

ORDINANCE NO. 512

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES
AMENDING CHAPTER 1.08 (GENERAL PENALTY) AND CHAPTER
1.16 (ADMINISTRATIVE PENALTIES) OF TITLE 1 (GENERAL
PROVISIONS) OF THE RANCHO PALOS VERDES MUNICIPAL CODE
RELATING TO THE ADMINISTRATIVE CITATION ORDINANCE.**

WHEREAS, pursuant to Ordinance No. 473, the City of Rancho Palos Verdes enacted Chapter 1.16 of the City of Rancho Palos Verdes Municipal Code to implement an Administrative Citation Ordinance for the expeditious resolution of violations of the Municipal Code, which such remedy is in addition to criminal, civil or other legally established process that may be pursued to address Code violations and is reasonably necessary to protect the health, safety and welfare of the citizens of the City of Rancho Palos Verdes; and

WHEREAS, Chapter 1.08 contains the general penalty provisions applicable to issuance of criminal citations associated with violations of the Municipal Code; and

WHEREAS, it is necessary to amend Chapters 1.08 and 1.16 to further implement the provisions of the City's Administrative Citation Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Chapter 1.08 (General Penalty) of Title 1 (General Provisions) of the Municipal Code is hereby amended to add Section 1.08.040 as follows:

“1.08.040 Concurrent authority.

Any officers and employees, and any other persons designated to do so by this Code or the City Manager, shall have the concurrent authority to issue administrative citations pursuant to Chapter 1.16 (Administrative Penalties) of Title 1 (General Provisions) of this Code.”

Section 2: Section 1.16.020 (Definitions) of Chapter 1.16 (Administrative Penalties) of Title 1 (General Provisions) of the Municipal Code is hereby amended to revise the following definition:

“ "Citing official" means any city employee, any member of the Los Angeles County sheriff's department, any member of the Mountains Recreation and Conservation Authority providing park ranger services, and any other person designated by the City Manager who is authorized to enforce provisions of this Code.”

Section 4: Subsection (A) of Section 1.16.110 (Administrative fine – citations and compliance orders) of Chapter 1.16 (Administrative Penalties) of Title 1 (General Provisions) of the Rancho Palos Verdes Municipal Code is hereby amended as follows:

“A. The fine imposed pursuant to this Chapter for a particular violation shall be in the amount set forth in the administrative citation penalty schedule established by resolution of the City Council. The administrative citation penalty schedule shall specify the amount of any late payment charges imposed for failure to timely pay the fine. For any violation of this Code for which no specific administrative penalty is established in this Code or by the City Council, the fine shall be in the amount of one-hundred dollars (\$100) for the first violation, two hundred dollars (\$200) for the second violation of the same provision of this Code within twelve months of the first violation, and five hundred dollars (\$500) for the third and each additional violation of the same provision of this Code within twelve months of the first violation.”

Section 5: Subsection (C) of Section 1.16.110 (Administrative fine -- citations and compliance orders) of Chapter 1.16 (Administrative Penalties) of Title 1 (General Provisions) of the Rancho Palos Verdes Municipal Code is hereby amended as follows:

“C. Administrative fines assessed for failing to fully comply with a compliance order or administrative citation are a debt owed to the City.”

Section 6: Section 1.16.260 (Remedies Cumulative) is hereby added to Chapter 1.16 (Administrative Penalties) of Title 1 (General Provisions) of the Rancho Palos Verdes Municipal Code as follows:

“1.16.260 Remedies Cumulative.

The conviction and punishment of any person for failure to comply with any provision of this Code shall not relieve such person from paying any tax, fee, penalty or interest due and unpaid at the time of such conviction, nor shall payment prevent a criminal prosecution or a civil enforcement action or administrative penalty for violation of any of the provisions of this Chapter. All remedies set forth herein are cumulative, and the use of any one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter or the Code.”

Section 7: **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections,

subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 8: Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

Section 9: Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this 3rd day of August, 2010.

/s/ Stefan Wolowicz
Mayor

ATTEST:

/s/ Carla Morreale
City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole numbers of members of the City Council of said City is five; that the foregoing Ordinance No. 512 passed first reading on July 20, 2010, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on August 3, 2010, and that the same was passed and adopted by the following roll call vote:

AYES: Campbell, Missetich, Stern, Long and Wolowicz
NOES: None
NOES: None
ABSTAIN: None

City Clerk