2309 SUTTER TRL
SOUTH LAKE TAHOE CA 96150

RE: C# 192902
2309 SUTTER TRL
APN: 025-743-10-1

Dear Property Owner(s);

A Notice to Correct regarding the listed violations at the above referenced site was mailed to you on June 10, 2009. Our records do not show any action taken to abate the violation since that time. **The attached Administrative Citation has been issued for the following violation(s).**

1. Chickens kept on less than 1 acre.

Each day that the responsible person does not correct or abate the condition after the date specified in the administrative citation shall constitute a separate violation subjecting the responsible person to the fines set forth in County Ordinance 09.02. You may request an administrative hearing on the imposition of the administrative fine within 10 calendar days (September 30, 2009). A hearing request form for your use is attached. If the responsible person fails to request an administrative hearing on the imposition of the administrative citation, the citation imposing the fine shall be final. The Hearing Officer may issue an Administrative Order to have the violation(s) abated. A separate hearing will then be scheduled per ordinance to request reimbursement by the owners for the County's costs to administer this Code Enforcement case. Failure to comply with an Administrative Order is a misdemeanor. If the property owner fails to comply with the Abatement Order, the County will abate the nuisance, bill the owner(s), and lien the property for all costs incurred in the abatement process per ordinance. If the violation(s) are not corrected, Code Enforcement may also refer the violation(s) to the District Attorney for prosecution.

Please call the Code Enforcement Unit at (530) 621-5999 if you have any questions regarding the Administrative Hearing process or the abatement of these violations.

Sincerely,

Handwritten signature of Jim Wassner in cursive.

JIM WASSNER
Sr. Code Enforcement Officer
Code Enforcement Unit

Attachments: El Dorado County Administrative Citation Ordinances
Code Enforcement Unit
Administrative Order / Documents

10-0047 2B-13

7009 0080 0000 7323 9341

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PS Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>E. J. ...</i></p> <p>C. Date of Delivery <i>9.21.09</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Sten K Seeman</i> <i>Elizabeth A Muckerman</i> <i>2309 Sutter Trl</i> <i>So Lake Tahoe CA</i> <i>96150</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7009 0080 0000 7323 9341

C#192902-7 J2H

9.02.180 Administrative citations and fines; authority.

The County may impose administrative fines and/or fees for any of the acts or omissions set forth in this chapter. Administrative fines and/or fees shall be imposed, enforced, collected and reviewed in compliance with the provisions of this Chapter.

9.02.190 Administrative citations; procedures.

(a) If the violation(s) has not been abated within the time requested in a Notice to Correct, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this chapter.

(b) Each and every day that a violation of the Code exists, constitutes a separate and distinct offense,

(c) Administrative fines shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the Department of Development Services, who shall credit the same to the repair and demolition fund.

(d) Administrative fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter,

(e) All administrative fees shall be paid to the Department of Development Services to reimburse administrative costs.

9.02.200 Contents of administrative citation.

Any administrative citation that is issued shall contain:

(a) The name and address of the responsible person in violation. If the administrative citation results from events occurring on property or from the status of or condition of property, the citation shall also contain the address of the property;

(b) A statement of the provisions of the Code, which have been violated and the date and the location of the violation(s);

(c) Where appropriate, the action required to correct the violation(s), a deadline by which the violation(s) must be corrected, and the consequences of failing to comply;

(d) A statement that each day that the responsible person does not correct or abate the condition after the date specified in the administrative citation shall constitute a separate violation subjecting the responsible person to the fines set forth in this Chapter;

(e) The amount of the administrative fine imposed for the violation(s);

(f) A statement that the responsible person in violation may request an administrative hearing on the imposition of the administrative fine within 10 calendar days of the date the administrative citation is served; and

(g) A statement that any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

(h) A statement that if the responsible person fails to request an administrative hearing on the imposition of the administrative citation, the citation imposing the fine shall be final. (Ord. 4706, 10-24-2006)

9.02.210 Fines for administrative citations.

(a) If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine shall increase in accordance with the schedule in subsection (b) below.

(b) The fines assessed for each administrative citation issued for the same violation(s) shall be as follows:

1st Administrative citation	\$100.00
2nd Administrative citation	\$250.00
3rd or subsequent Administrative	\$500.00

(c) Payment of the fine shall not excuse the failure to correct the violation(s) nor shall it bar further enforcement action by the County.

(d) All fines shall be payable to the Department of Development Services unless otherwise directed on the citation.

(e) For all delinquent unpaid administrative fines, there shall be a penalty imposed in accordance with the provisions of section 09.02.2320. The delinquency date for an administrative fine shall be 15 calendar days following the imposition of the fine, or the administrative determination of the hearing officer, whichever is later.

(f) The right to and procedures for requesting an administrative hearing are detailed in section 09.02.390 of this Chapter.

9.02.220 Failure to Pay a Monetary Sanction.

If the responsible party does not pay the monetary sanction, the amount of ten percent of the monetary sanction shall be applied and the new total shall bear interest at a rate established by a resolution of the Board of Supervisors from the date such payment was due until paid in full. The County may take any of the following actions to collect the monetary sanction:

(a) Liens. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection constitutes and may be declared a lien on any real property owned by the responsible party within the County.

(1) Notice shall be given to the responsible party prior to the recordation of the lien, and shall be served as required by this Chapter.

(2) The lien shall attach when the Director of Development Services or his/her designee records a lien listing delinquent unpaid sanctions with the El Dorado County Recorder's Office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner.

(3) In the event that the lien is satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (a)(2) of this section shall be recorded by the County Recorder.

(b) Special Assessments. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection may be declared a special assessment against any real property owned by the responsible person within the County to the extent the responsible person owns more than one parcel within the County. The Board may impose the special assessment on more than one parcel. The Director of Development Services /or his/her designee may present a resolution to the Board to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the El Dorado County Recorder's office.

The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary taxes.

9.02.110 Collection of administrative fines or fees.

Fines or fees incurred in connection with code enforcement activities may be recovered through the billing process. Those fees billed shall be paid within 30 days after the date of billing. Any fees not paid within such 30 day period shall be subject to a late fee in the amount of ten percent (10%) of the established fee. The total fee plus late fee as described herein shall accrue interest at the rate of one percent (1%) per month for each month the fees remain unpaid. Any fee which remains unpaid 90 days after the due date shall be referred to the El Dorado County Treasurer for collection purposes and will be subject to additional fees to cover the cost of collection.

9.02.380 Procedures for requesting an administrative hearing.

(a) No hearing to contest an administrative citation shall be held unless and until a request for hearing form provided by the County has been completed and submitted with a hearing fee and the administrative fine. The refundable hearing fee shall be one hundred dollars (\$100.00) payable to El Dorado County to defray the cost of the hearing and may be changed by resolution of the Board of Supervisors. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before 10 calendar days after service of an administrative citation or notice to abate.

(b) Any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. If the hearing officer affirms the violation, the hearing officer may impose administrative fees per 09.02.450 equal to the cost of administering the Code Enforcement case. (Ord. 4706, 10-24-2006)

9.02.430 Failure to attend administrative hearing.

Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed.

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

CODE
ENFORCEMENT



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bdgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 673-3330
(530) 642-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

June 9¹⁰, 2009

STEN K SEEMANN
ELIZABETH A MUCKERMAN
2309 SUTTER TRL
SOUTH LAKE TAHOE CA 96150

RE: C# 192902
2309 SUTTER TRL
APN: 025-743-10-1

Dear Property Owners;

NOTICE TO CORRECT ZONING

Pursuant to the courtesy notice dated April 28, 2009 an inspection was made at the above referenced site on June 4, 2009. The following observations were made:

1. Chickens kept on less than one acre in violation of zoning ordinance.

Property owners have primary responsibility to maintain their properties and assure compliance with zoning ordinance. The noted observations are misdemeanor violations of the following El Dorado County Code sections:

1. **County Ordinance 17.14.060 – Stables—Domestic fowl not permitted on parcels of less than one acre.**
2. **County Ordinance 17.56.020(H) – Uses permitted by right.**

In order to remedy these violations, please complete the following actions by **(July 15, 2009)**:

1. **Cease illegal use of the property immediately.**

As a result of these violations you are subject to the issuance of an administrative and/or criminal citation with the associated fees and/or fines.

Failure to abate the violation(s) or establish an approved abatement schedule in writing by (July 15, 2009) may result in the issuance of an Administrative Citation with associated fines and fees. If the responsible person fails to make a timely request for an administrative hearing (procedure set forth in section 09.02.390 of the County Code) on the imposition of the administrative penalty, the penalty shall be final. The violation may also be referred to the District Attorney's Office for possible further action. In any case the Notice to Correct will be recorded with the County Recorder per County Ordinance 09.02.150 if the violation(s) are not abated within 30 days. This is not a lien but will produce a flag during a title search and is done to protect prospective buyers per County Ordinance 09.02.140.

Please take the time to deal with this problem immediately. Permit information is available at the Development Services Department web site at <http://www.co.el-dorado.ca.us/devservices/>. You may call the planning center for additional information and assistance at (530) 621-5355, or the Code Enforcement Unit at (530) 621-5999 if you have questions regarding resolution of this violation.

Sincerely,



JIM WASSNER
Sr. Code Enforcement Officer
Code Enforcement Unit

7009 0080 0000 7323 9945

Send To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3811, February 2004

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sten K Seemann
Elizabeth A Muckerman
2309 Sutter Trl
South Lake Tahoe CA
96150

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

[Signature]

B. Received by (Printed Name) *Sten Seemann*

C. Date of Delivery *6-16-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0080 0000 7323 9945

C#192902-7 JZH

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

CODE
ENFORCEMENT



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bldgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:

3388 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

RE: C# 192902
2309 SUTTER TRAIL
APN: 025-743-10-1

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of, and employed in El Dorado County where the mailing occurred. My business address is 2850 Fairlane Court, Placerville, California 95667.

I served the foregoing: **NOTICE TO CORRECT,**

named herein by enclosing a true copy in a sealed envelope and depositing said envelope in the United States mail with postage fully prepaid on June 10, 2009, and addressed as follows:

Name: STEN K SEEMANN, ELIZABETH A MUCKERMAN

Address: 2309 SUTTER TRL

City: SOUTH LAKE TAHOE CA 96150

I declare under penalty of perjury, under the law of the State of California, that the foregoing is true and correct and that this declaration was executed on June 10, 2009, at Placerville, California.

A handwritten signature in cursive script that reads "Judy Hickenlooper".

JUDY HICKENLOOPER
Development Tech.
Code Enforcement Unit



Sten Seemann
<stenseemann@yahoo.com>
>

05/15/2009 10:33 AM

To waz@co.el-dorado.ca.us, waz@cal.net
cc peter maurer <pmaurer@co.el-dorado.ca.us>
bcc

Subject Fw: Chicken Courtesy notice C#192902

History:  This message has been forwarded.

Hi Jim,

I finally found your email address- of all places I found it on our Tahoe SAR webpage. I am the winter team leader for Tahoe SAR. We have not had your email until today, other wise we would have included you in earlier emails. (your email doesn't follow the standard county format). Apparently Peter is out of the office until next week.

Sten
cell-530-318-4756
h- 530-542-2715

From: liz muckerman <hejliz@yahoo.com>
Subject: Fw: Chicken Courtesy notice C#192902
To: "peter maurer" <pmaurer@co.el-dorado.ca.us>, jwassner@co.el-dorado.ca.us
Date: Friday, May 15, 2009, 12:58 PM

Dear Mr. Maurer and Mr. Wassner

We realize you (Mr. Maurer) have just returned to work and likely have more pressing issues and are willing to reschedule the inspection previously scheduled for next Tuesday. In addition, we have a Health Specialist in SLT and she has offered to do the inspection for you if needed. We do not have any chickens associated with our pets nor have there ever been.

We firmly believe we are not in violation of any ordinance. We have spoken with a local lawyer and he is willing to represent us formally in this matter if necessary.

We do not have anything resembling a stable and do not have any type of livestock such as horses. We have done due-diligence and researched this before getting our pet chickens. We have asked numerous agencies in El Dorado County including sheriffs, environmental management and animal control about our pet chickens. Also none of them are aware of any previous violations regarding chickens or other poultry from anyone.

We feel that this complaint is part of a larger pattern of harassment from our neighbor who has threatened us, told us she is reporting us to county officials, CPS, the hospital (where I have had contact with her own family and has told her only daughter that she no longer considers us a neighbor) who is graduating from UC Davis, going to graduate school and is and has been a fine member of the community.

Please feel free to contact me or my wife with any questions.

Thank you,

Liz Muckerman and Sten Seemann

h- 530-542-2715

DEVELOPMENT SERVICES DEPARTMENT

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(530) 542-8082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

April 28, 2009

STEN K. SEEMAN
ELIZABETH A. MUCKERMAN
2309 Sutter Trail
South Lake Tahoe, CA 96150

RE: C#192902
2309 SUTTER TRAIL

APN: 025-743-10-100

Dear Property Owners:

COURTESY NOTICE

The Code Enforcement Unit is required to investigate complaints regarding possible violations of county ordinances and/or state codes and laws. This courtesy notice is a request for your cooperation in determining the validity of a complaint regarding your property.

Nature of the Complaint:

1. Chickens on parcel less than one acre, zoned TR1, violation of Zoning Ordinance 17.56.020(H)

If you do not contact the Code Enforcement Unit to schedule a more convenient inspection time, we have scheduled a site visit on or about May 19, 2009. If we do not hear from you we will pursue the complaint of the alleged violation(s). If the complaint is unsubstantiated we will document our findings and close the case.

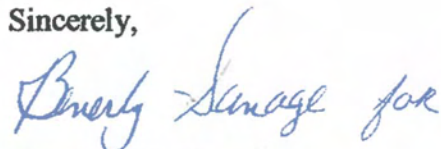
If the complaint is valid you have the following options:

1. Abate the violations prior to the scheduled inspection. After verification by the Code Enforcement Unit the case will be closed and no fines or penalties will be assessed.
2. Contact the Code Enforcement Unit prior to the scheduled site visit and arrange an inspection. You may propose an abatement schedule in writing for consideration. As long as an approved schedule is followed, enforcement action will be stayed. Potential fines and/or penalties will be discussed as part of the abatement schedule agreement.

Failure to voluntarily abate the violation(s) or comply with an abatement schedule agreement may subject you to the issuance of an administrative and/or criminal citation with associated fees and/or fines.

Permit information is available at the Development Services Department web site at <http://www.co.el-dorado.ca.us/devservices/>. The permit center is open from 8:00 a.m. to 4:00 p.m. daily at (530) 621-5775 for permit issuance and assistance. You may contact Code Compliance at (530) 621-5999 if you have questions or would like to set up a specific date for the inspection. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Wassner for".

JIM WASSNER
Sr. Code Enforcement Officer
Code Enforcement Unit

Enclosure: Zoning Ordinance 17.56.020(H)