

**APPLICATION FOR ADMINISTRATIVE REVIEW
OF CIVIL CITATION
A.M.C. Section 1.20.080**

I, _____, was issued Civil Citation No. _____,
dated _____ relating to property at the following address or location as specified in the
citation: _____, Anaheim, California.

This application for administrative review is filed to contest the following violations as alleged in said citation:

Check applicable box

All

The following alleged violation(s) only: _____

Pursuant to Section 1.20.080 of the Anaheim Municipal Code, I hereby contest said alleged violation (s) above identified on the following grounds:

Check all applicable box(es)

- (1) The violation(s) alleged in the citation did not occur;
- (2) The violation(s) alleged in the citation (was) (were) corrected within the correction period specified in the citation;
- (3) I am not a responsible person for the violation(s) as such term is defined in Section 1.20.020 of the Anaheim Municipal Code;
- (4) Circumstances do not warrant imposition of the fine(s) prescribed.

If this application relates to more than one alleged violation and you are contesting the violations on different ground, please indicate which of the above grounds (by number) apply to each alleged violation contested: _____

DATE: _____

Signature

Mail Address: _____

Telephone: _____

NOTE: This application must be received by the Code Enforcement Office no later than 30 days following the date of the Civil Citation and must be accompanied by either (1) a deposit of the fine amount (s) specified in the citation, or (2) a separate application for waiver of the advance deposit if you do not have the financial ability to make the deposit. You will be notified of the time and place of the hearing regarding this application. If the hearing results in a decision in your favor, the amount of your deposit will be refunded in accordance with decision. **FAILURE TO SUBMIT THE FINE DEPOSIT OR WAIVE APPLICATION WILL RESULT IN AN ABANDONMENT OF YOUR CONTEST AND AFFECT YOUR LEGAL RIGHTS TO FURTHER CHALLENGE THE CITATION AND FINE(S).**

1.20.020.160 “Responsible person” or “person responsible” shall mean any of the following:

- .01 A person who causes any violation of this Code to occur;
 - .02 A person who maintains or allows any violation of this Code over which such person has control to continue, by his or her action or failure to act;
 - .03 A person whose agent, employee, or independent contractor causes any violation of this Code, by its action or failure to act;
 - .04 A person who is the owner, or lessee or sublessee with a current right of possession, of real property upon which a property-related violation of this Code occurs or exists;
 - .05 A person who is the on-site Manager of a business who normally works at the site when the business is open and is responsible for the activities at such premises;
 - .06 A person who is the beneficiary under a deed of trust for the property upon which a property-related violation exists, and who has not corrected the violation within thirty (30) days after being notified by a Code Enforcement Officer in writing that: (i) such violation exists, (ii) the trustee under the deed of trust is no longer living on the property, and (iii) such trustee's whereabouts are unknown to the City;
 - .07 A minor who personally commits any violation of this Code and, jointly and severally, any parent or guardian of any such minor.
- There shall be a rebuttable presumption that the record owner of a parcel, according to the County of Orange's latest equalized property tax assessment rolls, and any lessee or sublessee of a parcel has notice of any Code violation existing on the property. For purposes of this chapter, there may be more than one responsible person for a violation.

1.20.080 REQUEST FOR ADMINISTRATIVE REVIEW

- .010 Any person receiving a civil citation may contest it by filing a request for an administrative review within the time provided herein. To obtain an administrative review, the citee shall file a signed written application in the form prescribed by the City, specifying the grounds for contesting the citation and fine. A citee may only contest the citation on one or more of the following grounds: (i) by denying that a violation occurred, (ii) by denying that a violation was not corrected within any applicable correction period, (iii) by denying that the citee is a responsible person for the violation, or (iv) by denying that the circumstances warrant imposition of the fine(s) prescribed.
- .020 Any application request for administrative review must be received by the City within thirty (30) days of the date the citation was issued, and be accompanied by a deposit of the full amount of the fine or an application for waiver of the fine deposit pursuant to Section 1.20.090 of this chapter. The request for administrative review shall not be accepted for filing, if not accompanied by either a deposit of the full amount of the fine or an application for waiver of the fine deposit which conforms to the provisions of Section 1.20.090. When an application for administrative review and fine deposit and/or an application for waiver of fine deposit are mailed by the citee, the application(s) and fine shall be deemed filed on the date received by the City. All applications shall be date stamped on the date received by the City. The Manager may reject any application which is not timely received by the City.

1.20.090 WAIVER OF FINE DEPOSIT

- .010 A person filing an application for administrative review may also request at the same time a waiver of the fine deposit on the grounds of financial hardship. To request such a waiver, the citee shall file with the City a signed written application in the form prescribed by the City, specifying the reasons the citee is unable to make the fine deposit at such time. Such application must be made within thirty (30) days of the date of the citation, and must accompany the request for administrative review made pursuant to Section 1.20.080 of this chapter.
- .020 Within ten (10) days following the receipt of a timely application for waiver of the fine deposit, the Manager shall provide notice to the citee of the time, date and place of a hearing upon such application for waiver of the fine deposit, which hearing date shall be not sooner than ten (10) days nor later than (20) days following the date notice of such hearing is given to the citee.
- .030 The citee bears the burden of establishing that he or she does not have the financial ability to make the fine deposit. The citee shall personally appear at the hearing and provide evidence sufficient to establish his or her inability to make the fine deposit. Failure of the citee to personally appear at the hearing shall constitute an abandonment of the application for waiver of the fine deposit.
- .040 The request shall be decided by the Manager at a hearing which shall be held prior to the administrative review contesting the citation. Within ten (10) days following the conclusion of the hearing on the waiver request, the Manager shall issue a written decision that the fine deposit is or is not waived, and specifying the reasons therefor. The Manager shall consult with the Hearing Officer, and shall include with the notice of decision notice of the hearing date set for the administrative review, which shall be not sooner than ten(10) days nor more than thirty (30) days following the date notice of such decision is given by the Manager.
- .050 If the waiver is denied, the Manager shall give the citee a self-addressed envelope to use in making the fine deposit. The citee shall mail or deliver the deposit in the envelope provided so that it is postmarked or personally delivered at least three (3) business days before the date designated for the administrative review hearing. The Manager is authorized to designate the address to which the deposit is to be mailed or delivered. Failure to make the deposit by the time required shall be deemed an abandonment of the contest.
- .060 The filing of an application for hardship waiver of the fine deposit does not extend the time within which to request an administrative review or any other time set forth in this chapter, except as provided in subsection .050 above. The decision of the Manager on the waiver of the fine deposit is final and not subject to judicial review pursuant to Section 1.20.120.