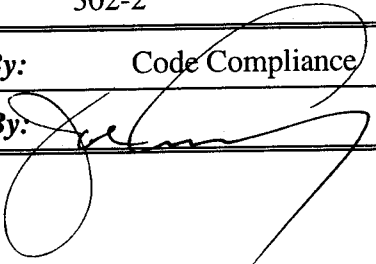




POLICY AND PROCEDURE

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| Subject: Administrative Fines for Infraction Violations | Index: Land Use and Development (Code Compliance) Number: 302-2 |
| Effective Date: 4/15/08 | Prepared By: Code Compliance |
| Supersedes: 2/22/99 | Approved By:  |

1.0 PURPOSE:

The purpose of this policy is to establish guidelines for enforcing, imposing and collecting administrative fines for infraction violations of the San Clemente Municipal Code set forth in Chapter 1.20 of the San Clemente Municipal Code (SCMC).

The intent of this alternate method of enforcement is to ensure the health, safety, and welfare of the City's residents and to provide an efficient and cost effective method of enforcing the SCMC and the City's ordinances.

2.0 ORGANIZATIONS AFFECTED:

All City Departments with Code Enforcement Responsibilities.

3.0 REFERENCES:

Chapter 1.20 of the San Clemente Municipal Code (SCMC) and Ordinance No. 1203.

4.0 POLICY:

4.1. In order to expedite enforcement compliance timeframes for Code Compliance Staff, Administrative Citations may be issued after one written correction notice, for non-emergency, non-health and/or safety violations, has been issued to the violator.

4.2. For a health and safety violation where immediate correction is required, Code Enforcement staff will immediately cite the violator.

5.0 PROCEDURE:

5.1 The detailed procedures for enforcing, imposing and collecting administrative fines for infraction violations are described in Chapter 1.20 of SCMC or Ordinance No. 1203 and are part of this policy.

5.1.1 Administrative Citations may be issued for non-emergency and non-health safety violations as described in Sections 4.1 and 4.1.2. Before an Administrative Citation

is issued, the Code Compliance Staff may brief the supervisor of the case background.

- 5.1.2 Administrative Citation can be issued immediately for violations which are an immediate danger of health and safety codes as described in Sections 4.2 and 4.2.1.
- 5.2 When a request for a hearing is submitted to the City by the person that has been given a citation, in accordance to procedures described in the section 1.20.80 of Chapter 1.20 of SCMC or Ordinance No. 1203, the City Manager shall designate a hearing officer for each hearing request. This is done on a case-by-case basis.
 - 5.2.1 Hearing Notice: The City Clerk will set the date for the public hearing and provide written notice of the date, time, and location of the hearing to the offender(s) who received the citation. Notices of the hearing are to be mailed to the offender(s) a minimum of 10 days prior to the hearing date as described in the Section 1.20.80 of Chapter 1.20 SCMC.
 - 5.2.2 Hearing Location: Administrative Hearings are to be conducted in the City Council Chambers.
 - 5.2.3 Hearing: At the time stated in the public hearing notice, the Hearing Officer shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from the property owners, witnesses, City personnel and other interested persons relative to the alleged code violations. The hearing maybe continued from time to time.
 - 5.2.4 Determination of Hearing Officer and Administrative Order: Within ten (10) working days of the hearing's conclusion, the Hearing Officer shall provide the offender with its direction in writing. The Hearing Officer shall follow the procedures as described in Section 1.20.80 of Chapter 1.20 of SCMC or Ordinance No. 1203 for making the decision and issuing the Administrative Order.
- 5.3 If the offender fails to appear at the hearing, comply with the payment of the fines or the conditions established by the Administrative Order, the City will have the option of increasing the Administrative fines, or using all possible legal means to collect the fines, or treat the case as a misdemeanor violation as described in Section 1.20.100 of Chapter 1.20 of SCMC or Ordinance No. 1203.