



Corona Fire Department

Administrative Citation Policy and Guideline For Enforcement of the Fire Code

PURPOSE

The intent of this policy is to provide the minimum standards necessary to obtain consistent enforcement of the Fire Code.

SCOPE

This policy applies to the issuance of administrative citations and the administrative hearing process for enforcement of the Corona Municipal Code and the California Fire Code, as adopted by the City of Corona.

DEFINITIONS

Administrative Citation: a written notice containing the information required in Section 1.08.130 of the Corona Municipal Code, informing a responsible person of one or more violations of the City code and imposing an administrative fine or penalty.

Non-Emergency Health or Safety Violation: a violation of any City code pertaining to building, plumbing, electrical or other similar structural or zoning issues which does not create an immediate danger to health or safety.

Notice of Violation: a written notice provided to a responsible person to inform such person of a non-emergency health or safety violation(s) and to advise such person of the date that such violation(s) must be corrected in order to avoid the imposition of an administrative fine or penalty. A Notice of Violation may be served on the responsible person, or by first class mail.

Responsible Person: a natural person or legal entity who causes, maintains or allows a violation(s) of the City code to occur or continue by action or failure to act. A responsible person includes, but is not limited to, the owner, tenant, co-tenant, lessee, sublessee or other person with any right to possession of the property where a City code violation that is related to the use or condition of property occurs, the on-site manager who normally works daily at the site when the business is open and is responsible for the activities at such premises, and the owner, majority stockholders, corporate officers, trustees, and general partners of a legal entity. There may be more than one responsible person for a violation.

Violation: shall mean a violation of the City code other than a non-emergency health or safety violation.

ADMINISTRATIVE CITATIONS

Non-Emergency Health or Safety Violations

With the exception of violations that create immediate dangers to health or safety, progressive notification is the preferred method to be used. After determining that a non-emergency health or safety violation has occurred, the Fire Inspector may issue a verbal notice to correct with a reasonable deadline agreed to by the responsible person. Alternatively, a written notice of violation may be used. Once the notice of violation has been issued, it shall provide at least seven (7) calendar days to correct or otherwise remedy the non-emergency health or safety violation prior to the issuance of an administrative citation.

- If the non-emergency health or safety violation is not corrected or otherwise remedied within the specified time, the Fire Inspector may issue an administrative citation.

- The Fire Inspector may agree to provide the responsible person with more time to complete the required correction.
- While a verbal notice may be given, written documentation shall be made in the file.
- Photographs are useful for documentation of both conditions at the time of the violation and the progress made.

Violations of the City Code

Whenever a Fire Inspector determines that a violation of the City code has occurred, the Inspector shall have the authority to issue a notice of violation **or** an administrative citation to any responsible person. A notice of violation or an administrative citation may include one (1) or more City code sections that have been violated and may include violations for multiple days, if applicable.

- Documentation of the violation shall be made in the file.
- Photographs should be included to provide evidence of the violation and any remedies made by the responsible person

Service of the Citation

The administrative citation shall be made by:

- Personal service on the responsible person by the Fire Inspector in the same manner as a criminal citation under the City code; or
- Certified mail return receipt requested. When certified mail is used, service shall be complete at the time the citation is deposited into the mail and addressed to the address of the responsible person.
- When a citation is either served in person or mailed, the Fire Inspector shall include the handout that explains the rights to appeal and how to pay the fine with the citation.

Separate Offenses

Each day a violation of the City code exists constitutes a separate and distinct offense and shall be subject to a separate administrative fine or penalty.

Continuation of Violation

Payment of a fine under the administrative penalties provision of the Corona Municipal Code shall not excuse or discharge any continuation or repeated occurrence of the City code violation(s) that is the subject of the administrative citation.

Administrative Penalties – Payment of Fines

The total amount of the fine specified shall be paid to the Finance Department within thirty (30) calendar days from the date of issuance of the administrative citation.

- A late payment fee of \$20.00 shall be charged if the fine is not paid within fifty (50) days from the date of issuance of the administrative citation.
- The City may use all available legal means to collect any past due fines and other related costs.

Administrative Penalties –Recovery of Other Costs

The administrative citation process does not preclude the City from recovering costs incurred in performing its code enforcement efforts pursuant to the City code including, but not limited to, abatement costs and re-inspection fees.

ADMINISTRATIVE HEARINGS per Corona Municipal Code 1.08.160:

The recipient of an administrative citation may request a hearing. An administrative hearing request form must be filed no later than fifteen (15) calendar days from the date of issuance of the administrative citation. Failure to submit the administrative hearing request form in accordance with the Corona Municipal Code shall result in a failure by the responsible person to exhaust his or her administrative remedies.

The total amount of the fine shall be deposited with the Finance Department at the time a request for hearing form is returned. All administrative hearings shall be held before the Hearing Appeals Board.

The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing. The hearing shall be set for a date that is not less than fifteen (15) nor more than sixty (60) calendar days from the date that the request for administrative hearing is received by the City.

CITATION FEES

Complete each section. Print carefully and legibly. The fees for violations are contained in the Corona Municipal Code Administrative Penalties Schedule. Fire and Building Code violations (Title 15) are assessed as follows:

First Offense	\$100.00
Second Offense	\$200.00
Third Offense	\$500.00

Failure to submit a Hazardous Materials Business Emergency Plan is a violation of CMC 8.40. The penalties are the same as noted above.

THE ADMINISTRATIVE HEARING PROCESS

When Revenue Experts receives an appeal request, the Inspector who issued the citation shall be notified. A copy of the appeal request shall be forwarded to the Inspector. The Inspector shall update the case file regarding the appeal request and the reasons for the appeal.

The Inspector shall work with Revenue Experts to schedule a hearing date, preferably on a Wednesday. The hearing shall be scheduled no sooner than fifteen (15) days and no more than sixty (60) days from the appeal request.

The Inspector shall prepare a written staff report, with copies of any exhibits pertaining to the case. The original staff report and exhibits shall be placed in the case file. The appellant shall be notified of the hearing date and time via certified mail, and shall receive a copy of the staff report, no less than 10 days prior to the hearing. A copy of the staff report will be provided to Revenue Experts, who will forward the report to the assigned hearing officer.

A sign-in sheet will be provided at the hearing room for appellants on the day of the hearing. Hearings will be handled on a first come-first served basis. Failure of the party contesting the citation to appear at the hearing shall constitute forfeiture of the fine and a failure to exhaust his/her administrative remedies.

All hearings shall be recorded by a staff member acting as a proctor, and a copy of the recording will be kept in the appeal file.

At the commencement of the hearing, the hearing officer will read a prepared advisement regarding the purpose and scope of the hearing and his/her role. The hearing officer will then identify all interested parties, having appellant(s) and witnesses provide their name, address and relationship for the record. All Inspectors and City Staff will provide their name and title with the City of Corona.

All parties will be sworn in.

The hearing officer will start testimony by identifying the specific citation(s) and violation(s) that is being contested. All relevant or unduly repetitious evidence shall be excluded.

The hearing officer will confirm that the appellant has received a copy of the Inspector's staff report and will introduce the staff report as evidence of the Inspector's statement and the City's position on the matter.

The hearing officer will then allow the violator the opportunity to provide his/her statement, witnesses, and/or evidence on their behalf.

The Inspector may be present during the hearing but is not required to be in attendance as their citation and written report constitute prima facie evidence of the respective facts contained on those documents.

The Inspector will be available to the hearing officer to answer any additional questions or provide additional information prior to the hearing officer issuing a written decision.

The hearing officer will later render a decision based on all relevant information and evidence and will provide a written decision within fifteen (15) days of the appeal to the appellant via certified mail. The letter will include the recipient's right to appeal the decision to the Superior Court with jurisdiction over the matter. A copy of the letter will also be forwarded to the City.

Upon receipt of the decision letter, the Inspector shall update the case file with the outcome of the hearing and proceed as needed. Copies of the decision letter will be placed in the case file and in the appeal file.