

**CITY OF BELL GARDENS**  
**Ordinance Summary**

**NOTICE IS HEREBY GIVEN** that on September 23, 2019, the City Council of the City of Bell Gardens, California, adopted Ordinance No. 898 entitled:


**AN ORDINANCE OF THE CITY OF BELL GARDENS,  
CALIFORNIA, ADDING A NEW CHAPTER 1.16 TO TITLE 1 OF  
THE BELL GARDENS MUNICIPAL CODE TO CREATE AN  
ADMINISTRATIVE CITATION PROGRAM FOR CODE  
VIOLATIONS**

The adopted ordinance will adopt Chapter 1.16 to Title 1 of the Bell Gardens Municipal Code to create an Administrative Citations Program for Code Violations. Ordinance 898 will allow the City of Bell Gardens to have a more efficient civil enforcement. Additionally, the ordinance will promote efficiency, efficacy and cost effectiveness of code enforcement.

The City Council adopted the ordinance with the following vote:

**AYES:** Council Members Barcena, Rodriguez; Mayor Pro Tem Flores  
Mayor Cortez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Council Member Aceituno

A copy of the full text of the ordinance is available at the office of the City Clerk at 7100 Garfield Avenue, Bell Gardens, CA 90201.

  
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Vanessa Quiroz, Acting City Clerk  
City of Bell Gardens

**Posted:** September 26, 2019  
Bell Gardens City Hall  
Bell Gardens John Anson Ford Park  
Bell Gardens Veterans Park – Ross Hall Auditorium  
Bell Gardens Department of Public Works

**ORDINANCE NO. 898**

**AN ORDINANCE OF THE CITY OF BELL GARDENS, CALIFORNIA,  
ADDING A NEW CHAPTER 1.16 TO TITLE 1 OF THE BELL GARDENS  
MUNICIPAL CODE TO CREATE AN ADMINISTRATIVE CITATION  
PROGRAM FOR CODE VIOLATIONS**

**WHEREAS**, under state law, the City of Bell Gardens (the "City") has authority to enforce its code through the exercise of police powers, as set forth in Article XI, Section 5 of the California Constitution; and

**WHEREAS**, Government Code section 53069.4 authorizes the City to make any violation of any ordinance enacted by the local agency subject to an Administrative Citation or Administrative Fine or penalty; and

**WHEREAS**, cities are also authorized pursuant to Government Code Section 54988 to adopt local ordinances to recover costs in abating public nuisances and enforcing local ordinances through the imposition of liens and assessments; and

**WHEREAS**, the City wishes to provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code; and

**WHEREAS**, the City wishes to provide for an administrative process to appeal the imposition of Administrative Citations and Administrative Fines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY BELL GARDENS  
DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The recitals above are true and correct and incorporated herein by reference.

**SECTION 2.** A new Chapter 1.16 is added to Title 1 of the Bell Gardens Municipal Code to read as follows:

**"TITLE 1**

**Chapter 1.16**

**ADMINISTRATIVE CITATIONS AND PENALTIES**

**Sections:**

- |                 |                     |
|-----------------|---------------------|
| <b>1.16.010</b> | <b>Purpose.</b>     |
| <b>1.16.020</b> | <b>Definitions.</b> |

- 1.16.030**      **Scope.**
- 1.16.040**      **Administrative Citation.**
- 1.16.050**      **Procedures for Issuing an Administrative Citation.**
- 1.16.060**      **Satisfaction of Administrative Citation.**
- 1.16.070**      **Issuing Permits or Licenses.**
- 1.16.080**      **Administrative Review and Hearing.**
- 1.16.090**      **Right to Judicial Review.**
- 1.16.100**      **Collection and Lien Procedures.**
- 1.16.110**      **Failure to Comply with Administrative Order.**

**1.16.010**      **Purpose.**

- A.      This Chapter is adopted pursuant to the City's police powers and Government Code § 53069.4 for the purpose of making certain violations of the Bell Gardens Municipal Code subject to an administrative fine and to set forth procedures for the imposition and collection of such fines.
- B.      The purpose and intent of this ordinance is to ensure the health, safety and welfare of the City's residents and to provide an efficient and cost effective method of enforcing the Bell Gardens Municipal Code and the City's ordinances. The purpose and intent of the City's imposition of fines is to encourage compliance with, and deter future violation of, the Bell Gardens Municipal Code.
- C.      The administrative enforcement procedures set forth in this ordinance are in addition to all other legal remedies, criminal or civil, which the City may choose to pursue. Nothing in this ordinance is intended to supersede, replace or otherwise limit the now existing powers of the City to enforce its laws. The use of this Chapter is at the sole discretion of the City.

**1.16.020**      **Definitions.**

- A.      "Administrative Citation" or "Citation" means a citation issued pursuant to this Chapter.
- B.      "Administrative Fine" means a penalty issued pursuant to this Chapter.
- C.      "Day" means a calendar day, unless otherwise specifically expressed.
- D.      "Department Director" means the director or designee of the department responsible for issuing a citation pursuant to this Chapter.
- E.      "Enforcement Officer" means any police officer, or City employee or agent, designated by the director of any City department who has the authority and responsibility to enforce the provisions of this Code as provided herein.

- F. "Hearing Officer" means that person designated by the City Manager to conduct an administrative hearing pursuant to this Chapter.
- G. "Person" means a natural person, corporation, association, partnership, sole proprietorship, public entity, firm, business, trust or corporation.
- H. "Responsible Person" means:
  - 1. A Person who causes a Code Violation to occur;
  - 2. A Person who maintains or allows a Code Violation to Continue, by his or her action or failure to act;
  - 3. A Person whose agent, employee, or independent contractor causes a Code Violation by its action or failure to act;
  - 4. A person who is the owner of, and/or a Person who is a lessee or sub lessee with the current right of possession of, real property where a Code Violation occurs; or
  - 5. A Person who is the on-site manager of a business who normally works during the business' operating hours and who is responsible for the activities occurring on such premises.
- I. "Violation" means an act or omission of any act, or use or condition that constitutes an offense of the Code, as well as a breach or violation of any condition of a permit, approval or license issued pursuant to the Code.

**1.16.030 Scope.**

- A. In addition to any criminal, civil or other legal remedy established by this Code or other law that may be pursued to address Violation of the Municipal Code, any Violation of the Bell Gardens Municipal Code is subject to the Administrative Fine procedures and other provisions of this Chapter.
- B. Use of the provisions of this Chapter does not waive the City's ability to use any other enforcement remedies authorized by law.

**1.16.040 Administrative Citation.**

- A. Whenever an Officer determines that a violation of the Code has occurred, the Officer may issue a citation on a City-approved form imposing a warning or an Administrative Fine or fines to the responsible person(s) in accordance with the provisions of this Chapter.

**1.16.050 Procedure for Issuing an Administrative Citation.**

- A. When the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that creates an immediate danger to health or

safety, an Administrative Fine may be issued forthwith. In the absence of an immediate danger, an Enforcement Officer shall allow a reasonable period of time, which shall be included in the citation, but be no more than twenty-one (21) days. The City Manager or his or her designee may make a determination that some longer period of time is reasonably warranted and/or necessary under the circumstances, for a responsible person to correct or otherwise remedy a continuing violation prior to the imposition of Administrative Fines or penalties.

- B. An Officer may issue a citation for a violation not committed in the Officer's presence if the Officer has determined, through investigation that the Responsible Person did commit, or is otherwise responsible for, the violation.
- C. Each day, or any portion thereof, that a prohibited condition, use or activity under the Code is committed, continued or permitted, shall constitute a separate violation for which an Administrative Fine may be imposed. A single citation may charge multiple violations of the Code; however, each violation is subject to a separate and distinct administrative fine.
- D. The Administrative Citation shall contain the following information:
  - 1. The date the Administrative Citation is issued;
  - 2. The Code section(s) violated and a brief description of the conditions resulting in the Violation(s);
  - 3. The date, approximate time, and address or description of the location where the Violation(s) occurred;
  - 4. The amount of the fine imposed for the Violation;
  - 5. The manner by which the Administrative Citation may be paid, including the location where payments may be tendered and the due date for paying the fine;
  - 6. A description of the penalties for failure to pay the fine;
  - 7. A deadline for any requested corrections of existing Violations which triggered the issuance of the Administrative Citation;
  - 8. A brief description of the Administrative Citation review process, including the time within which the Administrative Citation may be contested and the manner in which a request for review of the citation may be requested;

9. To the extent reasonably practical: the full legal name of the Responsible Person, the Responsible Person's current address and mailing address, the Responsible Person's telephone number and the Responsible Person's signature;
10. An order prohibiting the continued or repeated occurrence of the Violation described in the Administrative Citation; and
11. The name of the Enforcement Officer.
12. A statement that the failure to time tender the fine(s) and other fees, costs, and/or charges imposed pursuant to this Chapter may result in the recordation of a lien.
13. A statement that the failure to time tender the fine(s) and other fees, costs, and/or charges imposed pursuant to this Chapter may result in the delay in issuance or renewal of any City license and/or permit.

**1.16.060 Amount of Administrative Fines**

- A. The amount of the Administrative Fines for violating particular provisions of this Code shall be set in a schedule of fines that is relevant to the particular provisions, and shall be adopted by resolution by the City Council. This schedule may include escalating fine amounts for repeat code violations occurring within the specified periods of time.
- B. The schedule of fines for the particular provisions may also specify the late payment penalty, and processing fee owed for any Administrative Fine not paid when due.

**1.16.070 Satisfaction of Administrative Citation.**

Upon the issuance of an Administrative Citation, the Responsible Person must either correct the Violation and pay the fine, or file an administrative review.

- A. **The Payment of Administrative Fine.** An Administrative Fine must be paid to the City within thirty (30) Days from the date of issuance of the Administrative Citation. Thereafter, a late penalty charge shall be due and owing for the unpaid fine.
  1. Failure to pay an administrative fine by the due date shall result in the assessment of a late penalty charge of twenty-five (25) percent per month.
  2. Administrative fines, re-inspection fees, late fees shall be paid to the City at such location or address as stated in the citation, or as may

otherwise be designated by the City Manager.

3. Payment of an administrative fine shall not excuse or discharge a Responsible Person from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
  4. Abatement of a violation shall not excuse the obligation of a Responsible Person to pay an administrative fine or any other charges, fees, or costs imposed as a result of the issuance of a citation.
- B. An Administrative Review shall be filed in accordance with the time limits and other provisions of section 1.16.070. In the event the Responsible Person fails or refuses to select and satisfy any of the alternatives set forth above, then the penalty shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt. Commencement of an action to collect the delinquent penalty shall not preclude issuance of additional citations to the Responsible Person should the Violations persist.

**1.16.080 Administrative Review and Hearing.**

- A. Initial Administrative Review – Request. The Responsible Person may request an initial administrative review of the citation within fifteen (15) Days of its issuance by submitting a request to the City Clerk, or his or her designee. This request must be made in writing and set forth with particularity the reasons the Responsible Person believes a Violation did not occur or that the Responsible Person was not responsible for the Violation(s); must include a copy of the citation; must be received by the City Clerk within fifteen (15) days of the issuance of the citation; and must contain the address to which the conclusions of the City's review should be mailed. A request for an initial administrative review is a mandatory prerequisite to a request for an administrative hearing.
- B. Initial Administrative Review – Procedure. The City Clerk, or his or her designee, shall forward the Initial Administrative Review Request to the Department Director supervising the Enforcement Officer who issued the Administrative Citation for review. The initial administrative review shall be limited to a review of the City's documentation of the Violation.
- C. Initial Administrative Review – Decision.
1. Within fifteen (15) Days upon receiving the request, the Department Director shall review the request and provide the City Clerk, or his or her designee, with written notification either that:

- i. The citation should be vacated because either there was no Violation, or the Responsible Person was not responsible for the Violation, and setting forth the basis for that conclusion; or
    - ii. There is no justification found for vacating the citation.
  2. The City Clerk, or his or her designee, shall mail a copy of the decision to the Responsible Person at the address on the request for Initial Administrative Review along with, if applicable, a notice establishing the fine due date and the procedure for requesting an administrative hearing.
  3. If the initial administrative review upholds the citation, the fine shall be paid to the City within fifteen (15) Days after the date the City mailed the Responsible Person the notice of the Initial Administrative Review decision
- D. Request for Hearing. If the Responsible Person wishes to contest the decision of the Initial Administrative Review, the Responsible Person shall request an administrative hearing within fifteen (15) Days after the date the City mailed the Responsible Person the notice of the Initial Administrative Review decision. Requests must be in writing submitted to the City Clerk and be accompanied by an advance deposit of the fine.
- E. Notification of Hearing. Upon receipt of the payment of the Administrative Fine and request for a hearing, the City shall give notice to the Responsible Person of the time, date, and location of the hearing. The hearing shall be held not less than fifteen (15) Days, or more than sixty (60) Days, after the receipt of the request. Any documentation, other than the Administrative Citation, that the Enforcement Officer has submitted or will submit to the hearing officer shall be sent to the Responsible Person by regular first class mail at least five (5) Days before the date on which the hearing is scheduled. The documentation shall be made available upon request at the time of the hearing.
- F. Evidentiary Rules. The City bears the burden of proving a Violation of the Code by a preponderance of the evidence. The Administrative Citation and any additional reports submitted by the Enforcement Officer constitute prima facie evidence of the respective facts contained in those documents. Both the Responsible Person and the Enforcement Officer have the opportunity to testify, cross-examine witnesses and present additional evidence concerning the Administrative Citation. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. Formal rules of evidence do not apply, but all evidence presented must be relevant and material to the issues of whether the Violation alleged in the citation occurred or whether the Responsible Person was accountable for the Violation.



- G. **Waiver of Personal Appearance at Hearing.** In lieu of personally appearing at an administrative hearing, the Responsible Person may request that the hearing officer decide the matter based upon the citation itself and written argument and any documentary evidence signed under penalty of perjury submitted by the Responsible Person prior to the time of the scheduled hearing.
- H. **Failure to Appear at Hearing.** Failure of a Responsible Person to appear at the hearing is deemed a waiver of the right to be personally present at the hearing. The hearing officer may then decide the matter based upon the citation itself, any documentary evidence previously submitted, and any additional evidence that may be presented at the hearing by the Enforcement Officer.
- I. **Attendance of Enforcement Officer.** The Enforcement Officer who issued the Administrative Citation may, but is not required to, attend the administrative hearing. If the Enforcement Officer does not attend the administrative hearing he or she may, before the date set for said hearing, submit reports, photos, or other documentation regarding the Violation to the hearing officer for consideration at the hearing.
- J. **Continuation of Hearings.** The Hearing Officer may continue any hearing and request additional information from the Enforcement Officer or Responsible Person before issuing a written decision.
- K. **Decision of Hearing Officer.** Based upon the evidence presented at the administrative hearing, the Hearing Officer shall provide a written decision to the parties within fifteen (15) Days of the hearing with one of the following determinations:
  - 1. Determine that the Violation for which the citation was issued occurred, and impose a fine in the amount set forth in the fine and penalty schedule. If the Violation has not been corrected as of the date of the hearing, the hearing officer may additionally order the Responsible Person to correct or abate the Violation. In this event, the City can retain the fine deposited by the Responsible Person.
  - 2. Determine either that the Violation for which the citation was issued did not occur or that the condition did not constitute a Violation of this Code. In either event, the City shall refund the deposit, if any, within fifteen (15) Days of the decision. A finding by the Hearing Officer that no Violation occurred constitutes a dismissal of the Administrative Citation at issue, but does not have any effect on any other Administrative Citations issued or any other action taken by the City.

4. The Department Director must serve the Responsible Person with a hearing notice not less than ten (10) Days before the hearing date. The notice must set forth the amount of the delinquent administrative fine, and any penalties that are due. Notice must be delivered via first-class mail, postage prepaid, addressed to each Responsible Person's address as it appears on the last equalized assessment roll or supplemental roll of the County of Los Angeles, whichever is more current. Service by mail is effective on the date of mailing and failure of Responsible Person to actually receive notice does not affect its validity.
  5. At the conclusion of the hearing, the City Council shall adopt a resolution confirming, discharging, or modifying the lien amount.
- C. **Recording a Lien.** Within thirty (30) Days following the City Council's adoption of a resolution imposing a lien, the Department Director shall file same as a judgment lien in the Los Angeles County Recorder's Office. Before recordation of the lien, the City must give notice to the owner of record of the subject parcel in the manner required by Government Code § 38773.1(b).
- D. **Administrative Fee.** Each Responsible Person against whose property an assessment is levied pursuant to this Chapter shall also be assessed an administrative fee in an amount established by City Council resolution based on the costs incurred in levying the assessment. The administrative fee shall be included in the lien amount approved by the City Council and recorded against the Responsible Person's property.
- E. **Satisfaction of Lien.** Once the City receives full payment for outstanding principal, penalties, and costs, the Department Director shall either record a notice of satisfaction or provide the Responsible Person with a notice of satisfaction for recordation at the Los Angeles County Recorder's Office. This notice of satisfaction shall cancel the City's lien.

**1.16.111 Failure to Comply with Administrative Order.**

In the absence of a timely appeal to the Superior Court, failure to comply with a final administrative order directing the abatement of a continuing Violation by the date specified in the order shall be a misdemeanor for each Day thereafter, or any portion thereof, that the Violation is maintained or permitted. In the event of a timely appeal to the Superior Court pursuant to section 1.16.080, and provided the City prevails thereon each Day, or any portion thereof, that a continuing Violation is maintained or permitted after a court-ordered abatement date shall be a misdemeanor. Filing a misdemeanor action does not preclude the City from pursuing any other remedies to gain compliance provided in this Code or under state law. For purposes of this Chapter, a "continuing Violation" shall mean a single, ongoing condition or activity in Violation of the Municipal Code."

3. Determine that the Person cited was not the Responsible Person as to the Violation. In this event the City shall refund the deposit, if any, within fifteen (15) Days of the decision.

L. The administrative Hearing Officer's decision must explain the basis for the decision and be served upon the Responsible Person by first class mail to the address stated on the request for hearing form. If applicable, the order must set forth the date by which compliance must be achieved and the imposed fine paid to the City. The order is final on the date of mailing, which is deemed the "date of service," and must notify the Responsible Person of the right to appeal to the Superior Court, as further described in Section 1.16.080. There is no right to an appeal other than as provided in Section 1.16.080. The administrative Hearing Officer's decision shall be the final administrative order and decision pursuant to Government Code § 53069.4(b).

**1.16.090 Right to Judicial Review.**

If an administrative order is rendered in favor of the City, the Responsible Person may seek judicial review of the administrative order in the Los Angeles County Superior Court, by filing an appeal of the administrative order pursuant to, and paying the fee required by, Government Code § 53069.4 within twenty (20) Days after service of the administrative order. Pursuant to Government Code § 53069.4, the appealing party must serve a copy of the notice of appeal in person or by first-class mail upon the City Clerk. If no notice of appeal is filed within the twenty (20) Day period, the administrative Hearing Officer's decision is final.

**1.16.110 Collection and Lien Procedures.**

A. Recovery of Administrative Citation Fines and Costs. In addition to any other legal remedy, the City may place a lien on property owned by the Responsible Person in an amount equal to the sum of the fines delinquent for more than ninety (90) Days, plus penalties. Imposition of a lien must stem from a citation for the condition or use of real property, or any improvements thereon, owned by the Responsible Person.

B. Lien Procedure.

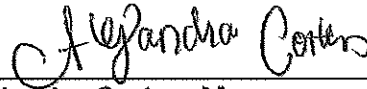
1. The City Manager may initiate proceedings to record a lien conforming with this Code if the decision is not appealed.
2. Before recording the lien, the Department Director must submit a report to the City Manager, or designee, stating the amount due and owing.
3. The Department Director must then contact the City Clerk and arrange a time, date, and place for the City Council to consider the report and any protests or objections to it.

Ordinance No. 898

**SECTION 3.** The City Clerk shall certify to the passage and adoption of this Ordinance, causing it to be posted as required by law, and it shall be effective thirty (30) days after its adoption.

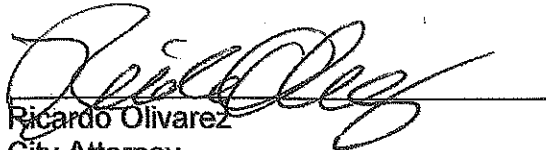
**PASSED, APPROVED and ADOPTED** this 23 day of September 2019.

**THE CITY OF BELL GARDENS**



Alejandra Cortez, Mayor

**APPROVED AS TO FORM:**



Ricardo Olivarez  
City Attorney

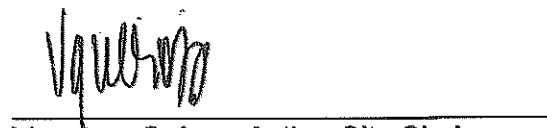
**ATTEST:**



Vanessa Quiroz  
Acting City Clerk

I, VANESSA QUIROZ, Acting City Clerk of the City of Bell Gardens, hereby CERTIFY that Ordinance No. 898 was introduced and placed upon its first reading at a regular meeting of the Bell Gardens City Council held on **Monday, September 09, 2019** and that thereafter said ordinance was duly adopted at a regular meeting of the City Council held on **Monday, September 23, 2019** and was approved and passed by the following vote:

**AYES:** Council Members Barcena, Rodriguez; Mayor Pro Tem Flores; Mayor Cortez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Council Member Aceituno



Vanessa Quiroz, Acting City Clerk