



## MEMORANDUM

**DATE:** September 30, 2022  
**TO:** Tracy City Council via Sekou Millington, Chief of Police  
**FROM:** Ana Contreras, Community Preservation Manager  
**SUBJECT:** Inspection of Motel 6

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On August 2, 2022, City staff, along with South County Fire Authority, inspected Motel 6 for an abundance of code violations. Staff assembled these violations into a Notice and Order as required by the Tracy Municipal Code. The Notice and Order identifies each violation and ranked their priority based on life safety. Correction requirements are also contained in the document. Violations of the City approved Landscape and Irrigation Plans dated November 14, 1977, will accompany the Order. Within three days after a correction deadline, Code, Fire, and Building personnel will conduct compliance inspections to verify the corrections have been made.

During our inspection on August 2<sup>nd</sup>, Code staff spoke with the newly hired on-site manager regarding their business practices and the ongoing problems associated with their guests. This manager acknowledged the problems, stating that the former manager allowed the illicit behavior and that many of their clientele were her friends or her son's friends (Mother and Son were residents of the motel). After the arrest of her son, the former manager quit her job and no longer resides at the motel. The new manager further stated that Motel 6 Corporate stakeholders were in the planning stages of upgrading and remodeling the entire motel and revamping their business model. Their intention is to create an ambiance similar to Hilton Gardens with similar amenities. These changes will also include an increase their room rates which, he stated, would be less affordable to their existing clientele. The goal is to create a more upscale environment to deter illicit and criminal activities currently experienced at the motel.

Motel 6 Corporate has been very cooperative to our requests for inspections. They, too, look forward to cleaning up the motel and were pleased that the City stepped in to help address the illegal activities and the conditions of the motel.

With respect to hotel registry, Tracy Municipal Code section 4.12.010 requires owners, managers or persons in charge of any hotel, motel, apartment house, or rooming house to keep records accessible to law enforcement or fire official, of all registered occupants, including their signature and assigned room number. To ensure future compliance with this section, Tracy Police personnel is establishing a schedule to make random, unannounced inspections of the motel to ensure compliance with local and state laws.



Memo to City Council  
Motel 6 Inspection  
Wednesday September 14, 2022  
Page 2

Compliance deadlines for corrections are identified in the Notice and Order and prioritized based on life safety concerns. The deadlines for corrections on each priority is as follows:

- Priority 1 Compliance Deadline – October 8, 2022
- Priority 2 Compliance Deadline – October 17, 2022
- Priority 3 Compliance Deadline – October 31, 2022

City staff will reinspect the property within three (3) days after the compliance deadline to verify completion of the required corrections.

The Notice and Order was mailed on Wednesday, September 14, 2022, to Motel 6 Management (local and corporate) via Certified Mail and email.

If you have any questions or comments regarding this Order, please advise.

*Ana Contreras*

Ana Contreras  
Community Preservation Manager



# TRACY POLICE DEPARTMENT

CODE ENFORCEMENT UNIT  
333 CIVIC CENTER PLAZA, FIRST FLOOR, TRACY, CA 95376  
DIRECT LINE (209) 831.6401 FAX (209) 831.6439

## NOTICE AND ORDER

Date: September 14, 2022  
Case CD22-0359  
Assessor Parcel Number: 212-250-04  
Address of Violations: 3810 N. Tracy Blvd, Tracy, CA 95304  
Property Owners: D Trac Hotel LLC  
Property Owner's Mailing Address: 8762 Preston Trace Boulevard, Frisco, TX 75033

**D TRAC HOTEL LLC,  
AS OWNERS OF THE ABOVE REFERENCED PROPERTY,  
YOU ARE HEREBY SERVED THIS NOTICE AND ORDER**

The City of Tracy (City) has received reports of code violations on property located at 3810 N. Tracy Boulevard, Tracy, California, hereinafter referred to as "referenced property". An on-site investigation conducted on August 2, 2022, substantiated the reports of violations on the referenced property. The inspection was performed by the City of Tracy Code Enforcement Unit (CEU), Building Safety Division (BSD), South County Fire Authority (SCFA) and Tracy Police Officers.

The following list of violations were observed during the referenced inspection. Relevant code sections applicable to these violations include the Tracy Municipal Code, 2019 California Fire Code (CFC), 2019 California Mechanical Code (CMC), 2019 California Electrical Code (CEC), 2019 California Residential Code (CRC), 2019 California Plumbing Code (CPC), 2019 California Building Code (CBC), 2019 California Code of Regulations (CRC), 2019 California Existing Building Code (CEBC), and the California Health and Safety Code (H&S). Violations and correction requirements are listed by priority.

### PRIORITY 1

**Each Office, Motel Room, Laundry Room, Mechanical Room and other areas identified in Priority 1 of this Notice and Order must comply with the following correction requirements on or before October 8, 2022.**

NO.	VIOLATION	CORRECTIONS REQUIRED
1.A	Clearances from ignition sources are not maintained (heater/air conditioning combo is up against the beds and bedding). (CFC 305.1)	a. Move beds/bedding from ignition sources to a minimum distance of twelve inches (12") so as not to be in contact with ignition sources.
1.B	Electrical panels missing blank breaker covers, dead front covers, and outlet covers. (CFC 604.1)	a. Abate all hazardous electrical conditions. b. Install all necessary blank covers, dead front covers, and outlet covers.
1.C	Fire rated construction compromised. Fire protection elements have been compromised in rooms modified without permit or inspection (Rooms 145/Storage Room and Rooms 105/152). (CFC 703.1)	a. Secure a building permit to restore rooms to individual rooms and repair fire protection elements <b>OR</b> b. Submit plans for the renovation work that converted individual rooms to connecting rooms/suites.



1.D	Missing/faulty smoke alarms. (CFC 901.6)	a. Smoke alarms interconnected in rooms shall be in place and in working order throughout the motel.
1.E	Gas odor from electrical/mechanical room (possible venting issue with appliances). (CMC Ch. 7, Ch. 4)	a. Submit a report from a State of California licensed contractor verifying combustion air and proper vents meet all code requirements.
1.F	Missing blank covers and exposed electrical at the electrical panel across from the mechanical room. (CEC 422.20)	a. Install blank covers, ensuring each dead front functions properly.
1.G	Green, algae-filled pool in the courtyard. (CBC [A] 116.1 and H&S 17920.3 [j])	a. Repair or replace filters and other items necessary for proper operation of the pool. If a complete change of equipment is necessary, a building permit is required.  b. Drain, clean, and refill the pool and maintain clear, non-stagnant water.
1.H	Cover plates removed from light switches. (CEC 404.9 [A])	a. Ensure installation of cover plates for all light switch boxes in all rooms.
1.I	Missing cover plates on electrical junction boxes. (CEC 314.28 [c])	a. Install metal cover plates listed for use on the specific open junction boxes.
1.J	Exposed electrical wiring. (CEC Article 300, wiring methods).	a. Conceal all exposed electrical wiring by using one of the approved wiring methods in CEC Article 300.
1.K	Non-functional GFCIs. (CEC 406.4 [d])	a. Replace non-functioning GFCI receptacles.
1.L	Missing toilets or other utilities in rooms. (CPC 411.0 and CEBC [A] 115.1)	a. Under a Plumbing, Electrical, or Mechanical Permit, repair or replace utilities lacking in all rooms.
1.M	Trash, garbage, weeds, tires, dead vegetation and trees located on the north portion of the parking area and landscape planters. (TMC 4.12.265)	a. Remove all trash and debris from property.

**PRIORITY 2**

**The following violations must be corrected on or before October 17, 2022:**

NO.	VIOLATIONS	CORRECTIONS REQUIRED
2.A	Obstructed mechanical room. Mechanical room with electrical and water heaters is obstructed by housekeeping carts, debris, and stored items. (CFC 315.3.3)	a. Remove all storage items from the mechanical/utilities/boiler room.
2.B	Lacking the required 30x36x78 inch clear access working space in front of electrical panels in the boiler/utility room. (CFC 604.3)	a. Move items from the panels in the mechanical/utility room to maintain proper clearance, and

		b. If the width of the panel/machinery is greater than 30 inches, the working space shall be not less than the width of the equipment.
2.C	Carts and other storage items obstructing the Fire Alarm Control Panel (FACP). (CFC 912.4)	a. Remove all carts and storage items from the area in front of and near the FACP.
2.D	Broken glass at fire extinguisher box on first floor between Rooms 146/147 and Rooms 150/151. (CFC Table 901.6.1 and CCR Title 19 Ch. 3)	a. Replace glass in fire extinguisher box.
2.E	Broken dryer louvers facing the north parking lot. (CMC 505.4)	a. Replace louvers with new louvers that have the back-draft damper installed.
2.F	Romex wiring exposed through PVC. (CEC Article 300, wiring methods)	a. Repair conduit to enclose wiring.
2.G	Compromised header in wall between electrical/mechanical room and laundry room. The header was reduced in size to fit larger dryers. (TMC 9.02.040 and the 2019 CBC [A] 105)	a. Expose the header and show sufficient size to carry the load above, <b>OR</b> b. Remove the dryers and reinstall the correct size header under a Building Permit, <b>OR</b> c. Submit plans for a new engineered header to carry the weight above.
2.H	Blocked access to laundry room washer electrical disconnect. (CEC 422.31[c])	a. Under an Electrical Permit, relocate the electrical disconnect to where it may be operable without obstruction or delay in accessibility.
2.I	Broken faceplate on electrical receptacle in laundry room. (CEC 406.6)	a. Replace damaged faceplate with a functional faceplate.
2.J	Improperly labeled electrical panels in mechanical room and across from the mechanical room. (CEC 110.22 & 408.4)	a. Clearly label each circuit in an easy-to-read manner.
2.K	Broken and/or missing ventilation screens on the soffits at multiple areas on the second floor. (CRC 303.6)	a. Repair or replace screens.
2.L	Broken glass on fire extinguisher box between Rooms 118/119 and Rooms 223/224. (CFC 901.6.1 and CCR Title 19 Ch. 3)	a. Repair or replace the glass on the box.
2.M	Exposed wire and conduit on the roof above Room 210. (CEC 300.4)	a. Install wire and conduit per the instructions in CEC Ch. 3 Article 300
2.N	Ceiling electrical box not sealed outside of Room 228). (CEC 100 definition for weatherproof).	a. Seal electrical box to ensure weather will not interfere with successful operation.

2.O	Fire extinguisher box between Rooms 131/132 not finished with install. (CFC table 901.6.1 and CCR Title 19 Ch. 3)	a. Install the box with the correct Fire Department-approved equipment.
2.P	Missing cover plate in the ceiling outside the Storage Room and Room 145. (CEC 404.9 [a])	a. Install cover plates that completely enclose terminals and conductors
2.Q	Unpermitted penetrations in the walls between Room 145 and Storage Rooms. (TMC 9.02.040, CBC [A] 105.1, CRC Table 602.3 [2])	a. Secure a Building Permit to restore the rooms to a permitted condition, <b>OR</b> b. Submit plans for the renovation work performed creating suites from the individual motel rooms.
2.R	Unpermitted construction and installation of a full kitchen in the Storage Room adjacent to Room 145. (TMC 9.02.040 and CBC [A] 105.1)	a. Secure a Demolition and Building Permit to restore the room to a permitted condition, <b>OR</b> b. Submit plans for the renovation work performed to create a kitchen in this room.
2.S	Unpermitted construction/demolition including penetrations through fire-rated walls between Rooms 105/152. (TMC 9.02.040 and CBC [A] 105.1)	a. Secure a Building Permit to restore rooms to a permitted condition, <b>OR</b> b. Submit plans for the renovation work that created suites from individual motel rooms.
2.T	Broken windowpanes. (H&S 17920.3 (g) (2) and TMC 9.60.030)	a. Repair or replace windowpanes. If replacing the glass, no permit is necessary. If replacing glass and frame, a Building Permit is required.
2.U	Showers, bathrooms, and thresholds not ADA compliant. (CBC 11[A])	a. Comply with the ADA requirements per CBC 11A
2.V	Missing/nonfunctional smoke alarms throughout Motel. (CFC 907.2.11.2)	a. Install a UL 217 listed smoke alarm in every room.
2.W	Non-compliant Braille height for all ADA accessible rooms. (CBC 1143A.9 [6])	a. Verify all Braille signage is between 48-60 inches measured from the ground.
2.X	Broken or missing door peepholes. (Existing Building Code (CEBC) [A] 115.1)	a. Repair/install all broken or missing peepholes.
2.Y	Electrical exposed in bathrooms and main rooms. (CEC article 300 (wiring methods).	a. Correctly install and conceal exposed wiring in accordance with CEC 300 (wiring methods).
2.Z	Rooms lack electrical outlet cover plates. (CEC 406.6)	a. Ensure installation of all cover plates for each outlet in all rooms.
2.A.1	Leaking/loose sink fixtures. (CPC Ch.4 & CEBC [A] 115.1)	a. Repair/tighten/replace all loose or damaged fixtures.

2.A.2	Unsecured vent/return grills (part of old HVAC unit). (CEBC [A] 115.1)	a. Mechanically fasten grills in each motel room (located in the ceiling immediately outside each bathroom).
2.A.3	Exposed bulbs in lighting fixtures designed to have a shade or globe. (CEC 110.3 [B])	a. Install fixture shade or globe per manufacturer's listing and labeling.
2.A.4	Damaged entry doors. (CEBC [A] 115.1)	a. Repair/replace all structurally compromised or deteriorating doors.
2.A.5	Strike plates damaged/door frames damaged. (CEBC [A] 115.1)	a. Replace all damaged door strike plates and repair all damaged door frames.
2.A.6	Holes in walls. (CEBC [A] 115.1)	a. Patch all holes in drywall throughout all motel rooms.
2.A.7	Holes in load bearing, exterior walls. (TMC 9.02.040 [a] and CBC [A] 105.1)	a. Submit plans to the City's Building Safety Division for the penetrations and shore up all deficiencies in each damaged wall.
2.A.8	Interior doors compromised by cracks, breaks, and/or holes. (CEBC [A] 115.1)	a. Repair or replace all compromised interior doors.

**PRIORITY 3**

**Violations of Approved Landscaping and Irrigation Plans dated November 14, 1977 (attached).  
 Violations must be corrected on or before October 31, 2022:**

NO.	VIOLATION	CORRECTIONS REQUIRED
3.A	Missing trees and other landscaping along the parking area's north property line. (TMC 10.08.3560 [n]).	a. Replace landscaping as required by the City's approved Landscape and Irrigation Plans.
3.B	Missing trees and other required landscaping along the north-south driveway off Larch Road.	a. Replace landscaping as required by the City's approved Landscape and Irrigation Plans.
3.C	Seven (7) missing trees along the south side of the driveway to Tracy Boulevard. (TMC 10.08.3560 [n]).	a. Replace landscaping as required by the City's approved Landscape and Irrigation Plans.
3.D	Only six (6) of the original seventeen (17) trees along the east property line are present. (TMC 10.08.3560 [n]).	a. Replace the 11 missing trees, shrubs and ground cover as required by the City's approved Landscape and Irrigation Plans.
3.E	Missing four (4) of the required ten (10) trees and most of the ground cover and shrubs along the south property line (TMC 10.08.3560 (n)).	a. Replace the four (4) missing trees, shrubs and groundcover as required by the City's approved Landscape and Irrigation Plans.
3.F	Missing four (4) of the required six trees and most of the shrubs along the west property line. (TMC 10.08.3560 [n]).	a. Replace the four (4) and most of the shrubs as required by the City's approved Landscape and Irrigation Plans.



3.G	Missing six (6) trees, shrubs and ground cover along the Larch Road frontage. (TMC 10.08.3560 [n]).	a. Replace the six (6) missing trees including shrubs and ground cover, as required by the City's approved Landscape and Irrigation Plans.
3.H	Missing or inoperative irrigation to support the required landscaping shall be installed and maintained by the property owner. (TMC 10.08.3560 [n]).	a. Replace or repair inoperative irrigation as required by the City's approved Landscape and Irrigation Plans.
3.I	Large potholes on the east side of the parking area drive aisle. (TMC 10.08.3560 [n]).	a. Secure required permits from the City of Tracy Engineering Division and repair large potholes and other road hazards on the property.

All permits shall be obtained from the City of Tracy Building Safety Division. To initiate the permit process, please contact the City of Tracy Building Safety Division at (209) 831-6400 or email at [PlanCheck@cityoftracy.org](mailto:PlanCheck@cityoftracy.org)

All work must meet applicable codes and pass all required inspections.

Permits must be approved and signed off as *Final* by the City of Tracy's Building Safety Division *on or before* the deadline dates provided in this Order.

*An inspection of the referenced property will occur on or after the correction dates to verify compliance. Investigation of this case will continue until all correction requirements have been met.*

*Failure to comply with this Notice and Order may result in further action, up to and including Administrative and/or Criminal penalties. Penalties may be imposed **daily for each violation** that continues to exist after the deadline date. Penalties may continue until all work set forth herein is completed and *Final*.*

*Additional violations not listed on this Order may be revealed during the course of this investigation.*

*Copies of all codes cited are also available for review in the City Clerk's Office.*

*All Building and Zoning requirements must be met before a permit will be issued.*

Any person having any record title or legal interest in the building may appeal from the Notice and Order or any action of the Building Official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the Building Official **within thirty (30) days from the date of service** of the Notice and Order (or by October 31, 2022). Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

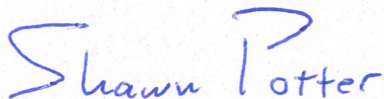
Pursuant to Tracy Municipal Code Section 1.28, this Notice and Order serves as notification that the Tracy Municipal Code provides the legal authority to issue Administrative Citations for TMC Code violations. The fines are \$100.00 for the first citation, \$200.00 for the second, \$500.00 for the third and subsequent citations for violations of the same code section within one year. **These fines are cumulative and new citations may be issued daily for each violation that continues to exist after the correction deadline.** A person who receives an Administrative Citation may contest the citation in the form of an appeal. Details regarding the appeal process are set forth in Chapter 1.28, attached.

Information regarding this Notice and Order and the provisions contained herein is available in the Development Services Department, City Hall, 333 Civic Center Plaza, Tracy, or by calling (209) 831-6401.



I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of September 2022 in Tracy, California, 95376.



SHAWN POTTER  
Code Enforcement Officer

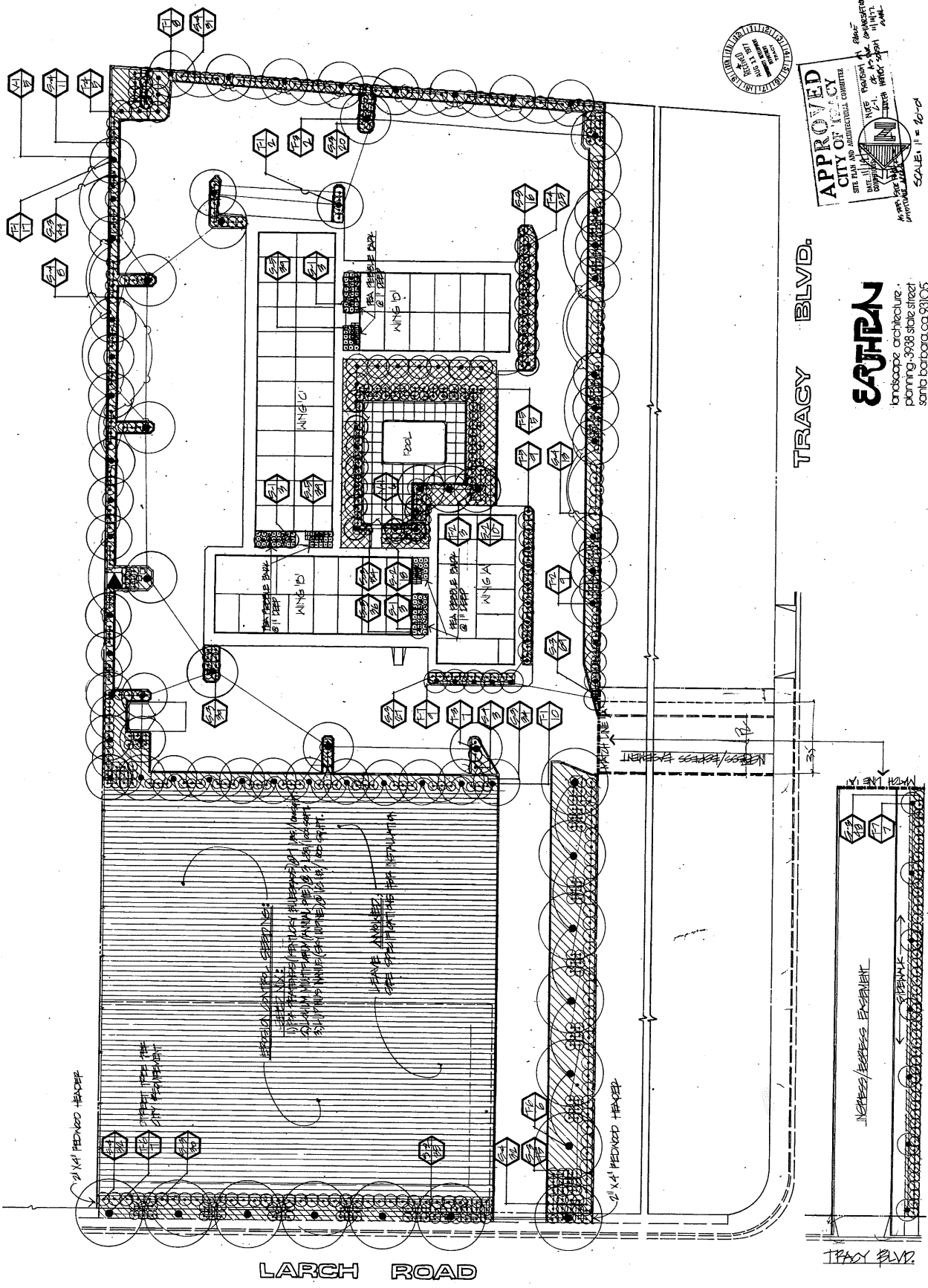


ANA CONTRERAS  
Community Preservation Manager

Cc: Manager, Motel 6, 3810 N Tracy Blvd, Tracy, CA 95304  
Ana Contreras, Community Preservation Manager, Tracy Police Department  
Brett Hicks, Sergeant, Tracy Police Department  
Christian Cobain, Building Inspector II  
Christopher Morgan, Chief Building Official  
Glenda Thorton, Fire Inspector, South County Fire Authority  
Miguel Contreras, Lieutenant, Tracy Police Department  
Pauline Keener, Fire Inspector, South County Fire Authority  
Ramon Valencia, Supervising Building Inspector  
Sekou Millington, Chief of Police, Tracy Police Department  
Tim Speers, Fire Marshall, South County Fire Authority

Attachments:

Tracy Municipal Code Section 1.28  
Approved Landscape and Irrigation Plans Dated November 14, 1977



**APPROVED**  
 CITY OF TRACY  
 CITY PLANNING AND ADMINISTRATIVE COMMITTEE

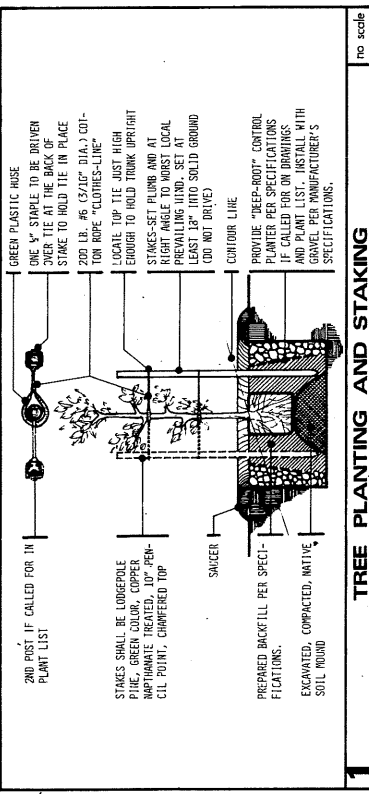
APPROVED BY: [Signature]  
 DATE: 8/1/77  
 SCALE: 1" = 40'-0"

TRACY BLVD.

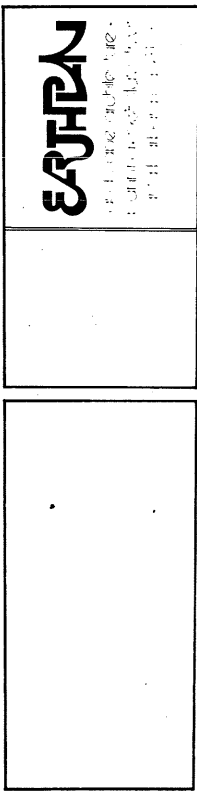
**SOUTHERN**  
 landscape architecture  
 planning, 3938 state street  
 santa barbara, ca 93105.

LARCH ROAD

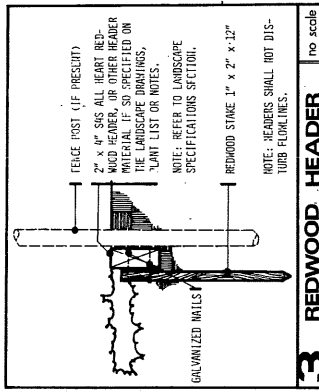
TRACY BLVD



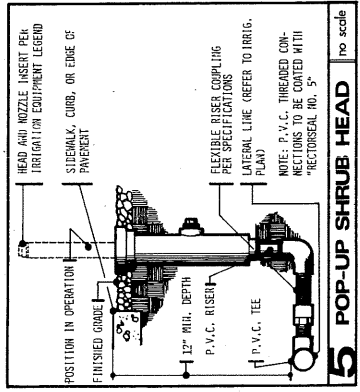
**1 TREE PLANTING AND STAKING** no scale



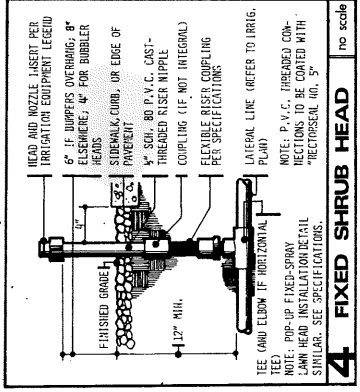
**2 VINE TYING** no scale



**3 REDWOOD HEADER** no scale



**4 FIXED SHRUB HEAD** no scale



**5 POP-UP SHRUB HEAD** no scale

**PLANT LIST**

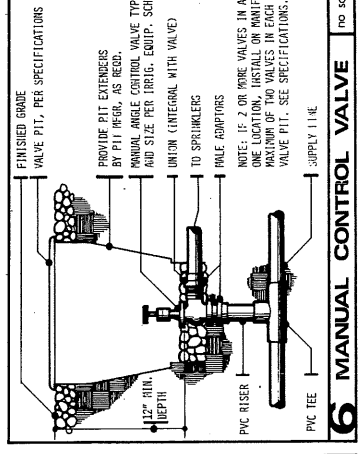
Symbol	Number	Size	Botanical Name	Common Name	Notes
T-1	37	5 GAL.	EUCALYPTUS SIDERATION ROSEA	PINK OEN BARK	PLANT 1 STAKE PER DETAIL 1
T-2	1	1 GAL.	GALERA (RAVIFLORA)	AUSTRALIAN MILTON	"
T-3	1	5 GAL.	ALBERG PINE	"	PLANT WITH 10\"/>

**planting notes:**

- REFER TO SEPARATE LANDSCAPING SPECIFICATIONS CONTAINED IN ARCHITECT-URBAN SPECIFICATIONS BOOK ("PROJECT MANUAL").
- ALL AREAS NOT SHOWN ON DRAWINGS TO BE PLANTED GROUND COVER SHALL RECEIVE GRADE COVER PER SPECIFICATIONS.
- HERBICIDE, UPON COMPLETION OF ALL PLANTING OPERATIONS, BROADCAST 2% GRANULES ONTO ALL PLANTED AREAS AND ALL UNPLANTED AREAS AT THE RATE OF 10 LBS. PER 1000 SQ. FT. TO PREVENT WEEDS FROM ESTABLISHING WATER IN THOROUGHLY.
- CONTACT THE PROJECT ENGINEER (HOTEL 5, TEL. 1-313-277-5666) OR THE PROJECT LANDSCAPE ARCHITECT (EARTHPLAN, TEL. 1-800-600-7769) FOR QUESTIONS RELATING TO THE PLANTING AND IRRIGATION WORK FOR THIS PROJECT.

**IRRIGATION EQUIPMENT LEGEND**

Symbol	Description	Brand	Model or Type	Notes
—	MAN SUPPLY LINE	PER MANUFACTURER'S IN PROJECT MANUAL	PER MANUFACTURER'S IN PROJECT MANUAL	1/2" DIAMETER
—	LATERAL LINE	"	"	"
□	MANUAL CONTROL VALVE	CHAMPION	# 000	INSTALL PER DETAIL #10
□	HIGH-PRESS FLEXIBLE SPRAY	PER MANUFACTURER'S IN PROJECT MANUAL	PER MANUFACTURER'S IN PROJECT MANUAL	"
●	FIXED SPRAY HEAD	TRABO	500 SERIES	"
▲	FIXED STRAB HEAD	TRABO	1500 SERIES	"
▲	FIXED STRAB HEAD	TRABO	500 SERIES	"
▲	POINT OF CONNECTION	"	"	LOCATE SUB-OUT IN FIELD



**6 MANUAL CONTROL VALVE** no scale

**PLANT LIST**

Symbol	Number	Size	Botanical Name	Common Name	Notes
T-1	37	5 GAL.	EUCALYPTUS SIDERATION ROSEA	PINK OEN BARK	PLANT 1 STAKE PER DETAIL 1
T-2	1	1 GAL.	GALERA (RAVIFLORA)	AUSTRALIAN MILTON	"
T-3	1	5 GAL.	ALBERG PINE	"	PLANT WITH 10\"/>

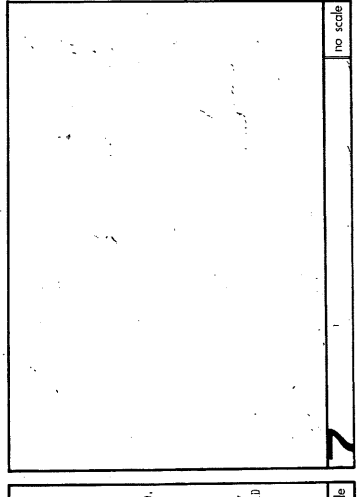
**irrigation notes:**

SEPARATE LANDSCAPE IRRIGATION SPECIFICATIONS CONTAINED IN ARCHITECTURAL SPECIFICATIONS BOOK ("PROJECT MANUAL").

2. REFER TO NOTE 4, PLANTING NOTES.

**IRRIGATION EQUIPMENT LEGEND**

Symbol	Description	Brand	Model or Type	Notes
—	MAN SUPPLY LINE	PER MANUFACTURER'S IN PROJECT MANUAL	PER MANUFACTURER'S IN PROJECT MANUAL	1/2" DIAMETER
—	LATERAL LINE	"	"	"
□	MANUAL CONTROL VALVE	CHAMPION	# 000	INSTALL PER DETAIL #10
□	HIGH-PRESS FLEXIBLE SPRAY	PER MANUFACTURER'S IN PROJECT MANUAL	PER MANUFACTURER'S IN PROJECT MANUAL	"
●	FIXED SPRAY HEAD	TRABO	500 SERIES	"
▲	FIXED STRAB HEAD	TRABO	1500 SERIES	"
▲	FIXED STRAB HEAD	TRABO	500 SERIES	"
▲	POINT OF CONNECTION	"	"	LOCATE SUB-OUT IN FIELD



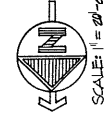
**7** no scale

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REVISIONS



**SUTHERN**  
 landscape architecture  
 planning 3938 state street  
 santa barbara, ca 93105

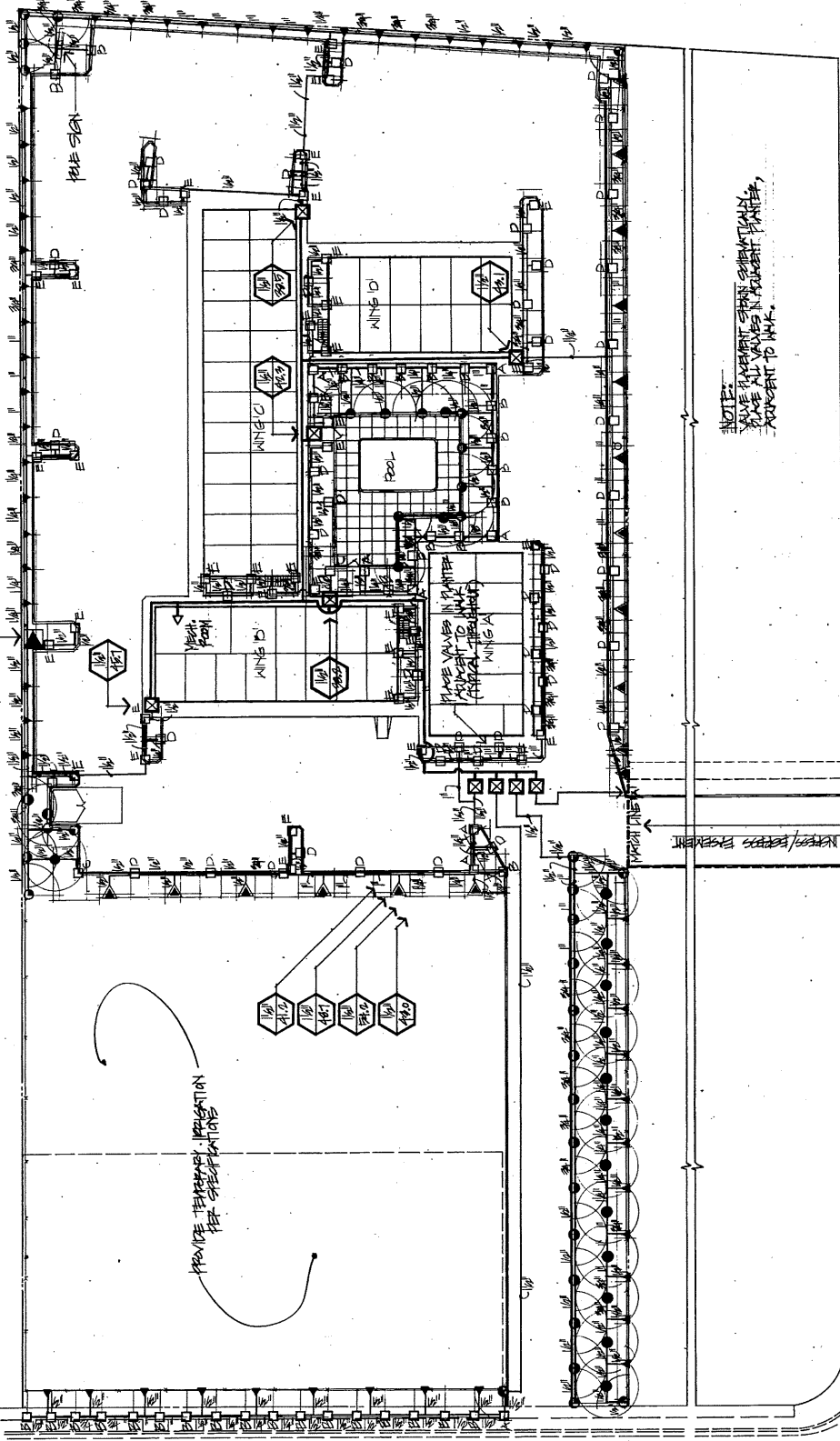
TRACY BLVD.

NOTE:  
 VALVE PLACEMENT SHOWN SUBJECT TO AIAI,  
 MAKE ALL VALVES IN ADJACENT PLACES,  
 ADJACENT TO LINK.

INGRESS/EGRESS ELEMENT  
 SPURK  
 TO VALVE

PROVIDE TERRACE, IRIGATION  
 PER SPECIFICATIONS

PLACE VALVES IN PLANTER  
 ADJACENT TO LINK  
 (CHECK TYPED HEADS)



LARCH ROAD

TRACY BLVD.

written determination shall be served upon the person who applied for the waiver.

- (f) If the director determines not to issue a waiver, the person cited shall deposit the fine with the City within ten (10) days of the date of that decision or thirty (30) days from the date of the citation, whichever is later.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.090 - Hearing procedure.

- (a) Setting the hearing. A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least ten (10) days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five (5) days before the hearing.

No hearing shall be held unless the fine has been deposited in advance, under section 1.28.070 or an advance deposit hardship waiver has been issued under section 1.28.080.

- (b) Failure to appear. The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.
- (c) At the hearing. 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. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.
- (d) Continuances. The hearing officer may continue the hearing and may request additional information from the enforcement officer or the person receiving the citation before issuing the decision.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.110 - Hearing officer's decision.

- (a) Decision. After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation. The hearing officer shall State the reasons for the decision and shall send a copy of the decision to the person requesting the hearing and to the enforcement officer. The decision of the hearing officer is final, and may not be appealed under chapter 1.12. (b) Status of fine. If the citation is upheld, then the fine amount on deposit with the City shall be retained by the City. If the fine has not been deposited because there was an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine.

If the person cited requests a reduction in the fine under section 1.28.050(c), the hearing officer's decision shall respond to that request. If the fine has been reduced, the City shall refund the difference between the amount on deposit with the City and the amount of the reduced fine.

If the citation is canceled, the City shall promptly refund the amount of any fine deposited, together with interest at the average rate earned on the City's portfolio for the period of time that the fine was held by the City.

- (c) No employment evaluation based on citations upheld. If the hearing officer is an employee of the City, the employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon or affected by the amount of administrative citation fines upheld by the hearing officer.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.120 - Late payment charges.

A person who fails to pay to the City any fine imposed under this chapter on or before the due date is liable for payment of any applicable late payment charges set forth in the schedule of fines.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.130 - Recovery of administrative citation fines and costs.

- (a) A person who fails to pay any fine or other charge owed to the City under this chapter is liable in any action brought by the City 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 fines, interest, and late charges.
- (b) In addition to the administrative citation fine, the City may collect its administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs.
- (c) The City may collect any past due administrative citation fine and other costs and charges by any available legal means.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.140 - Right to judicial review.

Notwithstanding section 1.20.010 of this Code, a person aggrieved by an administrative decision by a hearing officer under this chapter may obtain review of the administrative decision by filing a petition for review with the Superior Court of California, San Joaquin County, Tracy Branch, within twenty (20) days after service of the final decision, in accordance with Government Code section 53069.4.

(Ord. 1040 § 2 Exh. B (part), 2002)

#### 1.28.150 - Notices.

- (a) Method of service. The administrative citation and all notices required to be given by this chapter shall be served on the responsible party either by personal service, by first class mail, or by certified mail, return receipt requested. (See section 1.08.100.)
- (b) Real property. When real property is involved in the violation, the original notice, the administrative



citation and all notices required to be given by this chapter shall be served on the responsible party and, if different, to the property owner at the address as shown on the last equalized county assessment roll. If personal service or service by mail on the property owner is unsuccessful, a copy of each notice and the citation shall be conspicuously posted at the property which is the subject of the violation. The City may, in its discretion, also serve notice on a tenant, a mortgagor or any other person having an interest in the property.

- (c) Failure to receive notice. The failure of a person to receive a required notice shall not affect the validity of any proceedings taken under this chapter.

(Ord. 1040 § 2 Exh. B (part), 2002)

