

ORDINANCE NO. 5-26

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
SECTIONS 1.5.209 AND 1.5.210 OF THE OAKLEY MUNICIPAL CODE
CONCERNING REQUESTS FOR ADMINISTRATIVE HEARINGS CHALLENGING
CITATIONS**

THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 1.5.209 and 1.5.210 of Oakley Municipal Code are amended as follows:

1.5.209 Request for Administrative Hearing.

a. Any person receiving an administrative citation may contest it by filing a request for an Administrative Hearing, except that a hearing for a building violation may not be requested unless and until a Notice of Noncorrection is issued. To obtain a hearing, the citee shall file a written request for an appeal through the City's online processing service, accessible through a web link provided at www.citationprocessingcenter.com, or by delivering the request through United States mail to the Citation Processing Center, P.O. Box 7275, Newport Beach, California 92658-7575. The request for a hearing shall indicate the grounds for contesting the citation and fine. A citee may contest the citation by denying that a violation occurred, by denying that it was not corrected within the correction period, if applicable, or by denying that the citee is a responsible person for the violation.

b. To be effective and complete, the request along with the Bail Fee which shall not exceed that of the citation amount must be submitted through or received by the online citation processing center within twenty (20) calendar days of the date the citation was issued. Upon receipt of the hearing request, Code Enforcement staff shall schedule an Administrative Hearing.

c. Any person who intends to request an Administrative Hearing and is financially unable to make the Bail Fee as required by this section, may file a request for a hardship waiver on a form provided by Citation Processing Center or Code Enforcement staff.

i. The request for a hardship waiver shall be filed with the initial hearing request through the Citation Processing Center within twenty (20) calendar days of the date the citation was issued.

ii. The Director or designee may waive the requirement for a Bail Fee only if the citee submits to the Director or designee a signed, sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the Director or designee the person's actual financial inability to provide the Bail Fee in advance of the hearing. The person requesting the hardship waiver bears the

burden of establishing by substantial evidence that he or she does not have the financial ability to make the Bail Fee.

iii. The Director shall either grant or deny the request within ten (10) regular business days of receipt of such request. If the Director denies the request for a hardship waiver, the Director shall issue a written decision on the request to the person requesting the waiver. The decision of the Director shall be final. A copy of the Director's decision shall be mailed to the citee at the address provided in the request for the hardship waiver.

iv. If the request for a hardship waiver is denied, the citee shall submit the full Advance Deposit to the City within ten (10) regular business days after the date of the Director's decision. If the request for a hardship waiver is granted, but the Administrative Citation is upheld by the Hearing Officer, the fine shall be due and payable within ten (10) working days after the date the Hearing Officer's decision is issued.

d. The person requesting the Administrative Hearing may choose to file a written declaration with the Hearing Officer before the hearing or personally attend the hearing on the date and time specified by Citation Processing Center once the hearing request has been approved. A failure to file a written declaration before the hearing or personally attend the hearing will be considered a non-appearance. Non-appearance by the citee shall constitute an abandonment of the request, unless the hearing was continued pursuant to Section 1.5.210(f).

e. Failure to request a hearing in accordance with the provisions of this Section shall constitute a waiver of rights to contest an administrative citation and the imposition of a fine.

1.5.210 Hearing Procedures.

a. The Administrative Hearing shall be conducted by a Hearing Officer not more than forty-five (45) regular business days after the City's online processing center, Citation Processing Center, receives the request for Administrative Hearing, unless continued with the consent of the citee.

b. The Enforcement Officer shall ensure that the pertinent citation records are delivered to the Hearing Officer for a citation set for a hearing. The Enforcement Officer shall also make available to the citee before the hearing a copy of any additional reports concerning the citation that are provided to the Hearing Officer.

c. The citee shall be given the opportunity to testify and to present evidence relevant to financial hardship or the code violation specified in the citation. A parent or legal guardian of a citee who is a juvenile, under 18 years of age, shall accompany the citee.

d. The citation and any other reports prepared by the Enforcement Officer, or at his or her request, concerning the code violation or attempted correction of the code violation that are provided to the Hearing Officer shall be accepted by the Hearing Officer as prima facie evidence of the code violation and the facts stated in such documents.

e. Neither the Enforcement Officer nor any other representative of the City shall be required to attend the hearing, nor shall the Hearing Officer require that there be submitted any evidence, other than the citation, that may exist among the public records of the City on the violation. However, any such appearance and/or submission may be made at the discretion of the Enforcement Officer or any City employee or agent.

f. The Hearing Officer may continue a hearing if a request is made showing good cause by the citee or a representative of the City. All continuance requests shall either: (i) be made in person at the hearing by the citee or his or her representative if the citee is physically unable to attend, or (ii) be made by a written request received by the City's online processing center, Citation processing Center, at least 48 hours before the hearing date. If the continuance is granted, a new hearing date shall be scheduled to take place within 45 days. If the continuance is denied, the hearing shall proceed then and there as scheduled, and if the citee is not present the request(s) shall be deemed abandoned in accordance with subsection h. below. The Hearing Officer's decision is final and he or she shall either personally give the Notice of Decision to the citee or the representative if present at the end of the hearing or request that the notice be mailed by the Hearing Officer.

g. Hearings may be held via remote two-way audiovisual platforms so long as the platforms allow the citee to fully participate, interact with the Hearing Officer, see all City documentary evidence, and offer citee's own documentary evidence for Hearing Officer consideration.

SECTION 2. California Environmental Quality Act (CEQA).

The City Council determines that the provisions of this ordinance are exempt from the California Environmental Quality Act ("CEQA") because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of the ordinance would not have any significant impact on the environment.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding shall not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

SECTION 4. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance

is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

PASSED AND ADOPTED by the City Council of the City of Oakley this 14th day of April 2026 by the following vote:

AYES: Fuller, Henderson, Meadows, Shaw, Williams

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Hugh Henderson, Mayor

ATTEST:

Kim Snodgrass, City Clerk

Date

I HEREBY CERTIFY that in accordance with Government Code Section 40806, this ordinance is a true and correct copy of a city ordinance. It has been published or posted pursuant to law.

Kim Snodgrass, CMC
City Clerk