



**FAILURE TO OBEY ORDER OF CITY HEALTH OFFICER RELATING TO CONTROL OF COVID-19
ADMINISTRATIVE CITATION**

Citation Number:	CEAC272285	Violation Address:	5511 E SPRING ST	K J N'S INC
Citation Issuance Date:	September 04, 2020		LONG BEACH, CA 90808	DBA: TRACY'S
Citation Issuance Time:	7:00 PM			9911 W PICO BLVD 832
Citation Service Date:	September 04, 2020			LONG BEACH, CA 90808
Correction Date:	9/6/2020	APN:	7190-034-026	

On September 04, 2020 Long Beach City Code Enforcement inspected property located at 5511 E SPRING ST , LONG BEACH, CA 90808 and observed the following Long Beach Municipal Code (LBMC) and/or the Order of City Health Officer related to the control of Covid-19. Pursuant to LBMC Chapter 9.65, these violations are subject to the following specified fines. **YOU ARE REQUIRED TO CEASE AND DESIST OPERATING IN VIOLATION OF APPENDIX (H) OF THE SAFER AT HOME ORDER. Fine payment must be received thirty (30) days from the date of this citation. (PLEASE BE ADVISED: Fine payment information, an explanation of consequences for failure to correct cited violations and remit required fine payments, and a notice of your right to appeal the Administrative Citation are found on 'Attachment 1' of this Administrative Citation.)**

SB 1st Citation

\$100.00

1. LBMC 9.37.090 (A) (H) Nuisance

It is hereby declared a public nuisance, or an act in the nature of a public nuisance, for any person or party to cause, permit, abet or otherwise allow any premises in this City to be used in such a manner that any one (1) or more of the activities or conditions described in the following subsections are found to occur thereon:

A. Any condition or activity which is a "nuisance" or a "public nuisance" as defined in sections 3479 and 3480 of the Civil Code of the State of California or which is specifically declared to constitute a nuisance or public nuisance by any statute of the State of California or by any ordinance of the City.

H. The occurrence of criminal activity at any premises which threatens the life, health, safety or welfare of the residents of the premises, neighbors or the public.

Failure to comply with appendix (H) of the Safer at Home order for COVID-19 of the Long Beach Health Officer. (Attached)

2. LBMC 9.37.100(C) Notification of Nuisance and Abatement thereof

Except in the case of an emergency situation wherein the nuisance condition or activity poses an immediate threat to the health, safety, or general welfare of the public, the time permitted for correction or abatement shall be at least fifteen (15) calendar days. Based upon the attached Safer At Home Order For Control of COVID-19 issued by the Health Officer of the City of Long Beach, the business located at the above address is operating in violation of the order and poses an immediate threat to the health, safety, or general welfare of the public.

Should you have any questions regarding this notice we **ENCOURAGE** you to contact your inspector between the hours of 7:30 - 8:30 a.m. and 3:30 - 4:30 p.m. Monday through Thursday and 7:30 - 8:30 a.m. and 3:00 - 4:00 p.m. on Friday. **Meeting with inspector is by appointment only.**

Code Enforcement Bureau
(562)570-6509



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TOTAL FINES DUE \$100.00

Pay the **TOTAL FINES DUE** as shown above and make the check out to the City of Long Beach.
Also be sure to write the Citation number on the check.

Please include this receipt with payment and mail to:

**Department of Development Services
Code Enforcement Citation
411 W. Ocean Blvd, 4th Floor
Long Beach, CA 90802**

To request this information in an alternative format or to request a reasonable accommodation, please contact the Development Services Department at longbeach.gov/lbds and 562.570.3807. A minimum of three business days is requested to ensure availability; attempts will be made to accommodate requests with shorter notice.

ATTACHMENT 1

ADMINISTRATIVE CITATION INFORMATION SHEET

Long Beach Municipal Code Chapter 9.65 provides for the issuance of administrative citations for Long Beach Municipal Code violations. The administrative citation program and the establishment of appropriate fines are intended to act as a reasonable deterrent in preventing Municipal Code violations.

Fine Schedule

Each day a violation exists constitutes a separate and distinct offense. Fines are imposed as follows. A \$100 fine will be imposed for the initial violation. A \$200 fine will be imposed for each instance of a second violation of the same code section committed within one year from the date of the initial violation. A \$500 fine will be imposed for any subsequent violation of the same code section committed within one year from the date of the initial violation. A \$500 fine will be imposed for each violation of Municipal Code Section 21.51.227 relating to illegal automotive repair work. A \$1000 fine will be imposed for each violation of LBMC Sections: 21.41.170 relating to illegal garage conversion for residential use, 18.02.020 relating to dangerous buildings, 18.08.010 relating to illegal change in occupancy, 18.09.010 for failure to comply with Title 18, Section 21.31.245(C) relating to unlawful dwelling units and LBMC Sections 18.04.010A, 18.04.010C, 18.04.010E and 18.04.010D all relating to unpermitted construction.

Consequence of Failure to Pay the Fine

Failure to pay fine(s) within the specified time period may result in a 25% late charge, imposition of a special assessment and/or lien against the real property on which the violation occurred, filing of a claim with the small claims court for recovery of the fine and all costs associated with such filing, suspension and/or revocation of any City permits, business licenses, or land use approvals, or any legal remedy available to the City to collect such money.

Consequence of Failure to Correct Violations

Failure to correct violations within the specified time period may result in civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. In the event violations for LBMC Section 9.65.030 Weed/Debris Abatement and LBMC Section 9.65.040 Inoperative Vehicle Abatement are not corrected by the specified date, in addition to the above consequences, **the City may undertake abatement efforts**, and thereafter impose a lot-cleaning/inoperative vehicle abatement levy for costs incurred by the City. Notice of Imposed Levy will be served on the Cited Party and must be paid no later than thirty (30) calendar days from the date of issuance of the Notice. Levy computation may include but is not limited to the following costs: administration and processing costs, cost of cleaning or removal of weed/debris/vehicle, photographs, dump fees, labor hours, equipment, staff (inspector, clerical, supervisor) time @ \$110.00 per hour, law enforcement assistance (if needed), and court costs. Failure to pay imposed levies as specified is subject to the same consequences established for failure to pay fines and/or correct violations as previously stated.

Rights of Appeal

A Cited Party may appeal administrative citations and imposed levies. For cited code violations, the appeal must be requested within thirty (30) calendar days from the date of service of the Citation. Appeals for imposed Weed/Debris and/or Inoperative Vehicle Abatement Levies must be requested within fifteen (15) calendar days from the date the levy notice was served. In emergency situations, such as violations of the City Health and Human Services Department's Safer At Home Order for Control of COVID-19, the appeal must be requested within twenty four-(24) hours from the time of service of the Citation. In order to appeal, a completed Request for Hearing form (available from the Code Enforcement Bureau or online at <http://www.longbeach.gov/globalassets/lbds/media-library/documents/formsapplications/code-enforcement-forms/notice-of-administrative-citation-appeal-and-request-for-hearing> together with a deposit in the total amount of outstanding fine(s), late charges, and/or levies must be submitted to the Department of Development Services located at 411 W. Ocean Blvd, 4th Floor, Long Beach CA 90802. Requesting an appeal does not relieve the Cited Party from the requirement to correct all code violations as specified.

Generally, the only relevant evidence considered on appeal is whether the violation(s) existed on the date and time the Administrative Citation was issued, whether the Cited Party is the Responsible Person who caused or maintained the violation(s), and whether imposed levies resulting from failure of a Responsible Person to correct weed/debris and/or inoperative vehicle violations, were reasonably calculated based upon abatement costs incurred by the City.

If an appeal is denied, the entire deposit shall be retained by the City as payment in full of outstanding fines, late fees, and/or levies. If an appeal is upheld, the entire deposit, or in the case of weed/debris and inoperative vehicle levies any portion of the levy held to be unreasonable, shall be refunded to the Cited Party within thirty (30) business days from the date of the written appeal decision. Failure to properly file a written appeal within the appropriate time frame shall constitute a waiver of the Cited Party's right to appeal and seek judicial review.

How to Pay Your Fine

The amount of your fine is indicated on the front of this citation. You are required to pay your fine in full by the Correction Date noted on the citation. Please mail in your payment, including the attached payment remittance slip, in the envelope provided. Payment may be made by personal check, cashier's check, or money order payable to the City of Long Beach. Please write your citation number on your check or money order. **Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the City of Long Beach.**

Contact Numbers

Citation questions: contact your Inspector at the number shown on your citation. Payment questions: contact the Department of Development Services, Code Enforcement Bureau at 562-570-CODE. **Administrative Citations are governed by Long Beach Municipal Code Chapter 9.65.**