



ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Rob Silverstein, Code Compliance Manager Agenda Item **I-8**  
No. \_\_\_\_\_

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) \_\_\_\_\_

**DATE:** March 10, 2010

**TO:** City Council

**FROM:** John Crombach, Chief of Police [Signature]  
Police Department

**SUBJECT:** Civil Citation Ordinance

**RECOMMENDATION**

That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing and readopting section 7-55 of the Oxnard City Code, adding subdivision (J) to section 7-61 of the Oxnard City Code, and amending subdivision (A) of section 7-62 of the Oxnard City Code concerning civil citations and civil citation hearings.

**DISCUSSION**

Currently, an enforcement officer, such as a police officer, code compliance officer, or animal safety officer, must attempt to personally serve a civil citation on a responsible party before the civil citation may be mailed to the responsible party. In addition, when a responsible party appeals a civil citation and a hearing is held, the hearing officer is required to issue a written decision within five working days of the conclusion of the hearing.

The proposed ordinance would give an enforcement officer the option of either personally serving a civil citation on a responsible party or mailing a civil citation to a responsible party at his or her last known address with a declaration of service attached to the citation. The option of mailing civil citations would save on staff hours spent by enforcement officers in trying to locate responsible parties in order to serve citations. As a result, officers would then be able to complete additional inspections and calls for service that otherwise would not be possible.

The proposed ordinance would also extend the time period in which the hearing officer must issue a written decision from five working days to 15 working days. The number of administrative hearing requests has increased yearly, and as a result, the hearing officers have had difficulty meeting the present time frame for issuing a written decision while also performing their regular job duties for the City. Increasing the time frame for issuing a written decision to 15 working days would provide

sufficient time for the hearing officers to issue a written hearing decision without affecting their regular job duties.

Finally, the proposed ordinance would clarify the hearing officer's authority to continue a hearing to request additional information prior to issuing a written decision.

**FINANCIAL IMPACT**

The financial impact of the proposed ordinance is minimal.

RS

Attachment #1 - Ordinance

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. \_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING AND READOPTING SECTION 7-55 OF THE OXNARD CITY CODE, ADDING SUBDIVISION (J) TO SECTION 7-61 OF THE OXNARD CITY CODE, AND AMENDING SUBDIVISION (A) OF SECTION 7-62 OF THE OXNARD CITY CODE CONCERNING CIVIL CITATIONS AND CIVIL CITATION HEARINGS

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The City Council of the City of Oxnard does ordain as follows:

**Part 1.** Section 7-55 of the Oxnard City Code is hereby repealed and readopted to read as follows:

**“SEC. 7-55. SERVICE.**

A civil citation may be served as follows:

(A) An enforcement officer may personally serve the civil citation on the responsible person.

(B) A citation may be mailed by first class mail, postage prepaid, to the responsible person’s last known address. For a property related violation, an address shown on the county’s last equalized property tax assessment rolls is deemed to be a valid address for service. For all other violations, any address known for the responsible person is deemed to be a valid address for service. A declaration of service shall be completed and attached to the copy of the citation mailed to the responsible person.

(C) In the case of a property related code violation, an enforcement officer may post the property in a conspicuous location with a copy of the citation. A copy of the citation shall also be mailed to the responsible person’s last known address. An address shown on the county’s last equalized property tax assessment rolls is deemed to be a valid address for service.

(D) Service is deemed accomplished on the date the citation is personally served, mailed, or posted in accordance with this section.”

**Part 2.** Subdivision (J) is hereby added to Section 7-61 of the Oxnard City Code to read as follows:

“(J) The hearing officer may continue any hearing to request additional information from the enforcement officer, the responsible person, or representatives of such persons prior to issuing a written decision. The hearing officer is not required to continue the hearing on the date the administrative hearing is held. A hearing is not

closed until the hearing officer receives any additional information requested pursuant to this subdivision.”

**Part 3.** Subdivision (A) of Section 7-62 of the Oxnard City Code is hereby amended to read as follows:

“(A) Within 15 working days after closing the hearing, the hearing officer shall issue a written decision to uphold or dismiss the civil citation. The decision of the hearing officer shall be final.”

**Part 4.** Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. \_\_\_ was first read on \_\_\_\_\_, 20\_\_ and finally adopted on \_\_\_\_\_, 20\_\_ to become effective thirty days thereafter.

AYES:

NOES:

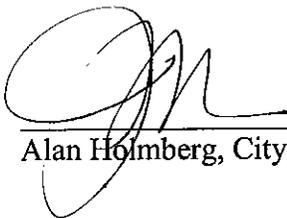
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

   
\_\_\_\_\_  
Alan Holmberg, City Attorney  
3.11.10