

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
Dept: City Manager
Subject: ORDINANCE AMENDING
ADMINISTRATIVE CITATION
PROGRAM

From: Thomas F. Nixon
Dept: City Attorney
Date: April 28, 2009

OBJECTIVE

Amendment of the City's Administrative Citation Program to expand its scope to cover all Municipal Code violations

BACKGROUND

Previously the City Council enacted an administrative citation ordinance addressing the illegal use of fireworks. Subsequently, that ordinance was amended to expand its coverage to include graffiti and vacant property maintenance (foreclosure) violations. During the March 17, 2009 study session, the City Council requested that an ordinance expanding the coverage of the administrative citation program to encompass all Municipal Code violations be brought forward for consideration.

DISCUSSION

Attached for City Council consideration is a proposed ordinance expanding the scope of the City's administrative citation program. The ordinance authorizes issuance of administrative citations and imposition of administrative fines of \$1,000 per violation of Municipal Code provisions, including conditions imposed in conjunction with land use entitlements or permits issued by the City. (Section 1.22.010(a).)

The ordinance is drafted to include state law requirements. The state legislation which authorizes this program mandates that for matters which would be considered infractions instead of misdemeanors if prosecuted criminally, the fines be limited to \$100 for the first violation, \$200 for the second violation and \$500 for each additional violation within a one year period. (Section 1.22.010(f).) Similarly, unless violations of building, plumbing, electrical and other similar structural issues create an immediate danger to health and safety, the City is required to allow the responsible person a reasonable time to correct the violation prior to imposition of a fine. (Section 1.22.010(d).)

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Previously, the City Council established administrative fines for violation of provisions of the graffiti and vacant property maintenance (foreclosure) ordinances at \$300 for a first violation, \$600 for a second violation and \$1,000 for each additional violation within a one year period. These fines are retained in the amended ordinance. (Section 1.22.010(g).)

The proposed ordinance preserves the process for persons cited to challenge the citation through an administrative appeal process and subsequently through the Superior Court. (Sections 1.22.020-050 and 1.22.070) The ordinance further provides for collection procedures if the person cited fails to pay the administrative fine. (Section 1.22.070; 1.22.120)

FINANCIAL IMPACT

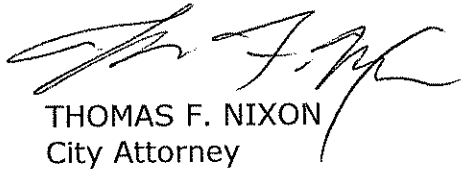
While there will be certain increases in costs relating to the processing of administrative citations and certain increases in revenue associated with payment of administrative fines, these amounts are currently undetermined. The cost increases will likely be offset by a reduction in costs relating to criminal prosecution of code violations.

COMMUNITY VISION IMPLEMENTATION

Expansion of the administrative citation program will help to ensure compliance with Municipal Code requirements.


RECOMMENDATION

It is recommended that, following the reading of the title of the proposed ordinance, the City Council introduce and pass the ordinance to the second reading.



THOMAS F. NIXON
City Attorney

Attachment 1: Proposed Ordinance

Recommended for Approval

Matthew Fertal
City Manager