



CHAPTER 131: REGULATION OF ALARM SYSTEMS

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§ 131.001 PURPOSE.

The purpose of this chapter is to encourage alarm users to properly use and maintain their alarm systems and to reduce or eliminate false alarms.

(Ord. 1608, passed 4-4-12)

§ 131.002 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM ADMINISTRATOR. A person or third party designated by the City of Indio authority to administer, control and review false alarm reduction efforts and administer the provisions of this chapter.

ALARM INSTALLATION COMPANY. A person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. However, an **ALARM INSTALLATION COMPANY** does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

ALARM PERMIT. Authorization granted by the Alarm Administrator to an alarm user to operate an alarm system.

ALARM SITE. A single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

ALARM SYSTEM. A device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm system. An alarm system does not include an alarm installed in a vehicle or on someone’s person unless the vehicle or the personal alarm is permanently located at a site.

ALARM USER. Any person, who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.

ANSI/SIA CONTROL PANEL STANDARD CP-01. The ANSI - American National Standard Institute approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

AUTOMATIC VOICE DIALER. Any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

CONVERSION. The transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

DURESS ALARM. A silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

FALSE ALARM. The activation of an alarm system through mechanical failure, accident, misoperation, malfunction, misuse, improper activation or negligence, which does not require police service other than deactivation of the alarm. **FALSE ALARMS** shall not include alarms

caused by acts of God or other causes which are beyond the control of the alarm user or alarm installation company or monitoring company.

HEARING OFFICER. A person selected by the City Manager to conduct an administrative hearing that that has no bias or pecuniary interest in the matter to be heard.

HOLDUP ALARM. A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

LOCAL ALARM SYSTEM. Any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

MONITORING. The process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

MONITORING COMPANY. A person or entity in the business of providing monitoring services.

ONE PLUS DURESS ALARM. The manual activation of a silent alarm signal by entering a code at an arming station that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235).

PANIC ALARM. An audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

RESPONDER. An individual capable of reaching and having access to the alarm site, the code to the alarm system, and the authority to approve repairs to the alarm system.

TAKEOVER. The transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

(Ord. 1608, passed 4-4-12)

§ 131.003 ALARM PERMIT REQUIRED.

(A) No alarm user shall operate, or cause to be operated an alarm system at its alarm site without an alarm permit issued in accordance with the provisions of this section. A separate alarm permit is required for each alarm site.

(B) Any person wishing to obtain an alarm permit shall apply on a form provided by the Alarm Administrator and shall be accompanied by an application fee in the amount established from time to time by resolution of the City Council. Each alarm permit application must include the following information:

(1) The name, complete address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter;

(2) The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;

(3) For each alarm system located at the alarm site, the classification of the alarm system (i.e., burglary, holdup, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;

(4) Mailing address, if different from the address of the alarm site;

(5) Any dangerous or special conditions present at the alarm site;

(6) Names and telephone numbers of at least two individuals who are able and have agreed to:

(a) Receive notification of an alarm system activation at any time;

(b) Respond to the alarm site within 45 minutes at any time; and

(c) Upon request can grant access to the alarm site and deactivate the alarm system if necessary;

(7) Type of business conducted at a commercial alarm site;

(8) Signed certification from the alarm user stating the following:

(a) The date of installation, conversion or takeover of the alarm system, whichever is applicable;

(b) The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system;

(c) The name, address, and telephone number of the monitoring company if different from the alarm installation company;

(d) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and

(e) That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

(9) Any additional information requested by the Alarm Administrator.

(C) An application for an alarm permit shall be processed by the Alarm Administrator within 30 days of receipt. The permit may be denied by the Alarm Administrator on any one of the following grounds:

(1) The applicant fails to provide the information required by § [131.003\(B\)](#);

(2) The applicant or the applicant's agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit;

(3) The applicant has failed to pay a fine or fee assessed under this chapter; or

(4) The applicant has had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) *Revocation of permit.*

(1) The Alarm Administrator may revoke an alarm permit issued pursuant to this section if, after investigation, the Alarm Administrator determines that the applicant has:

(a) Made any false statement or given any false information in connection with an application for an alarm user permit; or

(b) Violated any of the provisions of this chapter, including but not limited to, the permittee's failure to pay any false alarm fines.

(2) In the event the Alarm Administrator determines that it is necessary to suspend or revoke a permit, the Alarm Administrator shall send a notice of intent to suspend or revoke the permit to the permittee informing him that the permit shall be suspended or revoked 14 business days following the date of such notice of intent. The notice shall include the reason for suspension or revocation and a statement of the right to appeal the decision of the Alarm Administrator to the Hearing Officer. The suspension or revocation shall be effective 14 calendar days from and after the service of the notice. During that 14-day period, the permittee may appeal the decision of the Alarm Administrator to the Hearing Officer as provided in § [131.003\(E\)](#).

(E) *Appeal to Hearing Officer.* Any person, whose permit is suspended or revoked, may file an appeal with the City Clerk within 14 calendar days from the date of the mailing of notice of revocation. The permit shall remain in effect while the appeal is being processed and heard by the Hearing Officer. The Hearing Officer shall make his or her decision on the basis of the preponderance of the credible evidence presented at the appeal hearing and shall render a decision within ten business days of the hearing to either affirm, reverse, or modify the action of the Alarm Administrator. Notice of this decision shall be sent to the permittee. The Hearing Officer's decision after such hearing shall be final and conclusive. If a permit is revoked under this section, the permittee may be issued a new permit if the reason for the revocation is removed, the Alarm Administrator is notified in writing of such removal, and the former permittee follows the procedure set forth herein for applying for an alarm Permit.

(F) Any alarm user who knowingly operates or causes a false alarm to occur after his or her alarm permit has been suspended or revoked shall be subject to civil and or criminal penalties.

(G) An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator of any change that alters any of the information listed on the alarm permit application within five business days of such change.

(H) All fines and fees owed by an applicant must be paid before an alarm permit may be issued or renewed.

(I) An alarm user with an installed alarm system on the effective date of the ordinance adopting this chapter shall apply for a permit as required herein within 90 days of such effective date.

(Ord. 1608, passed 4-4-12)

§ 131.004 ALARM PERMIT DURATION AND RENEWAL.

(A) An Alarm Permit shall be issued for a one year period. It shall be the responsibility of the Alarm User to renew the Alarm Permit annually by submitting a renewal form and updating the information on the application previously provided to the City and submitting the renewal fee established from time to time by resolution of the City Council.

(B) Persons sixty-five (65) years of age or over applying for an Alarm Permit for a residential alarm system shall be exempt from paying for the Alarm Permit and the Alarm Permit renewal fee, but are still required to apply for and renew their Alarm Permit annually and update their information on the application previously provided to the City as provided in § [131.004](#)(A).

(Ord. 1608, passed 4-4-12; Am. Ord. 1630, passed 5-1-13)

§ 131.005 DUTIES OF THE ALARM USER.

(A) An alarm user shall:

(1) Obtain an alarm permit for the alarm system as required in § [131.003](#);

(2) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

(3) Make every reasonable effort to have a responder to the alarm system's location within 45 minutes when requested by the law enforcement agency in order to:

(a) Deactivate an alarm system;

(b) Provide access to the alarm site; and/or

(c) Provide alternative security for the alarm site; and

(4) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

(B) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated.

(C) An alarm user shall have a licensed alarm installation company inspect the alarm system after two false alarms in a one-year period. The Alarm Administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false alarm resistant and provide additional user training as appropriate.

(D) An alarm user shall not use automatic voice dialers.

(E) An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(F) This section applies to all individuals and firms, who have installed and/or monitor their own alarm system.

(Ord. 1608, passed 4-4-12)

§ 131.006 DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY.

(A) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

(B) Upon the effective date of the ordinance adopting this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending One Plus Duress Alarms. The alarm installation company shall remove the One Plus Duress Alarm feature from alarm systems whenever an alarm technician is at the alarm site or otherwise accessing the panel for reprogramming purposes.

(C) Upon the effective date of the ordinance adopting this chapter, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.

(D) Upon the effective date of the ordinance adopting this chapter, the alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.

(E) An alarm installation or monitoring company shall not use automatic voice dialers.

(F) After completion of the installation of an alarm system, an alarm installation company employee shall provide and review with the alarm user a checklist for the prevention of false alarms in the form approved by the City's Alarm Administrator.

(G) The alarm installation or monitoring company shall not make an alarm dispatch request of a law enforcement agency in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven days following an alarm system installation. The Alarm Administrator may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(H) A monitoring company shall:

(1) Report alarm signals by using telephone numbers designated by the Alarm Administrator.

(2) Verify every alarm signal, except a duress, panic or holdup alarm activation, before initiating an alarm dispatch request.

(3) Communicate alarm dispatch requests to the city in a manner and form determined by the Alarm Administrator.

(4) Communicate alarm cancellations to the city in a manner and form determined by the Alarm Administrator.

(5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm.

(6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request.

(7) Communicate nature of alarm (i.e., burglary, robbery, panic, duress, silent, audible, interior or perimeter).

(8) After an alarm dispatch request, promptly advise the Police Department if the alarm installation or monitoring company knows that the alarm user or other responder is on the way to the alarm site.

(9) Attempt to contact the alarm user or other responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made.

(10) Within 90 days of the effective date of the ordinance adopting this chapter, the alarm installation or monitoring company (whichever is applicable) must maintain for a period of at least one year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify that the alarm was legitimate. The Alarm Administrator may request copies of such records for individually named alarm users. If the request is made within 60 days of an alarm dispatch request, the monitoring company shall furnish requested records within three business days of receiving the request. If the records are requested between 60 days to one year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days of receiving the request.

(I) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person or company shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

(J) Each alarm installing company and alarm monitoring company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator. The appointed individual must be knowledgeable of the general provisions of this chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator. The name, phone number, and email address of the designated ARM must be provided to the Alarm Administrator.

(K) An alarm installation company and/or monitoring company shall provide the Alarm Administrator with a customer list in a format acceptable to the Alarm Administrator, upon request, to assist the Alarm Administrator with creating law enforcement tracking data. The city shall endeavor to maintain this customer information as confidential subject to the limitations set forth in the California Public Records Act.

(L) A monitoring company may not process alarm dispatch requests to an alarm site after notification by the Alarm Administrator that the alarm permit for the alarm site has been suspended or revoked.

(M) If an inspection is required at an alarm site, no employee or contractor of the alarm installation company shall knowingly make a false statement concerning the inspection of an alarm site or the performance of an alarm system.

(Ord. 1608, passed 4-4-12)

§ 131.007 NOTIFICATION OF INSTALLATION OF AN ALARM SYSTEM.

(A) Each time an alarm installation company sells and installs a new alarm or takes over an existing alarm system within the City of Indio, the alarm installation company shall complete and submit the initial alarm permit application on behalf of the alarm user, which shall be signed by the alarm user and the alarm installation company, along with the applicable fee, within ten business days of the completion of the installation.

(B) If an alarm user self installs an alarm system it shall be the responsibility of the alarm user to complete the alarm permit application.

(Ord. 1608, passed 4-4-12)

§ 131.008 REGISTRATION AND LICENSE.

All alarm installation companies and monitoring companies shall register with the Alarm Administrator by filing a copy of their registration card issued to them by the State of California. In addition all alarm installation companies and monitoring companies shall obtain a city business license.

(Ord. 1608, passed 4-4-12)

§ 131.009 PROHIBITED ALARM SYSTEMS.

No alarm user shall permit the installation or use of and no alarm company shall install an alarm system with a direct dial to the City of Indio Police Department.

(Ord. 1608, passed 4-4-12)

§ 131.010 FALSE ALARM CITATION.

(A) If, within a 12-month period at a single site, any alarm user causes more than one false alarm to be transmitted to the Police Department, the alarm user shall be issued an administrative citation pursuant to [Chapter 11](#) of this code and shall pay the citation amount as established from time to time by the City Council by resolution.

(B) If cancellation of an alarm dispatch request occurs prior to law enforcement arriving at the scene, no administrative citation will issue.

(Ord. 1608, passed 4-4-12)

§ 131.011 SUSPENSION OF RESPONSE.

(A) The Alarm Administrator may suspend law enforcement response to an alarm site by suspending or revoking the alarm permit if it is determined that:

- (1) The alarm user has four or more false alarms in a 30-day period;
- (2) There is a statement of a material fact known to be false in the application for a registration; or
- (3) The alarm user has failed to make timely payment of a fine or fee assessed under this chapter.

(B) A person is in violation of this chapter if he or she operates an alarm system during the period in which the alarm permit is suspended or revoked.

(C) If the alarm permit is reinstated pursuant to this chapter, the Alarm Administrator may again suspend law enforcement response to the alarm site by again revoking the alarm permit if it is determined that four or more false alarms have occurred within 30 days after the reinstatement date.

(Ord. 1608, passed 4-4-12)

§ 131.012 REINSTATEMENT.

(A) A person whose alarm permit has been suspended or revoked may, at the discretion of the Alarm Administrator, have the alarm permit reinstated if the person:

- (1) Pays a reinstatement fee in the amount established from time to time by City Council resolution;
- (2) Pays, or otherwise resolves, all outstanding citations and fines; and
- (3) Provides satisfactory evidence to the Alarm Administrator that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and/or that additional training in the proper use of the alarm system was provided by the alarm installing company for all alarm users.

(B) In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:

- (1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;
- (2) A certificate showing that the alarm user has successfully completed the alarm user awareness class, if such class is available;
- (3) A written statement from an independent inspector that the alarm system has been inspected and is in good working order;
- (4) Confirmation that all motion detectors are “dual technology” type;
- (5) Confirmation that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by audio or video verification;

(6) Confirmation that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.

(Ord. 1608, passed 4-4-12)

§ 131.013 ENFORCEMENT AND PENALTIES.

(A) Any person who fails to comply with or is in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor unless in the discretion of the City Attorney, is charged and prosecuted as an infraction in accordance with § [10.99](#) of this Code. Alternatively, any person who fails to comply with or is in violation of any of the provisions of this chapter may be subject to administrative citations issued in accordance with [Chapter 11](#) of this code.

(B) Suspension or revocation of a permit shall not be a defense against prosecution.

(C) The criminal conviction of any person for a violation of the provisions of this chapter shall not release such person from paying the city any fines, fees or other costs established by this code and/or any City Council resolution.

(D) The city may use any or all legal remedies available, including criminal, civil and/or administrative remedies, to secure compliance with the provisions of this code and multiple legal remedies may be used to achieve compliance with respect to persons who commit continuing violations. Repeating the act constituting a violation or allowing a condition or circumstance constituting a violation to exist for more than 24 hours shall constitute a separate offense.

(Ord. 1608, passed 4-4-12)

§ 131.014 LIMITATION OF LIABILITY.

(A) Nothing in this chapter shall be deemed to impose any liability on the part of the city as to any alarm user or to any other person or entity, as a result of any defect in an alarm system, failure of the city to receive an alarm, suspension or revocation of an alarm permit, or failure of the city or its Police Department to respond to any alarm regulated by this chapter, whether false or not. The City Council declares that it shall be entirely within the discretion of each police officer receiving a report of an alarm activation, as to whether or not to respond to such alarm, and that the city assumes no duty to respond to any alarm as a result of the enactment of this chapter or prior decisions to respond to alarms.

(B) The city's issuance of an alarm permit pursuant to this chapter shall not create any contract, duty or obligation, either expressed or implied, of police response. Any liability and damages, whether arising from or relating to damage or destruction of property or injury to any person including death, alleged to result, directly or indirectly from an alleged response failure, or timely response failure, is hereby disclaimed, and governmental immunity as provided by law is retained.

(Ord. 1608, passed 4-4-12)

§ 131.015 RULES AND REGULATIONS.

The City Council authorizes the Chief of Police or his or her designee to promulgate rules and regulations to implement the provisions of this chapter.

(Ord. 1608, passed 4-4-12)

CHAPTER 11: ADMINISTRATIVE CITATIONS

Section

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§ 11.01 APPLICABILITY.

(A) This chapter provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code.

(B) The administrative citations process set forth in this chapter does not apply to continuing violations of this code that pertain to building, plumbing, electrical, or other similar structural or zoning issues.

(C) Use of this chapter shall be at the sole discretion of the city, subject to [§ 11.01\(B\)](#).

(Ord. 1272, passed 5-3-00)

§ 11.02 ENFORCEMENT OFFICER DEFINED.

For purposes of this chapter, **ENFORCEMENT OFFICER** shall mean any city employee or agent of the city with the authority to enforce any provision of this code.

(Ord. 1272, passed 5-3-00)

§ 11.03 ADMINISTRATIVE CITATION.

(A) Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

(B) Each administrative citation shall contain the following information:

(1) The date of the violation;

(2) The address or a definite description of the location where the violation occurred;

(3) The section of this code violated and a description of the violation;

(4) The amount of the fine for the code violation;

(5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

(6) An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;

(7) A description of the administration citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

(8) The name and signature of the citing enforcement officer.

(Ord. 1272, passed 5-3-00)

§ 11.04 AMOUNT OF FINES.

(A) The amount of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council.

(B) The schedule of fines shall specify any increased fines for repeat violations of the same code provisions by the same person within 36 months from the date of an administrative citation.

(C) The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

(Ord. 1272, passed 5-3-00)

§ 11.05 PAYMENT OF FINE.

(A) The fine shall be paid to the city within 30 days from the date of the administrative citation.

(B) Any administrative citation fine paid pursuant to division (A) shall be refunded in accordance with § [11.10](#) 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.

(C) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

(Ord. 1272, passed 5-3-00)

§ 11.06 HEARING REQUEST.

(A) Any recipient of an administration citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within 30 days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to § [11.07](#).

(B) A request for hearing form may be obtained from the department specified on the administrative citation.

(C) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

(D) If the enforcement officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five days prior to the date of the hearing.

(Ord. 1272, passed 5-3-00)

§ 11.07 ADVANCE DEPOSIT HARDSHIP WAIVER.

(A) Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in § [11.06](#)(A) may file a request for an advance deposit hardship waiver.

(B) The request shall be filed with the Department of Finance on an advance deposit hardship waiver application form, available from the Department of Finance, within ten days of the date of the administrative citation.

(C) The requirement of depositing the full amount of the fine as described in § [11.06](#)(A) shall be stayed unless or until the Director of Finance makes a determination not to issue the advance deposit hardship waiver.

(D) The Director may waive the requirement of an advance deposit set forth in § [11.06](#)(A) and issue the advance deposit hardship waiver only if the cited party submits to the Director a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the Director the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.

(E) If the Director determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within ten days of that decision or 30 days from the date of the administrative citation, whichever is later.

(F) The Director shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the Director shall be final.

(G) The written determination of the Director shall be served upon the person who applied for the advance deposit hardship waiver.

(Ord. 1272, passed 5-3-00)

§ 11.08 HEARING OFFICER.

The City Manager shall designate the Hearing Officer for the Administrative Citation hearing.

(Ord. 1272, passed 5-3-00)

§ 11.09 HEARING PROCEDURE.

(A) No hearing to contest an administrative citation before a Hearing Officer shall be held unless the fine has been deposited in advance in accordance with § [11.06](#)(A) or an advance deposit hardship waiver has been issued in accordance with § [11.07](#).

(B) A hearing before the Hearing Officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

(C) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(D) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(E) 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.

(F) The Hearing Officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

(Ord. 1272, passed 5-3-00)

§ 11.10 HEARING OFFICER'S DECISION.

(A) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.

(B) If the Hearing Officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

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

(D) If the Hearing Officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest at the average rate earned on the city's portfolio for the period of time that the fine amount was held by the city.

(E) The recipient of the administrative citation shall be served with a copy of the Hearing Officer's written decision.

(F) The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of the administrative citation fines upheld by the Hearing Officer.

(Ord. 1272, passed 5-3-00)

§ 11.11 LATE PAYMENT CHARGES.

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 fine is due, also shall be liable for the payment of any applicable late payment charges as set forth in the schedule of the fines.

(Ord. 1272, passed 5-3-00)

§ 11.12 RECOVERY OF ADMINISTRATIVE CITATION FINES AND COSTS.

The city may collect any past due administrative citation fine or late payment charge by use of all available legal means. The city also may recover its code violation abatement costs pursuant to [Chapters 95A](#), [95B](#) and [95C](#) of Title IX of this code.

(Ord. 1272, passed 5-3-00)

§ 11.13 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 Consolidated Courts of Riverside County in accordance with the timeliness and provisions set forth in Cal. Gov't Code § 53069.4.

(Ord. 1272, passed 5-3-00)

§ 11.14 NOTICES.

(A) The administrative citation and all notices required given by this chapter shall be served on the responsible party in accordance with the provisions of § 95.111A of this code.

(B) Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

(Ord. 1272, passed 5-3-00)