

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: September 26, 2011

CF 10-0085

TO: Honorable Members,
Budget & Finance Committee

FROM: Gerry F. Miller *KFM*
Chief Legislative Analyst

ADMINISTRATIVE CODE ENFORCEMENT (ACE) PILOT PROGRAM

SUMMARY

To assist the Budget & Finance Committee with its deliberations on a proposed Administrative Citation Enforcement (ACE) program, the CLA reviewed the latest draft ordinance dated June 27, 2011 to determine if it fulfills the Committee's instructions of April 11, 2011. Based on our review, a series of amendments (detailed below) are necessary to modify the draft so that it (1) clarifies that the intent of the program is to improve code enforcement, not to generate revenue; (2) is initiated as a pilot program, with Council approval of the participating departments; (3) clearly details the definition of Enforcement Officer and Administrative Hearing Officer; (4) treats funding in the new Code Compliance Fund as a budget allocation subject to Council and Mayoral approval; (5) allows the City Attorney to convert pending criminal cases into Administrative Citations; (6) ensure that all ACE hearings will be administered by the City Attorney's office; and (7) initially require bi-monthly reports from the City Attorney regarding the progress and workload of this new program.

BACKGROUND

On January 15, 2010, Motion (Koretz-Parks) was introduced proposing to create a more efficient and effective code enforcement program through the use of administrative citations, as an alternative to legal action. Council approved Motion (Koretz-Parks) on February 9, 2010, which included instructions to the City Attorney to prepare the necessary ordinances to implement an administrative citation program.

On July 27, 2010, the City Attorney submitted a draft ordinance that would create the Administrative Citation Enforcement (ACE) program. The Budget & Finance Committee took public testimony on this proposal on August 16, 2010. Committee members raised concerns and questions with that draft of the ordinance, including concerns regarding the potential impact on departmental workload from the new program. The Committee asked the CAO to report with an analysis of those issues.

The Budget & Finance Committee held a subsequent hearing on this proposal on April 11, 2011, at which time the CAO's report was considered. At this meeting, Committee members expressed support for the concept of an administrative citation enforcement program, as an alternate code enforcement strategy, but continued to express concerns regarding some of the provisions in the draft ordinance. Committee members determined that it would be prudent to begin the program on a pilot basis, implemented in selected City departments as approved by the Council, with any future expansion of the program requiring Council approval. The Committee also asked the City Attorney to revise the draft ordinance to:

1. Identify the specific departments, and related code sections, that will be part of this ACE Program. The Committee clarified that the Council would select which of the proposed departments - and possibly which Municipal Code Sections - would be part of the initial pilot phase of the ACE Program.
2. Clarify that the new Code Compliance Fund will be under the control of the City Council and the Mayor in the same manner as any other budget actions, without restrictions or other requirements on the funding.
3. Clarify that all ACE administrative hearings should be administered by the City Attorney.
4. Grant the City Attorney the explicit authority to convert "10,000 cases" currently on file as misdemeanor cases to Administrative Citation cases.
5. More clearly express that the legislative intent of this program is to 'solve' code enforcement issues, not to raise revenue.

In response to these April 2011 instructions from the Committee, the City Attorney drafted a revised ordinance which was submitted on June 27, 2011. Based on our review of that draft, changes are necessary to implement the instructions of the Budget & Finance Committee.

CLA ANALYSIS AND RECOMMENDATIONS

In general, the June 27, 2011 draft of the proposed ACE Program is consistent with the intent of the Council Motion (Koretz-Parks), and the Budget & Finance Committee, with some notable exceptions as follows:

1. Departments and Municipal Code Sections in the Initial Pilot (page 2, subsection 11.2.01(f)): The Budget & Finance Committee expressed concern about which City departments would be authorized to use this new Administrative Citation program, and what Municipal Code sections would be enforced, and instructed the City Attorney to revise the draft ordinance to specify participating departments and relevant code sections. The consensus of the Committee was that the LAPD, Housing Department, and portions of the Animal Services Department would be the first participants in the pilot program.

The City Attorney's language in Section 11.2.01(f) of the June 27, 2011 draft broadly describes the departments they envision would participate in this program, but does not provide the detail as requested by the Committee.

Recommendation #1:

Instruct the City Attorney to revise the draft ordinance to specify that the LAPD, Housing Department, and the licensing program in the Animal Services Department will be the first three participating entities in the ACE pilot program, and that any future expansion of the pilot must be approved by the City Council. Instruct the City Attorney to memorialize the violations to be targeted by placing on the Council File a comprehensive list of the Municipal Code Sections for which ACE citations may be issued in the pilot phase, and subject to change as approved by the Council (see Attachment 1).

2. Definition of Administrative Hearing Officer: The June 27, 2011 draft ordinance does not define "Administrative Hearing Officer." The City Attorney has indicated on multiple occasions that it is their intent to request retired judges, and other non-City Attorney judicial personnel to function as Administrative Hearing Officers to consider appeals of the City's administrative citations. Since the proposed ordinance would grant these individuals extensive authority regarding the City's code enforcement program, including 'subpoena' authority, it is critical that an accurate definition of Administrative Hearing Officer be included in the ordinance.

Recommendation #2:

Instruct the City Attorney to draft a definition of Administrative Hearing Officer to clarify which independent neutral parties will be serving in this role.

3. Definition of Enforcement Officer (page 3): The current draft includes the City Attorney's inspectors in the definition of Enforcement Officer. As drafted, the language would give Enforcement Officers, including City Attorney inspectors, the authority to issue Administrative Citations for code violations that they witness (page 4, subsection 11.2.03(a)). During the pilot phase of this program, expansion of City Attorney inspectors' authority to cite in the same manner as specialty inspectors is not recommended.

Recommendation #3:

Instruct the City Attorney to remove City Attorney inspectors from the definition of Enforcement Officer. Approval of this change would still give City departments responsible for enforcing the Municipal Code an alternative to their current enforcement methods.

4. Code Compliance Fund (page 16, Section 5.121.11): As requested by the Committee, the draft ordinance places the new Code Compliance Fund under the control of the Council and Mayor, in the same manner as any other budget actions. However, the City Attorney

included additional language that restricts use of the Fund to certain expenditures, including guaranteed reimbursement of departments' cost. Given the myriad of methods currently used to reimburse City departments, it is appropriate that departments' costs for this program be handled in the same manner as all other budget requests to allow the City the greatest flexibility to identify the appropriate funding for those expenses. Creation of the Fund is recommended, however, to track revenue and expenses specifically associated with this new program.

Recommendation #4:

Instruct the City Attorney to remove all language from the draft ordinance that restricts use of revenues in the Code Compliance Fund, to ensure that the Council and Mayor have full control over use of the Fund in the same manner as all other budgetary actions.

5. Conversion of misdemeanor cases to ACE cases: The Committee requested that the City Attorney include specific language that authorizes the City Attorney to convert existing misdemeanor cases to Administrative Citations. Subsequent to the April 11, 2011 Committee hearing, the City Attorney clarified that they already have this authority, so no amendment is needed.

Recommendation #5: No recommendation.

6. Clarifying the intent of the program (pages 1 and 2, Sections 11.2.01(a)-(d)): While the current draft ordinance generally describes the intent of the new ACE Program as an "alternative method of [code] enforcement," the Committee asked that language be added to the preamble to clarify that this new program is intended to 'solve problems' not to 'generate revenue.'

Recommendation #6:

The following is suggested 'intent' language, modeled after the City of Hayward's administrative citation program, for possible inclusion in the preamble to the draft ordinance.

"The City Council hereby finds and determines that enforcement of the City of Los Angeles Municipal Code, other ordinances adopted by the City, and conditions on entitlements, permits, orders, or environmental documents are matters of local concern and serve important public purposes. Consistent with its powers as a Charter City, the City of Los Angeles adopts this Administrative Citation Enforcement (ACE) Program to achieve the following goals:

- "(1) To protect the public health, safety, and welfare of the citizens of the City of Los Angeles;
- "(2) To gain compliance with the Municipal Code and State Codes, Ordinances, and regulations in a timely and efficient manner through an alternative

enforcement mechanism;

“(3) To provide an administrative process that openly and fairly allows for the appeal of Administrative Citations and fines imposed;

“(4) To offer a more streamlined method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code, other ordinances adopted by the City, and conditions on entitlements, permits, orders, or environmental documents; and

“(5) To minimize the expense and delay of code enforcement where the sole remedy currently is to pursue responsible parties in the civil or criminal justice system.”

7. Status reporting during the pilot phase: The Committee requested frequent status reports during the initial phases of the ACE pilot program, to determine how the program is working, what impact it has on department and City Attorney workload, and to clarify the cost/benefit of this program. Once the program is fully established, the Council may wish to reduce the frequency of these reports.

Recommendation #7:

Instruct the City Attorney to report to the City Council on a bi-monthly basis detailing the status of the new Administrative Citation Enforcement Program, the caseload of ACE citations, staffing levels, and cost and revenue details.

8. Collection of ACE fines: One of the issues raised in our discussions with the City Attorney and City staff is that, to date, no City department has been designated as the lead agency to bill or collect the fines levied through ACE citations. As has been described in recent “accounts receivable” discussions, the collection of revenue owed to the City can be a complex and convoluted process requiring expertise and extensive staff effort. Currently, some departments (e.g., Building & Safety, Housing, etc.) have in place collection processes for their respective fees and fines. Others, such as the LAPD, collect only certain categories of fees and fines. It is critical to the success of this program that responsibility for ACE billings and collections be clearly defined prior to the initiation of the pilot program, and that existing collection mechanisms be used, where possible, to reduce costs and minimize redundancies in the collection process.

Recommendation #8:

Instruct the CAO and CLA to review with the Office of Finance options for billing and collection of ACE Program fees and fines, and report to the Council with recommendations prior to the initiation of the ACE pilot program.

9. Fine and penalty levels (pages 4-6): Committee members expressed concern regarding the level of the proposed fines in the new ACE Program, with some fines set at \$64K per day. Questions were raised regarding the consistency of these fines with existing law. As currently drafted, the ordinance sets certain penalties for building-related violations and for sign regulations. For violations designated as infractions, California Government

Code Section 36900 limits would apply (\$100/first offense, \$200/second offense, \$500/each additional violation within one year). For all other Administrative Citations not otherwise specified, the limits would be \$250/first violation, \$500/second violation, and \$1,000/for each subsequent violation.

Recommendation #9:

Instruct the City Attorney to include language in the ordinance that limits ACE fines and penalties to levels already established in existing law, in situations where this is the case. Further request the City Attorney to review the proposed fine and penalty schedule for all other ACE violations to ensure that the proposed levels are not onerous.

10. Policies and procedures (pages 9-10, subsection 11.2.09(a)): The proposed ordinance would grant the City Attorney the authority to “develop written policies and procedures for the hearing and appeals process [and]...for the selection and appointment of one or more independent Administrative Hearing Officers.”

Recommendation #10:

Instruct the City Attorney to submit to the Council for approval a final draft of the proposed policies and procedures for ACE hearings and appeals, and for selection and appointment of Administrative Hearing Officers before beginning the pilot phase of this new program.

11. Existing Hearings and Hearing Officers: The Budget & Finance Chair asked if there are existing hearing processes that can be used in place of the ACE Program hearing. Many City departments have both formal and informal hearings to address enforcement issues. Currently, the Department of Building & Safety, Housing Department, and the Department of Transportation (LADOT) have well-established hearing processes to handle appeal of notices to comply issued by the respective departments’ enforcement officers. In LADOT, for example, a three-level review is available to anyone challenging a parking citation. The initial review is conducted by written declaration. A formal hearing before a Hearing Examiner may be requested, where witnesses and evidence can be presented. Lastly, a citation may be challenged in court. It is advisable that, where possible, the existing hearing mechanisms be used to considered ACE citations to reduce program costs and minimize redundancy in the hearing process.

Recommendation #11:

Request that the CAO and CLA identify existing hearing processes used by City departments with regard to code enforcement to determine which would be valid forums for considering Administrative Citations issued under the ACE Program.

12. Options following Initial Review (page 8, subsection 11.2.08(a)(1): As currently drafted, the proposed ordinance describes “available remedies” that the City Attorney may use with regard to cases for which an Administrative Citation has been issued, including

criminal filings, civil actions, and injunctive relief. However, it is unclear from the current language in Subsections (A) and (B) whether or not a City Attorney conducting the Initial Review can confirm that an Administrative Violation occurred, but that one of the “available remedies” is the more appropriate method of enforcement. As currently written, the Initial Review appears to only allow dismissal of the Administrative Citation, or proceeding with the ACE citation process.

Recommendation #12:

Request that the City Attorney add a Subsection “C” to Section 11.2.08 (a)(1) to clarify that, following Initial Review, the City Attorney may confirm an Administrative Violation and choose to pursue the matter through another available remedy.

13. Financial hardship certification (page 9, subsection 11.2.08(a)(2)(A)): For individuals claiming financial hardship who earned less than 50% of the median Los Angeles income, those individuals must sign a declaration under penalty of perjury and must have their signature notarized.

Recommendation #13:

Delete the language requiring financial hardship declarations to be notarized, to eliminate this expense and inasmuch as signing such a document under penalty of perjury is sufficient, and is the current practice with other City departments (e.g., traffic citations).

14. Authority to subpoena witnesses, documents, and other evidence (page 11, subsection 11.2.09(b)(6)): The draft ordinance states the following:
“The Administrative Hearing Officer, at the request of a Responsible Party or of the Issuing Department, may subpoena witnesses, documents, and other evidence in accordance with the policies and procedures established by the City Attorney.”

Questions have been raised regarding the extent of this authority, the legal basis, and whether it is necessary for the purpose of Administrative Citations. According to the City Attorney, the legal basis for authorizing Administrative Hearing Officers to issue subpoenas is in California statutes (Government Code Section 11450.20, et seq, and Code of Civil Procedures Sections 1985-1988). Los Angeles City Charter Sections 217(b) and (d) also detail the authorized use of subpoenas by City officers and departments. The City Clerk issues subpoenas on behalf of the Mayor, Controller, Treasurer, and Council, as well as the Civil Service Commission, LAPD and LAFD (related to Board of Rights hearings).

It is unclear the nature and extent of subpoenas that will be authorized under this new ACE Program, given that the draft ordinance states that the City Attorney will subsequently develop the policies and procedures for its use. The City of San Diego program explicitly grants subpoena authority to its hearing officers in its enacting

ordinance. However, the Administrative Citation programs in San Diego County, San Mateo, San Jose, Long Beach, and Fresno do not. Instead, in those cities, the enacting ordinance states that the Hearing Officer may "continue" the hearing and "request" additional information from the involved parties.

Recommendation #14:

Instruct the City Attorney to eliminate from the draft ordinance the authority for Administrative Hearing Officers to issue subpoenas, inasmuch as existing law (California Government Code and Los Angeles City Charter) currently governs this authority and there is no need to expand this authority during the pilot phase of this new ACE Program.



Roy R. Morales
Analyst

GFM:SMT:KEK:rrm

Attachments:

- "ACE Proposed Pilot LAMC Sections"
- Proposed ACE ordinance, dated June 27, 2011

ACE: Proposed Pilot LAMC sections

LAPD:

112.01: (A/B) Excessive Noise (Loud parties)
41.18: Loitering
41.22: Loitering LA River
41.23: Trespass on HACLA property
41.24: Trespass on private property
41.27: Open container/drinking in public
41.40: Excessive construction noise (hours prohibited)
41.46: Failure to keep sidewalks clean
41.49: Failure to maintain hotel registry
41.50: Smoking violations
41.57: Loud & raucous noise
42.00: Illegal vending
42.15: Vending on Venice Beach
43.01: Gambling
44.0: Solicitation without information card
46.91: Tobacco permit violation
47.11: Unlawful display of aerosol paint/markers
47.15: Spectator at speed contest
53.55: Dogs on beach
57.25.14: Smoking in high fire area
57.55.01: Possession/Use of fireworks
64.70: Pollutant discharge
66.04: Deposit of garbage on street
66.28: Tampering with refuse
80.71.3: Parking in req'd front yard
80.74: Illegal carwash on street
85.02: Use of street for habitation
85.07: Illegal skating/cycling
103.202: Operating parking lot without permits
112.02: Amplified sound
112.04: Powered equipment in residential areas (hours prohibited)/Gas powered leaf blowers

112.06: Amplified sound

114.03: Loading/unloading vehicles (hours prohibited)

114.04: Loud airhorns

116.01: Loud & unusual noise

LADBS

12.21A7: Sign violations

14.4.10: Sign violations (other than billboards & supergraphics)

80.71.3: Parking in req'd front yard

91.103.1: Illegal procurement of building permit

91.103.3: Violation of Order

91.103.4: False statement to LADBS

91.106.1: Construction without permit

91.6201: Sign regs

91.8903: Violations related to vacant buildings

91.8904: Violations related to maintenance of vacant building

98.0706: Vacant Building Ordinance

12.21: Illegal use of land (assorted)

12.21A7: Illegal auto repair

12.21A8: Illegal storage

12.22A13: Filming without permits

12.2613: Illegal auto repair garage

12.29: Violation of CUP

LAX

171.02: LAX permit violation

171.07: Misc LAX violations

Animal Services

53.06: Animals at large (off leash) on public property
53.15: License violation
53.28: harboring unlicensed dogs
53.34: Animal at large
53.43: Feeding pigeons in restricted areas
53.49: Failing to remove dog defecation
53.55: Dogs on beach

Recs & Parks

63.44: Various violations re: animals, curfew, noise, vending, weapons, vandalism, etc....

LAHD

12.21: Zoning/use violations
12.21: Illegal use of land (assorted)
12.21A7 Illegal auto repair
12.21A8 Illegal storage
151.00 et seq.: RSO violations
80.71.3: Parking in req'd front yard
91.8102.1: Failure to maintain premise by owner
91.8102.2: Failure to maintain premise by tenant
91.8104.1 thru .15: Failure to maintain
92.8105: Illegal use/construction (minor violations only, some require time to correct)
91.8902.1 thru .14: (specific violations of building code)

Street Use

41.46 Failure to keep sidewalks clean
80.73.2: Storage of vehicles on street
80.74: Illegal carwash on street
85.01: Vehicle repairs on street
85.02: Use of street for habitation

Public Works

62.132: Street banners without permit
62.136: Overloads without permit
62.160: Illegal street tree planting
62.49: Failure to clean construction materials from street
62.51: Construction materials restrictions
62.96: Painting curb numbers without permit

Dept of Transportation

71.02 Taxi without permit
71.16 No taxi decal/Unauthorized decal

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 1 - 0 2 4 6

JUN 27 2011

REPORT RE:

**REVISED DRAFT ORDINANCE TO ESTABLISH AN
ADMINISTRATIVE CITATION ENFORCEMENT PROGRAM BY AMENDING SECTION
11.00 OF, AND ADDING ARTICLE 1.2 TO, THE LOS ANGELES MUNICIPAL CODE,
AND ADDING ARTICLE 11 TO CHAPTER 6 OF DIVISION 5 OF THE LOS ANGELES
ADMINISTRATIVE CODE TO ESTABLISH A SPECIAL FUND TITLED THE
CODE COMPLIANCE FUND**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council Files Nos. 10-0085 and 10-0600

Honorable Members:

Pursuant to your requests as reflected in the referenced Council Files, this Office previously transmitted for your consideration a draft ordinance to establish an Administrative Citation Enforcement Program. (See City Attorney Report No. 10-0264 dated July 30, 2010.) During its consideration of that draft ordinance, your Honorable Budget and Finance Committee requested that a number of revisions be made to it. In accordance with that request, we transmit a revised draft ordinance, approved as to form and legality, that incorporates those revisions. The draft addresses points raised about the phasing of the implementation of the Program, clarifies control by the Council of the monies in the proposed Code Compliance Fund, and makes clear that the primary purpose of the Council in adopting this Program is to protect public safety and provide fair

and affective administration of justice. In addition, the draft contains several technical and formatting changes. Our prior report contains detailed discussions of the background of the proposal for the ordinance, the sufficiency of the existing Code enforcement system, and details of the proposed ordinance.

CEQA Determination

Regarding a finding to satisfy the requirements of the California Environmental Quality Act (CEQA), we believe that adoption of this ordinance is an exempt action under State CEQA Guidelines sections 15060(c)(2) and (3) and City CEQA Guidelines Article II, Section 1 (General Exemption) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If you concur, you should adopt this finding prior to or concurrent with taking action on the ordinance.

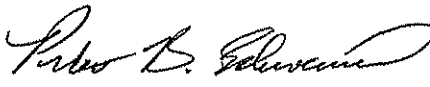
RULE 38 Compliance

Pursuant to Council Rule 38, we have transmitted copies of this report and draft ordinance to the affected departments and requested that they provide any comments they have directly to Council or the appropriate Committees when this matter is considered.

If you have any questions regarding this matter, please contact Chief Deputy William Carter at (213) 978-8347. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:lee
Enclosure

ORDINANCE NO. _____

An ordinance amending Section 11.00 and adding a new Article 1.2 to Chapter I of the Los Angeles Municipal Code to establish the Administrative Citation Enforcement Program and adding a new Article 11 to Chapter 6 of Division 5 of the Los Angeles Administrative Code to create a special fund titled the Code Compliance Fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (m) of Section 11.00, Article 1, Chapter I of the Los Angeles Municipal Code is amended by adding a new fourth unnumbered paragraph, to be placed between the current third and fourth unnumbered paragraphs, to read as follows:

As an alternative enforcement method that may be used in the sole discretion of the City, violations of this Code may be addressed through the use of an Administrative Citation as set forth in Article 1.2 of Chapter 1 of this Code. The administrative fines prescribed by Chapter 1, Article 1.2 may be sought in addition to any other remedy, including, but not limited to, criminal remedies, injunctive relief, specific performance, and any other remedy provided by law. The remedies provided by Chapter 1, Article 1.2 of this Code are cumulative to those prescribed by this Code or other applicable law and are not exclusive.

Sec. 2. Chapter I of the Los Angeles Municipal Code is amended by adding a new Article 1.2 to read as follows:

**ARTICLE 1.2
ADMINISTRATIVE CITATIONS**

SEC. 11.2.01. PURPOSE AND INTENT.

(a) The City Council of the City of Los Angeles finds that there is a need for an alternative method of enforcement for violations of this Code, applicable statutory provisions, ordinances, uniform codes adopted by the City, orders issued by a commission, board, hearing officer, or other body authorized to issue orders, and any conditions or requirements imposed on or by any entitlement, permit, or environmental document issued or approved by the City.

(b) The City Council finds and determines that an administrative citation program is an effective alternative method of enforcement for these violations is an administrative citation program.

(c) The primary purpose and intent of the City Council, through the adoption of this Article, is to create an alternative method of enforcement that fosters both timely

compliance with the law in order to protect public health and safety and provides a fair and effective administration of justice.

(d) It is also the purpose and intent of the City Council, through the adoption of this Article, to deter the use of dilatory and frivolous challenges to Administrative Violations and facilitate the prompt collection of fines.

(e) The procedures established in this Article shall be in addition to criminal, civil and any other legal remedy established by law which may be pursued to address Administrative Violations. Issuance of an Administrative Citation shall not be deemed a waiver of any other enforcement remedies provided in this Code. The selection of the appropriate remedies lies within the sole discretion of the Issuing Department and, as applicable, by the City Attorney, and shall be consistent with the purpose and intent of this Article.

(f) It is the intent of the City Council that this Administrative Citation Enforcement Program be implemented in a phased manner. Accordingly, the City Attorney is requested to work with the various departments of the City that have responsibility for enforcing Code provisions and addressing Code violations to implement the Program in the most effective manner to address quality of life issues and to provide training and other preparation in the issuance of Administrative Citations and the process of enforcing them. Implementation of the Program shall be carried out one department at a time with earliest consideration for implementation given to the Police Department and to the Departments of Building and Safety, Housing, Animal Services, Public Works, Transportation, and, thereafter, other City Departments. The City Attorney will report to the Council on the implementation of the Program every six (6) months or more often if a new department is added to the Program.

SEC. 11.2.02. DEFINITIONS.

(a) For purposes of this Article, the following words and phrases are defined:

"Administrative Citation" means a notice of Administrative Violation issued by an Enforcement Officer.

"Administrative Costs" means all direct and indirect costs incurred as a result of an Administrative Citation hearing, including, but not limited to, reasonable attorney fees, and costs relating to the initial review, scheduling, and processing of the administrative hearing.

"Administrative Fine" means the fine or penalty imposed on the Responsible Person for an Administrative Violation.

"Administrative Violation" means any violation of this Code, applicable statutory provisions, ordinances, uniform codes adopted by the City, orders issued by a commission, board, hearing officer, or other body authorized to issue

orders, or any conditions or requirements imposed on or by any entitlement, permit, or environmental document issued or approved by the City.

"Continuing Violation" means any Administrative Violation pertaining to building, plumbing, electrical, or other structural or zoning matter, that does not create an imminent hazard to health or safety. A Continuing Violation does not include an Administrative Violation that can be corrected by the Responsible Person through the immediate cessation or discontinuation of any prohibited activity or by the immediate implementation of a required activity as determined by the Issuing Department.

"Enforcement Costs" means all direct and indirect costs incurred by the Issuing Department in investigating, inspecting, or abating any Administrative Violation, including, but not limited to, noncompliance fees as specified in Section 98.0411 and costs incurred in preparing for and attending an Administrative Citation hearing.

"Enforcement Officer" means any police officer, inspector assigned to the Bureau of Investigation of the City Attorney's Office, or city employee or agent of the City having the power to enforce any Administrative Violation.

"Issuing Department" means the City department or office that has authority and responsibility for enforcing Administrative Violations subject to an Administrative Citation.

"Minor" means any person under the age of eighteen years.

"Responsible Person" means any person, as defined in Section 11.01(a), who is any of the following:

1. A person who causes or materially contributes to the causation of an Administrative Violation;
2. A person who maintains or allows an Administrative Violation to continue by his or her action or inaction;
3. A person whose agent, employee, or independent contractor causes or materially contributes to the causation of an Administrative Violation;
4. An on-site manager of a business who is responsible for the activities occurring at the premises where an Administrative Violation occurs;

5. A trustee or other person who is given the legal authority to manage property on behalf of someone else where an Administrative Violation occurs;

6. A person who is a parent or guardian having custody and control of a Minor who contributes to the causation of an Administrative Violation;

7. A person who is the owner of, or who exercises control over, or any lessee or sub lessee with the current right of possession of, real property where a property related Administrative Violation occurs.

SEC. 11.2.03. ISSUANCE OF ADMINISTRATIVE CITATION.

(a) Except as provided in Subsection (b) of this Section, whenever an Enforcement Officer determines that an Administrative Violation has occurred, the Enforcement Officer is authorized to issue an Administrative Citation to the Responsible Person(s). If the Responsible Person is a Minor, the Enforcement Officer is authorized to issue an Administrative Citation to the parent(s) or guardian(s) having custody and control of the Minor. Notification of the Administrative Violation to the holder of any lease, mortgage, deed of trust, or other encumbrance of record shall conform to the policies and procedures established by the City Attorney's Office.

(b) When the Administrative Violation pertains to a Continuing Violation, a reasonable period of time to correct the Administrative Violation must be afforded to the Responsible Person prior to imposing an Administrative Fine. If the Administrative Violation is remedied prior to the expiration of the correction period, no Administrative Fine shall be imposed. However, the Responsible Person shall remain liable for and shall pay the Enforcement Costs associated with the Administrative Violation.

(c) Each Administrative Violation shall constitute a separate and distinct offense subject to an Administrative Fine, as provided for in this Article. Each and every day an Administrative Violation exists shall constitute a separate and distinct offense subject to an Administrative Fine, as provided for in this Article.

SEC. 11.2.04. ADMINISTRATIVE FINES.

(a) The amount of the Administrative Fine shall be ascertained by the Enforcement Officer, in accordance with the Administrative Fine schedules set forth in Subsection (b) of this Section, subject to the following limitations:

1. Where the Administrative Violation is designated as an infraction, the Administrative Fine shall not exceed the maximum fine or penalty set forth in this Code for that infraction. If the amount of the fine or penalty for infractions is not specified in this Code, the amount of the Administrative Fine shall not exceed

the maximum fine or penalty provided for in Subdivisions (b) and (c) of Section 36900 of the California Government Code.

2. For Administrative Violations involving improvements to, or the use of, buildings, structures, or land for which permits or approval are required but were not obtained, the Administrative Fine levied shall be in the following amounts. For Administrative Violations involving improvements to, or the use of, buildings, structures, or land for which no permit could have been obtained, as determined by the Los Angeles Department of Building and Safety, and no variance was sought, the Administrative Fine levied shall be at four times (4x) the following amounts.

SQUARE FOOTAGE OF THE IMPROVEMENT OR USE IN VIOLATION	ADMINISTRATIVE FINE PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and All Subsequent Violations
250 to less than 500	\$1,000	\$2,000	\$4,000
500 to less than 2,500	\$2,000	\$4,000	\$8,000
2,500 to less than 5,000	\$3,000	\$6,000	\$12,000
5,000 to less than 10,000	\$4,000	\$8,000	\$16,000
10,000 to less than 25,000	\$8,000	\$16,000	\$32,000
25,000 or more	\$16,000	\$32,000	\$64,000

Administrative Violations involving improvements of less than 250 square feet or that are not measureable by square footage shall be cited in accordance with Subsection (b) of this Section.

3. For Administrative Violations involving sign regulations, the Administrative Fine levied shall be in the following amounts:

SQUARE FOOTAGE OF THE SIGN IN VIOLATION	ADMINISTRATIVE FINE PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and All Subsequent Violations
Less than 150 square feet	\$2,000	\$4,000	\$8,000
150 to less than 300 square feet	\$4,000	\$8,000	\$16,000
300 to less than 450 square feet	\$6,000	\$12,000	\$24,000
450 to less than 600 square feet	\$8,000	\$16,000	\$32,000
600 to less than 750 square feet	\$10,000	\$20,000	\$40,000
750 or more square feet	\$12,000	\$24,000	\$48,000

(b) For all other Administrative Violations, the Administrative Fine imposed shall be in the following amounts:

1. Two hundred and fifty dollars (\$250) for a first violation;
2. Five hundred dollars (\$500) for a second violation of the same code provision, statute, ordinance, order, condition or requirement;
3. One thousand dollars (\$1,000) for a third or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement.
4. Nothing in this Section shall preclude or limit the Administrative Hearing Officer's authority to impose a greater Administrative Fine, not to exceed one thousand dollars (\$1,000), in accordance with Subsection (b) of Section 11.2.09.

SEC. 11.2.05. SERVICE PROCEDURES.

(a) An Administrative Citation in a form developed by the Issuing Department and subject to the approval of the City Attorney may be issued to the Responsible Person(s) by an Enforcement Officer for Administrative Violations in the following manner:

1. Personal Service. In any case where an Administrative Citation is issued to an individual, the Enforcement Officer shall:
 - A. Locate the individual and serve the Administrative Citation on the Responsible Person(s). If the Responsible Person is a Minor, the Enforcement Officer shall also attempt to serve the Administrative Citation on the parent(s) or guardian(s) having custody and control of the Minor.
 - B. Obtain on the Administrative Citation the signature of the Responsible Person. If the Responsible Person refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the Administrative Citation and subsequent proceedings.
2. Service by Mail. If the Enforcement Officer is unable to locate the Responsible Person for the Administrative Violation, the Administrative Citation may be mailed to the Responsible Person by first class mail. If the Responsible Person is known to be a Minor, the Administrative Citation shall be mailed to the parent(s) or guardian(s) having custody and control of the Minor by first class mail.
 - A. If the Responsible Person is the property owner where a property related Administrative Violation occurs, the Administrative

Citation shall be sent to the mailing address shown on the County's last equalized property tax assessment rolls (if any), and the last known address of the Responsible Person.

B. If the Responsible Person is the tenant or other possessor of property where a property related Administrative Violation occurs, the Administrative Citation shall be sent to the property address.

(b) Service pursuant to Subdivision 1 of Subsection (a) of this Section shall be deemed effective at the time of personal delivery. Service pursuant to Subdivision 2 of Subsection (a) of this Section shall be deemed effective five (5) calendar days following the date of mailing.

SEC. 11.2.06. CONTENTS OF ADMINISTRATIVE CITATION.

(a) The City Attorney shall develop policies and procedures to ensure that the contents of the Administrative Citation provide the Responsible Person with adequate notice regarding the Administrative Violation(s), potential liability, and all rights of appeal.

(b) Where an Administrative Violation can be corrected, the Administrative Citation shall require the Responsible Person to immediately correct the Administrative Violations and shall explain the consequences of failure to correct the Administrative Violations.

(c) If the Administrative Violation pertains to a Continuing Violation, a reasonable period of time to correct the Administrative Violation must be specified on the citation in addition to an explanation of the consequences for failing to correct the Administrative Violation.

SEC. 11.2.07. SATISFACTION OF THE ADMINISTRATIVE CITATION.

Upon receipt of an Administrative Citation, the Responsible Person shall either:

(a) Pay the Fine. Pay the Administrative Fine within fifteen (15) calendar days after service of the Administrative Citation.

1. Payment of the Administrative Fine waives the Responsible Person's right to the administrative hearing and appeal process as outlined in Sections 11.2.08 and 11.2.09, below.

2. Payment of an Administrative Fine shall not excuse or discharge a failure to correct an Administrative Violation, as defined in Subsection (b) of Section 11.2.03, nor shall it bar the Enforcement Officer or Issuing Department from taking any other enforcement action in response to an Administrative Violation; or

(b) Remedy the Administrative Violation. If a specified amount of time was provided to correct an Administrative Violation, as defined in Subsection (b) of Section 11.2.03, and the Responsible Person remedies the Administrative Violation within the time granted, no Administrative Fine shall be imposed. The Administrative Citation shall not be deemed to have been satisfied until the Responsible Person provides proof to the Issuing Department that, within the time allotted by the Administrative Citation, the Administrative Violation was satisfactorily remedied. In addition, the Issuing Department may also demand to inspect the condition that gave rise to the issuance of the Administrative Citation to determine whether the Administrative Violation has been satisfactorily remedied.

The Responsible Person who remedies the Administrative Violation shall remain liable for and shall pay the Enforcement Costs associated with the Administrative Violation. Timely correction of the Administrative Violation does not absolve the Responsible Person of this liability. Collection of Enforcement Costs of violations remedied in this manner shall be the responsibility of the Issuing Department.

SEC. 11.2.08. APPEAL OF THE ADMINISTRATIVE CITATION.

(a) Request for Initial Review and Administrative Hearing. If the Responsible Person chooses to contest the Administrative Citation, the Responsible Person shall submit to the City Attorney a request to do so on an official form provided by the City no later than fifteen (15) calendar days after service of the Administrative Citation. Said form, hereinafter referred to as a Request for Initial Review, shall notify the Responsible Person that an initial review regarding the validity of the Administrative Citation will be conducted prior to scheduling an administrative hearing and shall comply with the policy and procedures established by the City Attorney.

1. Initial Review of Administrative Citation. Upon receipt of the Request for Initial Review, as provided in Subsection (a) of this Section, the City Attorney will conduct an initial review to determine the validity of the Administrative Citation and the appropriate remedy. The available remedies include, but are not limited to, criminal remedies, civil action, injunctive relief, specific performance, and any other remedies provided by law.

A. If, following the initial review, the City Attorney determines that the Administrative Violation did not occur, or that extenuating circumstances make dismissal of the Administrative Citation appropriate in the interest of justice, the Administrative Citation shall be dismissed and the Responsible Person notified by mail.

B. If, following the initial review, the City Attorney does not dismiss the Administrative Citation and determines that the administrative remedy being sought is appropriate, the Responsible Person shall be notified by mail and informed of his or her obligation to pay the

Administrative Fine within fifteen (15) days of the mailing, or of his or her right to request an administrative hearing pursuant to Subdivision (2) of this Subsection.

2. Contest the Initial Review. If the Responsible Person chooses to contest the outcome of the initial review, within fifteen (15) days of the mailing of the results of the initial review, the Responsible Person shall submit a written request, on an official form provided by the City, requesting an administrative hearing. Said form, hereinafter referred to as a Request for Administrative Hearing, shall include an advance deposit in the full amount of the Administrative Fine or one-thousand dollars (\$1,000), whichever is less, or written proof of financial hardship as specified in Paragraph A of this Subsection. A hearing shall be scheduled when the aforementioned conditions are met. A Responsible Party who fails to submit a Request for Administrative Hearing within fifteen (15) days, or who fails to make the required deposit or provide written proof of financial hardship, will have waived the right to contest the Initial Review.

A. In lieu of the advance deposit required pursuant to Subdivision (2) of this Subsection, written proof of financial hardship, which shall be in the form of a declaration signed by the Responsible Person under penalty of perjury and notarized, shall be filed with the City Attorney. The declaration shall state that the Responsible Person earned less than 50% of the median income for the Los Angeles area during the previous tax year, as reported on the Responsible Person's federal income tax return filed with the Internal Revenue Service. The median income for the applicable year shall be as determined by the United States Department of Housing and Urban Development.

3. Code Compliance Fund. All monies derived from the advance deposits identified in Subdivision (2) of this Subsection shall be deposited into the Code Compliance Fund, established pursuant to Article 11 of Chapter 6 of Division 5, Section 5.121.11 of the Los Angeles Administrative Code, and held until the conclusion of the administrative hearing process at which time the monies will either be transferred to the General Fund or refunded to the Responsible Person.

(b) In the event the Responsible Person fails or refuses to satisfy any of the alternatives set forth in Subdivisions (1), (2), or (3) of Subsection (a) of this Section, then the Administrative Fine shall be immediately due and owing the City and may be collected in any manner allowed by law for collection of a debt. The Responsible Person shall also be responsible for any additional fines and costs as set forth in Section 11.2.11.

SEC. 11.2.09. ADMINISTRATIVE HEARING.

(a) Authority for the Administrative Hearing Process. The City Attorney shall create an administrative hearing and appeals process that is consistent with this Article

and with due process principles. The City Attorney shall develop written policies and procedures for the hearing and appeals process in addition to developing written policies and procedures for the selection and appointment of one or more independent Administrative Hearing Officers to hear and decide administrative citation appeals. The administrative hearing shall be conducted in accordance with the procedures promulgated by the City Attorney.

(b) Powers of the Administrative Hearing Officers. The City Attorney shall develop written policies and procedures that set forth the scope of the powers of the Administrative Hearing Officer in accordance with this Section. These enumerated powers include, but are not limited to:

1. The Administrative Hearing Officer shall determine whether the Administrative Violation specified in the Administrative Citation occurred;
2. The Administrative Hearing Officer shall determine whether the assessed Administrative Fine is in accordance with the Administrative Fine schedules provided in Section 11.2.04;
3. The Administrative Hearing Officer shall consider any aggravating or mitigating factors that warrant deviation from the Administrative Fine schedules, provided in Section 11.2.04, so that a greater or lesser Administrative Fine should be imposed. The factors that the Administrative Hearing Officer shall consider, include, but are not limited to:
 - A. the seriousness of the Administrative Violation;
 - B. the duration of the Administrative Violation;
 - C. efforts, if any, to correct the Administrative Violation;
 - D. the negative impacts of the Administrative Violation on the community;
 - E. any instances in which the Responsible Person has been responsible for the same or similar Administrative Violations in the past; and
 - F. any other factors that justice may require.
4. The Administrative Hearing Officer shall assess all Administrative Costs associated with the appeal of the Administrative Citation;
5. The Administrative Hearing Officer shall assess all Enforcement Costs;

6. The Administrative Hearing Officer, at the request of a Responsible Party or of the Issuing Department, may subpoena witnesses, documents and other evidence in accordance with the policies and procedures established by the City Attorney.

7. The Administrative Hearing Officer has the authority to require a Responsible Person to deposit an amount equal to any assessed Administrative Costs or Enforcement Costs in accordance with the policies and procedures established pursuant to the City Attorney.

(c) Time for Administrative Hearing.

1. The City Attorney shall develop policies and procedures that ensure adequate notice and a timely administrative hearing. The Responsible Person shall be notified in writing of the date and time of the hearing by mailing the notice to the address provided by the Responsible Person in the Request for Administrative Hearing.

2. The Responsible Person(s) or Issuing Department may request one continuance pursuant to the procedures established by the City Attorney.

3. The Administrative Hearing Officer may, in his or her discretion, grant or deny a continuance of the hearing date upon a request by the Responsible Party or the Issuing department and a showing of good cause.

(d) Failure to Attend Administrative Hearing.

1. If the Responsible Person or his or her representative fails to attend the scheduled hearing, he or she shall be deemed to have waived his or her right to an administrative hearing. Under these circumstances, the Administrative Hearing Officer shall find the Responsible Person in default, and shall issue a written notice to that effect. A default under this Section shall constitute a forfeiture of the Administrative Fine and a waiver of any right to challenge the assessed Enforcement Costs and Administrative Costs. A default under this Section shall also be a bar to judicial review of the hearing officer decision based upon failure to exhaust administrative remedies. A default under this provision may be set aside by the Administrative Hearing Officer at the request of the Responsible Party upon a showing of good cause for failing to appear at the Administrative Hearing.

2. A Responsible Person who has been issued an Administrative Citation and who has requested an administrative hearing to challenge the citation as provided in this Article may request in writing that his or her challenge to the citation be withdrawn and the hearing cancelled. Upon receipt of a request to withdraw a challenge to the Administrative Citation, the City shall cancel the pending hearing, and issue a written notice to that effect. A withdrawal under this

Subdivision shall constitute a forfeiture of the Administrative Fine and a waiver of any right to challenge the assessed Enforcement Costs and Administrative Costs. A withdrawal under this Subdivision shall also be a bar to judicial review of the hearing officer decision based upon failure to exhaust administrative remedies.

3. If a financial hardship waiver was granted pursuant to Subdivision 2 of Subsection (a) of Section 11.2.08, and the Responsible Person is in default as provided in Subdivision 1 of this Subsection, or a challenge to the citation is withdrawn pursuant to Subdivision 2 of this Subsection, the Administrative Fine, Enforcement Costs, and Administrative Costs shall be due and payable by the Responsible Person(s) to the City within twenty (20) calendar days following the date that had been set for the administrative hearing.

4. The City may dismiss an Administrative Citation at any time if it is determined to have been issued in error.

(e) Procedures at the Administrative Hearing.

1. Administrative hearings are informal in nature, and formal rules of evidence and discovery do not apply. The proceedings shall be audio-recorded by the City.

2. The City bears the burden of proof at an administrative hearing to establish the existence of the Administrative Violation specified on the citation. The Administrative Hearing Officer shall use preponderance of the evidence as the standard of proof in deciding the issues.

3. The Administrative Citation and any additional documents submitted by the Issuing Department shall be accepted by the Administrative Hearing Officer as prima facie evidence of the respective facts contained in those documents. The Enforcement Officer may attend the hearing but is not required to do so.

4. Each party shall have the opportunity to testify, cross-examine witnesses, and present witnesses and evidence in support of his or her case. Written and oral evidence submitted at the hearing shall be submitted under penalty of perjury. Documentary and other tangible evidence must be authenticated to the satisfaction of the Administrative Hearing Officer. Nothing shall preclude the use of telephonic or other electronic means of communication if deemed appropriate by the Administrative Hearing Officer.

(f) Decision of the Administrative Hearing Officer. After considering all of the testimony and evidence submitted at the hearing, the Administrative Hearing Officer shall, within fifteen (15) days thereafter, render a decision in writing. The decision rendered by the Administrative Hearing Officer is not exclusive and does not preclude or

foreclose the City Attorney's Office from pursuing any and all other remedies provided by law. The Administrative Hearing Officer shall render a decision as follows:

1. Determine that the Administrative Violation specified in the citation is founded, and impose an Administrative Fine in the amount set forth in the citation and if the Administrative Violation has not been corrected as of the date of the hearing, order correction of the Administrative Violation; or

2. Determine that the Administrative Violation specified in the citation is founded, but that the Administrative Fine was incorrectly assessed with the Administrative Fine schedules as provided for in Section 11.2.04, warranting imposition of a lesser or greater Administrative Fine than that prescribed in the citation and impose a lesser or greater Administrative Fine and, if the Administrative Violation has not been corrected as of the date of the hearing, order that the Administrative Violation be corrected; or

3. Determine that the Administrative Violation specified in the citation is founded, but that the Issuing Department has introduced credible evidence of aggravating or mitigating circumstances warranting imposition of a greater or lesser penalty than that prescribed in the Administrative Fine schedules, as provided for in Section 11.2.04, and impose a greater or lesser Administrative Fine, and if the Administrative Violation has not been corrected as of the date of the hearing, order that the Administrative Violation be corrected; or

4. Determine that the Administrative Violation specified in the citation did not occur and cancel the Administrative Fine; and

5. Determine the amount of the Enforcement Costs and associated Administrative Costs to be imposed, if any.

(g) The Administrative Order shall include the reasons for the decision and be served on all parties by any one of the methods listed in Section 11.2.05 of this Article or through service by first-class mail, postage prepaid on the Responsible Person(s) at the address he or she provided in the Request for Administrative Hearing. In addition to the matters set forth in Subsection (f) of this Section, the decision rendered by the Administrative Hearing Officer shall address the following:

1. Administrative Fines

- A. If the Administrative Hearing Officer imposes an Administrative Fine, the City shall keep the funds deposited at the time of the hearing request. If the deposited funds are less than the Administrative Fine, the Responsible Person(s) shall pay the outstanding amount of the Administrative Fine to the City within twenty (20) calendar days of the Administrative Order becoming final. If the deposited funds

equal more than the Administrative Fine, the City shall promptly refund the appropriate amount of the funds to the Responsible Person(s).

B. If the Administrative Hearing Officer determines that the Administrative Violation specified in the citation did not occur and cancels the Administrative Fine, then the City shall promptly refund the amount of funds deposited by the Responsible Person at the time of the hearing request and no Enforcement Costs or Administrative Costs shall be assessed.

2. Enforcement Costs and Administrative Costs

A. Enforcement Costs. The Administrative Order shall assess all reasonable Enforcement Costs to be paid by the Responsible Person. The Responsible Person(s) shall pay the Enforcement Costs to the City within twenty (20) calendar days of the Administrative Order becoming final.

B. Administrative Costs. The Administrative Order shall assess all reasonable Administrative Costs to be paid by the Responsible Person. The Responsible Person(s) shall pay the Administrative Costs to the City within twenty (20) calendar days of the Administrative Order becoming final.

3. The Administrative Order shall become final on the date of mailing or other service, and shall notify the Responsible Person(s) of his or her right to appeal.

SEC. 11.2.10. RIGHT TO JUDICIAL REVIEW.

(a) Once an Administrative Order becomes final as provided in this Article, no further appeal may be filed pursuant to the provisions of this Code, except as provided for in this Section, or as otherwise provided by law.

(b) Once an Administrative Order becomes final, the time in which judicial review of the order must be sought shall be governed by California Code of Civil Procedure section 1094.6.

(c) Should any court of competent jurisdiction determine that the City must provide an appeal to any final Administrative Order in a manner other than set forth in California Code of Civil Procedure section 1094.6, then it is the intent of the City Council that the administrative penalty process remain as provided herein and to provide that any appeal which is timely requested follow the procedures set forth in Government Code section 53069.4.

SEC. 11.2.11. FAILURE TO PAY ADMINISTRATIVE FINES AND COSTS.

(a) Any Responsible Person who is issued an Administrative Citation pursuant to this Article, excluding Administrative Violations defined in Subsection (b) of Section 11.2.03, and does not pay within fifteen (15) calendar days, shall be assessed a late payment collection fee of \$50.00 which shall be charged in addition to any other assessed fines and fees. The City may use any legal remedy available to collect any unpaid Administrative Fine. These remedies include, but are not limited to, criminal remedies, civil action, injunctive relief, specific performance, and the recordation of a lien or a notice of the Administrative Violation against real property pursuant to the procedures set forth in this Code and in accordance with applicable law.

(b) Any Responsible Person who is issued an Administrative Citation pursuant to this Article for an Administrative Violation defined in Subsection (b) of Section 11.2.03, and does not pay within fifteen (15) calendar days from the conclusion of the time afforded to remedy the Administrative Violation, shall be assessed a late payment collection fee of \$50.00 which shall be charged in addition to any other assessed fines and fees. The City may use any legal remedy available to collect any unpaid Administrative Fine. These remedies include, but are not limited to, criminal remedies, civil action, injunctive relief, specific performance, and the recordation of a lien or a notice of the Administrative Violation against real property pursuant to the procedures set forth in this Code and in accordance with applicable law.

(c) Notwithstanding Subsections (a) and (b) of this Section, if the Responsible Person chooses to contest the Administrative Citation pursuant to Section 11.2.08 of this Article, and fails to pay the assessed Administrative Fine, Enforcement Costs, and Administrative Costs within twenty (20) calendar days of the Administrative Order becoming final, the Responsible Person shall be assessed a late payment collection fee of \$50.00, which shall be charged in addition to any other assessed fines and fees. The City may use any legal remedy available to collect any unpaid Administrative Fine or to gain compliance with the Administrative Order. These remedies include, but are not limited to, criminal remedies, civil action, injunctive relief, specific performance, and the recordation of a lien or a notice of the Administrative Violation against real property pursuant to the procedures set forth in this Code and in accordance with applicable law.

(d) In the event a civil action is commenced to collect the Administrative Fine, Enforcement Costs, or Administrative Costs, the City shall be entitled to recover reasonable attorney's fees and all costs associated with the civil action. Costs include, but are not limited to, staff time incurred in the collection of the Administrative Fine, Enforcement Costs, and Administrative Costs, and those costs set forth in Code of Civil Procedure Section 1033.5.

(e) Failure to pay any Administrative Fine, Enforcement Costs, or Administrative Costs when due as provided in this Article is a misdemeanor.

SEC 11.2.12. DEPOSIT OF MONIES COLLECTED.

All monies collected pursuant to the provisions of this Article shall be deposited in the Code Compliance Fund, established pursuant to Article 11 of Chapter 6 of Division 5, Sections 5.121.11 and following, of the Los Angeles Administrative Code

SEC. 11.2.13. SEVERABILITY.

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

Sec. 3. Division 5, Chapter 6 of the Los Angeles Administrative Code is amended by adding a new Article 11 to read as follows:

CHAPTER 6, ARTICLE 11 CODE COMPLIANCE FUND

SEC. 5.121.11. Creation and Administration of Fund.

(a) There is hereby created and established in the Treasury of the City of Los Angeles a special fund to be known as the **Code Compliance Fund (the "Fund")**. All monies collected pursuant to Chapter 1, Article 1.2, Sections 11.2.01 and following, of the Los Angeles Municipal Code shall be deposited into the Fund. The fund shall be under control of the City Council, subject to the approval of the Mayor in the same manner and to the same extent as similar budget actions, and shall be administered by the City Attorney's Office who, in turn, shall be responsible for ensuring that the monies in the Fund are used for the purposes specified and required in Chapter 1, Article 1.2, Sections 11.2.01 and following, of the Los Angeles Municipal Code and, in addition, that all proposed actions with respect to the monies in the Fund comply with the following limitations:

(1) All Administrative Fines recovered shall be deposited in the General Fund.

(2) Any Enforcement Costs recovered shall be identified as being generated by the Issuing Department and, at the discretion of the City Council and Mayor through appropriate budgetary actions, be transferred to the respective Issuing department that incurred the costs or to the General Fund.

(3) Any Administrative Costs recovered shall be identified as being generated by the respective City department or office and, at the discretion of the

City Council and Mayor through appropriate budgetary actions, be transferred to the respective City department or office that incurred the costs or to the General Fund.

(4) All monies derived from the advance deposits identified in Article 1.2 of Chapter 1, Sections 11.2.01 and following, of the Los Angeles Municipal Code shall be deposited into the Fund and held until the conclusion of the administrative hearing process at which time the monies will either be transferred to the General Fund or refunded to the Responsible Person.

(b) Monies remaining in the Fund at the end of the fiscal year shall not revert to the Reserve Fund pursuant to Charter Section 344, but shall be subject to transfer at any time as set forth herein and as authorized by the City Charter.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk


By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

Date June 27, 2011

File No. 10-0085 and 10-0600