

TITLE 1
General Provisions

This title was most recently updated by the following ordinances:

Ordinance No.	Subject	Effective Date	Code Site
5700	Citation Authority of Community Service Officer Classification	July 2, 2015	Section 1.20.060

TITLE 1

GENERAL PROVISIONS

Chapter: 1.01	Adoption of Code	Chapter: 1.28	Penalty
Chapter: 1.04	Definitions	Chapter: 1.30	Appeals from Administrative Decisions and Time Limits for Judicial Review of Administrative Decisions
Chapter: 1.12	Corporate Seal	Chapter: 1.35	Monetary Claims Against the City
Chapter: 1.16	Posting Ordinances		
Chapter: 1.20	Arrest and Citations		
Chapter: 1.25	Administrative Code Enforcement Procedures		

Chapter 1.01

ADOPTION OF CODE

Section:			
1.01.010	Code Cited and Adopted.	1.01.020	Severability.

1.01.010 Code Cited and Adopted.

That certain document, copies of which are now on file in the Office of the City Clerk, being marked and designated "Santa Barbara Municipal Code" is hereby adopted by reference as the Code of the City of Santa Barbara, which document is a codification of the general ordinances of the City of Santa Barbara. (Ord. 3769, 1975; Ord. 3189 §1, 1966.)

1.01.020 Severability.

If any title, chapter, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have passed this, and each title, chapter, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the titles, chapters, sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

This section shall apply to the entire Code as enacted on the date that this section first became effective (January, 1981) and as subsequently amended. (Ord. 4084, 1980.)

Chapter 1.04

DEFINITIONS

Sections:

1.04.010	Generally.	1.04.170	Official Time.
1.04.020	Gender.	1.04.190	Person.
1.04.040	City.	1.04.200	Personal Property.
1.04.050	Code.	1.04.210	Preceding, Following.
1.04.060	Computation of Time.	1.04.220	Property.
1.04.070	Council.	1.04.230	Real Property.
1.04.080	County.	1.04.240	Shall, May.
1.04.090	Day.	1.04.250	Signature or Subscription by Mark.
1.04.100	Daytime, Nighttime.	1.04.260	State.
1.04.110	In the City.	1.04.270	Tenant or Occupant.
1.04.120	Joint Authority.	1.04.280	Tenses.
1.04.130	Month.	1.04.290	Week.
1.04.140	Number.	1.04.300	Writing.
1.04.150	Oath.	1.04.310	Year.
1.04.160	Officer, Department, Etc.		

1.04.010 Generally.

Unless the context otherwise requires, or unless other definitions are given for specific ordinances, or unless the Charter expressly or impliedly otherwise requires, the following words and phrases where used in the ordinances of the City of Santa Barbara shall be given the meaning and construction given in this chapter. (Ord. 3248 §1, 1967; Ord. 3132 §1(part), 1966.)

1.04.020 Gender.

The masculine gender includes the feminine and neuter. (Ord. 3132 §1(part), 1966.)

1.04.040 City.

"The City" or "this City" shall be construed as if followed by the words "of Santa Barbara". (Ord. 3132 §1(part), 1966.)

1.04.050 Code.

"The Code" or "this Code" means "the Code of the City of Santa Barbara". (Ord. 3132 §1(part), 1966.)

1.04.060 Computation of Time.

"Computation of time" means the time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded. (Ord. 3132 §1(part), 1966.)

1.04.070 Council.

"Council" means the City Council of the City of Santa Barbara. (Ord. 3132 §1(part), 1966.)

1.04.080 County.

"The County" or "this County" means the County of Santa Barbara. (Ord. 3132 §1(part), 1966.)

1.04.090 Day.

"Day" is the period of time between any midnight and the midnight following. (Ord. 3132 §1(part), 1966.)

1.04.100 Daytime, Nighttime.

"Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise. (Ord. 3132 §1(part), 1966.)

1.04.110 In the City.

"In the City" means and includes all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers. (Ord. 3132 §1(part), 1966.)

1.04.120 Joint Authority.

All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers unless otherwise specified. (Ord. 3132 §1(part), 1966.)

1.04.130 Month.

"Month" means a calendar month. (Ord. 3132 §1(part), 1966.)

1.04.140 Number.

The singular number includes the plural, and the plural the singular. (Ord. 3132 §1(part), 1966.)

1.04.150 Oath.

"Oath" includes affirmation. (Ord. 3132 §1(part), 1966.)

1.04.160 Officer, Department, etc.

Every officer, department, board, commission or similar body mentioned in this Code means an officer, department, board, commission, or similar body of the City of Santa Barbara, unless otherwise specified. (Ord. 3132 §1(part), 1966.)

1.04.170 Official Time.

Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the City. (Ord. 3132 §1(part), 1966.)

1.04.190 Person.

"Person" includes any person, firm, association, organization, partnership, business trust, corporation or company. (Ord. 3132 §1(part), 1966.)

1.04.200 Personal Property.

"Personal property" includes every species of property, except real property, as herein defined. (Ord. 3132 §1(part), 1966.)

1.04.210 Preceding, Following.

The words "preceding" and "following" mean next before and next after, respectively. (Ord. 3132 §1(part), 1966.)

1.04.220 Property.

"Property" includes real and personal property. (Ord. 3132 §1(part), 1966.)

1.04.230 Real Property.

"Real property" includes land, tenements and hereditaments. (Ord. 3132 §1(part), 1966.)

1.04.240 Shall, May.

"Shall" is mandatory, and "may" is permissive. (Ord. 3132 §1(part), 1966.)

1.04.250 Signature or Subscription by Mark.

"Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto. (Ord. 3132 §1(part), 1966.)

1.04.260 State.

"The State" or "this State" means the State of California. (Ord. 3132 §1(part), 1966.)

1.04.270 Tenant or Occupant.

"Tenant" or "occupant", applied to a building or land, includes owners or any person holding a written or oral lease of or who occupies, the whole or a part of such building or land, either alone or with others. (Ord. 3132 §1(part), 1966.)

1.04.280 Tenses.

The present tense includes the past and future tenses, and the future includes the present. (Ord. 3132 §1(part), 1966.)

1.04.290 Week.

A week consists of seven (7) consecutive days. (Ord. 3132 §1(part), 1966.)

1.04.300 Writing.

"Writing" includes any form of a recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise. (Ord. 3132 §1(part), 1966.)

1.04.310 Year.

"Year" shall mean a calendar year, except where otherwise provided. (Ord. 3132 §1(part), 1966.)

Chapter 1.12

CORPORATE SEAL

Section:

1.12.010 Corporate Seal.

1.12.010 Corporate Seal.

The Seal of the City shall be a circle one and three-fourths inches (1-3/4") in diameter, and there shall be upon it the words "Seal of the City of Santa Barbara, California", and the design of a bay, ship and the rising sun; and the Seal heretofore used by the City and bearing such words and design is hereby adopted as and for the corporate Seal of the City. (Prior Code §1.8.)

Chapter 1.16

POSTING ORDINANCES

Section:

1.16.010 Posting Places for Ordinances Listed.

1.16.010 Posting Places for Ordinances Listed.

The following places within the City are hereby fixed and established as the places at which there shall be posted copies of such ordinances of the City as the Council of the City may direct to be posted in lieu of publication in a newspaper:

- (1) Bulletin board, at entrance to Council Chamber in City Hall, De la Guerra Plaza.
- (2) Bulletin board, at the entrance to County Courthouse, which is nearest to the intersection of Anacapa and Figueroa Streets.
- (3) Entrance, City Fire Station, 1802 Cliff Drive.
- (4) Entrance, City Fire Station, 701 East Haley Street.
- (5) Entrance, City Fire Station, 3030 De la Vina Street. (Ord. 3186 §1, 1966; prior Code §2.4.)

Chapter 1.20

ARREST AND CITATIONS

Sections:

1.20.010	Arrest - Notice to Appear in Court - Delivery.	1.20.040	Violation of Promise - Misdemeanor.
1.20.020	Notice to Judge - Bail Fixed, Forfeited - Deposit to Treasury.	1.20.050	Promise to Appear - Failure to Post Bail - Action.
1.20.030	Warrant - Promise to Appear - Failure to Appear or Deposit Bail.	1.20.060	Community Service Officer.

1.20.010 Arrest - Notice to Appear in Court - Delivery.

When any person is arrested for a violation of any City ordinance and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

The time specified in the notice to appear must be at least ten (10) days after such arrest.

The place specified in the notice to appear shall be before the judge of the Municipal Court of the Santa Barbara Judicial District.

The officer shall deliver one (1) copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. (Ord. 3769, 1975; Ord. 2682 §1, 1958; prior Code §1.71.)

1.20.020 Notice to Judge - Bail Fixed, Forfeited - Deposit to Treasury.

The officer shall, as soon as practicable, file the duplicate notice with the judge of the Municipal Court. Thereupon, the judge shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant, and shall endorse upon the notice a statement signed by him in the form set forth in Section 815 of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the judge the amount of bail thus set. Thereafter at the time when the case is called for arraignment before the judge, if the defendant shall not appear either in person or by counsel, the judge may declare the bail forfeited and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had all sums deposited as bail shall forthwith be paid into the County Treasury for distribution pursuant to Section 1463 of the Penal Code. (Ord. 2686 §2, 1966; prior Code §1.72.)

1.20.030 Warrant - Promise to Appear - Failure to Appear or Deposit Bail.

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law. (Ord. 2683 §3, 1966; prior Code §1.73.)

1.20.040 Violation of Promise - Misdemeanor.

Any person willfully violating his written promise to appear in court is guilty of a misdemeanor regard-less of the disposition of the charge upon which he was originally arrested. (Ord. 2686 §4, 1966; prior Code §1.74.)

1.20.050 Promise to Appear - Failure to Post Bail - Action.

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 1.20.020 of this Code, the judge shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised or if such person promises to appear before an officer authorized to accept bail other than the judge and fails to do so on or before the date he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to the judge.

When such person violates his promise to appear before an officer authorized to receive bail other than the judge, the officer shall immediately deliver to the judge having jurisdiction over the offense charged, the written promise to appear and the complaint if any, filed by the arresting officer. (Ord. 2686 §5, 1966; prior Code §1.75.)

1.20.060 Community Service Officer.

The City may establish a Community Service Officer classification pursuant to Santa Barbara Municipal Code section 3.04.040. The Community Service Officer is authorized pursuant to California Penal Code section 836.5, and by this section, to issue a criminal citation provided that the employee has first completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training pursuant to Penal Code section 832. The Community Service Officer shall be required to wear a distinctive uniform, as prescribed by the Chief of Police. The Community Service Officer is designated as an employee who has the duty to enforce the Santa Barbara Municipal Code and issue a criminal citation to a person, without warrant, whenever such employee has reasonable cause to believe that the person has committed a misdemeanor or an infraction in the presence of the employee. (Ord. 5700, 2015.)

Chapter 1.25

ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

Sections:

1.25.010	Purpose; Adoption of Administrative Guidelines.	1.25.070	Amount of Civil Fines.
1.25.020	Applicability.	1.25.080	Manner of Payment - Civil Fines.
1.25.030	Definitions.	1.25.090	Appeal of Notice of Administrative Citation.
1.25.040	Maintaining Public Nuisances Prohibited.	1.25.100	Hearing Procedures.
1.25.050	Abatement of Unlawful Conditions - Notice.	1.25.110	Appeal Decision.
1.25.060	Extensions of Time.	1.25.120	Right to Judicial Review.
		1.25.130	Collection of Unpaid Fines.

1.25.010 Purpose; Adoption of Administrative Guidelines.

A. **Purpose.** The purpose of this Chapter is to enable the City, acting as a charter city pursuant to Article XI, Sections 5 and 7 of the state Constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this Code. Notwithstanding the provisions herein, the City has and shall continue to employ the philosophy of voluntary compliance when seeking compliance with this Code. Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches shall first be used in order to educate City property owners and businesses concerning the requirements of this Code and the corrective action necessary to correct a violation of this Code, unless an immediate danger to health or safety exists.

B. **Administrative Guidelines Approved by the City Council.** Concurrently with the adoption of the ordinance establishing this Chapter, the City Administrator shall prepare and promulgate administrative guidelines which shall, among other things, establish policies for providing appropriate and adequate warnings with respect to possible Municipal Code violations to those persons who may receive an administrative citation, to provide direction to City staff for the correct process of issuing a Notice of Administrative Citation, and to establish the proper format of the Notice of Administrative Citation and for service of that Notice in a manner consistent with the requirements of due process (hereinafter referred to as the "Administrative Guidelines"). Such Administrative Guidelines shall be adopted by a resolution of the City Council. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.020 Applicability.

A. **ENFORCEMENT OF THE MUNICIPAL CODE.** This Chapter makes any violation of the provisions of the Santa Barbara Municipal Code, including but not limited to all uniform construction codes adopted by reference and as amended pursuant to Chapter 22.04 of the Code, subject to administrative fines.

B. **ADMINISTRATIVE AUTHORITY.** This Chapter establishes the procedures for the imposition, enforcement, collection, and review of civil administrative fines pursuant to California Government Code section 53069.4 and pursuant to the City's plenary police powers as a charter city.

C. **REMEDIES NOT EXCLUSIVE.** The use of the administrative enforcement remedies provided by this Chapter is solely at the City's discretion. By adopting this Chapter, the City does not intend to limit its discretion to exercise any other remedy, civil or criminal, or other administrative procedures, for the abatement of such violations that the City may select in a particular case, including procedures for the imposition of civil or criminal penalties.

D. **STRICT LIABILITY OF THE OWNER.** Because serious Code violations may impact public health, welfare, safety, and the adequacy and safety of housing, this Chapter is intended to impose strict civil liability upon the owners of real property (or the owner of a business where the violation is caused by or relates to the operation of a business) for all violations of the Santa Barbara Municipal Code which may occur in the City of Santa Barbara regardless of the existence of specific or general intent or prior knowledge of such violations and, further, regardless of any intent (or lack thereof) to violate the Code. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.030 Definitions.

The following definitions apply to the use of these terms for the purposes of this chapter:

- A. **CODE VIOLATION.** Any violation of the Santa Barbara Municipal Code.
- B. **DIRECTOR.** The City Department Head (or an expressly designated representative thereof) with responsibility for a particular title of this Code.
- C. **HEARING ADMINISTRATOR.** The person or committee appointed by the City Administrator to serve as the hearing officer or committee for administrative appeal hearings.
- D. **ISSUED.** Giving, mailing, or posting a Notice of Administrative Citation to a person where "issuance" is deemed to have occurred on the earlier of the date when a Notice of Administrative Citation is personally served on a person, the date it is mailed to a person by posting in the regular United States mail, or the date it is physically posted on real property where a property related Code violation is occurring or has occurred.
- E. **NOTICE OF ADMINISTRATIVE CITATION.** An official City Municipal Code violation notice issued to a person(s) notifying them that they are in violation of the Santa Barbara Municipal Code with respect to certain real property or the operation of a certain business. In the case of an initial notice, if the violation has not been corrected by a specified date, a civil administrative fine will be imposed. Subsequent notices regarding the same or similar type of violation, within any twelve-month period, may be cause for imposing additional administrative fines without warning.
- F. **PERSON.** Any of the following:
 - 1. An individual who causes a Code violation to occur.
 - 2. An individual who maintains or allows a Code violation to continue, by his or her action or failure to act in a lawful manner.
 - 3. An individual whose agent, employee, or independent contractor causes a Code violation by its action or failure to act in a lawful manner.
 - 4. An individual who is an owner of real property where a property related Code violation occurs.
 - 5. An individual who is an owner of a business or who is the on-site manager of a business and who normally works at the site when the business is open and is responsible for the activities at such premises.

For purposes of this subsection "person" includes a natural person or a legal entity, including but not limited to the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity. There shall be a legally rebuttable presumption that the record owner of a parcel as listed on the County's latest equalized property tax assessment rolls is the person responsible for a Code violation on such parcel. In addition, where applicable, a commercial lessee, sublessee, or operator of a business on a parcel shall be presumed responsible for Code violations relating to the operation of the business (for example, sign ordinance violations) on that parcel. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.040 Maintaining Public Nuisances Prohibited.

Pursuant to the authority of California Government Code section 38771 and the City Charter, any continuing violation of the Santa Barbara Municipal Code constitutes a public nuisance. Therefore, any person owning or having possession of any real property in the City of Santa Barbara who is in violation of any provision of the Santa Barbara Municipal Code may be determined to be maintaining a public nuisance provided, however, that it shall not be the intent of the City that this Chapter preempt any private nuisance right of action or any and all other legal remedies available to private parties to abate such nuisances. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.050 Abatement of Unlawful Conditions - Notice.

- A. **INSPECTIONS.** Whenever the Director has inspected a property and finds that conditions constituting a violation of the Municipal Code exist thereon, the Director may use the procedures set forth in this Chapter to enforce the provisions of the Municipal Code as authorized by law.
- B. **NOTICE OF ADMINISTRATIVE CITATION ISSUANCE.** The Director may issue a Notice of Administrative Citation for a violation to any person or persons whom the Director deems appropriate if the Director has determined, through investigation, that a violation exists. A person to whom a Notice of Administrative Citation is issued shall be liable for and shall pay to the City the administrative fine or fines described in the Notice of Administrative Citation when due pursuant to the provision of this Chapter.
- C. **DEVELOPMENT REVIEW CONDITIONS.** Every person who applies for and receives a permit, license, or any type of land use approval (such as, but not limited to, a development review approval, a coastal development permit, a subdivision map approval, a conditional or special use permit, a zoning requirement modification, a variance, or other discretionary approval under Title 22, Title 27 or Title 28 of the Code) shall comply with all mandatory approval conditions imposed upon the issuance of the permit, license, or other such approval. If a person violates any condition of such permit, license, or similar land use approval, that person may be issued a Notice of Administrative Citation and may be held responsible for administrative fines under the provisions of this Chapter.

D. **CONTINUING VIOLATIONS.** Each day a violation of this Code exists shall be a separate and distinct violation and may be subject to a separate administrative fine. A Notice of Administrative Citation may charge a violation for one or more days on which a violation exists and for violation of one or more applicable Code sections.

E. **PRIOR VIOLATIONS.** The City may take into consideration the fact that a person has been previously issued a Notice of Administrative Citation when the City is determining whether to accept an application or to grant any permit, license or any similar type of land use approval for that person, and such Notice of Administrative Citation may be used as evidence that the person has committed acts that are not compatible with the health, safety, and general welfare of other persons and businesses within the City.

F. **CONTENTS OF NOTICE.** The administrative guidelines as approved by the City Council pursuant to Section 1.25.010 hereof shall, among other things, identify those items of information which must be contained in the Notice of Administrative Citation issued to persons and allege a violation of the Municipal Code.

G. **SERVICE OF NOTICE.** The Notice of Administrative Citation and any amended Notice of Administrative Citation shall be served by mail, personal service, or posting in the manner provided for in the approved Administrative Guidelines.

H. **PROOF OF SERVICE.** Proof of personal service of the Notice of Administrative Citation shall be documented as provided for in the approved Administrative Guidelines. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.060 Extensions of Time.

If the Director receives a request from any person required to comply with a Notice of Administrative Citation, the Director may grant an extension of any fine due date and abatement deadline if the Director determines that such an extension of time will not create or perpetuate imminent danger to public health and safety. The Director shall have the authority to place reasonable conditions on such an extension. (Ord. 5113, 1999.)

1.25.070 Amount of Civil Fines.

A. **FINE SCHEDULE.** The amount of fines for violating particular provisions of the Code shall be set in a schedule of fines adopted by resolution by the City Council concurrently with the ordinance adopting this Chapter. The schedule may include escalating fine amounts for repeat Code violations occurring within specified periods of time.

B. **DUE DATE FOR FINES.** Fines are due on the day specified in the Notice of Administrative Citation, or, in the event of an appeal, as determined by the Hearing Administrator. (Ord. 5113, 1999.)

1.25.080 Manner of Payment - Civil Fines.

A. **PAID BY MAIL.** Fines shall be paid to the Director within thirty (30) days of the due date. Payment shall be made by check or money order. The Director, for purposes of convenience and ease of processing, may authorize payment to be made in accordance with any other method, including designating a location within the City for such payments.

B. **FURTHER VIOLATIONS.** Payment of an administrative fine shall not excuse the person from correcting the Code violation. The issuance of a Notice of Administrative Citation or the payment of a fine does not preclude the City from taking any other enforcement or legal action regarding a Code violation that is not corrected, including issuing additional Notices of Administrative Citation or the initiation of criminal or Superior Court civil abatement proceedings. (Ord. 5113, 1999.)

1.25.090 Appeal of Notice of Administrative Citation.

A. **APPEAL TO HEARING ADMINISTRATOR.** Any person aggrieved by the action of the Director in issuing a Notice of Administrative Citation pursuant to the provisions of this chapter may appeal such notice to the Hearing Administrator. If no appeal is filed within ten (10) days of the date of issuance of the Notice of Administrative Citation, the order of the Director shall be deemed final.

B. **CORRECTIONS.** Revocation of the Notice of Administrative Citation by the Hearing Administrator or voluntary abatement of the nuisance either on or prior to the Notice of Administrative Citation due date, and any authorized extensions thereto, shall cause the case to be closed.

C. **CONTESTED APPEALS.** To appeal a Notice of Administrative Citation, the person receiving the Notice (the "appellant") shall file a signed written request following the appeal procedures outlined in the Notice of Administrative Citation. An appellant may contest the Notice of Administrative Citation by denying that a violation occurred, by denying that it was not corrected within the required correction period or, if applicable, by establishing that he or she is not the owner of the real property or the owner of the business at the time the violation should have been corrected.

D. **RECEIPT OF AN APPEAL REQUEST.** To be effective, the appeal request must be received by the Director within ten (10) days of the date the Notice of Administrative Citation was issued. Where a request is mailed by the appellant, the request shall be deemed filed on the date received by the Director. The Director is authorized to designate an address on the Notice of Administrative Citation to which such appeal requests shall be mailed. (Ord. 5113, 1999.)

1.25.100 Hearing Procedures.

A. **APPLICABLE HEARING ADMINISTRATOR.** The Hearing Administrator shall be designated by the City Administrator in the Administrative Guidelines.

B. **TIME AND PLACE OF HEARINGS.** Hearings shall be conducted by the Hearing Administrator on the date, time, and place specified by the City.

C. **APPEAL RECORDS.** The Director shall ensure that the pertinent Notice of Administrative Citation is delivered to the Hearing Administrator in sufficient time prior to the appeal hearing. Before the hearing, the Director shall also make available to the appellant a copy of any additional information concerning the Notice of Administrative Citation which will be provided to the Hearing Administrator.

D. **PRESENTATION OF EVIDENCE.** The appellant shall be given the opportunity to testify and to present evidence relevant to the Code violation specified in the Notice of Administrative Citation.

E. **USE OF REPORTS AS EVIDENCE.** The Notice of Administrative Citation and any other reports prepared by City staff or by the Director concerning a Code violation or attempted correction of a Code violation that are provided to the Hearing Administrator shall be accepted by the Hearing Administrator as prima facie evidence of the Code violation and the facts stated in such documents.

F. **STAFF WITNESSES/ADDITIONAL EVIDENCE.** Neither City staff nor any other representative of the City shall be required to attend the appeal hearing, nor shall the Hearing Administrator require that there be submitted any evidence, other than the Notice of Administrative Citation, that may exist among the public records of the City with respect to the violation. However, any such appearance or submission may be made at the discretion of the Director.

G. **CONTINUANCES.** The Hearing Administrator may continue an appeal hearing if a request is made showing good cause by the appellant or the Director. All continuance requests shall either: (1) be made in person at the hearing by the appellant or his or her representative if the appellant is physically unable to attend, or (2) be made by a written request by the Director or the appellant. If the continuance is granted, a new hearing date shall be set within thirty (30) days. If the continuance is denied, the hearing shall proceed as originally scheduled, and if the appellant is not present at the hearing, the request(s) shall be deemed abandoned in accordance with subsection I below.

H. **RULES OF EVIDENCE.** The appeal hearing shall be conducted informally and the legal or formal rules of evidence need not be followed. The Hearing Administrator does not have the authority to issue a subpoena.

I. **FAILURE TO APPEAR.** The failure of the appellant to appear at the hearing, unless the hearing was continued per subsection G above, shall constitute an abandonment of the appeal, and shall constitute a failure to exhaust administrative remedies concerning the violations set forth in the Notice of Administrative Citation. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.110 Appeal Decision.

A. **NOTICE OF DECISION.** After considering all the evidence and testimony submitted at an appeal hearing, the Hearing Administrator shall issue a Notice of Decision within ten (10) business days to either uphold or revoke the Notice of Administrative Citation based upon the Hearing Administrator's conclusion of whether a violation occurred. The Notice of Decision shall be mailed by first class and certified mail, postage prepaid, return receipt requested, to the appellant or their designated representative within one (1) business day subsequent to the Hearing Administrator's issuance of the Notice of Decision. The failure by the appellant to appear at the appeal hearing shall be noted on the Notice of Decision by the Hearing Administrator. The Hearing Administrator may reduce or cancel the amount of any administrative fine or revoke the Notice of Administrative Citation in unusual cases when extenuating circumstances make doing so appropriate and in the interest of justice. The decision of the Hearing Administrator shall be final.

B. **PAYMENT OF FINE AFTER APPEAL DECISION.** The filing of an appeal shall suspend any fine assessed in the Notice of Administrative Citation. In the event that the Notice of Administrative Citation is revoked, the fine shall also be revoked. In the event that the Notice of Administrative Citation is upheld, the appellant shall both abate the violation(s) and pay the fine immediately. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.120 Right to Judicial Review.

A. **APPLICABILITY OF GOVERNMENT CODE SECTION 53069.4.** The appellant may seek judicial review of the Hearing Administrator's decision by filing a further appeal with Santa Barbara Superior Court within twenty (20) calendar days after the appellant receives a copy of the Notice of Decision, in accordance with the provisions of California Government Code section 53069.4. The appeal filed with the Court must also contain a proof of service showing a copy of the appeal was served upon the City of Santa Barbara City Attorney. The appellant must pay to the Superior Court the appropriate court filing fee when the appeal is filed.

B. **FAILURE TO EXHAUST ADMINISTRATIVE APPEAL.** No appeal is permitted from a decision where the appellant is deemed to have abandoned the contest of the Notice of Administrative Citation by an unexcused failure to appear at the appeal hearing or by the failure to request an administrative appeal hearing before the Hearing Administrator.

C. **FORWARDING OF RECORDS TO SUPERIOR COURT.** The City Attorney or the City Attorney's designee shall forward to the Superior Court within fifteen (15) days of the Court's request, the pertinent Notice of Administrative Citation documents for any case appealed to that Court. If the Superior Court revokes any Notice of Administrative Citation, the City will refund to the appellant the Superior Court filing fee paid by the appellant. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.130 Collection of Unpaid Fines.

A. **CITY REMEDIES.** The City, at its discretion, may pursue any and all legal, equitable, and administrative remedies for the collection of unpaid civil administrative fines.

1. **Remedies Cumulative.** Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines owed by a person under this Chapter have been collected.

2. **Refusal to Issue Permits.** A City department may refuse to accept an application for a City permit or license or to refuse to issue, extend, or renew to any person, who has unpaid delinquent fines, liens, or assessments, any city permit, license, or other City approval pertaining to the property that is the subject of a Notice of Administrative Citation and an unpaid administrative fine.

3. **Suspension of Issued Permits.** Notwithstanding any other provision of the Code, any permit, license, or any type of land use approval issued by the City to a person who has unpaid administrative fines totalling \$500.00 or more which remain delinquent for thirty (30) days or longer may be suspended by the department which issued the permit or other entitlement. The suspension becomes effective ten (10) days after the date the notice of the suspension is placed by the issuing department in the United States mail, postage prepaid, addressed to the person, and continues until the administrative delinquency is paid in full. The person may request an appeal or review hearing pursuant to the specific permit, license, or other City approval procedures or ordinance if such a request is filed before the ten (10) day period ends. Continuing to operate under a suspended permit, license, or approval shall also be grounds for the Planning Commission to act pursuant to Section 28.87.360 of this Code to revoke the permit, license, or approval.

4. **Criminal Remedies.** The City Attorney, at his or her discretion, may also issue a criminal citation or complaint (infraction or misdemeanor) to any person for a Code violation when the applicable fine has not been paid.

B. **VIOLATIONS CONSTITUTE A PUBLIC NUISANCE.** The Director may pursue the remedies described in this Section whether or not the City is pursuing any other action to terminate an ongoing Code violation that was the basis for an administrative fine or to otherwise abate the violation or sanction the property owner. To compel Code compliance, the City may also seek to collect assessed fines by means of a nuisance abatement lien or special assessment against the property where a property related violation occurred in accordance with the procedures in Government Code Sections 38773.1 and 38773.5.

C. **LIEN CONDITIONS.** To recover any delinquent administrative fines as a lien or special assessment on real property, the following conditions must be met:

1. The Director must submit to and receive approval from the City Council for a resolution certifying the amounts of the liens and special assessments sought to be collected from each property owner; and
2. The total amount of the delinquent fine against the property owner must be delinquent for 60 days or more.

D. **LIEN COLLECTIONS.** The Director is authorized to take any steps necessary to enforce collection of the lien or special assessment, including but not limited to the following:

1. Request the County Recorder to record a notice of any lien or special assessment certified by resolution of the City Council.
2. Request the County Tax Collector on behalf of the City to collect any special assessments certified by resolution of the City Council.

E. NOTICE OF LIEN COLLECTION PROCEDURES. All Notices of Administrative Citation shall contain a notice that unpaid fines are subject to the assessment and lien collection procedures of this Chapter. This notice shall satisfy the notice requirements of Government Code Sections 38773.1 and 38773.5 when a Notice of Administrative Citation is served on the person. In addition, the Director shall by first class mail send notice to each property owner at least ten (10) days before the City Council considers the resolution to certify the amounts of the liens and special assessments stating the date, time, and location of the meeting. The lien or special assessment shall be imposed on the date the Notice of Administrative Citation for the Code violation is issued to the responsible person and shall become effective upon the recording of a Notice of Lien or Special Assessment by the County Recorder.

F. CONTESTING CERTIFICATION OF A LIEN. A person may contest the amount or the validity of any lien or special assessment for a civil fine at the public hearing when the City Council considers the resolution to certify the liens or assessments. Such contests shall be limited to the issue of the amount or validity of the lien or assessment and may not consider whether the underlying Code violation occurred. Pursuit of such a contest by a person is necessary to exhaust the administrative remedies concerning a legal challenge to the validity of any such lien or special assessment. (Ord. 5113, 1999.)

Chapter 1.28

PENALTY

Section:

1.28.010 Violation of Code.

1.28.020 Penalty for Misdemeanor.

1.28.030 Penalty for Infraction.

1.28.040 Nuisance.

1.28.050 Civil Penalty.

1.28.060 Cumulative Remedies.

1.28.010 Violation of Code.

It shall be unlawful for any person to perform any act that is prohibited, made or declared to be unlawful or an offense by this Code, or to violate any provision or fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor except:

(1) When the violation of a provision of this Code is specifically declared to be an infraction, or

(2) Notwithstanding any other provision of this Code, any violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Except as otherwise provided, each and every day that any violation of this Code shall continue shall constitute a separate offense. The person committing or permitting such offenses may be charged with separate offenses for each such violation and punished accordingly. (Ord. 4562, 1989; Ord. 4067, 1980; Ord. 3137, §1, 1966.)

1.28.020 Penalty for Misdemeanor.

Unless otherwise specified in this Code, a misdemeanor is punishable by a fine not exceeding one thousand dollars (\$1,000), imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 4408, 1986; Ord. 4067, 1980.)

1.28.030 Penalty for Infraction.

Unless otherwise specified by this Code, an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation, (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation for the same Chapter of this Code within one year and (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same Chapter of this Code within one year. (Ord. 4326, 1985; Ord. 4067, 1980.)

1.28.040 Nuisance.

In addition to the penalties and other methods of enforcement provided herein, any condition caused or permitted to exist in violation of any provision of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such. The City Attorney shall be authorized to commence actions and proceedings for abatement, removal or injunction thereof in the manner provided by law, shall take such other steps as necessary and shall apply to any court as may have jurisdiction to grant relief for such abatement, removal or injunction. Each day that such condition continues shall be regarded as a new and separate offense. (Ord. 4067, 1980; Ord. 3137 §1, 1966.)

1.28.050 Civil Penalty.

Any person who violates any provision of this Code may be liable for a civil penalty not to exceed two hundred fifty dollars (\$250) for each day or part thereof that said violation occurs. The City Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the City. (Ord. 4137, 1982.)

1.28.060 Cumulative Remedies.

Unless otherwise expressly provided, the remedies and penalties provided by this Chapter are cumulative to each other and to the remedies or penalties available under other laws. (Ord. 4137, 1982.)

Chapter 1.30

APPEALS FROM ADMINISTRATIVE DECISIONS AND TIME LIMITS FOR JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

Sections:

1.30.010	Purpose.	1.30.040	Finality of Administrative Decisions.
1.30.020	Applicability of Code of Civil Procedure §1094.6.	1.30.050	Appeals from Administrative Decisions.
1.30.030	Does Not Expand or Extend Statute of Limitations.		

1.30.010 Purpose.

Code of Civil Procedure §1094.6 authorizes municipalities to establish a ninety (90) day time limit for filing a petition for a writ of mandate to challenge decisions of the City and its Council, commissions, boards, officers and agents. (Ord. 4013, 1979.)

1.30.020 Applicability of Code of Civil Procedure §1094.6.

Code of Civil Procedure §1094.6 is hereby made applicable to adjudicatory administrative decisions of the City Council and City commissions, boards, committees, officers, employees and agents made, after hearing, suspending, demoting, or dismissing an officer or employee, revoking or denying any application for a permit or a license or denying an application for any retirement benefit or allowance. As used here-in, permit shall include applications for modifications, variances or conditional use permits filed pursuant to Chapters 28.92 and 28.94 of this Code. A petition for writ of mandate challenging said decisions must be filed no later than the ninetieth (90th) day following the day on which the decision becomes final. Notice of this limitation shall be given to the affected party at the time the decision becomes final. (Ord. 4013, 1979.)

1.30.030 Does Not Expand or Extend Statute of Limitations.

Nothing contained in this chapter shall expand the scope of judicial review or extend any applicable statute of limitations for the filing of any judicial action. (Ord. 4013, 1979.)

1.30.040 Finality of Administrative Decisions.

Unless another effective date for an action or decision is provided in this Code, the adjudicatory and administrative decisions of the City commissions, boards, committees, officers, employees and agents made pursuant to their duties and responsibilities are final on the day such decision is voiced, or, if a written decision is issued, the day such decision is issued in writing. (Ord. 4751, 1992.)

1.30.050 Appeals from Administrative Decisions.

Where appeals under this Section are authorized by this Code, an appeal from the decision of a City commission, board, committee, officer, employee or agent may be made to the City Council as follows:

A. A written notice of appeal, stating the grounds claimed for the appeal and identifying in particular all significant issues, facts and affected parties shall be filed with the City Clerk within ten (10) days after the day such decision is voiced, or, if a written decision is issued, within ten (10) days after the day such decision is issued in writing. The City Clerk shall require the payment of a fee for such appeal as is provided by resolution of the City Council or as may be ordered by the City Council for the matter.

B. Within twenty-one (21) days of receiving the written appeal, the City Clerk shall place a recommendation before the City Council for a decision to either:

(i) set a date for hearing on the appeal before the City Council, or

(ii) refer the appeal to another agency, officer, commission or committee for action. A copy of the report of the City Council action, mailed to the appellant and to the City commission, board, committee, officer, employee or agent affected may serve as notice of such hearing or referral.

C. At the time and place of the hearing, the City Council or the agency, officer, commission or committee designated to hear the appeal, shall hear and receive any relevant information and documents, which may include such hearsay or other evidence which ordinary persons could be expected to consider in the conduct of business affairs.

D. The City Council or the agency, officer, commission or committee designated to hear the appeal may continue the hearing from time to time as may be required, or may grant or deny the appeal, in whole or in part.

E. Unless otherwise provided by the City Council, the decision of the City Council, or of the agency, officer, commission or committee designated by the City Council to hear the appeal, shall be final on the day such decision is issued. (Ord. 4751, 1992.)

Chapter 1.35

MONETARY CLAIMS AGAINST THE CITY

Sections:

1.35.010	Authority.	1.35.040	Claim Prerequisite to Suit.
1.35.020	Claims Required.	1.35.050	Suit.
1.35.030	Form of Claim.	1.35.060	Severability.

1.35.010 Authority.

This Chapter 1.35 is enacted pursuant to Section 935 of the California Government Code. (Ord. 5428, 2007.)

1.35.020 Claims Required.

All claims against the city for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this Chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Chapter. (Ord. 5428, 2007.)

1.35.030 Form of Claim.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 5428, 2007.)

1.35.040 Claim Prerequisite to Suit.

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the city prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Section 1.35.020. (Ord. 5428, 2007.)

1.35.050 Suit.

Any action brought against the city upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the city shall conform with the requirements of Sections 950-951 of the California Government Code. (Ord. 5428, 2007.)

1.35.060 Severability.

Should any provision of this Chapter, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable. (Ord. 5428, 2007.)

THIS PAGE LEFT INTENTIONALLY BLANK