

## California Health and Safety Code

- **101025.** The board of supervisors of each county shall take measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.
- **101029.** The sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.
- **101030.** The county health officer shall enforce and observe in the unincorporated territory of the county, all of the following:
  - (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.
  - (b) Orders, including quarantine and other regulations, prescribed by the department.
  - (c) Statutes relating to public health.
- **101040.** (a) The local health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction.
  - (b) "Preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.
- **120175.** Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

## California Retail Food Code

- **113810.** **Imminent health hazard**- a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause FOOD infection, FOOD intoxication, **disease transmission**, VERMIN INFESTATION, or HAZARDOUS condition that requires immediate correction or cessation of operation to prevent injury, illness, or death
- **114405.** (a) A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility or cottage food operation for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility or cottage food operation for which the permit has been revoked shall close and remain closed until a new permit has been issued.

(b) Whenever a local enforcement officer finds that a food facility or cottage food operation is not in compliance with the requirements of this part, a written notice to comply shall be issued to the permitholder. If the permitholder fails to comply, the local enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permitholder within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

(c) The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permitholder, the hearing officer may postpone any hearing date, if circumstances warrant the action.

- **114407.** The hearing officer shall issue a written notice of decision to the permitholder within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permitholder is charged, and shall state the terms of the suspension or that the permit has been revoked.
- 114409. (a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.

(b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, specifying the pertinent code section, and informing the permitholder of the right to a hearing.

(c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permitholder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

- **114411.** The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any requirement of this part or for interference in the performance of the duty of the enforcement officer.
- **114413.** A permit may be reinstated or a new permit issued if the enforcement agency determines that the conditions that prompted the suspension or revocation no longer exist.

## Monterey County Code

- **1.22.050 - Notice of hearing.**

A. When a hearing is required in accordance with the provisions of this Chapter, the Enforcement Official shall cause a written notice of hearing to be sent by first class mail to or be personally served on the alleged violator. If after diligent search, the Enforcement Official is unable to locate the alleged violator, the written notice of hearing may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days.

B. Where real property is involved, a copy of the notice of hearing shall also be sent by first class mail to or be personally served on the record owner of each assessors parcel that is the subject of the notice of violation, the holder of any mortgage or deed or trust of record, if known, and any other person known to have a legal interest in the real property.

C. Every notice of hearing shall contain the date, time, and place at which the Hearing Officer

shall conduct the hearing.

D. Each hearing shall be set for a date not fewer than fifteen (15) days or no more than sixty (60) days from the date of the notice of hearing unless the Enforcement Official determines that the matter is urgent or that good cause exists for an extension of time.

E. After a hearing date is set, the Enforcement Official, alleged violator or responsible person may apply to the Hearing Officer for a continuance within ten (10) working days following the time the party discovered or reasonably should have discovered the event or occurrence which establishes the good cause for the continuance. A continuance may be granted for good cause after the ten (10) working days have lapsed if the party seeking the continuance is not responsible for and has made a good faith effort to prevent the condition or event establishing the good cause.

F. If the Enforcement Official submits to the Hearing Officer an additional written report concerning any matters related to the notice of violation for consideration at the hearing, then a copy of this report shall also be served on the alleged violator or responsible person at least five days prior to the hearing date.

G. When a hearing is held to authorize the recording of a lien or imposition of a special assessment, the Enforcement Official shall serve notice of the hearing in the same manner as prescribed in Subsections A and B.

H. Proof of service of the hearing notice shall be documented at or near the time of service.

- **1.22.110 - Administrative costs.**

A. The Hearing Officer shall impose reasonable and necessary administrative costs against the person subject to a notice of violation when the Hearing Officer finds that a violation has occurred and that the required corrective actions were not completed within the time period specified in the notice of violation or such time period that the Hearing Officer determines was reasonably sufficient to take the required corrective actions.

B. The Enforcement Official shall submit to the Hearing Officer a written report on the administrative costs that are reasonably and necessarily incurred by the County to investigate, inspect, or cure any violation or monitor the recurrence of any violation that is the subject of a notice of violation. A copy of this report shall also be served on the alleged violator or responsible person at least five days prior to the hearing date.

C. Administrative costs shall not include the hearing cost except pursuant to Article 2.5 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

D. The owner of the parcel upon which a violation of this Code is found to exist shall be liable for all costs of abatement incurred by the County, including, but not limited to, attorneys' fees and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this Section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law.

E. No administrative costs shall be incurred by a property owner who meets all of the following conditions:

1. The property owner did not create the original violation.
2. Once notified of the violation, the property owner diligently pursued completion of the required corrective actions to remedy the violation within a reasonable time period.
3. No notice of violation, administrative order or judgment lien or other similar document describing the existence of Code violation(s) and obligation to pay administrative costs was recorded against the property at the time such property owner first obtained any interest in the property.
4. The property owner had no actual notice, constructive notice, or inquiry notice of the violation at the time such owner first obtained any interest in the property.

- **10.04.120 - Appeal Procedure**

- Any person whose application for a permit or registration has been denied, or whose permit has been suspended or revoked, may appeal to the Board of Supervisors, in writing, within thirty (30) days after any such denial, or within three (3) days after notification of any such suspension or revocation. The Board of Supervisors shall hear such appeal at its next meeting and make its decision without unnecessary delay.
- When any such appeal is from the action of the Health Officer in suspending or revoking a permit, the filing of the written appeal shall operate as a stay of such suspension or revocation until final disposition of the appeal by the Board of Supervisors.