

SCC NO. _____

**AN ORDINANCE AMENDING CHAPTERS 8.04, 8.08, 8.24, 8.25 and 8.36,
TITLE 8, OF THE SACRAMENTO COUNTY CODE RELATING TO
LICENSING OF DOGS AND CATS**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Section 8.04.090 of Chapter 8.04, Title 8, of the Sacramento
County Code is hereby repealed.

SECTION 2. Section 8.04.100 is hereby added to Chapter 8.04, Title 8, of the
Sacramento County Code to read as follows:

8.04.100 Commercial Establishment.

“Commercial Establishment” means a place where commodities are exchanged,
bought or sold, including but not limited to pet stores or other commercial businesses
selling animals.

SECTION 3. Section 8.04.110 is hereby added to Chapter 8.04, Title 8, of the
Sacramento County Code to read as follows:

8.04.110 Department.

“Department” means the Sacramento County Department of Animal Care and
Regulation.

SECTION 4. Section 8.04.130 of Chapter 8.04, Title 8, of the Sacramento
County Code is hereby amended to read as follows:

8.04.130 Director.

“Director,” “Director of Animal Care and Regulation,” or “Chief of Animal Care
and Regulation” means the administrative head of the County Department of Animal
Care and Regulation and his or her duly authorized deputies.

SECTION 5. Section 8.04.150 of Chapter 8.04, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.04.150 Feral Animal.

Except as modified by section 8.04.153, "feral animal" means any domestic animal which is known to live in a wild or semi-wild state without benefit of an owner or any domestic animal which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without benefit of domestication.

SECTION 6. Section 8.04.153 is hereby added to Chapter 8.04, Title 8, of the

Sacramento County Code to read as follows:

8.04.153 Feral Cat.

"Feral cat" means a cat which is known to live in a wild or semi-wild state without benefit of an owner or a cat which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without benefit of domestication.

SECTION 7. Section 8.04.220 of Chapter 8.04, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.04.220 Owner.

"Owner" means the primary or responsible person who (1) possesses, has title to, or an interest in, harbors, controls or has custody of an animal, and (2) feeds or otherwise provides care or sustenance to the animal for thirty (30) consecutive days or more on property located within the unincorporated territory of the County.

SECTION 8. Section 8.04.255 of Chapter 8.04, Title 8, of the Sacramento

County Code is hereby added to read as follows:

8.04.255 Veterinary Facilities.

"Veterinary facilities" means all premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced.

SECTION 9. Section 8.04.285 is hereby added to Chapter 8.04, Title 8, of the

Sacramento County Code to read as follows:

8.04.285 Working Ranch Dog.

"Working ranch dog" means a dog that has been trained and is used to herd and or guard livestock and the dog owner resides on or is the owner of property designated in the Sacramento County Zoning Code for agricultural use.

SECTION 10. Section 8.08.030 of Chapter 8.08, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.08.030 Exemptions.

- a. The licensing regulations in this Title are not applicable to the following:
 1. Owners who use animals for diagnostic purposes or research, the use having been approved either by the California State Board of Public Health pursuant to Section 1666 of the Health and Safety Code or by the United States Department of Agriculture;
 2. Owners who use animals for teaching purposes in accredited educational institutions;
 3. Owners of animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public, (b) circuses, or (c) animal exhibits when such enterprises are operated under business licenses granted by the County;
 4. Unowned cats;
 5. Farm cats as defined in Section 8.04.147; and any person or organization that is providing care for feral or farm cats and is making a reasonable effort to trap and sterilize the animals.
- b. The licensing, sales and advertising regulations of this Title do not apply to the following:
 1. Government agencies or animal rescue organizations that have demonstrated to the Director that they have implemented an ongoing sterilization program as well as an adoption program; a sufficient demonstration may include written declaration to the Director, documentary evidence and/or site visitation and inspection of agency/organization facilities;
 2. Humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of the California Corporations Code section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;
 3. Veterinary facilities.

SECTION 11. Section 8.08.100 of Chapter 8.08, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.08.100 Penalties.

- a. Notwithstanding the provisions of Section 1.01.190 of the Sacramento County Code and unless otherwise stated in this Title, a violation of any of the provisions of Title 8, or failure to comply with any of the regulatory requirements of Title 8, shall be punishable as follows:
 1. A first violation shall be an infraction subject to the procedures described in Section 19.6 and 19.7 of the California Penal Code; and
 2. A second or subsequent violation committed within thirty (30) calendar days of the previous violation shall be a misdemeanor.

b. Unless otherwise stated in this Title, every violation of Title 8 constituting an infraction is punishable by:

1. A fine not exceeding \$50 for a first violation;
2. A fine not exceeding \$100 for a second violation of the same ordinance provisions within one year; or
3. A fine not exceeding \$250 for each additional violation of the same ordinance provision within one year.

c. Unless otherwise stated, every violation of Title 8 constituting a misdemeanor is punishable by a fine not in excess of \$500 or by imprisonment in the County Jail for not more than six months or by both.

d. As an alternative to punishment as an infraction or misdemeanor, the Director may assess an administrative monetary penalty pursuant to California Government Code, section 53069.4. Administrative penalties shall be assessed in accordance with the procedures set forth in Section 8.36.130 of this Title. Unless otherwise stated, administrative monetary penalties shall be in the amounts set forth in subdivision (b) of this section.

e. Assessment of other penalties as prescribed herein notwithstanding, violations of this Title may result in revocation of license or permit.

SECTION 12. Chapter 8.24, Title 8, of the Sacramento County Code is amended to read as follows:

This chapter shall be known and titled as "Dogs and Cats."

SECTION 13. Section 8.24.010 of Chapter 8.24, Title 8, of the Sacramento County Code is hereby amended to read as follows:

8.24.010 Unlicensed Dogs and Cats.

All persons owning or having custody of a dog or cat over the age of four months of age shall obtain a license and tag for each dog and cat from the Director. Each applicant for such a license shall pay an annual fee as specified by the Board of Supervisors and set forth in the fee schedule. Every owner of an unlicensed or untagged dog or cat shall be deemed to be in violation of this Title except as otherwise provided herein.

SECTION 14. Section 8.24.020 of Chapter 8.24, Title 8, of the Sacramento County Code is hereby amended to read as follows:

8.24.020 Unvaccinated Dogs and Cats.

Every owner of a dog or cat that does not have a current vaccination for rabies as evidenced by an official certificate therefor, shall be deemed to be in violation of this Title except as otherwise provided herein.

SECTION 15: Section 8.24.030 of Chapter 8.24, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.24.030 Dog and Cat Licenses.

a. Every dog or cat over four (4) months of age shall be subject to an annual license fee. If the dog or cat is over four months of age when acquired, the owner shall obtain a license within thirty (30) calendar days of acquisition of or entry into the County. Thereafter, such license fee shall become due and payable annually on the date of expiration of any license previously issued to the owner for the dog or cat. The amount of such fee shall be established in accordance with Section 8.08.090 of this Title but shall be charged only in full and not on any pro rata formula.

b. No owner shall possess or harbor within the County any dog or cat over the age of four (4) months that has not been sterilized, unless such person holds an unaltered license, unaltered license with reduced fee, or is otherwise exempted as set forth in Sections 8.08.030 or 8.24.030(m). Upon the written certification of a veterinarian that a dog or cat has been surgically sterilized, the amount of the license fee shall be one-half or less than the fee established for intact dogs or cats.

c. Any owner of an unaltered dog or cat shall be eligible to pay a reduced unaltered license fee if, upon written proof provided annually, the owner demonstrates to the Director that the animal qualifies as either a "competition dog or cat" or a "working ranch dog" according to the following criteria:

1. Competition Dogs and Cats.

A. The owner registers each dog or cat with the American Kennel Club, United Kennel Club, American Dog Breeders Association, International Cat Association, the Cat Fanciers Association, or other valid registry approved by the Department;

B. The animal participates in at least one event sanctioned by a national registry within the previous twelve (12) month period from the date of issuance of the license or a showing that the animal has achieved a title from a purebred dog or cat registry. In the event that an owner cannot show proof that the animal has been shown in the previous twelve (12) month period, the Department shall have the discretion to determine whether this subsection has been met; and

C. The owner does not breed the dog or cat during the time the animal holds a reduced unaltered license. This does not preclude the owner from obtaining an unaltered license at the full rate for the year the owner intends to breed the animal.

Or

2. Working Ranch Dogs.

A. The dog is defined as a working ranch dog; and

B. The owner does not breed the dog or cat during the time the animal holds a reduced unaltered license. This does not preclude the owner from obtaining an unaltered license at the full rate for the year the owner intends to breed the animal.

d. No license shall be issued for any dog or cat for which the rabies vaccination is valid for less than the twelve (12) months period from the date of licensing or for any unvaccinated dog or cat. Should the rabies vaccination not be valid for twelve (12) months from the date of first application for licensing, the owner may elect either: (1) to be issued a license at full price which would be valid for less than twelve (12)

months; or (2) to revaccinate the animal and be issued a license at full price which would be valid for no less than twelve (12) months.

e. A dog or cat license fee shall become delinquent the day after it becomes due and payable, and upon delinquency, a monetary penalty as established in accordance with Section 8.24.060 of this Chapter shall be added to the regular fee. An unpaid penalty shall be added to the succeeding year's license fee.

f. The Director shall procure and issue serially numbered license tags stamped with the name of the County and annual renewal licenses. The license shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this Title.

g. Upon presentation by a dog or cat owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the licensing period, and the proper license fee, and, if applicable, a delinquent fee, the Director shall issue a dog or cat license and a license tag or renewal license. The owner shall retain the dog or cat license form for inspection by the Director.

h. Every dog or cat shall be provided by the owner with a suitable collar, harness, or other device to which the license tag shall be securely affixed. Alternate methods of identification may be allowable if approved in writing by the Director. The dog or cat owner shall ensure that the dog or cat wears such license tag or other approved identification at all times except when the animal is being prepared for or exhibited at a dog or cat show.

i. A license tag issued for one dog or cat shall not be transferred or attached to any other dog or cat.

j. A valid license issued pursuant to this section to one owner may be transferred to a new owner of the licensed animal for a transfer fee of \$10.00.

k. Whenever a license tag or decal is lost, stolen, or damaged the owner shall apply for and obtain a replacement tag or decal from the Director upon payment of the prescribed replacement fee.

l. Despite anything in this Title to the contrary, when an owner brings into the County a dog or cat that has been licensed in another jurisdiction, the dog or cat shall not be subject to the licensing provisions of this section for so long as the out-of-county license would be current and valid at its place of issuance but not more than twelve (12) months from entering the County and so long as issuance of said license would have satisfied the provisions of Section 8.24.030 (b) of this Chapter. Upon surrender of the license from the other jurisdiction, the owner shall be issued a Sacramento County dog or cat license at no charge.

m. The following are excused from ordinarily applicable license fee requirements, as specified:

1. No fee shall be charged for working dogs that are documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement purposes.

2. A fee shall not be levied for any dog license issued for a Seeing-Eye dog owned by a blind or partially blind person or for any dog duly trained and registered with a training agency to assist a disabled person when such dog is actively used for the purpose trained.

3. Dogs and cats that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilizing due to health or age reasons will be assessed the

altered license fee. If the animal at a later date is determined by the veterinarian to be suitable for sterilization then the appropriate fee will be assessed.

SECTION 16. Section 8.24.050 is hereby added to Chapter 8.24, Title 8 of the Sacramento County code to read as follows:

8.24.050 Sale of Young Animals.

a. No puppy or kitten shall be sold or transferred under the age of eight weeks unless, prior to any physical transfer of the puppy or kitten from the seller or transferor to the new owner, the puppy or kitten is approved for sale, as evidenced by written documentation from a veterinarian licensed to practice in California.

b. For the purposes of this section, the sale of a puppy or kitten shall not be considered complete unless and until the seller or transferor physically transfers the puppy or kitten to the new owner.

SECTION 17. Section 8.24.055 is hereby added to Chapter 8.24, Title 8, of the Sacramento County code to read as follows:

8.24.055 Advertisements, Sale or Transfer of Animals.

a. Any person who advertises to the public the availability of any dog or cat for sale or transfer, whether for compensation or otherwise, shall prominently display the license number as described in Section 8.24.030 of this Chapter in any such advertisement except as provided in subsection (a)(3) of this section.

1. If the person is selling a litter of puppies and/or kittens under the age of four months, the license number of the animal who was bred must be displayed.

2. If the person is selling a dog or cat over the age of four months, the license number of the animal who is being sold or transferred must be displayed.

3. If the person is selling a puppy or kitten under the age of four months, the person selling the puppy or kitten shall disclose upon request to the new owner or the Department the name and address of the animal's original owner.

b. The dog or cat license holder must provide the dog or cat license number to any person who purchases or receives any dog or cat from the license holder and include the license number on any receipt of sale or transfer document. If the animal being sold or transferred is a locally bred puppy or kitten under the age of four months, the license holder must provide the license number of the animal who was bred on any receipt of sale or transfer document. If the puppy or kitten was bred from an animal residing outside the County's jurisdictional boundaries, then the person selling the animal shall provide the name and address of the source of such dog or cat and any other pertinent information required by the Director.

c. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, in any public place. The term public place shall include but not be limited to streets, highways, sidewalks, carnivals, flea markets, swap meets, outdoor markets, boardwalks, and areas in front of commercial establishments.

d. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game, or competition.

e. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

f. A commercial establishment selling locally bred dogs or cats on the premises shall prominently display the license number(s) of the dogs and/or cats that are sold in said establishment and any other pertinent information required by the Director.

1. If the commercial establishment is selling a litter of puppies and/or kittens under the age of four months, the license number of the animal who was bred must be displayed.

2. If the commercial establishment is selling a dog or cat over the age of four months, the license number of the animal who is being sold or transferred must be displayed.

3. If the commercial establishment is selling a puppy or kitten under the age of four months, the commercial establishment shall display the source or origin of the puppy or kitten. Source or origin refers to where the animal came from, which would include name and address.

4. If a commercial establishment is advertising the commercial establishment itself and not a particular animal for sale or transfer then no license number is required to be displayed in said advertisement.

g. A commercial establishment selling dogs or cats on the premises that were bred within the State of California but not within the County shall make available during regular business hours to the Department the name and address of the source of such dogs and/or cats and any other pertinent information required by the Director.

h. Notwithstanding Section 8.24.050, no person shall sell or transfer a dog or cat under the age of four months of age that was bred outside the state without first providing the Department with a current or valid California health certificate for each animal intended to be sold or transferred within the County and upon request provide the new owner with said California health certificate.

SECTION 18. Section 8.24.060 is hereby added to Chapter 8.24, Title 8 of the Sacramento County code to read as follows:

8.24.060 Penalties.

a. A violation of any of the provisions of Chapter 8.24 may be punishable criminally as a misdemeanor or, in the alternative, by imposition of administrative monetary penalties pursuant to California Government Code section 53069.4. Administrative monetary penalties shall be enforced and collected according to the procedures set forth in section 8.36.130.

b. Violations of Sections 8.24.010, 8.24.030 (except subdivision (b)), 8.24.050 and/or 8.24.055 shall be subject to the following:

1. Upon the first violation, a penalty of one hundred dollars (\$100.00) for each animal. If the owner complies with the section within 14 days after receiving notice of said violation and presents proof of compliance, the penalty shall be waived. An additional one hundred dollar (\$100.00) penalty shall apply for every thirty (30) day period of a continuing violation, up to a maximum penalty per offense of five hundred dollars (\$500.00).

2. Upon a second or subsequent violation, an initial penalty of not less than five hundred (\$500.00) for each animal with respect to which there is a violation, subject to late penalties in the amounts and as described in subdivision (b)(1) of this Section.

c. An owner of an unlicensed, unaltered animal which has been found to have been bred while being unlicensed shall be subject to the following:

1. Upon the first violation, a monetary penalty of five hundred dollars (\$500.00) for each animal.

2. Upon a second or subsequent violation, a fine of not less than one thousand dollars (\$1000.00) for each animal with respect to which there is a violation.

d. Violations of subdivision (b) of Section 8.24.030 shall be subject to the following:

1. Upon the first violation, a penalty of three hundred dollars (\$300.00) for each animal. If the owner complies with the section within 14 days after receiving notice of said violation and presents proof of compliance, the penalty shall be waived. An additional one hundred dollar (\$100.00) penalty shall apply for every thirty (30) day period of a continuing violation, up to a maximum penalty per offense of five hundred dollars (\$500.00).

2. Upon a second or subsequent violation, an initial penalty of not less than five hundred (\$500.00) for each animal with respect to which there is a violation, subject to late penalties in the amounts and as described in subdivision (b)(1) of this Section.

e. In the event that the owner violating provisions of this Chapter no longer possesses said animal, he/she is still responsible for any and all penalties assessed to him/her. Nothing in this subsection shall be construed as preventing the Director from instituting a proceeding in the municipal court for violation of this Chapter where there has been no impoundment.

SECTION 19. Section 8.24.065 is hereby added to Chapter 8.24, Title 8, of the Sacramento County code to read as follows:

8.24.065 Establishment and Administration of Sterilization Fund.

a. There is hereby created by the Office of the County Auditor-Controller in the County Treasury a special interest-bearing trust fund entitled the Sterilization Fund. At a minimum, fifty percent (50%) of all penalty fees collected pursuant to section 8.24.060 and fifty percent (50%) of all unaltered license fees shall be placed in said fund and shall be expended solely to finance public or private programs that provide pet sterilization programs to low income individuals and families in the County.

b. The Sterilization Fund shall be administered by the Director of Animal Care and Regulation, who shall have the authority to govern the fund consistent with this Chapter and to prescribe procedures to carry out these purposes, subject to the Board of Supervisors' approval by resolution.

SECTION 20. Chapter 8.25 of Title 8 of the Sacramento County Code is hereby repealed.

SECTION 21. Section 8.36.020 of Chapter 8.36, Title 8, of the Sacramento

County Code is hereby amended to read as follows:

8.36.020 Cause for Hearing

Hearings may be held to determine the following:

1. That an animal is a vicious animal within the meaning of this Title;
2. That the decision of the Hearing Officer has been breached; or
3. That cause for an order no longer exists and the owner may be relieved of the conditions imposed by said order;
4. That a permit has been denied, issued conditionally, or revoked in accordance with the provisions of this Title; or
5. Whether an administrative penalty is required to be paid.

A person shall be deemed to have shown cause for a hearing to be held when he or she complies with the applicable appeal, complaint or charge filing provisions specified in Chapters 8.26 and 8.34 of this Title.

As requested by the Director, hearings may be held in order to attempt mediation of such other matters as may arise from the keeping of animals.

SECTION 22. Section 8.36.130 is hereby added to Chapter 8.36, Title 8 of the

Sacramento County code to read as follows:

8.36.130. Administrative Fines or Penalties - Procedures.

a. Administrative penalties established pursuant to this Title shall be imposed and collected as set forth herein.

b. Notice of Violation. When a violation of any of the provisions of this Title is identified, the Director shall issue a Notice of Violation to the owner. The Notice shall be on a form prescribed by the Director and shall contain the following information: (1) date, approximate time, and address or definite description of the location where the violation(s) was observed, (2) the code section violated and a description of the violation, (3) a description of the action required to correct the violation, (4) and order to the owner to correct the violation(s) within a time specified and an explanation of the consequences of failure to correct the violation(s), (5) the amount of the monetary penalty for the violation(s), (6) an explanation of how the penalty shall be paid, the time period by which it shall be paid, and the place to which the penalty shall be paid, (7) identification of rights of appeal, including the time within which the Notice may be contested and the place to obtain a Notice of Appeal and Request for Hearing form to contest the Notice of Violation and (8) the name and signature of the citing officer and, if possible, the signature of the responsible owner. A single Notice of Violation may charge a violation for one or more days on which a violation exists, and for the violation of one or more code sections.

c. Service of Citation. The Director shall impart notice to the owner of the violation in the following manner:

1. Personal Service. The Director shall attempt to locate and personally serve the responsible owner and, if possible, obtain the signature of the responsible owner on the Notice of Violation. If the responsible owner served refuses or fails to sign

the Notice, the failure or refusal to sign shall not affect the validity of the Notice or of subsequent proceedings.

2. Mail. If, for any reason, the Director is unable to personally serve the Notice of Violation on the responsible owner, the Notice shall be mailed to the responsible owner by certified mail, postage prepaid with a requested return receipt. Concurrently, the citation shall be sent by regular mail. Service by mail shall be sent to the responsible owner's address as shown on public records or as known by the County. If the Notice is sent by certified mail and returned unsigned, then service shall be deemed effective by regular mail, provided the Notice sent by regular mail is not returned by the post office. Service by mail shall be effective on the date of mailing.

3. Posting Notice. As an alternative to service by mail, and if the Director is unable for any reason to personally serve the responsible owner, the Director may post the Notice of Violation at a conspicuous location on any real property within the County in which the Director has knowledge that the responsible owner has a legal interest, and such posting shall be deemed effective service. Service shall be deemed effective pursuant to posting on the date that the Notice is actually posted.

4. The failure of any responsible owner to receive any notice served in accordance with this Section will not affect the validity of any proceedings taken under this Chapter.

d. Opportunity to Correct the Violation. Once a Notice of Violation has been served upon a responsible owner, the owner shall be allowed fourteen (14) days to correct or remedy the violation. If the responsible owner properly corrects or remedies the violation, he or she shall not be assessed an administrative penalty. If the responsible owner fails to correct or remedy the violation, administrative penalties shall be assessed from the date written upon the Notice. This subdivision shall not be construed to waive any fee or payment that would ordinarily be required pursuant to this Title.

e. Satisfaction of Notice of Violation.

1. Upon receipt of a Notice of Violation, the responsible owner must do the following: (i) pay the administrative penalty to the Department of Animal Care and Regulation and (ii) demonstrate to the Director that the violation has been corrected or remedied, if the violation(s) is of such a nature that it can be remedied. The Director may not accept payment of an administrative penalty unless the responsible owner has demonstrated that the violation has been corrected or remedied. If the violation is corrected or remedied within the time set forth in subdivision (d), no fine shall be imposed.

2. If a responsible owner fails to properly correct or remedy a continuing violation in accordance with subdivision (d) or otherwise, the owner shall pay the accrued penalty amount to the Department of Animal Care and Regulation. Penalty amounts shall continue to accrue as specified up until the date the responsible owner satisfies the Notice of Violation or files a Notice of Appeal. Payment of an accrued penalty shall not excuse or discharge the owner's responsibility to correct or remedy the cited violation, nor shall it bar further enforcement action by the Director.

f. Appeal of Citation.

1. Any recipient of a Notice of Violation may contest that there was a violation of this Title or that he or she is the responsible owner by completing a Notice of Appeal and Request for Hearing form and filing it with the Department of Animal Care

and Regulation within fifteen (15) calendar days from the date of issuance of the Notice, together with an advance deposit of the total amount of the monetary penalty, or the timely filing of a Request for an Advance Deposit Hardship Waiver pursuant to subdivision (g) of this Section. Any appeal of the Notice of Violation must include a detailed written explanation of as to the grounds for appeal.

2. The filing of a Notice of Appeal does not stay, postpone or excuse the responsible owner's duty to correct or remedy a cited violation. The proper filing of a Notice of Appeal, along with an advance deposit of the total accrued penalty including any fees that are the subject of the Notice of Violation, will toll any late penalties that would accrue thereafter for a continuing violation. If the hearing officer upholds the Notice of Violation, any applicable late penalties shall begin to accrue again on the day following the issuance of the hearing officer's written Decision. Any penalty amount that has been deposited in advance shall be refunded if it is determined, after a hearing, that the person charged in the Notice of Violation was not responsible for the violation(s) or that there was no violation(s) as charged in the Notice of Violation.

3. The failure to submit a timely and complete request for hearing will terminate a person's right to contest the Notice of Violation and result in a failure to exhaust administrative remedies, and the order of the Notice of Violation will serve as a formal determination and conclusive evidence of the named responsible owner's liability.

g. Advance Deposit Hardship Waiver. A person seeking an administrative hearing may request a hardship waiver of the penalty deposit by filing with the Director a completed "Advance Deposit Hardship Waiver," which must be signed under penalty of perjury. The request must be submitted along with the request for hearing. The person requesting the waiver bears the burden of establishing that such person does not have the financial ability to make the deposit. The request will be decided by the Director within three (3) business days from the date the request is received, and the Director's decision is final. The applicant will be notified by telephone, facsimile, or in person of the decision on the request. The filing of a request for hardship waiver does not extend the time to file for an administrative hearing or pay the penalty when due. If the request for hardship waiver is denied, an administrative hearing will not be scheduled unless the penalty deposit is paid within five (5) business days following the Director's determination on the request for a hardship waiver.

h. Hearing Officer. The County Hearing Officer shall conduct the administrative hearing. In addition to the authority conferred in this Section, the Hearing Officer shall have the authority set forth in section 8.36.030 of this Chapter.

i. Hearing Procedure. The following rules shall apply to the conduct of a hearing under this section:

1. No hearing to contest an administrative penalty before a hearing officer shall be held unless and until a Notice of Appeal and Request for Hearing form has been completed and timely filed, and either the total amount of the penalty has been timely deposited in advance with the Director or, as indicated on the Notice of Appeal and Request for Hearing form, that a Request for an Advance Deposit Hardship Waiver has been timely filed pursuant to subdivision (g) of this Section;

2. The hearing before the hearing officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date that the Notice of Appeal and Request for Hearing form is filed in accordance with the provisions

of this Section. 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;

3. The hearing officer shall only consider evidence relevant to whether the violation(s) occurred and whether the responsible owner has caused, maintained or allowed the violations of this Chapter;

4. The person contesting the administrative penalty shall be given the opportunity to testify and present witnesses and evidence concerning the alleged violation;

5. The failure of any recipient of an Notice of Violation to appear at the hearing or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the recipient and an admission that the amount of the administrative penalty is appropriate as well as a failure to exhaust administrative remedies that may bar judicial review;

6. The Notice of Violation and any additional documents submitted by the Director shall constitute prima facie evidence of the respective facts contained in those documents;

7. If the Director submits an additional written report concerning the alleged violation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by first class mail on the person requesting the hearing at least five (5) days prior to the date of the hearing;

8. At least ten (10) days prior to the date of the hearing, the recipient of a Notice of Violation shall be provided with copies of the notices, reports and other documents submitted or relied upon by the Director. No other discovery is permitted. Formal rules of evidence shall not apply;

9. The hearing officer may continue the hearing and request additional information from the Director or the recipient of the Notice of Violation prior to issuing a written decision;

10. The hearing officer is not required to provide transcripts of hearings, but is required to make available tapes of hearings for a fee.

j. Hearing Officer's Decision.

1. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) days of the date of the hearing to uphold or cancel the Notice of Violation and shall list in the Decision the reasons for that Decision. The Decision of the hearing officer shall be final;

2. If the hearing officer determines that the Notice of Violation should be upheld, then the Director shall retain the penalty amount, including any fee that is the subject of the Notice of Violation, on deposit with the Director;

3. If the hearing officer determines that the Notice of Violation should be upheld, and the penalty has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set a payment schedule for the payment of the penalty, including any fee that is the subject of the Notice of Violation. Accrual of any late penalty charges shall resume on the day following the date of the hearing officer's Decision;

4. If the hearing officer determines there has been no violation and the penalty was deposited with the Director, then the Director shall promptly refund the amount of the deposited penalty;

5. The recipient of the Notice of Violation shall be served with a copy of the hearing officer's written Decision.

k. Failure to Pay Administrative Penalties.

1. The failure of any person to pay the administrative penalties assessed in connection with a Notice of Violation within the time specified on the Notice constitutes a debt to the County and may result in the matter being referred to the Sacramento County Department of Revenue Recovery, which may file a claim with the Small Claims Court or, in the alternative, utilize any means within its power to collect the amount owed. The County may pursue any other legal remedy to collect the administrative fines.

2. Any person who fails to pay to the County any administrative penalty imposed pursuant to this Title on or before the date the fine is due shall also be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any required fees, penalties, interest and late charges.

3. Notwithstanding all of the procedures set forth in this Section, the Director shall have the ability and discretion to enforce violations of this Title, to impose necessary conditions, to forgive portions of a debt or penalty owed to the County under this Title, and to coordinate collection and enforcement efforts with the Department of Revenue Recovery.

i. Right to Judicial Review. Any person aggrieved by an Administrative Decision of a hearing officer on an administrative citation may obtain review of the Administrative Decision by filing a Petition for Review with the Sacramento County Superior Court in accordance with the timelines and provisions as set forth in California Government Code section 53069.4.

SECTION 23. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____ and on _____ further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 2007, by the following vote:

- AYES: Supervisors,
- NOES: Supervisors,
- ABSENT: Supervisors,
- ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors