

Introduced by Councilmember _____

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PASADENA
ESTABLISHING ADMINISTRATIVE PROCEDURES
AND PENALTIES FOR VIOLATIONS OF THE PASADENA
MUNICIPAL CODE AND AMENDING THE PASADENA
MUNICIPAL CODE.**

THE CITY COUNCIL OF THE CITY OF PASADENA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 1.25 of Title I of the Pasadena
Municipal Code is hereby added to read as follows:

"CHAPTER 1.25.

ADMINISTRATIVE PENALTIES -- COMPLIANCE ORDERS.

Sections:

- 1.25.010. Scope.
- 1.25.020. Definitions.
- 1.25.030. Compliance Order.
- 1.25.040. Content of Compliance Order.
- 1.25.050. Procedure for Serving Compliance Order.
- 1.25.060. Compliance Order Satisfied.
- 1.25.070. Failure to Comply -- Administrative Hearing.
- 1.25.080. Notice of Hearing.
- 1.25.090. Request for Continuance of Hearing.
- 1.25.100. Administrative Hearing Officer/Administrative
Hearing Board.
- 1.25.110. Appointment of Administrative Hearing
Officer.
- 1.25.120. Appointment of Administrative Hearing Board.
- 1.25.130. Procedures at Administrative Hearing.
- 1.25.140. Failure to Attend Administrative Hearing.
- 1.25.150. Decision of Administrative Hearing Officer/
Administrative Hearing Board.
- 1.25.170. Administrative Costs.
- 1.25.180. Appeal of Administrative Order.
- 1.25.190. Failure to Comply with Administrative Order.

1.25.010. Scope. This Chapter provides for
administrative penalties for any continuing violation of this
Code. Administrative penalties may be pursued in lieu of any
other legal remedy, criminal or civil, which may be pursued by
the City to address any violation of this Code. The City
Attorney, City Prosecutor, or their assistants, have sole

discretion to determine whether a violation will be prosecuted criminally. If a violation is not criminally prosecuted, the City may proceed with administrative proceedings pursuant to this Chapter.

1.25.020. Definitions. The following words and phrases, when used in the context of this Chapter, shall have the following meanings:

(a) Administrator -- The Neighborhood Services Division Administrator who is charged with the responsibility for enforcement of any provision of the Pasadena Municipal Code that is subject to this Chapter or his or her designee.

(b) 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.

(c) Responsible Person -- Any person whom the Administrator determines is responsible for causing or maintaining a violation of the Code. The term "responsible person" includes but is not limited to a property owner, tenant, person with a Legal Interest in real property, or person in possession of real property.

1.25.030. Compliance Order. Whenever the Administrator determines that there exists a continuing violation of any provision of this Code that is subject to this Chapter, the Administrator may issue or cause to be issued a written Compliance Order to any Responsible Person.

1.25.040. Content of Compliance Order. A Compliance Order shall contain all of the following information:

(a) The date and location of the violation and the approximate time the violation occurred.

(b) The City Code section violated and a description of how the section was violated.

(c) The action required to correct the violation and the date by which such action must be completed. The date for compliance shall not be less than 30 days from the date the Compliance Order is served.

(d) The consequences of failing to correct the violation, including a description of the administrative hearing procedure and appeal process.

(e) The time period after which administrative penalties will begin to accrue if there is no compliance with the order.

(f) The amount of penalty that will be imposed if there is no compliance with the order.

1.25.050. Procedure for Serving Compliance Order. The Administrator may serve, or cause to be served, a Compliance Order, as follows:

(a) If the Responsible Person is a corporation, the Administrator or his or her designee shall attempt to locate any one of the following individuals and issue to that individual a Compliance Order: the president or other head of the corporation, a vice-president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process in a civil action. If the office address of any of the above-listed individuals is known to the City, a copy of the Compliance Order also shall be mailed to one of those individuals by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(b) If the Responsible Person is a business other than a corporation, the Administrator or his or her designee shall attempt to locate the business owner and issue the business owner a Compliance Order. If the Administrator or his or her designee can locate only the manager of the business, the Compliance Order may be issued to the manager of the business. If the address of the business is known, a copy of the Compliance Order also shall be mailed to that address to the attention of the business owner or a Responsible Person. The mailing shall be sent by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(c) The Administrator or his or her designee shall attempt to obtain on the Compliance Order the signature of a Responsible Person, or in cases in which the Responsible Person is a corporation or business, the signature of the person served with the Compliance Order. If a Responsible Person or person served refuses or fails to sign the Compliance Order, the failure or refusal to sign shall not affect the validity of the citation or of subsequent proceedings.

(d) If the Administrator or his or her designee is unable to locate a Responsible Person for the violation, the Compliance Order shall be mailed to the Responsible Person by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(e) If the Administrator or his or her designee does not succeed in serving the Responsible Party personally, or by certified mail or regular mail, the Administrator or his or her designee shall post the Compliance Order on any real property within the City in which the City has knowledge that the Responsible Party has a Legal Interest, and such posting shall be deemed effective service.

(f) If the Administrator or his or her designee does not succeed in serving the Responsible Party personally, by certified mail or regular mail, and the City is not aware that the Responsible Party has a Legal Interest in any real property within the City, the Administrator or his or her designee shall cause the Compliance Order to be published once a week for four successive weeks in a local newspaper published at least once a week.

1.25.060. Compliance Order Satisfied. If the Administrator determines that all violations specified in the Compliance Order have been corrected within the time set forth in the order, no further action shall be taken against the Responsible Person regarding the violation(s).

1.25.070. Failure to Comply -- Administrative Hearing. If the Responsible Person fails to fully comply with the Compliance Order within the time specified therein, the City shall conduct an administrative hearing regarding the violation(s). The Administrator or his or her designee shall cause a written Notice of Hearing to be served on the Responsible Person in the manner applicable pursuant to Section 1.25.050.

1.25.080. Notice of Hearing. The Notice of Hearing shall contain the date, time, and place of the hearing. The hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days after the date the Notice of Hearing is served on the Responsible Person.

1.25.090. Request for Continuance of Hearing. The Responsible Person may request one continuance of the hearing, but in no event may the hearing begin later than ninety (90) days

after service of the Notice of Hearing upon the Responsible Person.

**1.25.100. Administrative Hearing Officer/
Administrative Hearing Board.**

(a) If the Responsible Person receiving the Notice of Hearing is a first-time violator (has not received a previous Compliance Order for the same violation within the last year, which Compliance Order proceeded to administrative hearing and was determined at the hearing, or on appeal, to have been violated), the Administrator or his or her designee shall select an Administrative Hearing Officer pursuant to Section 1.25.110, and the matter shall proceed pursuant to Sections 1.25.130 through 1.25.170.

(b) If the Responsible Person receiving the Notice of Hearing has received a previous Compliance Order for the same violation within the last year, and the previous order was found by an administrative hearing officer, or on appeal, to have been violated, the Administrator or his or her designee shall refer the violation to the Administrative Hearing Board, as that Board is constituted pursuant to Section 1.25.120, to conduct a hearing and the matter shall proceed pursuant to Sections 1.25.130 through 1.25.170.

1.25.110. Appointment of Administrative Hearing Officer. The Administrator shall select an Administrative Hearing Officer. The Administrative Hearing Officer may be, without limitation, a member of the staff of the department which issued the Compliance Order. In no event, however, shall the person who issued the Compliance Order be the Administrative Hearing Officer.

1.25.120. Appointment of Administrative Hearing Board. The Administrator shall appoint a three-member Administrative Hearing Board, consisting of City staff members and/or residents of the City, to serve each calendar year. The Administrative Hearing Board shall conduct hearings as necessary on Compliance Orders issued to Responsible Persons who were issued at least one Compliance Order for the same violation within the last year, and who were subsequently found to have violated the provisions of the Compliance Order.

1.25.130. Procedures at Administrative Hearing. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of his or her case and to cross-examine witnesses. The City bears the burden of proof at an administrative hearing to establish a violation of the City

Code. The Administrative Hearing Officer or Board, whichever the case may be, must use preponderance of evidence as the standard of evidence in deciding the issues.

1.25.140. Failure to Attend Administrative Hearing.

If the Responsible Person fails to attend the scheduled hearing, the hearing will proceed without the Responsible Person, and he or she will be deemed to have waived his or her right to an administrative hearing. Notwithstanding this waiver and the time limits set forth in Section 1.25.080, if service of the Notice of Hearing is made by posting the order on real property within the City in which the Responsible Person has a Legal Interest, and the Responsible Person provides verifiable and substantial evidence that removal of the Notice of Hearing from the property by a third party caused the Responsible Person's failure to attend the scheduled hearing, the Responsible Person shall be entitled to an additional administrative hearing.

**1.25.150. Decision of Administrative Hearing Officer/
Administrative Hearing Board.**

(a) The Administrative Hearing Officer or Board, whichever the case may be, shall issue a written decision entitled "Administrative Order" no later than thirty (30) days after the date on which the administrative hearing concludes. The Administrative Order shall be served upon the Responsible Person by the applicable method set forth in Section 1.25.050. The Administrative Hearing Officer or Board shall make findings within the Administrative Order regarding the existence of the violation(s) specified in the Compliance Order, and regarding whether the Responsible Person took the required corrective action within the time period set forth in the Compliance Order. If the Administrative Hearing Officer or Board concludes that the violation continues to exist, the Administrative Order shall set forth a schedule for correction. If the Administrative Hearing Officer or Board determines that the violation(s) set forth in the Compliance Order did not exist, or that the violation(s) was timely corrected, all proceedings regarding the violation(s) shall immediately cease.

(b) The Administrative Order shall impose administrative penalties as provided in Section 1.25.160, and administrative costs as provided in Section 1.25.170.

(c) The Administrative Order shall become final on the date of service, and shall notify the Responsible Person of his right to appeal as provided in Section 1.25.180. The Administrative Order shall set a deadline for compliance with its terms in the event that the Responsible Person fails to file an appeal.

1.25.160. Administrative Penalties.

(a) The Administrative Hearing Officer or Board shall assess against the Responsible Person an administrative penalty for any violation found to exist, or for any violation which was not timely corrected. The penalty shall be in the amount set forth in the Administrative Citation Schedule established by Resolution of the City Council for the particular violation. Because a new and separate offense occurs under Section 1.24.030 each day during which a violation of any provision or requirement of this Code is committed, the Administrative Hearing Officer or Board may further assess a penalty in the amount set forth in the Administrative Citation Schedule for each day from the date the Compliance Order was issued until the date the violation is corrected as determined by the Administrator or his or her designee. The Administrative Order shall specify the date by which the penalty must be paid.

(b) Administrative penalties assessed by the Administrative Hearing Officer or Board are a debt owed to the City.

(c) If the Responsible Person provides written notice to the Administrator or his or her designee that the violation has been corrected, and if the Administrator or his or her designee finds compliance, the Administrator or his or her designee shall deem the date the written notice was postmarked or personally delivered to the Administrator or his or her designee to be the date the violation was corrected. If, however, a final inspection confirmed compliance before mailing or personal delivery of a written notice, or if no written notice is provided, the date of final inspection shall be deemed to be the date the violation was corrected.

1.25.170. Administrative Costs. The Administrative Hearing Officer or Board shall assess against the Responsible Person administrative costs for any violation found to exist, or for any violation which was not timely corrected. The administrative costs include any and all costs incurred by the City in connection with prosecuting the violation, including but not limited to costs of investigation, staffing costs in preparation for the administrative hearing and for the hearing itself, and costs for all inspections necessary to enforce the Compliance Order and the Administrative Order. The Administrative Order shall specify the date by which the costs must be paid to the City.

1.25.180. Appeal of Administrative Order. Within 20 days after service of the Administrative Order upon the Responsible Person, he or she may seek review of the Administrative Order by filing a notice of appeal with the municipal court. The Responsible Person shall serve upon the

City Clerk either in person or by first class mail a copy of the notice of appeal. If the Responsible Person fails to timely file a notice of appeal, the Administrative Order shall be deemed confirmed.

1.25.190. Failure to Comply with Administrative Order. Failure to comply with an Administrative Order after it becomes final is a misdemeanor. Filing a criminal misdemeanor action does not preclude the City from using any other legal remedy available to gain compliance with the Administrative Order."

SECTION 2. Chapter 1.26 of Title I of the Pasadena Municipal Code is hereby added to read as follows:

**"CHAPTER 1.26.
ADMINISTRATIVE PENALTIES -- CITATIONS.**

Sections:

- 1.26.010. Scope.
- 1.26.020. Definitions.
- 1.26.030. Administrative Citation.
- 1.26.040. Content of Administrative Citation.
- 1.26.050. Procedure for Serving Administrative Citation.
- 1.26.060. Administrative Fine.
- 1.26.070. Payment of Administrative Fine.
- 1.26.080. Request for Administrative Hearing.
- 1.26.090. Advance Hardship Waiver Deposit.
- 1.26.100. Time for Administrative Hearing.
- 1.26.110. Request for Continuance of Hearing.
- 1.26.120. Appointment of Administrative Hearing Officer.
- 1.26.130. Procedures at Administrative Hearing.
- 1.26.140. Failure to Attend Administrative Hearing.
- 1.26.150. Decision of Administrative Hearing Officer.
- 1.26.160. Late Payment Charges.
- 1.26.170. Collection of Administrative Fine.
- 1.26.180. Appeal of Decision of Administrative Hearing Officer.
- 1.26.190. Failure to Pay Administrative Fine.

1.26.010. Scope. This Chapter provides for administrative penalties for any violation of this Code, which penalties may be pursued in lieu of any other legal remedy, criminal or civil, which may be pursued by the City to address any violation of this Code. The City Attorney, City Prosecutor, or their assistants, have sole discretion to determine whether a violation will be prosecuted criminally. If a violation is not

criminally prosecuted, the City may proceed with administrative proceedings pursuant to this Chapter.

1.26.020. Definitions. The following words and phrases, when used in the context of this Chapter, shall have the following meanings:

(a) Enforcement Official -- Any person authorized to enforce the provisions of the Pasadena Municipal Code that is subject to this Chapter.

(b) 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.

(c) Responsible Person -- Any person whom an Enforcement Official determines is responsible for causing or maintaining a violation of the Code. The term "responsible person" includes but is not limited to a property owner, tenant, person with a Legal Interest in real property, or person in possession of real property.

1.26.030. Administrative Citation. Any person violating any section of this Code that is subject to this Chapter may be issued an administrative citation by an Enforcement Official as provided in this Chapter.

1.26.040. Content of Administrative Citation. An administrative citation shall contain all of the following information:

(a) The date and location of the violation and the approximate time the violation occurred.

(b) The Code section violated and a description of how the section was violated.

(c) The amount of the fine imposed for the violation, and the time within which and the place at which the fine shall be paid.

(d) An order prohibiting another occurrence of the Code violation.

(e) A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain a Request for Hearing Form to contest the administrative citation.

(f) The name and signature of the citing Enforcement Official.

1.26.050. Procedure for Serving Administrative Citation. An Enforcement Official may issue an administrative citation, on a form approved by the City Manager, to a Responsible Person, as follows:

(a) If the Responsible Person is a corporation, the Enforcement Official shall attempt to locate any one of the following individuals and issue to that individual an administrative citation: the president or other head of the corporation, a vice-president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process in a civil action. If the office address of any of the above-listed individuals is known to the City, a copy of the administrative citation also shall be mailed to one of those individuals by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(b) If the Responsible Person is a business other than a corporation, the Enforcement Official shall attempt to locate the business owner and issue the business owner an administrative citation. If the Enforcement Official can locate only the manager of the business, the administrative citation may be given to the manager of the business. If the address of the business is known, a copy of the administrative citation also shall be mailed to that address to the attention of the business owner or a Responsible Person. The mailing shall be sent by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(c) The Enforcement Official shall attempt to obtain on the administrative citation the signature of the Responsible Person, or in cases in which the Responsible Person is a corporation or business, the signature of the person served with the administrative citation. If a Responsible Person or person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation or of subsequent proceedings.

(d) If the Enforcement Official is unable to locate a Responsible Person for the violation, the administrative citation shall be mailed to the Responsible Person by certified mail, postage prepaid, return receipt requested. Simultaneously, the

same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(e) If the Enforcement Official does not succeed in serving the Responsible Party personally, or by certified mail or regular mail, the Enforcement Official shall post the administrative citation on any real property within the City in which the City has knowledge that the Responsible Party has a Legal Interest, and such posting shall be deemed effective service.

(f) If the Enforcement Official does not succeed in serving the Responsible Party personally, by certified mail or regular mail, and the City is not aware that the Responsible Party has a Legal Interest in any real property within the City, the Enforcement Official shall cause the administrative citation to be published once a week for four successive weeks in a local newspaper published at least once a week.

1.26.060 Administrative Fine. The fine imposed pursuant to this Article for a particular violation shall be in the amount set forth in the Administrative Citation Schedule established by resolution of the City Council. The Administrative Citation Schedule shall specify the amount of any late payment charges imposed for failure to timely pay the fine.

1.26.070. Payment of Administrative Fine. The administrative fine shall be paid to the City within thirty (30) days from the date of service of the administrative citation. If, after a hearing requested pursuant to Section 1.26.080, the Hearing Officer determines that the administrative citation should be cancelled, the administrative fine shall be refunded in accordance with Section 1.26.150.

1.26.080. Request for Administrative Hearing. Any Responsible Person to whom an administrative citation is issued may contest the citation no later than thirty (30) days from the date of service of the administrative citation by (1) completing a Request for Hearing Form and returning it to the City; and (2) either depositing the administrative fine with the City or providing notice that a request for an Advance Deposit Hardship Waiver has been filed pursuant to Section 1.26.090. A Request for Hearing Form may be obtained from the department specified on the administrative citation. The person requesting the hearing shall be notified by certified mail, return receipt, of the time and place of the hearing at least ten (10) days before the date of the hearing. Any documentation, other than the administrative citation, which the Enforcement Official has submitted or will submit to the Hearing Officer shall be served on the person

requesting the hearing by certified mail, return receipt, at least five (5) days before the date of the hearing.

1.26.090. Advance Hardship Waiver Deposit. Any Responsible Person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine as required in Section 1.26.080 may file a request for an Advance Deposit Hardship Waiver. The request shall be filed with the Department of Finance on an Advance Deposit Hardship Waiver application form, available from the department, no later than thirty (30) days after service of the administrative citation. The Director of Finance may issue an Advance Deposit Hardship Waiver only if the person requesting the waiver submits to the Director a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the Director the person's financial inability to deposit with the City the full amount of the fine in advance of the hearing. The Director of Finance shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver by certified mail return receipt. If the Director of Finance determines that the waiver is not warranted, the person shall remit the full amount of the fine to the City within ten (10) days of receipt of the written decision of the Director of Finance.

1.26.100. Time for Administrative Hearing. Only after a Request for Hearing Form is filed, and the Responsible Person requesting the hearing has either deposited the administrative fine in full or obtained an Advance Deposit Hardship Waiver, shall the City set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen (15) days nor more than (60) days after the Request for Hearing Form is filed, and the administrative fine is deposited with the City or an Advance Deposit Hardship Waiver is issued. The City shall send notice of the date, time, and place of the hearing to the person requesting the hearing by certified mail return receipt at least ten (10) days before the date of the hearing.

1.26.110. Request for Continuance of Hearing. The Responsible Person requesting a hearing may request one continuance, but in no event may the hearing begin later than ninety (90) days after the Request for Hearing Form is filed, and the administrative fine is deposited with the City or an Advance Deposit Hardship Waiver is issued.

1.26.120. Appointment of Administrative Hearing Officer. The Planning and Permitting Department Director or his or her designee, shall select an Administrative Hearing Officer.

The Administrative Hearing Officer may be, without limitation, a member of the staff of the department through which the administrative citation was issued. In no event, however, shall the Enforcement Official who issued the administrative citation be the Administrative Hearing Officer.

1.26.130. Procedures at Administrative Hearing.

Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of his or her case and to cross-examine witnesses. The City bears the burden of proof at an administrative hearing to establish a violation of the City Code. The administrative citation and any additional reports submitted by the Enforcement Official shall constitute prima facie evidence of the facts contained in those documents. The Administrative Hearing Officer must use preponderance of evidence as the standard of evidence in deciding the issues.

1.26.140. Failure to Attend Administrative Hearing.

If the Responsible Person fails to attend the scheduled hearing, the hearing will proceed without the Responsible Person, and he or she will be deemed to have waived his or her right to an administrative hearing. Notwithstanding this waiver and the time limits set forth in Section 1.26.100, if service of the administrative citation is made by posting the citation on real property within the City in which the Responsible Person has a Legal Interest, and the Responsible Person provides verifiable and substantial evidence that removal of the administrative citation from the property by a third party caused the Responsible Person's failure to attend the scheduled hearing, the Responsible Person shall be entitled to an administrative hearing.

1.26.150. Decision of Administrative Hearing Officer.

No later than thirty (30) days after the date on which the administrative hearing concludes, the Administrative Hearing Officer shall issue a written decision to uphold or cancel the administrative citation. The Administrative Hearing Officer shall set forth the reasons for the decision. The decision shall be served upon the Responsible Person by the applicable method set forth in Section 1.26.050. If the Administrative Hearing Officer upholds the administrative citation, the City shall retain the fine deposited by the Responsible Person. If the Administrative Hearing Officer upholds the administrative citation and the fine has not been deposited pursuant to an Advance Deposit Hardship Waiver, the Administrative Hearing Officer shall specify in the decision a payment schedule for the fine. If the Administrative Hearing Officer cancels the administrative citation, any fine deposited with the City shall be promptly refunded, together with interest at the average rate earned on the City's portfolio for the period of time that the

City held the fine. The Administrative Hearing Officer's written decision is final, and shall notify the Responsible Person of his right to appeal as provided in Section 1.26.180.

1.26.160. Late Payment Charges. Any person who fails to pay to the City on or before the due date any administrative fine imposed pursuant to the provisions of this Chapter, shall be liable for the payment of any applicable late payment charges set forth in the Administrative Citation Schedule established by Resolution of the City Council.

1.26.170. Collection of Administrative Fine. The City may collect any past-due administrative fine or late payment charges by use of any available legal means.

1.26.180. Appeal of Decision of Administrative Hearing Officer. Within 20 days after service of the decision of the Administrative Hearing Officer upon the Responsible Person, he or she may seek review of the decision by filing a notice of appeal with the municipal court. The Responsible Person shall serve upon the City Clerk either in person or by first class mail a copy of the notice of appeal. If the Responsible Person fails to timely file a notice of appeal, the Administrative Hearing Officer's decision shall be deemed confirmed.

1.26.190. Failure to Pay Administrative Fine. Failure to pay an administrative fine is a misdemeanor. Filing a criminal misdemeanor action does not preclude the City from using any other legal remedy available to gain compliance with the Administrative Order."

SECTION 3. Section 1.24.010 of Chapter 1.24 of Title 1 of the Pasadena Municipal Code is hereby amended to read as follows:

"1.24.010. Misdemeanors, Infractions, and Administrative Penalties.

A. No person shall violate or fail to comply with any provision or requirement of this Code. Any person who violates or fails to comply with any provision or requirement of this Code shall be guilty of a misdemeanor, unless (1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or (2) such a violation or failure is prosecuted as a civil administrative action pursuant to Chapter 1.25 or Chapter 1.26 of this Title.

B. Any violation of any provision of this Code may be prosecuted as a misdemeanor, as an infraction, or as a civil administrative action in the discretion of the City Attorney or City Prosecutor, or their assistants."

SECTION 4. Section 10.40.200 (mobile food vending) of Chapter 10.40 of Title 10 of the Pasadena Municipal Code is hereby amended by adding the following to the end of the section to read as follows:

"Violation of this section may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 5. Section 14.04.030 (building and related uniform codes) of Chapter 14.04 of Title 14 of the Pasadena Municipal Code is hereby amended by adding the following to the end of the section:

"In addition to the above penalty provisions, violation of any of the provisions of this chapter may be subject to the administrative proceedings set forth in Chapter 1.25 of this Code."

SECTION 6. Section 14.16.150 (certificate of occupancy) of Chapter 14.16 of Title 14 of the Pasadena Municipal Code is hereby amended in its entirety to read as follows:

"A. Any person who violates any provision of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1000.00 or by imprisonment in jail for a period not exceeding 6 months, or by both such fine and imprisonment.

B. In addition to the penalty provisions in paragraph A above, violation of Section 14.16.030 may be subject to the administrative proceedings set forth in Chapters 1.25 or 1.26 of this Code."

SECTION 7. Section 14.50.070 is hereby added to Chapter 14.50 (property maintenance and nuisance abatement) of Title 14 of the Pasadena Municipal Code to read as follows:

Section 14.50.070. Administrative Penalty

"In addition to the abatement proceedings set forth in Section 14.50.060, violation of Sections 14.50.040(1), 14.50.040(2), 14.50.040(3), 14.50.040(4), 14.50.040(5), 14.50.040(6), 14.50.040(8), 14.50.040(12), 14.50.040(15), 14.50.040(16), 14.50.040(20), 14.50.040(23), 14.50.040(24), and

14.50.040(30) may be subject to the administrative proceedings set forth in Chapter 1.25 and Chapter 1.26 of this Code."

SECTION 8. Section 14.70.130 of Chapter 14.70 (vacant building and vacant lot maintenance and registration) of Title 14 of the Pasadena Municipal Code is hereby amended by adding the following to the end of the section to read as follows:

"Violation of this section may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 9. Section 17.33.080(P) (signs) of Chapter 17.33 of Title 17 of the Pasadena Municipal Code is hereby amended by adding a new subparagraph "16" to read as follows:

"C. Violation of this section may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 10. Section 17.64.220 (outdoor facilities and storage) of Chapter 17.64 of Title 17 of the Pasadena Municipal Code is hereby amended by adding a new paragraph "D" to read as follows:

"D. Any person who violates any provision of this section may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 11. Section 17.68.190 (design standards for parking lots and structures) of Chapter 17.68 of Title 17 of the Pasadena Municipal Code is hereby amended by adding a new paragraph "C" to read as follows:

"C. Violation of this section may be subject to the administrative proceedings set forth in Chapter 1.25 of this Code."

SECTION 12. Section 17.72.110 is hereby added to Chapter 17.72 (sign regulations) of Title 17 of the Pasadena Municipal Code to read as follows:

"17.72.110 Violation-Penalty

Violation of Sections 17.72.060.C., 17.72.060.D., 17.72.060.E., 17.72.060.F. and 17.72.060.G. may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 13. Section 17.108.080 of Chapter 17.108 (zoning) of Title 17 of the Pasadena Municipal Code is hereby amended by adding a new paragraph "C" to read as follows:

"C. In addition to the penalty provisions in paragraphs A and B above, violation of Sections 17.108.040 and 17.108.050 may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 14. Section 17.108.090 of Chapter 17.108 (zoning) of Title 17 of the Pasadena Municipal Code is hereby amended by adding the following to the end of the section to read as follows:

"In addition to or in lieu of prosecuting a criminal action or abatement action hereunder, violation of this section may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 15. Section 9.44.070 (unsolicited written material) of Chapter 9.44 of Title 9 of the Pasadena Municipal Code is hereby amended to read as follows:

"9.44.070 Violation--Penalty

Violation of any of the provisions of this chapter is subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this Code."

SECTION 16. This ordinance shall take effect 30 days after publication.

Signed and approved this _____ day of _____, 1998.

Chris Holden
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 1998, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:



Michele Beal Bagnieris
City Attorney