

ORDINANCE NO. 2828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 1, CHAPTER 22 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND MAKING CERTAIN RELATED FINDINGS

City Attorney Summary

This Ordinance modifies the provisions of the Garden Grove Municipal Code relating to Administrative Citations by extending the timeframes provided to appeal an Administrative Citation, to request an Advance Deposit Hardship Waiver, and to pay administrative fines.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City Council wishes to amend the existing Garden Grove Municipal Code provisions pertaining to appeals of Administrative Citations, Advance Deposit Hardship Waivers, and the payment and collection of fines; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines, Title 14 California Code of Regulations Sections 15000, *et seq.* because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and because it can be seen with certainty that there is no possibility that the adoption of the Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ORDAINS AS FOLLOWS:

1. Amendment of Section 1.22.030. Subsections (A) and (D)(1) of Section 1.22.030 of Chapter 22 of Title 1 of the Garden Grove Municipal Code are hereby amended to read in their entirety as follows (new text in bold/italic; deleted text in strikeout):

"SECTION 1.22.030: Appeal of Administrative Citation

- A. Any recipient of an Administrative Citation may contest that there was a violation of the Garden Grove Municipal Code, or that he is the responsible person, or may contend that the amount of the fine is disproportionate in light of mitigating factors, by completing a Request for Hearing form, together with an advance deposit of the fine, and returning both to the Finance Department within **thirty (30) calendar days** ~~fifteen (15) days~~ from (1) service of the Administrative Citation, if personally served, or (2) the date of the Administrative Citation if served by mail. Any Administrative Citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the

Administrative Citation was not responsible for the violation(s), or that there was no violation(s) as alleged in the Administrative Citation or any amendments thereto. The Hearing Officer may reduce the fine amount if the Hearing Officer finds, based on the totality of the circumstances, the fine is clearly disproportionate to the violation in light of mitigating factors. Any Administrative Citation fine that has been deposited shall be reduced, and the difference refunded, if it is determined, after a hearing, that the amount of the fine is clearly disproportionate to the violation in light of mitigating factors.

D. Waiver of Advance Deposit of Fine.

1. A recipient of an Administrative Citation who is financially unable to deposit the Administrative Fine with his request for a hearing may complete a City-approved application form for an advance deposit hardship waiver (hereafter the "hardship waiver"). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the Finance Department within **thirty (30) calendar days from (1) service of the Administrative Citation, if personally served, or (2) the date of the Administrative Citation if served by mail.** ~~fifteen (15) calendar days from the issuance date of a citation.~~ "

2. Amendment of Section 1.22.070. Subsections (A) and (G) of Section 1.22.070 of Chapter 22 of Title 1 of the Garden Grove Municipal Code are hereby amended to read in their entirety as follows (new text in bold/italic; deleted text in strikeout):

"SECTION 1.22.070: Failure to Pay and Collection of Fines

- A. In the absence of a timely appeal, the due date for the City's receipt of an Administrative Fine shall be **forty-five (45)** ~~thirty (30)~~ calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.
- G. If, pursuant to Subsection 1.22.030(D), a Hardship Waiver is granted and the fine is not deposited prior to the appeal hearing, the fine shall be due and payable in full **forty-five (45)** ~~thirty (30)~~ **calendar** days following the Hearing Officer's mailing of the written decision if the citation is upheld, unless review is timely sought pursuant to Section 1.22.080. The failure of any person to pay the Administrative Fine assessed by an Administrative Citation within the time specified on the citation or otherwise required by this Chapter may result in the matter being referred to the Finance Department to file a claim in Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the past due Administrative Fines and related costs."

3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each other section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

4. City Clerk Certification and Publication. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on April 9, 2013, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, JONES, NGUYEN, PHAN, BROADWATER
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE