

MEETING DATE: February 11, 2008

AGENDA ITEM: Discussion and Introduction of an Ordinance Amending
Municipal Code Title 1 to Allow for Enforcement of the
Municipal Code Through Administrative Citations
Penalty.

ATTACHMENTS

		<u>Pages</u>
1.	Draft Ordinance No. 2008 -	1-16
2.	Sample Administrative Citation from Beverly Hills	17-18
3.	Sample of Administrative Citation from Banning	19-20
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ATTACHMENT 1

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, AMENDING CHAPTER 1.01 OF THE CULVER CITY MUNICIPAL CODE RELATING TO GENERAL PENALTY PROVISIONS, RENUMBERING CHAPTER 1.02 TO 1.03, AND ADDING A NEW CHAPTER 1.02 TO THE CULVER CITY MUNICIPAL CODE RELATING TO THE ENFORCEMENT OF THE MUNICIPAL CODE THROUGH AN ADMINISTRATIVE CITATION PROCESS.

The City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1: Section 1.01.035.D of the Culver City Municipal Code is hereby amended to read as follows (strike-through indicates a deletion; underline indicates an addition):

D. ~~Each and every day a violation of this Code or any ordinance of the City continues shall constitute a separate offense. The person committing or permitting such offenses may be charged with a separate offense for each such violation and punished accordingly.~~ Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

SECTION 2: Section 1.01.035.E of the Culver City Municipal Code is hereby added to read as follows (strike-through indicates a deletion; underline indicates an addition):

E. In addition to the penalties provided for in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such by the City, and every day such condition continues shall be regarded as a new and separate offense.

1 **SECTION 3:** Section 1.01.035.F of the Culver City Municipal Code is
2 hereby added to read as follows (strike-through indicates a deletion; underline
3 indicates an addition):

4 A person shall be guilty of a separate offense for each and every
5 day during any portion of which any violation of any provision of this Code
6 is committed, continued or permitted by such person, and shall be
7 punishable accordingly.

8 **SECTION 4:** Section 1.01.045 of the Culver City Municipal Code is
9 hereby amended to read as follows (strike-through indicates a deletion; underline
10 indicates an addition):

11 ~~Unless otherwise specified by this Code, an infraction is punishable~~
12 ~~by a fine not exceeding two hundred fifty dollars (\$250.00), as provided by~~
13 ~~Cal. Penal Code §§ 19.8 and 17(d).~~

14 A. Except as otherwise provided in this code, an infraction shall
15 be punishable by:

- 16 1. A fine not exceeding one hundred dollars (\$100.00)
17 for a first violation;
- 18 2. A fine not exceeding two hundred dollars (\$200.00)
19 for a second violation of the same provision of this Code
20 within one year;
- 21 3. A fine not exceeding five hundred dollars (\$500.00)
22 for each additional violation of the same provision of this
23 Code within one year.
24

25 **SECTION 5:** Section 1.01.055 of the Culver City Municipal Code is
26 hereby amended to read as follows (strike-through indicates a deletion; underline
27 indicates an addition):
28

1 Unless otherwise expressly provided, the remedies and penalties
2 provided by this Chapter are cumulative to each other and to the remedies
3 and penalties available under any other provision of this Code and any
4 other laws.

5 **SECTION 6:** Chapter 1.02 of the Culver City Municipal Code entitled "City
6 Standards," including all Sections contained therein, is hereby renumbered as
7 Chapter 1.03.

8 **SECTION 7:** A new Chapter 1.02 is hereby added to the Culver City
9 Municipal Code as follows:

10 **CHAPTER 1.02: ADMINISTRATIVE CITATIONS**

- 11 §1.02.005 Legislative Findings and Statement of Purpose
12 §1.02.010 Administrative Citations for Violation of Code
13 §1.02.015 Definitions
14 §1.02.020 Use of the Administrative Citation
15 §1.02.025 Administrative Fines
16 §1.02.030 Contents of Citation
17 §1.02.035 Service of Citation
18 §1.02.040 Satisfaction of Administrative Citation
19 §1.02.045 Hearing of Administrative Citation
20 §1.02.050 Right to Judicial Review
21

22 **§1.02.005 LEGISLATIVE FINDINGS AND PURPOSE.**

23 A. The City Council hereby finds there is a need for an
24 alternative method of enforcement for violations of the Culver City
25 Municipal Code.
26
27
28

1 B. The City Council further finds that an appropriate method of
2 enforcement for such violations is through the imposition of an
3 administrative fine, as authorized by Government Code Section 53069.4.

4 C. The procedures established in this Chapter shall be in
5 addition to criminal, civil or any other legal remedies established by law,
6 which may be pursued to address violations of the Culver City Municipal
7 Code.

8 D. The City Council hereby finds and determines that
9 enforcement of the Culver City Municipal Code is a matter of local
10 concern and serves an important public purpose. Consistent with its
11 powers as a charter City, the City adopts this Subchapter in order to
12 achieve the following goals:

13 1. To protect the public health safety and welfare of the
14 citizens of the City of Culver City;

15 2. To gain compliance with the Culver City Municipal
16 Code in a timely and efficient manner;

17 3. To provide for an administrative process to appeal the
18 imposition of an administrative fine;

19 4. To provide a method to hold parties responsible when
20 they fail or refuse to comply with the provisions of the Culver City
21 Municipal Code;

22 5. To minimize the expense and delay where the sole
23 remedy is to pursue responsible parties in the civil or criminal
24 justice system.

25 E. The imposition of an administrative fine shall be at the City's
26 sole discretion, and is one option the City has to address violations of the
27 Culver City Municipal Code.
28

1 F. By adopting this Subchapter, the City does not intend to limit
2 its discretion to utilize any other remedy, civil or criminal, for such
3 violations that the City may select in a particular case.
4

5 **§1.02.010 ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF CODE.**

6 A. This Chapter provides for an administrative remedy for any
7 violation of this Code, including continuing violations related to building,
8 plumbing, electrical or other similar structural or zoning issues, which
9 remedy may be exercised in place of, or in addition to, any other remedy
10 which is allowed by law, whether administrative, criminal, civil, or
11 equitable.

12 B. The City Manager is authorized to promulgate rules and
13 regulations governing the civil administrative citation and hearing process,
14 including the delegation of the City Manager's duties under this chapter.

15 **§1.02. 015 DEFINITIONS.**

16 For the purposes of this Chapter, the following definitions shall
17 apply:

18 ***Administrative Citation or Citation:*** A written notice to a
19 Responsible Person issued by an Enforcement Officer that a violation of
20 this Code has occurred.

21 ***Community Development Director or Director:*** The Community
22 Development Director of the City of Culver City or his or her designee.

23 ***Responsible Person:*** A Responsible Person includes, but is not
24 limited to the following:

- 25 1. A person who causes a Code violation to occur.
26 2. A person who maintains or allows a Code violation to continue, by
27 his or her action or failure to act.
28

3. A person whose agent, employee, or independent contractor causes a Code violation by its action or failure to act.
4. A person who is the owner of, and/or a person who is a lessee or sub-lessee with the current right of possession of real property where a property-related Code violation occurs or exists.
5. A person who is the on-site manager of a business who normally works daily at the site when the business is open and is responsible for the activities on such premises.
6. Any person with actual or apparent authority, possession, or control of real or personal property; or any other person, who creates maintains, permits or allows a violation of this Code.

For the purposes of this definition, "person" includes a natural person or legal entity and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

Legal Interest: Any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the County Recorder.

Enforcement Officer or Officer: Any police officer or City employee or agent of the City designated by the City Manager who has the authority and responsibility to enforce the provisions of this Code.

§1.02. 020 USE OF THE ADMINISTRATIVE CITATION.

Whenever an Enforcement Officer determines that a violation subject to this Chapter has occurred, the officer may issue an Administrative Citation imposing fines or penalties to the Responsible Person(s) in accordance with the requirements of this Chapter. The procedures established in this Chapter may be in addition to any criminal,

1 civil or other legal remedies established by law which may be pursued to
2 address violations of the Culver City Municipal Code. The use of the
3 Administrative Citation in place of or in addition to other remedies shall be
4 at the discretion of the City Manager, Community Development Director,
5 City Attorney, or Enforcement Officer. Issuance of an Administrative
6 Citation shall not be deemed a waiver of any other enforcement remedies
7 found within this Code.

8
9 **§1.02. 025 ADMINISTRATIVE FINES.**

10 A. Any Responsible Person who receives an Administrative
11 Citation shall be subject to the payment of fines as set forth in this
12 Section.

13 B. Failure of any person to pay the administrative fines
14 assessed by an Administrative Citation may result in the matter being
15 referred for collection, which includes but is not limited to the filing of a
16 small claims court action.

17 C. Fines for Administrative Citations shall be as follows:

18 1. A fine not exceeding one hundred dollars (\$100.00)
19 for a first violation;

20 2. A fine not exceeding two hundred dollars (\$200.00)
21 for a second violation of the same provision of this Code within one
22 year;

23 3. A fine not exceeding five hundred dollars (\$500.00)
24 for each additional violation of the same provision of this Code
25 within one year.

1 **§1.02. 030 CONTENTS OF CITATION.**

2 Each Administrative Citation shall contain the following information:

- 3 1. Name of Responsible Person and known mailing
4 address;
- 5 2. Date, approximate time, and address or definite
6 description of the location where the violation(s) was observed;
- 7 3. The Code sections or conditions violated and a
8 description of the violation(s);
- 9 4. The amount of the fine for the violation(s);
- 10 5. An explanation of how the fine shall be paid and the
11 time period by which it shall be paid;
- 12 6. Identification of rights of appeal, including the time
13 within which the Administrative Citation may be contested and the
14 place to obtain a "Request for Hearing" form to contest the
15 Administrative Citation;
- 16 7. The name and signature of the Enforcement Officer
17 issuing the Administrative Citation; and
- 18 8. If the violation is one which is continuing, an order to
19 correct the violation, the actions needed to correct the violation, the
20 timeframe in which to correct the violation, and an explanation of
21 the consequences for failing to correct the violation.

22 **§1.02. 035 SERVICE OF CITATION.**

23 The following procedures may be used in serving Administrative
24 Citations:

- 25 1. ***Personal Service.*** The Enforcement Officer shall
26 attempt to locate and personally serve the Responsible Person and
27 obtain the signature of the Responsible Person on the
28

1 Administrative Citation. If the Responsible Person served refuses
2 or fails to sign the Administrative Citation, the failure or refusal to
3 sign shall not affect the validity of the Administrative Citation or
4 subsequent proceedings.

5 2. **Service of Citation by Mail.** If the Enforcement
6 Officer is unable to locate the Responsible Person, the
7 Administrative Citation shall be mailed to the Responsible Person
8 by certified mail, postage prepaid with a requested return receipt.
9 Simultaneously, the Administrative Citation may be sent by first
10 class mail. If the Administrative Citation is sent by certified mail
11 and returned unsigned, then service shall be deemed effective
12 upon deposit of the Administrative Citation in the U.S. mail.

13 3. **By Posting on Property.** If the Enforcement Officer
14 is unable to serve the Administrative Citation under either
15 subsection 1 or 2 preceding, a copy of the Administrative Citation
16 may be posted on any real property within the City in which the City
17 has knowledge that the responsible party has a legal interest.
18 Service under this subsection shall be deemed effective on the
19 date when the notice is posted.

20 4. **By Publication.** If the Enforcement Officer cannot
21 serve the Administrative Citation by any of the preceding methods,
22 the Administrative Citation may be published in a newspaper
23 reasonably likely to provide actual notice to the Responsible Party
24 subject to the citation. The publication shall be once a week for
25 four successive weeks in a newspaper published at least once a
26 week.

27 The Enforcement Officer must complete a declaration of
28 service. Failure of the Responsible Person to receive any notice

1 does not affect the validity of the proceedings conducted under this
2 Chapter.

3
4 **§1.02. 040 SATISFACTION OF ADMINISTRATIVE CITATION.**

5 Upon receipt of an Administrative Citation, the Responsible Person
6 must do one of the following:

7 1. ***Pay the Fine.*** Pay the fine to the City within fifteen
8 (15) days from the date of the Administrative Citation. All fines
9 assessed shall be payable to the City of Culver City and submitted
10 to the Culver City Finance Department. Payment of a fine shall not
11 excuse or discharge a failure to correct continuing violations nor
12 shall it bar further enforcement action by the City. Payment of the
13 fine waives the Responsible Party's right to the Administrative
14 Citation hearing and appeal process;

15 2. ***Remedy the Violation.*** If the violation is of a nature
16 that it can be remedied, is deemed by the Enforcement Officer to
17 not create an immediate danger to health and safety, and is
18 corrected within the time given, no fine shall be imposed; or

19 3. ***Request a Hearing.*** A request for a hearing must be
20 filed in accordance with the time limits and other provisions of
21 Section 1.02.045.

22 In the event the Responsible Party fails or refuses to select
23 and satisfy any of the alternatives set forth in this Section, then the
24 penalty shall be immediately due and owing to the City and may be
25 collected in any manner allowed by law for collection of a debt.

26 Commencement of an action to collect the delinquent penalty shall
27 not preclude issuance of additional Administrative Citations to the
28 Responsible Party should the violations persist.

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1 requests a hearing. The Community Development Department's
2 failure to receive a completed form, with all supporting documents,
3 within fifteen (15) days after service of the Administrative Citation,
4 shall constitute a waiver of the right to receive a Hardship Waiver.

5 2. The Community Development Director may issue an
6 Advance Deposit Hardship Waiver only if the person requesting the
7 waiver submits a sworn affidavit, together with any supporting
8 documents, demonstrating to the satisfaction of the Director the
9 person's financial inability to deposit with the City the full amount of
10 the fine in advance of the hearing. The Director's decision whether
11 to issue a Hardship Waiver shall be final.

12 **D. Hearing Procedure.**

13 1. The City Manager shall establish procedures for the
14 selection of a hearing officer for the Administrative Citation hearing.
15 Administrative hearing officers shall be selected in a manner that
16 avoids the potential for pecuniary or other bias.

17 2. No hearing to contest an Administrative Citation
18 before a hearing officer shall be held unless and until a timely and
19 complete Request for Hearing form has been submitted, and the
20 fine has been deposited in advance or a Hardship Waiver has been
21 timely requested and approved.

22 3. After receipt of the Request for Hearing form, and fine
23 deposit or Hardship Waiver, a hearing before the hearing officer
24 shall be set for a date that is not less than fifteen (15) and not more
25 than sixty (60) days from the date that the Request for Hearing
26 form is filed in accordance with the provisions of this Section. The
27 person requesting the hearing shall be notified of the time and
28 place set for the hearing by first class mail at least ten (10) days

1 prior to the date of the hearing. The Responsible Person may
2 request one continuance of the hearing, but in no event may the
3 hearing commence later than ninety (90) days after receipt of the
4 Request for Hearing form from the Responsible Person.

5 4. The failure of any recipient of an Administrative
6 Citation to appear at the hearing shall constitute a forfeiture of the
7 fine and a bar to judicial review of the hearing officer decision
8 based upon a failure to exhaust administrative remedies.

9 5. Administrative hearings are informal, and formal rules
10 of evidence and discovery do not apply. The hearing officer shall
11 only consider evidence that is relevant to whether the violation
12 occurred and whether the Responsible Person has caused or
13 maintained a violation of the Culver City Municipal Code on the
14 date(s) specified in the Administrative Citation.

15 6. Each party shall have the opportunity to present
16 evidence in support of that party's case, and to cross-examine
17 witnesses. The City bears the burden of proof at an administrative
18 hearing to establish a violation of the Municipal Code and
19 responsibility therefor by a preponderance of the evidence.

20 7. The Administrative Citation and any additional
21 documents submitted by the issuing Enforcement Officer shall
22 constitute prima facie evidence of the respective facts contained in
23 those documents.

24 8. Upon request, the recipient of an Administrative
25 Citation shall be provided with copies of the citations, reports and
26 other documents submitted or relied upon by the issuing
27 Enforcement Officer when issuing the Administrative Citation. In
28 addition, if the issuing Enforcement Officer submits any additional

1 written reports concerning the Administrative Citation to the hearing
2 officer for consideration at the hearing, then a copy of said
3 documentation shall be served by mail on the recipient of the
4 Administrative Citation.

5 9. The hearing officer may continue the hearing and
6 request additional information from the issuing Enforcement Officer
7 or the recipient of the Administrative Citation prior to issuing a
8 written decision.

9 E. **Hearing Officer's Decision.** After considering all of the
10 testimony and evidence submitted at the hearing, the hearing officer may
11 immediately issue a verbal decision; and a written decision, including
12 notice of the right to an appeal, shall be issued within ten (10) days of the
13 hearing, and served via first class mail. The written decision shall be
14 deemed to be served on the date the decision is deposited with the United
15 States Postal Service. The written decision shall include the reasons for
16 the decision and such decision shall be final. If the hearing officer
17 determines the Administrative Citation should be upheld, then the fine
18 amount on deposit with the City shall be retained by the City. If the
19 hearing officer determines the Administrative Citation should be canceled
20 and the fine was deposited with the City, then the City shall promptly
21 refund the amount of the deposited fine.

22 F. **Collection of Unpaid Fines.** Failure to pay any unpaid
23 administrative fines within twenty (20) days of service of the hearing
24 officer's written decision, or such other time limit set forth in the decision,
25 unless the decision has been challenged by a timely appeal as provided in
26 section 1.02.050, this obligation shall constitute a special assessment
27 and/or lien against the real property on which the violation occurred. The
28 special assessment and/or lien shall be imposed pursuant to the

1 procedure set forth in Section 9.04.060 of this Code. Alternatively, the
2 matter may be referred for collection, which includes but is not limited to
3 the filing of a small claims court action.

4
5 **§1.02.050 RIGHT TO JUDICIAL REVIEW.**

6 Any person who is aggrieved by the decision of the hearing officer
7 may obtain judicial review of such decision by filing an appeal to be heard
8 in the Superior Court for the City's judicial district within twenty (20) days
9 of service of the hearing officer's written decision. Such appeal shall be
10 pursuant to the provisions of California Government Code Section
11 53069.4. The appeal filed with the court shall also contain a proof of
12 service showing a copy of the appeal was served upon the City of Culver
13 City to the attention of the City Clerk. If the court finds in favor of the
14 appellant, the amount of the filing fee, not to exceed \$25.00, as well as
15 any fine deposit, shall be paid to the appellant by the City of Culver City.
16 No other fees or costs shall be paid unless ordered by the court. If the
17 court finds in favor of the City, any unpaid administrative fines shall be
18 paid to the City within twenty (20) days of the court's decision.

19 **SECTION 8:** Pursuant to Section 619 of the City Charter, this
20 Ordinance shall take effect thirty (30) days after its adoption. Pursuant to
21 Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15)
22 days after the adoption, the City Clerk shall cause this Ordinance, or a
23 summary thereof, to be published in the Culver City News and shall post this
24 Ordinance or a summary thereof in at least three (3) places within the City.

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1 **SECTION 9:** City Council hereby declares that, if any provision,
2 section, subsection, paragraph, sentence, phrase or word of this Ordinance is
3 rendered or declared invalid or unconstitutional by any final action in a court
4 of competent jurisdiction or by reason or any preemptive legislation, then the
5 City Council would have independently adopted the remaining provisions,
6 sections, subsections, paragraphs, sentences, phrases, or words of this
7 Ordinance, and as such they shall remain in full force and effect.

8 APPROVED and ADOPTED this _____ day of _____ 2008.

9
10
11 _____
12 ALAN CORLIN, MAYOR
13 City of Culver City, California

14 ATTEST:

15 APPROVED AS TO FORM:

16 _____
17 CHRISTOPHER ARMENTA,
18 City Clerk

19 _____
20 CAROL A. SCHWAB,
21 City Attorney

ATTACHMENT 2



CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT – CODE ENFORCEMENT DIVISION
455 North Rexford Drive
Beverly Hills, CA 90210
TEL: 310.285.1119
FAX: 310.273.0972

ADMINISTRATIVE CITATION

Violation Date: January 1, 2007

Time: A.M.

Case No.: CE

LOCATION

PROPERTY OWNER/RESPONSIBLE PERSON

Municipal Code Violation:

Description:

BY THE ISSUANCE OF THIS ADMINISTRATIVE CITATION YOU ARE HEREBY ORDERED TO IMMEDIATELY CEASE THE COMMISSION OF THE MUNICIPAL CODE VIOLATION LISTED ABOVE

CITATION AMOUNT:

☐ FIRST VIOLATION \$

☐ SECOND VIOLATION \$

☐ THIRD VIOLATION \$

PAYMENT OF THIS FINE SHALL BE MADE WITHIN 20 DAYS OF THE DATE OF THIS ADMINISTRATIVE CITATION.
IMPORTANT – ENCLOSE THE ATTACHED COPY OF THIS CITATION WITH YOUR PAYMENT.

Make all checks, cashier's checks or money orders payable to "CITY OF BEVERLY HILLS" for the total amount due.
You may pay your citation by mail or in person at:

City of Beverly Hills
Community Development Department
455 N. Rexford Drive, Room G10
Beverly Hills, CA 90210

For questions regarding this citation, please call 310-285-1160. The failure of any person to pay the fine within the time specified will result in penalty and interest charges in addition to the fine amount. See the back of this citation for information on late payment charges.

Type of Service ☐ Personal ☐ U.S. Mail ☐ Posting ☐ Publication

Issuing Official: Bart Swanson

Phone: 310-285-1160

Official's Signature:

Issuance Date:

Property Owner/Responsible Person: _____ Date _____

SEE REVERSE SIDE FOR INSTRUCTIONS ON CONTESTING THIS CITATION

17

Administrative Citation You have been issued an Administrative Citation pursuant to Article 3, Chapter 3, of Title of the Beverly Hills Municipal Code. If you continue or repeat the commission of the Municipal Code violation listed on this Administrative Citation, the City may issue to you another citation or pursue any other legal remedy available to the City against you.

Late Payment Charges The amount of the administrative fine being imposed upon you for violation(s) of the Municipal Code is listed on the front of this Administrative Citation. These administrative fines must be paid to the City within twenty (20) days from the date of this Administrative Citation. Any person who fails to pay to the City on or before the due date shall be liable for the payment of the applicable late payment charges as follows: (1) For payments received within 30 days after the due date, a late fee in the amount of 50% of administrative fine due; (2) For payments received more than 30 days after the due date, a late fee in the amount of 50% of administrative fine due, plus an additional 10% of the overdue administrative fine for each month the payment is overdue. The maximum late fee shall be 100% of the overdue administrative fine.

Collection of Administrative Fine The City may collect any past-due administrative fine or late payment charges by use of any available legal means, including the property lien procedure set forth in the Beverly Hills Municipal Code.

Hearing Process Information You have the right to contest this Administrative Citation and request a hearing before a Hearing Officer by completing the Request for Hearing portion below. The request should be accompanied by an advance deposit of the fine or notice that a request for an Advance Deposit Hardship Waiver (which is explained below) has been made. The Request for Hearing must be filed within twenty (20) days of the date of this Administrative Citation and can be mailed or delivered in person to: City of Beverly Hills, Community Development Department, 455 N. Rexford Drive, Room G10, Beverly Hills, California 90210. The City's failure to receive the Request for Hearing and the fine or hardship waiver request within twenty (20) days of the date of this Administrative Citation shall constitute a waiver of the right to a hearing. You will be notified of the date and time set for your hearing. A hearing will not be scheduled unless the full amount of the fine is deposited or the City approves the Advance Deposit Hardship Waiver request. If you fail to appear at your hearing, the hearing will proceed without you and you will have been deemed to waive your right to an administrative hearing. This failure may also result in a forfeiture of your deposit of the Administrative Fine and will constitute a failure to exhaust your administrative remedies. If you have any questions, please call 310-285-1119.

Advance Deposit Hardship Waiver If you intend to request a hearing to contest this violation and are financially unable to make the advance deposit of the fine as required, you may file a request for an Advance Deposit Hardship Waiver by completing the portion below and including the documentation requested. This, along with the documentation, must be filed within twenty (20) days of the date of this Administrative Citation and can be mailed or delivered in person to: City of Beverly Hills, Community Development Department, 455 N. Rexford Drive, Room G-10, Beverly Hills, California 90210. The decision to issue the waiver is made by the Director of Finance. If the Director of Finance determines that the determines that the waiver is not warranted, the person shall remit the full amount of the fine to the City Clerk within ten (10) days of receipt of the Director's written decision. The Director's decision whether to issue a waiver shall be final.

REQUEST FOR ADMINISTRATIVE HEARING

Name _____ Mailing Address _____ Phone Number _____

Briefly state the reason(s) you are contesting the citation (you may attach additional pages) _____

I declare under penalty of perjury under the laws of the State of California that my statement and any additional pages attached are true, correct and complete.

Signature: _____ Date: _____

REQUEST FOR ADVANCE DEPOSIT HARDSHIP WAIVER

I, _____ declare under penalty of perjury under the laws of the State of California that I am financially unable to deposit the administrative fine and hereby request an Advance Hardship Waiver Deposit.

Signature _____ Date _____

Please provide copies of documents verifying sources of income that demonstrate your financial inability to deposit with the City the amount of the fine in advance of the hearing. Documents may include those that evidence your income from all sources including, but not limited to, paycheck stub, social security, retirement, pension, welfare, alimony, child support and unemployment. You may also submit your most recent Federal income Tax return or if a tax return was not filed, a copy of your W-2 form or verification of public assistance. Please also indicate the number of persons you support including yourself (for example, spouse, children and other): _____

ATTACHMENT 3

 City of Banning Code Enforcement Division Administrative Citation		No 0001	
DATE	DAY OF WEEK	TIME	AM PM
LOCATION OF VIOLATION:			
NAME (FIRST, MIDDLE, LAST)		DL or ID	
☐ BUSINESS OWNER ☐ PROPERTY OWNER ☐ TENANT ☐ OTHER			
ADDRESS	CITY	STATE	ZIP
You are being issued an Administrative Citation for the following code provisions(s)			
Count	BMC Sec(s)	Description	
1			
2			
3			
4			
ORDER			
☐ You are ordered to correct or otherwise remedy this/these violation(s). Repeated occurrence or continuation of the violation(s) is prohibited.			
☐ You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ _____			
ADMINISTRATIVE FINE SCHEDULE			
☐ First citation in a 36-month period (same offense) \$100.00 per count Failure to correct the violation and pay the Administrative Fine within 30-days will result in a delinquency penalty.			
☐ Second citation in a 36-month period (same offense) \$200.00 per count Failure to correct the violation and pay the Administrative Fine within 30-days will result in a delinquency penalty.			
☐ Third citation in a 36-month period (same offense) \$500.00 per count Failure to correct the violation and pay the Administrative Fine within 30-days will result in a delinquency penalty.			
IT IS THE DESIRED INTENT OF THE CITY TO ACHIEVE VOLUNTARY COMPLIANCE, HOWEVER, FAILURE TO COMPLY WITH THIS CITATION WILL RESULT IN FURTHER REMEDIAL ACTION INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF FURTHER CITATIONS, ABATEMENT OF THE CONDITIONS OR OTHER LEGAL REMEDIES PERMITTED BY LAW. PLEASE NOTE THAT ALL COSTS ASSOCIATED WITH ANY NECESSARY ACTION MAY BE ASSESSED TO ALL RESPONSIBLE PARTIES			
Name & Signature of Issuing Enforcement Officer		Badge#:	
Signature of Violator		Date of Service	
		Type of Service ☐ Personal ☐ U.S. Mail	
SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION			
WHITE: FILE • YELLOW: PROCESSING • PINK: VIOLATOR			

City of Banning Code Enforcement Division
Administrative Citation

IMPORTANT INFORMATION – PLEASE READ CAREFULLY

You have been issued Administrative Citation for the violation(s) as indicated on the reverse. FURTHER VIOLATIONS MAY RESULT IN CRIMINAL PROSECUTION, ADDITIONAL ADMINISTRATIVE FINES OR OTHER LEGAL REMEDIES PERMITTED BY LAW.

Failure to Answer or Pay Penalty for Violations

Banning Municipal Code provides for the issuance of Administrative Citations for Municipal Code violations. There are four levels of Administrative Citations that can be issued progressively for a violation(s). Fines are cumulative and citations may be issued each day the violation exists. Each and every day a violation exists constitutes a separate and distinct offense and shall be subject to citation.

Failure to pay the penalty or contest the citation within thirty (30) calendar days may result in additional administrative fines, a 10% delinquency penalty and the recordation of a lien or special assessment against the property. In addition, notification may be made to the State of California Franchise Tax Board.

Information regarding the specific Citation and Compliance

For further information regarding the compliance order, or the specific citation, please contact the enforcement officer designated on the reverse. You may also contact the enforcement officer to request an extension of the compliance date, though the Citation Penalty remains due within 30 days.

How to Pay the Fine

The amount of the fine is indicated on the front of the Administrative Citation below the compliance order date. Fines must be paid on or before 30 days from the citation and must be in the form of a cashiers check, money order or personal check payable to the City of Banning. Payment of the fine does not excuse or discharge any responsibility and legal consequences for continuation or repeated occurrences of the violation(s). Write the citation number on the check or money order and mail to:

City of Banning Administrative Citation Program
P.O. Box 998
Banning, Ca. 92220

Payment may also be made in cash at the Code Enforcement front counter at City hall located at 99 E. Ramsey Street, Banning California, 92220

To Appeal this Citation.

Any party receiving an Administrative 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 fifteen (15) calendar days from the date of the Administrative Citation, specifying the basis for the request in detail.

The full Citation Penalty Amount, or notice that a request for an advance hardship waiver has been filed, shall be submitted at the time you file your request for hearing form. Failure to do so shall render the request incomplete. Mail or hand-deliver your request to:

City of Banning Administrative Citation Program
P.O. Box 998
Banning, Ca. 92220

Or

at City Hall located at 99 E. Ramsey Street, Banning California, 92220

ATTACHMENT 4

RESOLUTION NO 2004-R 016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AUTHORIZING BY TITLE CERTAIN CITY OFFICERS AND EMPLOYEES TO ENFORCE AND ISSUE ORDERS TO COMPLY AND/OR CITATIONS FOR CERTAIN VIOLATIONS OF THE CULVER CITY MUNICIPAL CODE AND RESCINDING RESOLUTION NO 95-R 041

WHEREAS Culver City Municipal Code § 1 01 060 (B) requires the City Council of the City of Culver City to specify, by resolution, the title of public officers and employees who have enforcement authority and the specific ordinances they have the duty to enforce, and

WHEREAS, Resolution No 95-R041 was adopted by the City Council on May 22, 1995 to accomplish this task, and

WHEREAS, the Resolution needs updating in that the Municipal Code has been reorganized and renumbered, certain employee titles designated in the Resolution no longer exist, certain Municipal Code provisions listed in the Resolution are no longer enforced by the designated employees, and certain employees have a need to enforce specific provisions of the Municipal Code that are not currently designated and

WHEREAS the City Council of the City of Culver City desires to maintain accurate and consistent enforcement duties

NOW THEREFORE, the City Council of the City of Culver City California DOES HEREBY RESOLVE as follows

1 The City Prosecutor or his/her designee is authorized to enforce all provisions of the Culver City Municipal Code

2 The Legal Operations Manager, Code Enforcement Officers, and Code Enforcement Analyst of the City of Culver City are authorized to enforce and issue Orders

1 to Comply and/or citations in accordance with Culver City Municipal Code Section

2 1 01 060 (B) for violations of the following provisions of the Culver City Municipal Code

3 A Sections 5 01 030, 5 01 035, 5 01 050, 5 01 100, of Chapter
4 5 01 relating to garbage and rubbish and

5 B Sections 9 04 005, et seq and 9 04 400 et seq of Chapter 9 04
6 relating to nuisances and

7 C Sections 9 08 005 through 9 08 040 of Chapter 9 08 relating to
8 streets and sidewalks, and

9 D Sections 11 09 400 et seq , relating to yard sales and

10 E Sections 13 02 005, 13 02 015, 13 02 020 and 13 02 005
11 through 13 02 215, of Chapter 13 02 relating to miscellaneous
12 offenses, and

13 F Chapter 17 01 relating to Zoning

14 3 The Fire Chief Fire Marshal and Fire Prevention Officers of the City of
15 Culver City are authorized to enforce and issue Orders to Comply and/or citations in
16 accordance with Culver City Municipal Code Section 1 01 060 (B) for violations of the
17 following provisions of the Culver City Municipal Code
18

19 A Chapter 9 02 relating to Fire Prevention and

20 B Sections 9 03 100 et seq , and 9 03 300 et seq , of Chapter 9 03
21 relating to hazardous materials and

22 C Chapter 9 09 relating to helicopters and helistops, and

23 D Chapter 15 02 relating to buildings, structures and equipment

24 4 The Sanitation Manager, Sanitation Supervisors and Sanitation
25 Leaders of the City of Culver City are authorized to enforce and issue Orders to Comply
26

1 and/or citations in accordance with Culver City Municipal Code Section 1 01 060 (B) for
2 violations of Chapter 5 01 relating to solid waste management

3 5 The Building Official and Building Inspectors of the City of Culver City
4 are authorized to enforce and issue Orders to Comply and/or citations in accordance with
5 Culver City Municipal Code Section 1 01 060 (B) for violations of the following provisions of
6 the Culver City Municipal Code

7 A Section 9 07 035 of Chapter 9 07 relating to construction hours,
8 and

9 B Chapter 15 02 relating to buildings, structures and equipment
10 and

11 C Chapter 17 01 relating to Zoning

12 6 The Tax Collector Treasury Division Manager and Business
13 Tax Inspectors are authorized to enforce and issue Orders to Comply and/or citations in
14 accordance with Culver City Municipal Code Section 1 01 060 (B) for violations of Chapter
15 11 01 relating to business licensing

16 7 This Resolution shall take effect as of the date of its adoption

17 8 Resolution No 95-R041 is hereby rescinded

18 APPROVED and ADOPTED this 23rd day of February 2004

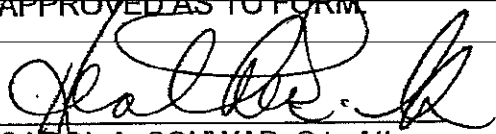
19
20
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23 ALAN CORLIN, MAYOR
City of Culver City, California

24
25 ATTEST

APPROVED AS TO FORM

26 
27 CHRISTOPHER ARMENTA, City Clerk

28 
CAROL A. SCHWAB, City Attorney