



Control Number: XX-XX

Division: Public Health

Title/Purpose: DHS Administrative Citation / Correction Notice Issuance and Processing

Date: October 1, 2024

Reference:

Forms: see linked forms at the end of this document

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Purpose

The intent of this policy is to provide a consistent and standardized framework for staff of the Department of Health Services when contemplating the issuance of an administrative citation for enforcement of provisions of the Sonoma County Code ("SCC") and/or other state and local codes and ordinances.

Definitions

Enforcing Officer

Any officer, employee, or agent of the county that is authorized by SCC, ordinance, state law, or board action to enforce or administer any law that may be enforced by an administrative citation including any deputy or designees of such officer, employee, or agent.

Person

Any person, firm, association, organization, partnership, joint venture, business trust, corporation, or company potentially subject to a citation.

Responsible Party

Any person that causes, maintains, permits, or is otherwise responsible for a violation as defined in this policy; or a person who has an ownership interest in real property upon which a violation exists; or a person who exercises possession or control of real property upon which a violation exists, including but not limited to a tenant, lessee, agent, employee, contractor, subcontractor, or other occupant.

Violation

The failure to comply with any provision of the SCC and/or other local codes and ordinances adopted by the county; or licenses, permits, and approvals issued by the County of Sonoma. Each day, or any portion thereof, during which any violation continues, exists, or occurs shall be deemed a separate violation for which an administrative citation may be issued and a fine may be incurred. Each distinct code section, ordinance, license, permit, approval, or law violated shall give rise to a separate violation that may be cited.

General

Issuance of an administrative citation is an alternate tool for enforcement of codes and ordinances adopted by the County of Sonoma. An issued citation is an alternative to enforcement actions taken through an administrative hearing process as outlined in SCC Section 1-7.3. The use of a citation may be exercised in place of, but shall not be deemed a waiver of, the use of any other available enforcement remedy at the exclusive discretion of the Enforcing Officer.

DHS Violations, where an administrative citation may be an appropriate enforcement method, include:

- Violations of Chapter 5 of Sonoma County Ordinances and municipal codes.



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- Violations of Chapter 32A Licensure of Tobacco Retailers in the Sonoma County Ordinances and municipal codes.

Authority

- Government Code Section 53069.4
- Sonoma County Code Section 1-7.6

Procedure

Policy/Procedure:

An Administrative Citation is a civil action in lieu of a criminal case by the Department, the potential violator(s) and the issuing Enforcing Officers engaging in a consensual contact and as such will not involve detainment or arrest of a subject(s). Sonoma County Ordinances and certain municipal codes of communities that contract for enforcement services with the Department allow for the issuance of administrative citations to responsible parties who violate provisions of county or municipal code.

At date of the most recent version of this policy, only two programs have ordinance authority to issue administrative citations. They are Sonoma County Animal Services and the DHS Tobacco Control Program, also known as Impact Sonoma.

If, at any time during an Administrative Citation contact, an Enforcing Officer finds it necessary to pursue further additional actions, which may in some cases include lawfully detain and/or arrest the same subject(s) and issue a Notice to Appear Citation these actions are not precluded by this policy.

ADMINISTRATIVE CITATION PROCEDURES

An Enforcing Officer within DHS is authorized within SCC § 1-7.6 as the sole authority within DHS for qualifying charges and it is their responsibility and discretion when citing a defendant to issue an Administrative Citation pursuant to the requirements of this policy.

The Enforcing Officer may issue an Administrative Citation for a violation not committed in the Officers' presence if they have determined, through their investigation, that a responsible party or defendant did commit or is otherwise responsible for the violation.

The citing ACO shall, at the time the responsible party or defendant signs an Administrative Citation, inform them of the fine amount, date that payment is due and the process of appeal (administration through a third party outside Sonoma County Regional Parks).

INFORMATION REQUIRED

Administrative Citations must include the following information pursuant to SCC § 1-7.6:

1. The name and mailing address of the responsible party as available or apparent to the Enforcing Officer.



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2. A description of the violation and the code sections(s) violated.
3. The date and approximate time of the violation or the inspection in which the violation was observed or detected.
4. An order prohibiting the continuation or repeated occurrence of the violation (as applicable).
5. Corrective action(s) required to obtain compliance, and a statement that corrective actions must comply with the requirements of this Code (as applicable).
6. The amount of the administrative fine.
7. The time period in which the administrative fine must be paid, the procedure and place to pay the fine(s) and any late charge(s) and interest if not timely paid.
8. A statement that payment does not excuse correction of the violation (as applicable).
9. A description of the administrative appeal process, including the time within which to appeal the administrative citation.
10. The name and signature of the issuing Enforcing Officer.
11. The date of issuance of the citation.

FINE AMOUNTS

Except as otherwise provided within SCC § 1-7.6, for any violation that is subject to this section, the fine imposed by an Administrative Citation shall be up to one hundred dollars (\$100.00) for a first violation, up to two hundred dollars (\$200.00) for a second violation of the same ordinance within one year (12 months), and up to five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year (12 months).

If the maximum fine amounts established or referenced in Government Code § 53069.4 are increased or decreased by amendment, the fine amounts set forth in this subsection shall automatically be adjusted to equal the amended maximum amounts.

PAYMENT

The fine must be paid to the address specified in the Administrative Citation within thirty (30) days after service of the citation. Payment of the fine under this section does not excuse any continuation or repeated occurrence of the violation that is the subject of the fine. The payment of a fine does not bar DHS from taking any other enforcement action regarding a violation that is not corrected. Abatement of a violation shall not excuse the obligation of the responsible party to pay a fine or any late charges or interest imposed on its untimely payment.

ADMINISTRATIVE CITATION APPEALS REPORTING REQUIREMENTS

A defendant or responsible party that has been issued an Administrative Citation may make an appeal by requesting an administrative hearing within thirty (30) days from the date of service of the citation (pursuant to SCC § 2-33.1 through 2-33.5).



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Failure to file an appeal in accordance with SCC § 1-7.6 shall constitute a failure to exhaust administrative remedies, a waiver or right to an administrative hearing and adjudication of the Administrative Citation or total fine or any portion thereof. The determination of violation(s) and the total fine shall be deemed final.

All citations shall be documented by the issuing Enforcing Officer. For violations of Animal control ordinance provisions this shall be recorded in the Chameleon data base. Citation reports will minimally include the original Administrative Citation and the completion of an incident report. The report must include (but not limited to) the following information:

1. A description of the code section violation.
2. Any prior contacts, warnings, reports or other information related to the responsible party or problem location, including dates of such incidents.
3. A listing of any witnesses to the incident(s). This should include identifying information useful for potential contact purposes to substantiate the violation.
4. A description and/or photographs of any damages incurred as a result of the incident.

Forms to be developed

- V1-19 - Administrative Citation / Correction Notice
- CDE-015 - Request to Appeal Administrative Citation
- CDE-016 - Request for Advance Deposit Hardship Waiver