



El Dorado County

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Placerville, California
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Master Report

File Number: 06-1528

*File ID: 06-1528

Agenda Agenda Item
Type:

Status: Adopted

Version: 2

Reference:

Gov Body: Board Of
Supervisors

Department: Development
Services/Code
Enforcement

Created: 09/18/2006

Agenda Title: Hearing to amend Code Sections 09.02 and 10.16

Final Action: 10/24/2006

Title: Adoption of Ordinance Nos. **4706** and **4707** amending El Dorado County Code Enforcement Ordinance 09.02 and Vehicle Abatement Ordinance 10.16 transferring all components of vehicle abatement enforcement to the Sheriff's Vehicle Abatement Unit. (Introduced 10/17/06, Item 66)

Notes:

Agenda Date: 10/24/2006

Agenda Number:

Sponsors:

Enactment Date:

Attachments: 09.02 ordinance.pdf , 10.16 ordinance.pdf

Enactment Number:

Same:

Hearing Date:

Contact: Marilyn Reilly x5351

Next Meeting Date:

Approval History

Version	Date	Approver	Action
1		Marianne Oliphant FYI	
1	09/25/2006	Jim Wassner	Approved
1	09/25/2006	Greg Fuz	Approved
1	09/25/2006	Agenda Coordinator	Delegate
1	09/26/2006	Terri Knowlton	Approved
Notes	Consent Approved and formatted by Co Counsel 09/27/2006 Laura Gill		
1			Approved
Notes	With an independent hearing officer now in place the public is better served by having all the components of vehicle abatement enforcement located in one office. Currently, the Sheriff's Department handles inspections and issuance of abatement notice, and Development Services Code Enforcement handles the administrative duties related to conducting abatement appeal hearings. The Sheriff's Department has agreed to assume both functions.		

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board Of Supervisors	10/17/2006	Continued				Pass
	Action Text:	Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Dupray to waive reading, read by title only, and continue this matter to October 24, 2006 for adoption.					
Mover:	Helen Baumann	Yes4	Dupray,Baumann,Supervisor Sweeney andSupervisor Santiago				4
2	Board Of Supervisors	10/24/2006	Adopted				Pass
	Action Text:	A motion was made by Supervisor Dupray, seconded by Supervisor Baumann to adopt Ordinance Nos. 4706 and 4707.					
Mover:	Rusty Dupray	Yes4	Dupray,Baumann,Supervisor Sweeney andSupervisor Santiago				4

Text of Legislative File 06-1528

Adoption of Ordinance Nos. **4706** and **4707** amending El Dorado County Code Enforcement Ordinance 09.02 and Vehicle Abatement Ordinance 10.16 transferring all components of vehicle abatement enforcement to the Sheriff's Vehicle Abatement Unit. (Introduced 10/17/06, Item 66)

Reason for Recommendation:

The Code Enforcement Unit inherited these duties from Planning Services during the

program's infancy when the Zoning Administrator was used for a Hearing Officer. With an independent hearing officer now in place the public is better served by having all the components of vehicle abatement enforcement located in one office. Currently, the Sheriff's Department handles inspections and issuance of abatement notice, and Development Services Code Enforcement handles the administrative duties related to conducting abatement appeal hearings. The Sheriff's Department has agreed to assume both functions. Therefore, the hearings, as well as all other aspects of the vehicle abatement program will now be carried out by the Sheriff's Vehicle Abatement Unit.

Fiscal Impact/Change to Net County Cost: None

Action to be taken following Board approval: County Counsel will codify amendments.

PFF:km
VehAbateAmendSum
09/07/06



S U M M A R Y

ORDINANCE NO. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

The following changes to Code Enforcement Ordinance 09.02 are requested to move administration of the vehicle abatement hearings from the Code Enforcement Unit to the Sheriff's Vehicle Abatement Unit. The Code Enforcement Unit inherited these duties from Planning Services during the program's infancy when the Zoning Administrator was used for a Hearing Officer. With an independent hearing officer now in place, the public is better served by having all the components of vehicle abatement enforcement located in one office. This is the only function relating to vehicle abatement done outside the Sheriff's Office.

A full and complete copy of the full text of the proposed ordinance is available for viewing in the office of the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California.

PFF:kam
Vehabateamend1
09/01/06



ORDINANCE NO. _____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 9.02.200 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby amended as follows:

09.02.200 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) ~~Any person appealing an administrative citation shall deposit the amount of the fine specified on the administrative citation at the time of filing the appeal. If the person prevails the deposited amount shall be returned. If the County prevails, the deposit shall become the fine and the funds will revert to the County.~~ 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.

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Section 2. Section 9.02.250 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby removed in its entirety.

Section 3. Section 9.02.350 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby amended as follows:

09.02.350 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 ~~and vehicle abatement hearings requested under Chapter 10.16.070 of the El Dorado County Code.~~

Section 4. Section 9.02.380 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby amended as follows:

09.02.380 Procedures for Requesting an Administrative Hearing.

- (a) No hearing to contest an administrative citation ~~or notice to abate a violation(s)/vehicle(s)~~ 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 ~~the Department of Development Services~~ 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.

Section 5. Section 9.02.470 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby amended as follows:

09.02.470 Administrative and Judicial Review.

- (a) Within 30 calendar days from service of an administrative order or other decision by the hearing officer, any party may appeal the determination of the hearing officer to the Board. The Board shall there after set the matter for hearing at the next regular meeting of the Board. Except as otherwise provided by specific Code provisions the Board shall apply the provisions of this Chapter. The Board may consider any other non-cumulative and relevant evidence at the hearing.

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- (b) Within 30 calendar days from service of an order or other decision of the Board any party may appeal to the Superior Court.
- (c) Any party failing to timely file an appeal to the Board or the Superior Court shall be deemed to have waived any and all objections to the administrative hearing officers or the Board's decision. Any review of the matter conducted in court shall be de novo.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2006, by the following vote of said Board:

Ayes:

ATTEST

CINDY KECK

Clerk of the Board of Supervisors

Noes:

Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

PFF:kam
Vehabateamend2
09/01/06



ORDINANCE NO. _____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 10.16.070 of Chapter 10.16 of Title 10 of the El Dorado County Ordinance Code is hereby amended as follows:

10.16.070 Request for Public Hearing.

A public hearing shall be held before the designated Vehicle Abatement hearing officer, the designee of the board of supervisors, upon timely written request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle was located on a form required by the County. This request shall be made to the ~~Planning Department~~ Sheriff's Office within ten (10) days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land and the basis of the denial of responsibility within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If no request is received within such period, the vehicle may be removed as hereafter provided and administrative and removal costs may be charged against the land owner.

Ordinance No. _____

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2006, by the following vote of said Board:

Ayes:

ATTEST

CINDY KECK

Clerk of the Board of Supervisors

Noes:

Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk