

**Title 1**  
**GENERAL PROVISIONS**

**Chapters:**

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**Chapter 1.01**  
**CODE ADOPTION**

**Sections:**

1.01.010	Adopted.
1.01.020	Title-Citation-Reference.
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1.01.040	Codification authority.
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**1.01.010**     **Adopted.**     The Beaumont Municipal Code, as compiled from the ordinances of the city, and edited and published by Book Publishing Company of Seattle, Washington, together with those secondary codes adopted by reference, as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of this code, is adopted as the code of Beaumont. (Ord. 587, § 1, 1984)

**1.01.020**     **Title-Citation-Reference.**     This code shall be known as the "Beaumont Municipal Code" and it shall be sufficient to refer to this code as the "Beaumont Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Beaumont Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Beaumont Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this code. (Ord. 587, § 2, 1984)

**1.01.030**     **Reference applies to amendments.**     Whenever a reference is made to this code as the "Beaumont Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 587, § 3, 1984)

**1.01.040**     **Codification authority.**     This code consists of all of the regulatory and penal Ordinances and certain of the administrative ordinances of the city, codified pursuant to Sections 50022.1 through 50022.10 of the Government Code of the state. (Ord. 587, § 4, 1984)

**1.01.050**      **Definitions and construction.**

A. Unless the context otherwise requires, the following words and phrases where used in this code shall have the meanings and construction given in this section:

"City" means the city of Beaumont.

"City council" means the city council of Beaumont.

"Code" means the Beaumont Municipal Code.

"County" means the county of Riverside.

"Oath" includes affirmation.

"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer, or employee of any of them.

"State" means the state of California.

"Shall" is mandatory. "May" is permissive.

B. Gender. The masculine gender includes the feminine and neuter.

C. Number. The singular number includes the plural, and the plural the singular.

D. Tenses. The present tense includes the past and future tenses, and the future tense includes the present tense.

E. Title of Office. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 87, § 5, 1984)

**1.01.060**      **Reference to specific ordinances.** The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise, and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 587 §6, 1984)

**1.01.070**      **Effect on past actions and obligations.** Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to February 9, 1984, nor be construed as a waiver of any license, fee, or penalty at February 9, 1984, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations there under appertaining shall continue in full force and effect. (Ord. 587 §7, 1984)

**1.01.080**     **Effective date.** This code shall become effective on February 9, 1984.  
(Ord. 587 §8, 1984)

**1.01.090**     **Penalty for violation--Continuing violations.**     A. Whenever in this code or in any other ordinance of the city, or any rule or regulation promulgated pursuant thereto, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this code or any other ordinance of the city shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

B. Every day any violation of this code or any other ordinance of the city continues shall constitute a separate offense. (Ord. 587 §9, 1984)

**1.01.100**     **Constitutionality:**     If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 587 §10, 1984)

#### **Chapter 1.04** **GENERAL PROVISIONS**

Sections:

1.04.010	Definitions.
1.04.020	Title of office.
1.04.030	Interpretation of language.
1.04.040	Grammatical interpretation.
1.04.050	Acts by agents.
1.04.060	Prohibited acts include causing and permitting.
1.04.070	Computation of time.
1.04.080	Construction.
1.04.090	Repeal shall not revive any ordinances.

**1.04.010**     **Definitions.**     The following words and phrases, whenever used in the ordinances of the city of Beaumont, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" or "town" each mean the city of Beaumont, or the area within the territorial limits of the city of Beaumont, and such territory outside the city of Beaumont over which the city of Beaumont has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city. "All its members" or "all councilmen" Means the total number of councilmen holding office.

- C. "County" means the county of Riverside.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated there under.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "Oath" includes an affirmation or declaration in all cases in which, by law, affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. "Person" includes a natural person, joint venture, Joint Stock Company, partnership, association, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- o. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of California. o. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year. (Ord. 566 §, 1983)

**1.04.020**     **Title of office.** Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 566 §2, 1983)

**1.04.030**     **Interpretation of language.** All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 566 §3, 1983)

**1.04.040**     **Grammatical interpretation.** The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, *feminine* and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable. (Ord. 566 §4, 1983)

**1.04.050**      **Acts by agents.**      When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 566§5,1983)

**1.04.050**      **Acts by agents.**      When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 566§5,1983)

**1.04.060**      **Prohibited acts include causing and permitting.** Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 566 §6, 1983)

**1.04.070**      **Computation of time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 566 §7, 1983)

**1.04.080**      **Construction.** The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 566 §8, 1983)

**1.04.090**      **Repeal shall not revive any ordinances.** The repeal of an ordinance shall not repeal the repealing clause of any ordinance or revive any ordinance which has been repealed thereby. (Ord. 566 §9, 1983)

### **Chapter 1.08** **CITY SEAL**

**Sections:**

1.08.010                      Designated.

**1.08.010**      **Designated.** The City Seal of the City of Beaumont shall bear the inscription at the top "City of Beaumont, Ca.", and underneath it the word "Seal", and shall be inscribed around the bottom with the words" Incorporated Nov. 18, 1912", and shall have a cluster of cherries in the center. (Ord. 705 §2, 1992)

### **Chapter 1.12** **DATUM PLANE**

**Sections:**

1.12.010                      Requirement.  
1.12.020                      Designated.  
1.12.030                      Grades.  
1.12.040                      Sidewalk slope.

**1.12.010**      **Requirement.** All grades for municipal purposes within the city shall be referred to an established from the common reference or datum plane, whose grade shall be defined as zero, and above which all elevations shall be given in feet and decimals of a foot. (Ord. 41 §1, 1913)

**1.12.020**      **Designated.**      The datum plane provided for in Section 1.12.010 shall be defined as a plane lying 2575.909 feet below a cross-cut in the center of a certain bronze tablet, stamped 2575 S-8-, which is a bench mark of the United States Geological Survey, set in the southwest corner of a brick building on the easterly side of Egan Avenue one hundred forty feet southerly from the southerly side of "D" street, in the city. (Ord. 41 §2, 1913)

**1.12.030**      **Grades.**      Grades shall be established at all street intersections, and at such points between as may be desirable. The term grade shall be defined as meaning the grade of the curbline. The grade line of the curb shall be an unbroken line between adjacent points on the curb, where the grade thereof has been established. (Ord. 41 §3, 1913)

**1.12.040**      **Sidewalk slope.**      Sidewalks shall slope upwards and away from the curb, at the rate of one-quarter of an inch for every foot of width. (Ord. 41 §4, 1913)

### **Chapter 1.16** **GENERAL PENALTY**

Sections:

- 1.16.010      Violation-Misdemeanor-When.
- 1.16.020      Violation-Misdemeanor-Penalty.
- 1.16.030      Violation-Infraction-Penalty.
- 1.16.040      Separate Offense.

**1.16.010**      **Violation-Misdemeanor-When.**      Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City, shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance. (Ord. No. 828, § I, 4-2-02)

**1.16.020**      **Violation-Misdemeanor-Penalty.**      Except in cases where a different punishment is prescribed by any ordinance of the City any person convicted of a misdemeanor for violation of an ordinance of the City is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed six months or by both such fine and imprisonment. (Ord. No. 828, § 1, 4-2-02)

**1.16.030**      **Violation—Infraction—Administrative Fine—Penalty.**

A.      Except as provided in subsection B below and in cases where a different punishment is prescribed by any Ordinance of the City, any person subject to code enforcement by administrative citation or convicted of an infraction for violating an Ordinance of the City, is punishable by:

- i.      A fine not exceeding \$100.00 for a first violation;
- ii.     A fine not exceeding \$200.00 for a second violation of the same Ordinance within one year;
- iii.    A fine not exceeding \$500.00 for each additional violation of the same Ordinance within one year of the first violation.

The fourth violation and every violation of the same Ordinance within one year may thereafter be charged as a misdemeanor.

- B. Notwithstanding any other provision of law, a violation of a City building and safety code provision is punishable by:
- i. A fine not exceeding \$100.00 for a first violation;
  - ii. A fine not exceeding \$500.00 for a second violation of the same provision within one year;
  - iii. A fine not exceeding \$1,000.00 for each additional violation of the same provision within one year of the first violation.”

The fourth violation and every violation of the same Ordinance within one year may thereafter be charged as a misdemeanor. (Ord. 995, 4.19.11)

**1.16.040**      **Separate Offense.**      Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City is committed, continued or permitted by any such person, and he shall be punishable accordingly. (Ord. No. 828, § 1, 4-2-02)

## **CHAPTER 1.17** **ADMINISTRATIVE CODE ENFORCEMENT**

### **Sections:**

- 1.17.005      Statement of Purpose and Intent.
- 1.17.010      General Provisions.
- 1.17.015      Definitions.
- 1.17.020      General Enforcement Authority.
- 1.17.025      Authority to Inspect.
- 1.17.030      Service of Any Type of Notice or Ruling.
- 1.17.035      Recording a Notice of Pending Administrative Code Enforcement Action.
- 1.17.040      Continuing Violations.
- 1.17.100      Code Enforcement by Administrative Citation.
- 1.17.105      Administrative Citation Procedures.
- 1.17.110      Contents of an Administrative Citation.
- 1.17.115      Administrative Citation Fines; Assessment and Amounts.
- 1.17.120      Appeal of Administrative Citation.
- 1.17.125      Procedure for Notification of Administrative Appeal Hearings.
- 1.17.130      Administrative Hearing Officer.
- 1.17.135      Administrative Citation Appeal Hearing Procedures.
- 1.17.140      Failure To Attend Administrative Hearing.
- 1.17.145      Administrative Citation Appeal Ruling.
- 1.17.150      Liability of Responsible Parties.
- 1.17.155      Judicial Review of Administrative Citation Appeal Ruling.
- 1.17.160      Collection of Unpaid Fines, Penalties and Related Costs.

### **1.17.005**      **Statement of Purpose and Intent.**

**A. Administrative Code Enforcement.** The City Council has determined that the enforcement of the Beaumont Municipal Code throughout the City is an important public service and is vital to the protection of the public's health, safety and quality of life. The City Council has determined a need for alternative methods of code enforcement and that a comprehensive code enforcement system uses a combination of judicial and administrative remedies to gain compliance with Code regulations. The City Council finds a need to draft precise regulations that can be effectively applied in judicial and administrative proceedings and further finds that

is a need to establish uniform procedures for the proper application of administrative code enforcement and administrative hearings to resolve administrative code enforcement cases and appeals.

**B. Administrative Code Enforcement Appeal Hearings.** It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative code enforcement action. Due process of law includes adequate notice of the violation and enforcement remedy chosen by the City, an adequate explanation of the reasons justifying the administrative code enforcement action taken by the City, and an opportunity to appeal. These procedures are also intended to establish a forum to efficiently, expeditiously and fairly resolve issues raised by any administrative enforcement action.

**C. Policies and Procedures.** The City Manager, or the designated representative thereof, is authorized to develop and implement policies and procedures relating to the qualifications, appointment and compensation of administrative hearing officers; the powers of administrative hearing officers; and all other matters relating to conducting administrative hearings as provided in this Code. (Ord. 985, 01/01/2011)

**1.17.010 General Provisions.** Sections 1.17.015 through 1.17.040 shall be deemed the general provisions of this Chapter. These sections shall apply to the Administrative Citation process (see Section 1.17.100 et seq.). (Ord. 985, 01/01/2011)

**1.17.015 Definitions.** The following definitions shall apply in the interpretation and enforcement of this Chapter:

**A. "Administrative Hearing Officer"** shall mean any person appointed by the City Manager to preside at administrative hearings.

**B. "Enforcement Officer"** shall mean any City employee or agent of the City authorized by the City Manager or Chief of Police to enforce any provision of this Code.

**C. "Person"** shall mean any individual or legal entity, including but not limited to, a corporation, partnership, or trust.

**D. "Responsible Party"** means each person committing the violation or causing a condition on a parcel of real property located within the City of Beaumont to violate the Beaumont Municipal Code; each person who has an ownership interest in that property; and each person who although not an owner, nevertheless has a legal right or a legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall each be deemed responsible parties. (Ord. 985, 01/01/2011)

**1.17.020 General Enforcement Authority.**

**A. Authority of Enforcement Officer.** Notwithstanding any other provision of the Beaumont Municipal Code, an Enforcement Officer shall have the power to use the provisions of this Chapter to enforce any and all provisions of this Code and to use whatever judicial and administrative remedies are available under this Code. (Ord. 985, 01/01/2011)

**B. Administrative Citation Remedy Not Exclusive.** The procedures established in this Chapter for the use of Administrative Citation process, and the procedures established in other Chapters of this Code for nuisance abatement and summary abatement as means for addressing violations of this Code, shall be in addition to criminal, civil or other legal or equitable remedies established by law that may be pursued to address violations of this Code and the use of this Chapter shall be at the sole discretion of the City. (Ord. 985, 01/01/2011)

**1.17.025 Authority to Inspect.** Enforcement Officers are authorized to enter upon any property or premises within the City to ascertain whether the property or premises is in compliance with the Beaumont Municipal Code, and to make any inspection as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent thereof refuses permission to enter and/or inspect, the Enforcement Officer shall seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto. (Ord. 985, 01/01/2011)

**1.17.030 Service of Any Type of Notice or Ruling.**

**A. Methods of Serving Notice.** Notwithstanding any other provision of this Code, any notice required to be given pursuant to this Chapter shall be served by any of the following methods:

1. Personal service; or
2. Certified mail, return receipt requested and first class mail to each Responsible Party at his or her last known address as it appears on the public records showing title to or ownership of the property that is the subject of an administrative enforcement action; and
3. Only as to those Responsible Parties who reside at or occupy the property that is the subject of an administrative enforcement action, as determined through diligent investigation: by posting the notice conspicuously on or in front of the subject property and mailing a copy of the notice to them by first class mail. (Ord. 985, 01/01/2011)

**B. When Notice is Deemed Served.** Service by mail in the manner described above shall be effective on the date of mailing. A completed and signed "Proof of Service" form shall be maintained in the City's file.

**C. Effect of Failure to Receive Notice.** The failure of any Responsible Party or other person with a legal or equitable interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Code. (Ord. 985, 01/01/2011)

**1.17.035 Recording a Notice of Pending Administrative Code Enforcement Action.** For the purposes of this Chapter:

**A.** The Enforcement Officer may record, in the County Recorder's Office, a notice against a property that is the subject of a pending administrative code enforcement action.

**B.** The notice of pendency or other notice of pending administrative action shall be in a form approved by the City Manager and shall describe the nature of the administrative action and refer to the applicable provisions of the Beaumont Municipal Code governing the pending administrative action. (Ord. 985, 01/01/2011)

**1.17.040**      **Continuing Violations.** Each day a violation of this Code continues to exist shall constitute a new, separate, and distinct violation. (Ord. 985, 01/01/2011)

**1.17.100**      **Code Enforcement by Administrative Citation.** For the purposes of this Chapter:

**A.** Any person violating any provision of this Code may be issued an Administrative Citation by an Enforcement Officer as provided for in this Chapter.

**B.** A Citation fine shall be assessed by means of an Administrative Citation issued by the Enforcement Officer and shall be payable directly to the City of Beaumont.

**C.** Fines assessed by means of an Administrative Citation shall be collected in accordance with the procedures specified in this Chapter. (Ord. 985, 01/01/2011)

**1.17.105**      **Administrative Citation Procedures.**

**A.** Upon discovering a violation of this Code, an Enforcement Officer may issue an Administrative Citation to a Responsible Party in the manner prescribed in this Chapter. The Administrative Citation shall be issued on a form approved by the City Manager.

**B.** If the Responsible Party is a business, the Enforcement Officer shall attempt to locate the owner and issue the owner an Administrative Citation. If the Enforcement Officer can only locate the manager or on-site supervisor or employee, the Administrative Citation may be issued in the name of the business and given to the manager or on-site supervisor or employee. A copy of the Administrative Citation shall also be mailed to the owner in the manner prescribed in Section 1.17.030 of this Chapter.

**C.** If the Responsible Party is an individual, the Enforcement Officer shall attempt to obtain the signature of that person on the Administrative Citation. If the Responsible Party refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the Citation and subsequent proceedings. If the Responsible Party refuses to sign the Administrative Citation, then the Enforcement Officer shall write “refused” on the signature line for the Responsible Party.

**D.** If the Enforcement Officer is unable to locate the Responsible Party for the violation at the property where the violation exists, then the Administrative Citation shall be mailed to the Responsible Party in the manner prescribed in Section 1.17.030 of this Chapter, and a copy posted in a conspicuous place on or near the property.

**E.** The Administrative Citation shall also contain the printed name, identification number and phone number of the Enforcement Officer.

**F.** The failure of any person with an ownership interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter. (Ord. 985, 01/01/2011)

**1.17.110**      **Contents of an Administrative Citation.**

- A.** The Administrative Citation shall specify the date and location of the violations and the approximate time, if applicable, that the violations were observed.
- B.** The Administrative Citation shall identify each violation by the applicable Section number of this Code and by either the Section's title or a brief descriptive caption.
- C.** The Administrative Citation may describe the action required to correct the violations.
- D.** The Administrative Citation shall require the Responsible Party to correct the violation within the time stated in the Citation and shall state the consequences of failure to correct the violation.
- E.** The Administrative Citation shall state the amount of the fine imposed for the violations.
- F.** The Administrative Citation shall explain how the fine shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the fine.
- G.** The Administrative Citation shall disclose the Responsible Party's appeal right.
- H.** The Administrative Citation shall contain the printed name, identification number, and phone number of the Enforcement Officer and a signature line for the Responsible Party. (Ord. 985, 01/01/2011)

**1.17.115**      **Administrative Citation Fines; Assessment and Amounts.**

- A.** The amounts of fines to be imposed for a violation of this Code and assessed by means of an Administrative Citation shall be the amounts set forth in Section 1.16.030 of this Code.
- B.** All fines assessed shall be payable to the City within thirty (30) calendar days from the date of the Administrative Citation.
- C.** Any person who fails to pay to the City any fine imposed pursuant to the provisions of this Chapter on or before the date that the fine is due shall also be liable for the payment of any applicable late payment charges set forth in the schedule of fines.
- D.** The City may collect any past due Administrative Citation fine or late payment charge by use of any available legal means. The City may also recover its collection costs.
- E.** Any previously-paid Administrative Citation fine shall be refunded in accordance with Section 1.17.145 E if it is determined, after a hearing, that the person charged in the Administrative Citation was not responsible for the violation or that there was no violation as charged in the Administrative Citation.
- F.** Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

**G.** If the Responsible Party fails to correct the violation, subsequent Administrative Citations may be issued for the same violations. The amount of the fine shall increase at a rate specified by this Chapter. (Ord. 985, 01/01/2011)

### **1.17.120      Appeal of Administrative Citation.**

**A. Preliminary Supervisor Review.** Before submitting a written request for hearing pursuant to paragraph B below, the Responsible Party may contact the Enforcement Officer's Supervisor to informally contest the propriety of the issuance of an Administrative Citation. The preliminary review is not intended to supersede the appeal; rather, it is a process by which a Citation may be summarily resolved prior to any appeal.

**B. Request for Hearing.** Any recipient of an Administrative Citation may contest the Citation by submitting a written request for hearing and returning it to the City before the deadline for correction specified in the Citation, together with an advance deposit of the fine or notice that a request for advance deposit hardship waiver has been filed pursuant to subsection (C) of this Section.

### **C. Advance Deposit Hardship Waiver.**

1. Any person who intends to request a hearing to contest a violation of the Code and who is financially unable to make the advance deposit of the fine as required may submit a written request for an advance deposit hardship waiver.

2. The written request shall be submitted to the Department specified on the Administrative Citation at the same time as the request to appeal.

3. The requirement to deposit the full amount of the fine shall be stayed unless or until the Department determines to deny the waiver.

4. The Department may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits, to the Department, a written declaration under penalty of perjury, together with any and all supporting documents, demonstrating to the satisfaction of the Department that the person's actual financial condition precludes the deposit of the full amount of the fine in advance of the hearing.

5. The Department shall issue a written determination within 5 business days listing the reasons for the determination to deny the advance deposit hardship waiver. The written determination of the Department specified in the Administrative Citation shall be final.

6. The written determination of the Department shall be served personally or by mail upon the person who applied for the advance deposit hardship waiver as provided in Section 1.17.030.

7. If the Department determines to deny an advance deposit hardship waiver, the person shall remit the deposit to the City within ten days of the date of the denial. (Ord. 985, 01/01/2011)

**1.17.125 Procedure for Notification of Administrative Appeal Hearings.**

**A.** When the Responsible Party requests an appeal hearing, the Enforcement Officer shall schedule the date, time and place for the hearing before an Administrative Hearing Officer.

**B.** A written Notice of Hearing setting forth the date, time, and place of that hearing shall be served on the Responsible Party at least ten (10) calendar days prior to the date set for that hearing. The hearing shall be set on a date that is not less than 10 calendar days nor more than 60 calendar days from the date the written Notice is served.

**C.** The Notice of Hearing shall be served by any of the methods of service listed in Section 1.17.030 of this Chapter.

**D.** The Notice of Hearing shall include an itemized statement of the amount of Administrative Citation fines the City seeks to be assessed by the Administrative Hearing Officer. (Ord. 985, 01/01/2011)

**1.17.130 Administrative Hearing Officer.**

**A. Qualifications.** The City Manager or the designated representative thereof shall promulgate rules and procedures as may be necessary to contract with qualified persons capable of acting as Administrative Hearing Officers.

**B. Independent Authority.** The employment and compensation of the Administrative Hearing Officer shall not be directly or indirectly conditioned upon the amount of the administrative fines assessed by the Administrative Hearing Officer.

**C. Disqualification.** Any person designated to serve as an Administrative Hearing Officer shall be neutral and shall be disqualified for bias, prejudice, interest, or for any other reason a judge may be disqualified in a court of law.

**D. Powers.** The Administrative Hearing Officer shall have the power to:

1. Conduct administrative appeal hearings as provided under the authority of this Code;
2. Continue a hearing based on good cause shown by one of the parties to the hearing or upon his independent determination that due process has not been adequately afforded to a Responsible Party;
3. Exercise continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, or ensuring compliance with an Administrative Citation;
4. Rule upon the merits of an administrative appeal hearing upon consideration of the evidence submitted, and issue a written decision resolving the appeal;
5. Uphold or deny a fine authorized under this Code; and

6. Where appropriate, and as a condition of compliance in correcting the violations at issue, order the Responsible Party to cease violating this Code and to make all necessary corrections as specified by the City by a specified deadline. (Ord. 985, 01/01/2011)

**1.17.135 Administrative Citation Appeal Hearing Procedures.**

**A.** No hearing to contest an Administrative Citation before an Administrative Hearing Officer shall be held unless the total amount of the fine(s) has been deposited in advance or an advance deposit hardship waiver has been issued.

**B.** Administrative appeal hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. Other than copies of Citations, notices, notice and orders, and inspection reports served on the Responsible Parties as part of the enforcement action giving rise to the hearing, no pre-hearing discovery of the City's evidence shall be permitted.

**C.** The Administrative Citation and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

**D.** The City bears the burden of proof at an administrative appeal hearing to establish the existence of a violation of this Code.

**E.** The party contesting the Administrative Citation shall be given the opportunity to present testimony and documentary evidence concerning the Administrative Citation.

**F.** Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

**G.** The only evidence that shall be permitted at the hearing and considered by the Administrative Hearing Officer in reaching a decision is that evidence that is relevant to the proof or disproof of:

1. Ownership of the subject property, when applicable;
2. Whether a person noticed by the City as a Responsible Party is, in fact, a Responsible Party;
3. Whether a violation of this Code occurred and/or continues to occur on the date or dates specified in the citation, notice, or notice and order;
4. Whether the Responsible Party has caused, maintained or permitted a violation of this Code on the date or dates specified in the Citation.

**H.** A preponderance of the evidence shall be the standard of proof used by the Administrative Appeal Hearing Officer in deciding the issues at an administrative hearing.

I. The Administrative Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the Responsible Party before issuing a written decision. (Ord. 985, 01/01/2011)

**1.17.140 Failure to Attend Administrative Hearing.** Any Responsible Party who fails to appear at the hearing shall constitute a forfeiture of the Citation fine and shall be deemed to have waived the right to a hearing, the adjudication of the issues related to the hearing, any and all rights afforded under this Code, and shall be deemed to have failed to exhaust their administrative remedies, provided that notice of the hearing had been served as required by this Chapter. (Ord. 985, 01/01/2011)

**1.17.145 Administrative Citation Appeal Ruling.**

A. After considering all of the testimony and evidence submitted at the hearing, the Administrative Hearing Officer shall issue a written decision (“Administrative Citation Appeal Ruling”) to uphold or cancel the Administrative Citation and shall state in the decision the reasons for the decision.

B. If the Administrative Hearing Officer determines that the Administrative Citation(s) should be upheld, then the amount of the fine(s) set forth in the Citation(s) shall not be reduced or waived for any reason, and the amount of the fine on deposit with the City shall be retained by the City.

C. If the Administrative Hearing Officer determines that the Administrative Citation(s) should be upheld and some or all of the fine has not been deposited pursuant to an advance deposit hardship waiver, the Administrative Hearing Officer shall set forth in the decision a payment schedule for the fine.

D. If the Administrative Hearing Officer determines that the Administrative Citation should be canceled and the fine was deposited with the City, then the City shall refund the amount of the deposited fine by mail.

E. The Administrative Citation Appeal Ruling shall be served on all parties means of the methods listed in Section 1.17.030 of this Chapter.

F. The Administrative Hearing Officer’s written decision shall become final on the date of mailing of the Administrative Citation Appeal Ruling. (Ord. 985, 01/01/2011)

**1.17.150 Liability of Responsible Parties.** For the purposes of this Chapter, each Responsible Party shall be jointly and severally liable for any and all administrative fines assessed under this Chapter. (Ord. 985, 01/01/2011)

**1.17.155 Judicial Review of Administrative Citation Appeal Ruling.** Once the Administrative Hearing Officer’s written decision becomes final as provided in this Chapter, the time in which judicial review of the order must be sought shall be governed by California Government Code Section 53069.4, as that section may be amended from time-to-time, or the successor provision thereto. (Ord. 985, 01/01/2011)

**1.17.160 Collection of Unpaid Fines, Penalties and Related Costs.**

**A.** Unpaid fines arising from Administrative Citations or other administrative enforcement actions as provided by this Code (e.g. nuisance abatement) shall be a debt to the City and subject to all remedies for debt collection as allowed by law. The City shall be entitled to interest from the date the order becomes final or thirty (30) days after the first billing whichever date is later.

**B.** The failure of any person to pay the fines assessed by an Administrative Citation within the time specified on the Citation may result in the City filing a claim with the Superior Court of California, County of Riverside, Small Claims Division or other appropriate Division. Alternatively, the City may pursue any other legal remedy to collect the citation fines.

**C.** When a violation involves real property and the fines, penalties, and related costs are not paid within the prescribed time, the amount of those fines, penalties, and their related costs may be recorded as a lien upon and against the real property without further hearing, subject to notice of the lien as required by law.

**D.** The notice of lien shall be in this form:

NOTICE OF LIEN

Claim of the City of Beaumont, California.

Pursuant to the authority vested by Chapter 1.17 of the Beaumont Municipal Code, the amount of uncollected fines, penalties, and related costs may be recorded as a lien upon and against the real property where the violation of law occurred and which is the subject of the administrative enforcement action(s) resulting in the award, imposition, or assessment of a fine, penalty and all costs associated therewith.

On \_\_\_ (date) \_\_\_ an Administrative Hearing Officer conducted (as an evidentiary proceeding) an administrative hearing, pursuant to the applicable provisions of the Beaumont Municipal Code. Following the presentation of evidence and the issuance of a ruling in the matter, the Administrative Hearing Officer upheld a fine or awarded, imposed, or assessed a monetary penalty in the amount of \_\_\_\_\_ and assessed administrative costs in the amount of \_\_\_\_\_ as set forth in the \_\_\_\_\_(type of administrative hearing order)\_\_\_\_\_ issued on \_\_\_\_\_(date)\_\_\_\_\_. Whereby the City of Beaumont does hereby claim a lien for these sums as yet unpaid in the amount of \_\_\_\_\_ and this sum shall be a lien upon the parcel of real property identified herein until that principal sum, and the sum of any interest upon that principal as may be allowed by law and calculated at the then existing legal rate, has been paid in full and discharged of record.

The real property upon which this lien is claimed is that certain parcel of land, the structures thereon and any appurtenances connected thereto and located within the City of Beaumont, County of Riverside, State of California, and particularly described as follows:

(Legal Description)  
(Street address, if any)  
(Assessor's Parcel Number)

Further, the City of Beaumont gives NOTICE that this Notice of Lien shall not be deemed or construed to prohibit the City of Beaumont from making additional claims and giving and recording one or more Notices of Lien thereon as may be required in those cases where the principal sum claimed, as a fine or penalty awarded, imposed, or assessed, is subject to a cumulative accrual at a fixed daily rate until the date the violations are corrected in full to the satisfaction of the City, or the legal maximum limit (cap) of that penalty has been reached, or the total amount of the lien has been paid in full.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (year) \_\_\_\_.

City Clerk of the City of Beaumont, California.

D. Alternatively, unpaid fines or penalties and their related costs, arising from Administrative Citations, Administrative Civil Penalties actions or other administrative enforcement actions as provided by this Code, involving real property may also constitute assessment liens and be collected as special assessments by the Riverside County Treasurer-Tax Collector.

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**Chapter 1.20**  
**CLAIMS AGAINST THE CITY**

Sections:

- 1.20.010 Authority.
- 1.20.020 Claims Required.
- 1.20.030 Form of Claim.
- 1.20.040 Claim Prerequisite to Suit.
- 1.20.050 Suit.

**1.20.010 Authority.** This Chapter is enacted pursuant to Section 935 of the California Government Code. (Ord. No. 841, § 1,4-1-03)

**1.20.020 Claims Required.** All claims against the City for money or damages not otherwise governed by the Tort 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. No. 841, § 1, 4-1-03)

**1.20.030 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. No. 841, § 1, 4-1-03)

**1.20.040 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 Chapter and acted upon by the City Council 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 this Chapter. (Ord. No. 841, § 1,4-1-03)

**1.20.050 Suit.** Any action brought against the City of Beaumont 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 of Beaumont shall conform with the requirements of Section 950-951 of the California Government Code. (Ord. No. 841, § 1, 4-1-03)