



**CITY OF BUELLTON
REQUEST FOR ADMINISTRATIVE HEARING FORM
(Municipal Code Section 1.30.100)**

Any person receiving an administrative citation may contest the citation by completing this request for hearing form and returning it to the City Manager of the City of Buellton within 15 days after the issuance date of the administrative citation. This form must be accompanied by an advance deposit of the fine assessed by the citation for the initial violation.

Date: _____

Property Owner Name: _____

Property Owner Address: _____

Address of Violation: _____

Citation No.: _____ Date of Citation: _____

Reason for Appeal:

City Use Only:

Date Received: _____

Fine Amount: _____ Fine Paid/Waiver Date: _____

Valid Appeal: Yes/No

1.30.100 Request for Administrative Hearing.

A. Any person receiving an administrative citation may contest the citation by completing a request for hearing form and returning it to the city within 15 days after the issuance date of the administration citation. Any request for hearing must be accompanied by an advance deposit of the fine assessed by the citation for the initial violation, unless waived by subsection (C) of this section. If it is determined, after a hearing, that there was no violation as charged in the administrative citation, the advance deposit will be refunded.

B. A request for hearing will not postpone or avoid the requirement of a responsible person to abate a violation nor toll the daily fines accruing for a continuing violation until the abatement of the offense is properly verified. In the event the hearing officer upholds the citation, the responsible person will be liable for the total fines accrued from the issuance of the citation to the date the abatement is properly verified.

C. A person seeking an administrative hearing may request a hardship waiver of the fine deposit by filing with the city clerk a completed city form, which must be signed under penalty of perjury. The request must be submitted along with the request for hearing. The person requesting the waiver bears the burden of establishing that such person does not have the financial ability to make the deposit. The request will be decided by the city manager within 10 days from date the request is received, and the city manager's decision is final. The applicant will be notified by telephone, facsimile, or in person of the decision on the request. The filing of a request for hardship waiver does not extend the time to file for an administrative hearing or pay the fine when due. If the request for hardship waiver is denied, an administrative hearing will not be scheduled unless the fine deposit is paid within 10 days following the city manager's determination on the request for a hardship waiver.

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

E. The city clerk shall set a hearing before a city hearing officer on a date that is not less than 15 and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this section. The city shall notify the person requesting the hearing by regular mail of the date, time and place set for the hearing at least 10 days prior to the date of the hearing and give that person any additional written reports filed concerning the violation that are provided to the hearing officer.