File # CE14-0017

City of Santa Rosa Administrative Hearings 100 Santa Rosa Ave. Santa Rosa, CA 95404

ENFORCEMENT ORDER

1-A Responsible Parties: Paul and Annette Heidecker

1-B Address: 1850 West 3rd St. Santa Rosa, CA 95401

2. Location of Violation: 1850 West 3rd St. Santa Rosa, CA 95401

3. APN: 146-100-071 Zoning District: R-1-6

4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on May 18, 2016 commencing at 1:00 p.m. in Room 7, Santa Rosa City Hall located at 100 Santa Rosa Ave. before the undersigned regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code at the above referenced property.

Santa Rosa Code Enforcement Officer/Building Inspector Mark Maystrovitch appeared on behalf of the "City". Mr. Maystrovich was duly sworn and testified on behalf of the City of Santa Rosa. The Responsible Party, Paul Heidecker personally appeared at the hearing and on behalf his spouse Annette Heidecker. Mr. Heidecker was duly sworn prior to testifying.

After consideration of the testimony and of and documentary evidence submitted at the hearing by Mr. Maystrovitch, and Paul Heidecker this Hearing Officer makes the following findings:

- A. The "City" has complied with all applicable notice requirements.
- B. The record contains substantial evidence that the Responsible Party is in violation of the codes sections listed below that are set forth in the Staff Report dated May 3, 2016 and the Administrative Notice and Order issued in this matter by the City of Santa Rosa on April . The Administrative Notice and Order of April 20, 2016 is upheld as follows:

VIOLATION ONE

Failure to maintain the exterior of the subject dwelling in good repair (roof, siding, windows, doors and protective treatments). SRCC Sec. 18.203.04.1, 304.2, 304.6, 304.7, 304.13 and 304.15

VIOLATION TWO

Failure to obtain a building permit(s) for minor bathroom remodel at the interior and exterior of the subject dwelling. SRCC Sec. 18-20.105 and 18-22-105.1R VIOLATION THREE

Failure to maintain the exterior of the property and premises free from any accumulation of rubbish or garbage. SRCC Sec. 18-20.308.1

VIOLATION FOUR

Failure to maintain side and rear yard fences in good repair. SRCC Sec. 18-20.302.7

VIOLATION FIVE

Failure to maintain the interior of the subject dwelling in good repair and in a sanitary condition. SRCC Sec. 18-20.305.1, 305.3, 305.4 and 305.6

VIOLATIONS SIX

Failure to maintain proper clearances to combustible materials within the <u>furnace</u> closet in the hallway of the subject dwelling. **SRCC 18-20.603.3**

VIOLATIONS SEVEN AND EIGHT

Violations seven and eight are dismissed at the request of the City of Santa Rosa.

(C) Based on these findings, I assess a penalty of \$ 4500.00 (see attached Penalty Calculation Sheet) plus administrative costs against the Responsible Party in the amount of \$ 1281.00, which includes the cost incurred for the appearance of the Code Enforcement Officer at the hearing for .75 hour in the amount of \$123.75. In addition, the cost of Administrative Hearing Officer of \$ 375.00 shall be an additional administrative cost chargeable to the Responsible Party, which cost includes preparation time, hearing time, analysis of evidence, rendering a decision, and service of this order.

- (D) I shall serve the Administrative Enforcement Order on each party and their attorney(s), if any. When the Administrative Enforcement Order is served on the code enforcement officer, the order shall be final.
- (E) This shall serve as notice to the Responsible Parties that the penalties and administrative costs are special assessments against the property where the violations occurred and if payment is not received within thirty (30) days of the date of this Administrative Enforcement Order, it will be confirmed by the City Council. The penalty for late payment of the assessed penalty is 7%, pro-rated daily, from the payment due date.
- (F) Should violations continue the Responsible Parties may be subject to additional penalties as authorized by law. The penalty for a subsequent violation within thirty-six (36) months of an initial violation is \$ 1000.00 for each day the violations continue.
- (G) Within thirty (30) days from the date of this order, the Responsible Party shall take corrective action to remedy the violations as stated hereinabove and shall submit permit applications as required by the City, if any, to perform such work as required by the City or, obtain demolition permits as required. Any and all permits, including demolition permits are to be obtained within thirty (30) days of this order. All work must be completed and inspected within sixty (60) days of permit issuance.
- (H) Pursuant to SRCC Section 1-30.210 (a copy of which was attached to the Administrative Notice and Order), any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days after service of this Order.

/STÉVEN M. LANDER, Esq. Administrative Hearing Officer

Dated: June 28, 2016

BY ORDER OF