

SCC NO. 1731

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE  
ADDING SECTION 9.36.031 AND AMENDING SECTIONS  
9.36.050 AND 9.36.063 RELATING TO PARK REGULATIONS**

The Board of Supervisors of the County of Sacramento, State of California,  
ordains as follows:

SECTION 1. Section 9.36.031, Chapter 9.36, Title 9, of the Sacramento County  
Code is added to read as follows:

**9.36.031 Administrative Fines or Penalties—Procedures.**

A. Administrative penalties established pursuant to section 9.36.031 shall be imposed and collected as set forth herein.

B. Notice of Violation. When a violation of any of the provisions of Chapter 9.36 is identified, the Director shall issue a Notice of Violation to the person determined to be in violation of this chapter. The Notice shall be on a form prescribed by the Director and shall contain the following information: (1) date, approximate time, and address or definite description of the location where the violation(s) was observed; (2) the code section violated and a description of the violation; (3) the amount of the monetary penalty for the violation(s); (4) an explanation of how the penalty shall be paid, the time period by which it shall be paid, and the place to which the penalty shall be paid; (5) identification of rights of appeal, including the time within which the Notice may be contested and the place to obtain a Notice of Appeal and Request for Hearing form to contest the Notice of Violation; and (6) the name and signature of the citing officer and, if possible, the signature of the person determined to be in violation of this chapter. A single Notice of Violation may charge a violation for one or more days on which a violation exists, and for the violation of one or more code sections.

C. Service of Citation. The Director shall impart notice to the person found in violation of any provision of this chapter in the following manner:

1. Personal Service. The Director shall attempt to locate and personally serve the person determined to be in violation of this chapter, and, if possible, obtain the signature of the person in violation on the Notice of Violation. If the person in violation refuses or fails to sign the Notice, the failure or refusal to sign shall not affect the validity of the Notice or of subsequent proceedings.

2. Mail. If, for any reason, the Director is unable to personally serve the Notice of Violation on the person determined to be in violation of this chapter, the Notice shall be mailed to the person determined to be in violation of this chapter by certified mail, postage prepaid with a requested return receipt. Concurrently, the citation shall be sent by regular mail. Service by mail shall be sent to the address of the person determined to be in violation of this chapter as shown on public records or as known by the County. If the Notice is sent by certified mail and returned unsigned, then service

shall be deemed effective by regular mail, provided the Notice sent by regular mail is not returned by the post office. Service by mail shall be effective on the date of mailing.

3. The failure of any person determined to be in violation of this chapter to receive any notice served in accordance with this section will not affect the validity of any proceedings taken under this chapter.

D. Satisfaction of Notice of Violation.

1. Upon receipt of a Notice of Violation, the person determined to be in violation of this chapter must pay the administrative penalty to the Department of Regional Parks.

E. Appeal of Citation.

1. Any recipient of a Notice of Violation may contest that there was a violation of section 9.36.030 or that he or she is the person determined to be in violation of this chapter by completing a Notice of Appeal and Request for Hearing form and filing it with the Department of Regional Parks within fifteen (15) calendar days from the date of issuance of the Notice, together with an advance deposit of the total amount of the monetary penalty, or the timely filing of a Request for an Advance Deposit Hardship Waiver pursuant to subsection (F) of this section. Any appeal of the Notice of Violation must include a detailed written explanation of as to the grounds for appeal.

2. The failure to submit a timely and complete request for hearing will terminate a person's right to contest the Notice of Violation and result in a failure to exhaust administrative remedies, and the order of the Notice of Violation will serve as a formal determination and conclusive evidence that the person named in violation of this chapter is liable.

F. Advance Deposit Hardship Waiver. A person seeking an administrative hearing may request a hardship waiver of the penalty deposit by filing with the Director a completed "Advance Deposit Hardship Waiver," 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 Director within three business days from the date the request is received, and the Director'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 penalty when due. If the request for hardship waiver is denied, an administrative hearing will not be scheduled unless the penalty deposit is paid within five business days following the Director's determination on the request for a hardship waiver.

G. Hearing Officer. The County Hearing Officer shall conduct the administrative hearing.

H. Hearing Procedure. The following rules shall apply to the conduct of a hearing under this section:

1. No hearing to contest an administrative penalty before a Hearing Officer shall be held unless and until a Notice of Appeal and Request for Hearing form has been completed and timely filed, and either the total amount of the penalty has been timely deposited in advance with the Director or, as indicated on the Notice of Appeal and Request for Hearing form, that a Request for an Advance Deposit Hardship Waiver has been timely filed pursuant to Subsection (F) of this section;

2. The hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date that the Notice of Appeal and Request for Hearing form is filed in accordance with the provisions of this section. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing;

3. The Hearing Officer shall only consider evidence relevant to whether the violation(s) occurred and whether the responsible person has caused, maintained or allowed the violations of this chapter;

4. The person contesting the administrative penalty shall be given the opportunity to testify and present witnesses and evidence concerning the alleged violation;

5. The failure of any recipient of a Notice of Violation to appear at the hearing or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the recipient and an admission that the amount of the administrative penalty is appropriate as well as a failure to exhaust administrative remedies that may bar judicial review;

6. The Notice of Violation and any additional documents submitted by the Director shall constitute prima facie evidence of the respective facts contained in those documents;

7. If the Director submits an additional written report concerning the alleged violation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served by first class mail on the person requesting the hearing at least five days prior to the date of the hearing;

8. At least ten (10) days prior to the date of the hearing, the recipient of a Notice of Violation shall be provided with copies of the notices, reports and other documents submitted or relied upon by the Director. No other discovery is permitted. Formal rules of evidence shall not apply;

9. The Hearing Officer may continue the hearing and request additional information from the Director or the recipient of the Notice of Violation prior to issuing a written decision;

10. The Hearing Officer is not required to provide transcripts of hearings, but is required to make available tapes of hearings for a fee.

I. Hearing Officer's Decision.

1. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within ten (10) days of the date of the hearing to uphold or cancel the Notice of Violation and shall list in the Decision the reasons for that Decision. The Decision of the Hearing Officer shall be final;

2. If the Hearing Officer determines that the Notice of Violation should be upheld, then the Director shall retain the penalty amount, including any fee that is the subject of the Notice of Violation, on deposit with the Director;

3. If the Hearing Officer determines that the Notice of Violation should be upheld, and the penalty has not been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer shall set a payment schedule for the payment of the penalty, including any fee that is the subject of the Notice of Violation. Accrual of

any late penalty charges shall resume on the day following the date of the Hearing Officer's Decision;

4. If the Hearing Officer determines there has been no violation and the penalty was deposited with the Director, then the Director shall promptly refund the amount of the deposited penalty;

5. The recipient of the Notice of Violation shall be served with a copy of the Hearing Officer's written Decision.

J. Failure to Pay Administrative Penalties.

1. The failure of any person to pay the administrative penalties assessed in connection with a Notice of Violation within the time specified on the Notice constitutes a debt to the County and may result in the matter being referred to the Sacramento County Department of Finance, Revenue Recovery, which may file a claim with the Small Claims Court or, in the alternative, utilize any means within its power to collect the amount owed. The County may pursue any other legal remedy to collect the administrative fines.

2. Any person who fails to pay to the County any administrative penalty imposed pursuant to this Title on or before the date the fine is due shall also be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any required fees, penalties, interest and late charges.

3. Notwithstanding all of the procedures set forth in this section, the Director shall have the ability and discretion to enforce violations of this Title, to impose necessary conditions, to forgive portions of a debt or penalty owed to the County under this Title, and to coordinate collection and enforcement efforts with the Department of Finance, Revenue Recovery.

K. Right to Judicial Review. Any person aggrieved by an Administrative Decision of a Hearing Officer on an administrative citation may obtain review of the Administrative Decision by filing a Petition for Review with the Sacramento County Superior Court in accordance with the timelines and provisions as set forth in California Government Code section 53069.4.

## SECTION 2. Section 9.36.050, Chapter 9.36, Title 9, of the Sacramento County

Code is amended to read as follows:

### **9.36.050 Failure to Obtain Required Permit.**

A. No person shall use, occupy, or otherwise remain in any park facility or portion thereof for which a permit is required without first having obtained such permit.

B. When the number of participants in a reserved area exceeds the designated number of people within the issued permit by over 20%, the permit holder will be subject to an administrative fine for an oversize penalty fee as established pursuant to 9.36.049 Schedule of Fees.

C. When a permit is not obtained for Amplified Sound pursuant to 9.36.072, persons will be subject to an administrative fine for Non-Permitted Use for Amplified Sound as established pursuant to 9.36.049 Schedule of Fees.

D. When a permit is not obtained for a bounce house or other inflatable apparatus that requires the use of electricity or a generator to remain inflated pursuant to 9.36.063, persons will be subject to an administrative fine for Non-Permitted Use for bounce house as established pursuant to 9.36.049 Schedule of Fees.

SECTION 3. Section 9.36.063, Chapter 9.36, Title 9, of the Sacramento County Code is amended to read as follows:

**9.36.063 Property—Use Of.**

No person shall:

- a. Dig up, pick, remove, mutilate, injure, cut, or destroy any turf, tree, plant, shrub, bloom, flower, artifact, or archeological site, or any portion thereof;
- b. Cut, break, injure, deface, or disturb any building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof; or
- c. Without a permit from the Director, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or an any portion thereof, any rope, wire, mark, writing, printing, sign, card, display, or similar inscription or device.
- d. Without a permit from the Director, place or use a bounce house or other inflatable apparatus that requires the use of electricity or a generator to remain inflated within a Regional Park facility.

SECTION 4. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on December 12, 2023, and on January 9, 2023, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Hume, seconded by Supervisor Desmond, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 9th day of January 2024, by the following vote:

AYES: Supervisors Desmond, Frost, Hume, Serna, Kennedy

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None  
(PER POLITICAL REFORM ACT (§ 18702.5.))



*Florence Eward*  
Clerk, Board of Supervisors

2698183

*Paul Kirk*  
Chair of the Board of Supervisors  
of Sacramento County, California

**FILED**  
BOARD OF SUPERVISORS

JAN 09 2024

BY *Florence Eward*  
Clerk of the Board

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on *January 9, 2024*

By: *James Christy*  
Deputy Clerk, Board of Supervisors