

## ***Chapter 16.04 ADMINISTRATION***

### **16.04.010 Purpose and intent.**

The purpose of Chapters 16.04 through 16.34 is to establish reasonable minimum standards to safeguard public health, safety and general welfare by regulating the design, construction, quality of materials, use and occupancy, location and maintenance of buildings, equipment, appliances, structures and grading within the City; the electrical, plumbing, heating, comfort cooling and certain other equipment specifically regulated herein; and the moving of buildings within, into, from and through the City and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations. Consistent with this purpose, the provisions of this Code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person.

(Ord. 7612 § 1, 2022; Ord. 7357 § 2, 2016; Ord. 3495 § 1 (part), 1968; prior code § 9.101)

### **16.04.020 Scope.**

The provisions of Chapters 16.04 through 16.34 of this Code shall apply to the erection, construction, enlargement, alteration, installation, reconstruction, repair, movement, improvement, connection, conversion, demolition, and use of any building, structure or premises, or portion thereof, and grading within the City. The provisions of this Code shall not apply to work located primarily in a public way other than pedestrian protection structures required by Chapter 33, the California Building Code; public utility towers and poles; equipment not specifically regulated in this Code; hydraulic flood control structures; work exempted by Section 105.2, the California Building Code; or minor work of negligible hazard to life specifically exempted by the Building Official. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in Title 24 Part 10, the California Existing Building Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. 7612 § 2, 2022; Ord. 7492 § 2, 2019; Ord. 7357 § 3, 2016; Ord. 5552 § 2, 1987; Ord. 5259 § 1, 1985; Ord. 3495 § 1 (part), 1968; prior code § 9.102)

### **16.04.110 Building Official.**

Whenever the terms "Building Official," "building inspector," "plumbing inspector," "electrical inspector," "mechanical inspector," "administrative authority," "plan reviewer" or "electrical safety engineer" are used in Chapters 16.04 through 16.34 or any other ordinance of the City, including this Code, each means the Building Official, or his/her designee.

(Ord. 7612 § 3, 2022; Ord. 7357 § 5, 2016; Ord. 6844 § 22, 2006; Ord. 4853 § 8, 1980; Ord. 3844 § 1(1), 1971; Ord. 3495 § 1 (part), 1968; prior code § 9.106)

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#### **16.04.210 Authority to condemn building service equipment.**

Whenever the Building Official ascertains that any building service equipment regulated in Chapters 16.04 through 16.34 has become hazardous to life, health, property, or has become insanitary, he/she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice shall fix a reasonable time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

(Ord. 7612 § 4, 2022; Ord. 4853 § 13, 1980; Ord. 3495 § 1 (part), 1968; prior code § 9.108 (part))

#### **16.04.215 Authority to disconnect utilities.**

The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by Chapters 16.04 through 16.34 in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall have the authority to order disconnection of any utility service or energy supplied to the building, structure or building service equipment when he ascertains that the building service equipment or any portion thereof has become hazardous to life, health or property or has become insanitary. The Building Official shall immediately notify the service utility in writing of the issuance of such order to discontinue use.

(Ord. 7612 § 5, 2022; Ord. 4853 § 14, 1980)

#### **16.04.220 Connection after disconnect.**

No person shall make connections from energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered disconnected by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

When any building service equipment is maintained in violation of Chapters 16.04 through 16.34 and in violation of any notice issued pursuant to the provisions of this chapter, the Building Official may institute any appropriate action to prevent, restrain or correct or abate the violation.

(Ord. 7612 § 6, 2022; Ord. 7357 § 6, 2016; Ord. 4853 § 15, 1980; Ord. 4146 § 1 (part), 1974; Ord. 3495 § 1 (part), 1968; prior code § 9.108 (part))

#### **16.04.230 Administrative Hearing Officer.**

The City Council finds that providing an Administrative Hearing Officer to hear administrative proceedings and appeals as set forth in this chapter is equivalent to proceedings provided under the State Housing Law (California Health and Safety Code Sections 17910, et seq.) for the purposes intended by the State Housing Law.

Where the Board of Appeals or the Housing Authority and Appeals Board may be mentioned in Chapters 16.04 through 16.20, such terms shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. Depending on the subject of the appeal, specialized expertise may be solicited for the purpose of providing input to the Administrative Hearing Officer.

(Ord. 7612 § 7, 2022; Ord. 6844 § 23, 2006; Ord. 6462 § 12, 1999; Ord. 5259 § 4, 1985; Ord. 4853 § 16, 1980; Ord. 3495 § 1 (part), 1968; Prior code § .109)

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### **16.04.300 License requirements of contractors and subcontractors.**

- A. No person shall be issued a permit to perform work requiring a permit under this Code, unless they are:
  - 1. A licensed contractor;
  - 2. An employee, agent or authorized representative of a licensed contractor;
  - 3. A representative of an electronically subscribed service acting on behalf of a licensed contractor; or
  - 4. The property owner performing their own work;
  - 5. An employee of the owner, provided that the owner shows evidence of workers' compensation insurance required by state and city law, and their federal tax identification number.
- B. A person applying for a permit under this code to perform work on a project consisting of 20 or more newly constructed residential dwelling units or 20,000 or more square feet of newly constructed or improved commercial or industrial development shall submit the following information at the time of permit issuance and prior to commencement of work:
  - 1. A list of all subcontractors and provide verification of each subcontractor's workers' compensation insurance, state contractor license and license category, city business license and federal tax identification number. No person shall contract or subcontract construction work without a valid contractor's license pursuant to applicable provisions of the state business and professions code.
  - 2. A disclosure of any pending or final determinations pertaining to state or federal labor code violations and any penalties paid to a government agency related to the provisions of the California Labor Code within the prior five years for all subcontractors.
- C. In the event the applicant cannot provide a list of valid subcontractors and the information required above upon permit application, the applicant or permit holder shall provide to the City, within a reasonable period of time after issuance of each permit but prior to commencement of any associated work pursuant to said permit, all information required by subsection B. Failure to provide valid and current subcontractor listings prior to commencing work shall result in one or more of the following:
  - 1. Issuance of a Stop Work Order; and
  - 2. Revocation of any permit issued by the city; and
  - 3. The permit applicant paying a penalty for default to the city in an amount equal to the original permit fee for each violation in order to defray city costs of enforcement of this section prior to the issuance of any new permit.
- D. The information required by subsection B shall be required at the time when any new contractor or subcontractor is added to the permit.
- E. Any work performed prior to satisfying the requirements of this section shall be deemed performed without the required permits.

(Ord. 7650 § 2, 2023)

### **16.04.310 Expiration of permits.**

Except as otherwise specified, every permit issued by the Building Official under the provisions of Chapters 16.04 through 16.34 shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of permit issuance, or if the work authorized by such permit is suspended, abandoned, or without progress at any time after the work is commenced for a period of one year.

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Progress shall further be defined as obtaining one or more successful inspections required in accordance with Section 110 of this Code. Prior to a permit's expiration and upon a showing of good cause by the permit holder in writing, the Building Official may issue one or more extensions for periods not to exceed 180 calendar days.

A permit for demolition, however, shall expire by limitation and become null and void if the work authorized by the permit is not completed within 90 days from the date of permit issuance.

If a permit was issued to bring an un-permitted building, structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance or regulation, the Building Official is authorized to establish predetermined time frames upon which the permit shall expire by limitation and become null and void. With good cause, the Building Official may extend the validity of such permit one time for a period not exceeding 180 days beyond the initial limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.

Before any work may recommence following the expiration of a permit, a "reactivation" permit shall be first obtained. The fee shall be one-half the amount required for a new permit for such work, provided no changes have been or will be made to the original plans and specifications for such work; provided further, that such suspension or abandonment has not extended beyond the adoption of a new code cycle; and that only one such "reactivation" permit may be issued at one-half fee for such work, or as otherwise determined by the Building Official. Upon the issuance of a "reactivation" permit, the Building Official may allow the applicant to commence or recommence such work from the last successful inspection of record under the original permit. Except as specifically provided for herein, to recommence work on a permit after expiration thereof, the permit holder shall obtain a new permit and pay the full fee therefor.

(Ord. 7612 § 8, 2022; Ord. 7510 § 1, 2020; Ord. 7492 § 3, 2019; Ord. 7357 § 7, 2016; Ord. 5259 § 8, 1985; Ord. 4853 § 21, 1980; Ord. 4604 § 1 (part), 1978; Ord. 4146 § 1 (part), 1974; Ord. 3495 § 1 (part), 1968; prior code § 9.112 (part))

#### **16.04.330 Transferability of permits.**

Any permit issued by the Building Official under the provisions of Chapters 16.04 through 16.34 may be transferred to another person, firm or corporation subject to all requirements of state law and the original issuance, and upon payment of a fee as may be established by the City Council.

(Ord. 7612 § 9, 2022; Ord. 7357 § 8, 2016; Ord. 4853 § 22, 1980; Ord. 4604 § 1 (part), 1978)

#### **16.04.335 Expiration of plan review applications.**

An application for plan review for which no permit is issued within one year following the date of such paid application shall expire as of the 365th day and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official if said plans and data cannot be reasonably retained. The Building Official may issue one or more extensions of time for periods not to exceed 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken; provided, however, the applicant must pay a plan review extension fee of one-half the original plan review fee, or as otherwise determined by the Building Official.

No permit application shall be extended beyond 720 days after the original plan review submittal date. To renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 7612 § 10, 2022; Ord. 7492 § 4, 2019; Ord. 7357 § 9, 2016; Ord. 6116 § 1, 1994; Ord. 5389 § 1, 1986; Ord. 4853 § 23, 1980)

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#### **16.04.365 Afterhours plan review and inspections.**

At the discretion of the Building Official, the Building & Safety Division may perform inspections or complete plan reviews during other than normal working hours upon the request of an applicant. The charge for afterhours plan review or inspection services shall be two and one-half times the hourly wage rate of the plan reviewer or inspector providing the service, or as otherwise set by resolution of the City Council. Such service for each hour or any portion thereof, shall be in addition to any other fees that may have been paid or are due. Afterhours inspection requests require a minimum two hour service charge.

(Ord. 7612 § 11, 2022; Ord. 7357 § 10, 2016; Ord. 4604 § 1 (part), 1978; Ord. 4146 § 1 (part), 1974)

#### **16.04.372 Permit and plan review fees.**

The fee for each permit and for plan review shall be as set by resolution of the City Council. Payment under protest for all or any portion of these fees shall not be accepted. Where a permit fee is based on value or valuation, the determination of value or valuation shall be made by the Building Official. The value to be used in computing such fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(Ord. 7612 § 12, 2022; Ord. 4853 § 27, 1980)

#### **16.04.374 Permit investigation fees.**

Whenever work has commenced without the benefit of a permit as required by the provisions of this Code, the Building Official may authorize a special investigation prior to the issuance of the permit. A fee shall be collected for each permit so investigated and prior to permit issuance. The investigation fee may be equal to the cost of the required permit or as otherwise set by resolution of the City Council. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this Code or from any other penalty prescribed by law.

(Ord. 7612 § 13, 2022; Ord. 7357 § 11, 2016)

#### **16.04.380 Plan review fee refund.**

Plan review fees may be refunded by the building official provided the application has not expired and the checking of plans has not commenced. In such cases, a portion equal to 80 percent of the plan review fee may be refunded. The fee for processing such refunds shall be as established by resolution of the City Council. This fee shall be deducted from any moneys being refunded. No refund shall be made without first receiving a request in writing therefor from the person paying the fee, together with authorization in writing from the owner of the project.

(Ord. 7492 § 5, 2019; Ord. 4853 §28, 1980; Ord. 3495 §1 (part), 1968; prior code §9.114 (part))

#### **16.04.390 Permit fees refund.**

Permit fees may be refunded by the building official provided the permit has not expired and no inspections have been made in connection therewith. In such cases, a portion equal to 80 percent of the permit fee may be refunded. The fee for processing such refund shall be as established by resolution of the City Council. The fee shall

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be deducted from any moneys being refunded. No refund shall be made without first receiving a request therefor in writing from the person paying the fee, together with authorization in writing from the owner of the project.

(Ord. 7510 § 2, 2020; Ord. 7492 § 6, 2019; Ord. 4853 §29, 1980; Ord. 3495 §1 (part), 1968; prior code §9.114 (part))

#### **16.04.400 Other refunds.**

*Fees for Services.* At the discretion of the building official, fees imposed by this title for inspections or other services, except for those specifically listed elsewhere in this chapter, may be refundable provided the inspection or service in connection therewith has not been performed. The fee for processing such refund shall be the same as that established pursuant to Section 16.04.390 above. No refund shall be made without first receiving a request therefor in writing from the person paying the fee. Such request for refund shall be received not more than 180 days from the date of payment of the fee.

(Ord. 7492 § 7, 2019; Ord. 5259 §11, 1985)

#### **16.04.460 Compliance.**

No person shall use or occupy any building or structure, or any portion thereof including the building service equipment, for which a permit is required without first obtaining the permits, inspections, and approvals required by Chapters 16.04 through 16.34 inclusive. No person shall use or occupy any building or structure, or any portion thereof, for which a certificate of occupancy is required by this chapter without first obtaining, posting and keeping posted a certificate of occupancy as required by the provisions of this chapter. No person shall suspend or abandon any grading work prior to completion of the work unless the site is made reasonably safe and stable. No person in possession of or in charge of a site on which grading work has been performed shall fail to maintain any slope faces, whether cut or fill, in a stable condition nor shall such person fail to control and maintain water drainage on or from the site in an approved manner.

(Ord. 7612 § 14, 2022; Ord. 4906 §2, 1981; Ord. 3495 §1 (part), 1968; prior code §9.115 (part))

#### **16.04. 461 Continued Use of Unpermitted and/or Noncomplying Conditions**

A. Notwithstanding section 16.04.460, when deemed appropriate by the building official, a certificate of continued use of unpermitted and/or noncomplying condition(s) may be issued to the owner of a single-family residential property. The certificate shall not be issued until documentation, satisfactory to the building official, has been provided indicating that 1) the unpermitted and/or noncomplying condition(s) were not created by the current owner, and 2) that the current owner had no knowledge that the conditions were unpermitted and/or noncomplying at the time of purchase. The unpermitted and/or noncomplying condition(s) must be at least 20 years old as determined by the building official based on the date an application is submitted by the property owner.

An application shall be completed which states 1) that the continued use of the existing unpermitted construction and/or noncomplying conditions is allowable by the City only with the owner's understanding that the City in no way assumes responsibility for the method of construction or the materials used; 2) the owner shall hold the City harmless from any and all claims, losses, and damages incurred as a result of the continued use of the existing unpermitted construction and/or noncomplying conditions and the issuance of a certificate hereunder; and 3) that it is further understood that this application for continued use is not to be construed as being equivalent in anyway to a building permit.

An inspection shall then be made by the building official. Where necessary, the owner shall apply for and the City may issue permits to correct any conditions deemed to pose a potential threat to life, limb, or property. Once the

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inspection(s) have been made; all necessary permits have been obtained, inspected and approved; and all obvious potential threats to life, limb or property have been corrected, the building official may approve the application for unpermitted construction and or noncomplying condition(s). When approved by the building official, conditions deemed not to pose a potential threat to life, limb, or property may be allowed to remain.

#### **16.04.470 Board of Building Appeals.**

- A. *General.* To hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there is hereby created a Board of Building Appeals. The Board of Building Appeals shall be the Mobility and Infrastructure Committee of the City Council. Depending on the subject of the appeal, specialized expertise may be solicited for the purpose of providing input to the Appeals Board. The Building Official shall be an ex officio member of said Board but shall not have a vote on any matter before the Board. The Board shall establish policies and procedures to carry out its business.

Exceptions:

1. Appeals of the Building Official related to State Housing Law (pursuant to California Health and Safety Code Sections 17910, et seq.) and the adopted California Code of Regulations, Title 24, the California Building Standards Code, shall be in accordance with Section 16.04.230.
2. Appeals of the Building Official related to disabled access law (pursuant to California Code of Regulations, Title 24, the California Building Standards Code) shall be in accordance with Section 16.04.580.

- B. *Limitations on authority.* An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, or the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The Board shall not have authority to waive requirements of this Code.

Meetings are scheduled when an appeal is filed or when the Building Official requests advisory comments, such as the potential adoption of new codes, proposed code changes, or alternate methods and materials of construction. The Building Official or Assistant Building Official shall be the principal City staff liaison to the Board.

- C. *Qualifications.* The board of building appeals shall consist of members who are qualified by experience and training to pass judgment on matters pertaining to building standards and construction. Members shall not be City employees or elected officials of the jurisdiction and shall be registered voters in the City of Riverside. The board shall consist of five members, one from each of the following professions or disciplines:

1. A California registered architect with at least ten years of architectural experience, five of which shall have been in responsible charge of work.
2. A California registered engineer with at least ten years of structural engineering experience, five of which shall have been in responsible charge of work.
3. A California registered mechanical or electrical engineer with at least ten years of engineering experience, five of which shall have been in responsible charge of work.
4. A California licensed building contractor or superintendent of building construction with at least ten years of building construction experience, five of which shall have been in responsible charge of work.
5. Any other building related professional with the prerequisite knowledge and experience to pass judgment on building standards and construction. The professional shall have at least ten years of experience in the construction industry, five of which shall have been in responsible charge of work.

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- D. *Administration.* The Community & Economic Development Director shall administer the Board of Building Appeals and appoint members through an application process. Appointed board members shall be volunteers who will serve without compensation, serve four year terms with no maximum tenure and may be reappointed. Should there be an insufficient number of applicants for the board of building appeals, the Director of Community & Economic Development is authorized to appoint qualified members. Meetings are scheduled when an appeal is filed or when the building official requests advisory comments, such as the potential adoption of new codes, proposed code changes, or alternate methods and materials of construction. The building official shall be the principal city staff liaison to the board.

Appeals shall be in writing and within ten days of any final order or determination made by the building official stating the grounds for the appeal and shall be accompanied by a fee in the amount set by resolution of the City Council. Failure to request an appeal to the board in a timely manner constitutes a waiver of the right to a hearing before the board and a failure to exhaust administrative remedies.

Appeals shall be heard by the board within 30 working days of receiving the appeal. The appellant shall be given at least ten days written notice of the date and time of the hearing. Only those matters specifically raised by the appellant shall be considered in the hearing of appeal.

The board shall render a final decision with a two-thirds majority vote and the decision of the board of building appeals shall be final. Final determinations shall be in writing to the appellant and building official who shall take immediate action in accordance with the decision of the board.

(Ord. 7612 § 15, 2022; Ord. 7510 § 3, 2020; Ord. 7492 § 8, 2019)

#### **16.04.490 Temporary use of utilities.**

- A. The Building Official may permit, at his discretion, the temporary use of gas or electrical energy, before final approval of the building, structure or work being performed, whenever unnecessary hardship would otherwise result, and inspection can effectively be made after the commencement of the temporary use.
- B. The Building Official shall place those restrictions upon temporary use as necessary to ensure safety, to facilitate inspection and to secure compliance with all provisions of Chapters 16.04 through 16.34 and of any other chapter of the City, including all provisions of this Code.
- C. No temporary use of gas or electrical energy shall be permitted in any case where a hazard to life or property would be created.
- D. The temporary use of gas or electrical energy may be ordered discontinued and the supply ordered disconnected upon written notice.
- E. Nothing contained in this section shall be considered to permit or authorize the occupancy or use of any building or structure prior to the issuance of a certificate of occupancy.

(Ord. 7612 § 16, 2022; Ord. 3495 §1 (part), 1968; prior code §9.116)

#### **16.04.510 Violations.**

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the City or cause the same to be done contrary to or in violation of any provision of this title and its chapters, or any provisions of the building code, existing building code, energy code, residential code, green code, housing code, mechanical code, plumbing code, electrical code, dangerous buildings abatement code, and fire code (hereinafter referred to as the "adopted codes" or "this Code"), as such codes have been adopted in this title or as they may be duly amended, or any other applicable law or ordinance.



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(Ord. 7612 § 17, 2022; Ord. 7357 §12, 2016; Ord. 6844 §24, 2006; Ord. 6262 §20, 1996; Ord. 5551 §10, 1987; Ord. 5259 §16, 1985; Ord. 4853 §45, 1980; Ord. 4192 §1, 1975; Ord. 3495 §1 (part), 1968; Prior code §9.110)

#### **16.04.520 Criminal enforcement.**

- A. A violation of any of the provisions of this title or any provisions of the adopted codes as such have been adopted by reference in this title or the failure to comply with any of the mandatory requirements of this title including the codes adopted by reference therein shall constitute a misdemeanor; except that notwithstanding any other provisions of this Code, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor or infraction shall be punished according to Section 1.01.110 of this Code.
- B. Any day or portion thereof any violation of this title or the provisions of the adopted codes is committed, continued, or permitted shall constitute a new and separate offense and shall be punished, upon conviction, in accordance with Section 1.01.110 of this Code.
- C. The Building Official, the Code Enforcement Manager, and their inspectors, deputies, enforcement officers, and any other designees, shall have and are vested with the authority to issue a notice to appear to any person who violates the provisions of Chapters 16.04 through 16.34 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to arrest or issue a notice to appear to any person who violates the provisions of Chapter 16.32 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to issue notices of standing and parking violations for any infraction violation of the provisions of Chapter 16.32 of this title in the manner provided by Section 40200(a) of the California Vehicle Code.

(Ord. 7612 § 18, 2022; Ord. 6844 §25, 2006)

#### **16.04.530 Administrative enforcement.**

As an alternative to criminal prosecution, the provisions of each chapter of this title may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this Code, or through a notice and order or other administrative proceeding authorized under this Code.

(Ord. 6844 §26, 2006)

#### **16.04.540 Summary abatement.**

In addition to the remedies provided in this chapter, any condition caused or permitted to exist in violation of any provisions of this title or the codes adopted by reference therein, which present an immediate threat to public health or safety, shall be deemed a public nuisance, and may be summarily abated by the City pursuant to the provisions set forth in Chapter 6.15.

(Ord. 7612 § 19, 2022; Ord. 6844 §26, 2006)

#### **16.04.550 Right of appeal.**

Every administrative action or proceeding initiated pursuant to this title is subject to appeal according to the procedures set forth herein. The appeal process will vary depending on the remedy used to enforce this Code.

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(Ord. 6844 §26, 2006)

#### **16.04.560 Administrative citation appeal process.**

The appeal process for administrative citations issued for violation of any provision of this title is set forth in Section 1.17.150 of this Code.

(Ord. 6844 §26, 2006)

#### **16.04.570 Administrative civil penalties appeal process.**

- A. An Administrative Civil Penalties Notice and Order may be issued for violation of any provision of any chapter of this title. The mere issuance of an Administrative Civil Penalties Notice and Order is not directly appealable.
- B. A failure to comply with the Administrative Civil Penalties Notice and Order will result in a hearing before an Administrative Hearing Officer. The hearing may result in an Administrative Civil Penalties Enforcement Order.
- C. The appeal process for an Administrative Civil Penalties Enforcement Order is judicial review of that order as set forth in Section 1.17.400 of this Code.

(Ord. 6844 §26, 2006)

#### **16.04.580 Disabled access determination appeal process.**

The appeal process for a disabled access determination initiated pursuant to the building code, adopted by Chapter 16.08 of this Code, is set forth in Section 2.40.030.

(Ord. 6844 §26, 2006)

#### **16.04.590 Appeal process for other Administrative actions.**

The appeal process for any notice and order, other than an Administrative Civil Penalties Notice and Order, issued for any violation of any provision of the housing code, adopted by Chapter 16.09 of this Code, or for any violation of any provision of the dangerous building abatement code, adopted by Chapter 16.10 of this Code, is set forth herein.

- A. *Standing to appeal.* An appeal may be filed by any person having record title or legal interest in a parcel of real property that is the subject of such notice and order or any person identified therein as a "Responsible Party" as defined in Section 1.17.010 of this Code.
- B. *Request for hearing.*
  - 1. Any person having standing to appeal under this section may appeal the notice and order by completing a request for hearing form and returning it to the Code Enforcement Division of the Community & Economic Development Department within 30 calendar days of the mailing or issue date appearing on the notice and order, whichever is later.
  - 2. A request for hearing form may be obtained from the Code Enforcement Division.
  - 3. Only upon receipt of a request for hearing form that has been properly completed and timely submitted shall the Code Enforcement Division schedule the date, time, and place of hearing

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before an Administrative Hearing Officer. The Code Enforcement Division shall provide written notice of the date, time, and place of hearing by regular, first-class mail only to the address listed in the request form submitted by the person requesting the hearing.

(Ord. 7612 § 20, 2022; Ord. 6844 §26, 2006)