

Chapter 1.01 ADOPTION OF CODE

1.01.010 Adoption.

Pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the California Government Code, there is adopted the “Hawaiian Gardens Municipal Code” as published by Quality Code Publishing LLC, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the “Hawaiian Gardens Municipal Code.” (Ord. 558 § 1, 2015; Ord. 522 § 1, 2008; Ord. 177 § 1, 1975).

1.01.020 Title—Citation—Reference.

This code shall be known as the “Hawaiian Gardens Municipal Code” and it shall be sufficient to refer to this code as the “Hawaiian Gardens Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Hawaiian Gardens Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Hawaiian Gardens Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 177 § 2, 1975).

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Hawaiian Gardens, California, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the California Government Code. (Ord. 558 § 2, 2015; Ord. 177 § 3, 1975).

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance No. 169, passed August 13, 1974. The following ordinances, passed subsequent to Ordinance No. 169, but prior to adoption of this code, are adopted and made a part of this code: Ordinance Nos. 170, 171, 172, 173, 174, 175 and 176. (Ord. 177 § 4, 1975).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Hawaiian Gardens Municipal Code,” or to any portion thereof, or to any ordinance of the city of Hawaiian Gardens, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 177 § 5, 1975).

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code. (Ord. 177 § 6, 1975).

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 177 § 7, 1975).

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this code, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 177 § 8, 1975).

1.01.090 Effective date.

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the “Hawaiian Gardens Municipal Code” becomes effective. (Ord. 177 § 9, 1975).

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 177 § 10, 1975).

1.01.110 Unlawful business prohibited.

In no event shall any license, permit, or approval, including but not limited to, amendments, development plans, modification permits, site plan reviews, use permits, variances, or other entitlements, be granted for a use, including an ancillary, minor or temporary use or activity that is illegal or unlawful under any law or regulation of the United States, the state of California or the city. The issuance or granting of any such license, permit or approval under this code shall not be deemed or construed to be a permit to conduct or to continue an illegal or unlawful business, or to conduct or continue a lawful business in an unlawful manner, or at a place prohibited by law or the ordinances of this city. (Ord. 523 § 2, 2008).

1.04.010 Definitions.

The following words and phrases whenever used in the ordinances of the city of Hawaiian Gardens, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the city of Hawaiian Gardens, California, or the area within the territorial limits of the city of Hawaiian Gardens, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;

“City administrator” means the city manager;

“Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day, and if the last day be Sunday or a legal holiday, that day shall be excluded;

“Council” means the city council of the city of Hawaiian Gardens, California. “All its members” or “all councilmembers” mean the total number of councilmembers provided by the general laws of the state of California;

“County” means the county of Los Angeles, California;

“Goods” includes wares or merchandise;

“Law” denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the city of Hawaiian Gardens, and when appropriate, any and all rules and regulations which may be promulgated thereunder;

“May” is permissive;

“Month” means a calendar month;

“Must” and “Shall.” Each is mandatory;

“Oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”;

“Operate” includes carry on, keep, conduct or maintain;

“Ordinance” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

“Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land;

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

“Personal property” includes money, goods, chattels, things in action and evidences of debt;

“Preceding” and “following” mean next before and next after, respectively;

“Property” includes real and personal property;

“Real property” includes lands, tenements and hereditaments;

“Sale” includes any sale, exchange, barter or offer for sale;

“Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

“State” means the state of California;

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

“Tenant” and “occupant,” applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

“Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city;

“Written” includes printed, typewritten, mimeographed or multigraphed;

“Year” means a calendar year.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

When an act is required by an ordinance of the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 542 § 2, 2012; Ord. 141 § 1, 1974; prior code §§ 1323, 1324, 1325).

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

- A. Gender. The masculine gender includes the feminine and neuter genders;
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular;
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 141 § 2, 1974).

1.04.030 Prohibited acts include causing, permitting, etc.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 141 § 3, 1974).

1.04.040 Construction.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 141 § 4, 1974).

1.04.050 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 141 § 5, 1974).

1.04.060 Writing—English.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. (Prior code § 1305).

1.04.070 Reference applies to amendments.

Whenever a reference is made to any portion of this code, or to any ordinances of this city, the reference applies to all amendments and additions now or hereafter made. (Prior code § 1306).

1.04.080 Service of notice.

Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at his/her last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. (Prior code § 1307).

1.04.090 Proof of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the city, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this code, or other provisions of law applicable to the subject matter concerned. (Prior code § 1308).

1.04.100 Interpretation of references.

Whenever in this code or in any ordinance, statute, or other matter which is adopted by reference, unless the context requires otherwise the following references shall be given the following meanings:

- A. “County of Los Angeles” shall mean the city;
- B. “Board of supervisors” shall mean the city council of the city;
- C. “Unincorporated territory” shall mean the incorporated territory of the city;
- D. “County” shall mean the city;
- E. “County officer” shall mean the appropriate or designated officer of the city. (Prior code § 1326).

1.04.110 Contracts with Los Angeles County.

The city council shall have the right to contract with the county pursuant to the laws of the state and the charter of the county, for the performance and execution by designated county officials of the rights, powers and duties of officers, officials and employees of the city. Whenever in this code, whether set forth in full or by adoption by reference, any power or authority is granted to an officer, official or employee, the power or authority is conferred upon the appropriate officer, official or employee of the city or the appropriate officer, official, or employee of the county with whom a contract has been entered into. (Prior code § 1327).

Chapter 1.08 OFFICIAL CITY LOGO

1.08.010 City logo.

The official logo of the city of Hawaiian Gardens shall be in the form of a circle approximately one and one-half inches in diameter, the face of which is as set forth below:



(Ord. 533 § 1, 2010).

1.08.020 Use of city logo.

It is unlawful and a misdemeanor for any person to make or use the logo of the city of Hawaiian Gardens, or any cut, facsimile, or reproduction thereof, for any purpose other than for the official business of the city of Hawaiian Gardens, its city council, officers or departments, except upon approval of the city council by ordinance or resolution. (Ord. 533 § 1, 2010).

1.08.030 Imitation of city logo.

No person shall place any imitation of the city logo on any publication, object or material that is designed, calculated, intended or likely to confuse, deceive or mislead the public to believe it to be an official city publication, object or material, and no person shall circulate or distribute any such publication, object or material in the city of Hawaiian Gardens. Any person violating this provision shall be guilty of a misdemeanor. (Ord. 533 § 1, 2010).

1.08.040 Use of city logo for political campaign prohibited.

No person or campaign committee shall use the city logo, or any cut, facsimile, or reproduction thereof, for purposes of supporting or opposing the nomination or election of any person to any city or other public office, or for purposes of supporting or opposing any ballot measure, nor include such city logo on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings issued by the city of Hawaiian Gardens or the city council as a whole pursuant to law. (Ord. 533 § 1, 2010).

1.08.050 Manufacture and sale of souvenirs and decorative items.

Nothing in this chapter shall prevent a person from manufacturing or selling non-documentary objects, such as souvenirs or decorative items, bearing the city logo as part of the design, provided that such person undertakes such activity pursuant to agreement with the city, approved by the city council or by such officer as the city council may designate, containing such requirements and limitations as the city council or such officer shall deem appropriate to assure that such use of the city logo is in good taste and in the best interests of the city of Hawaiian Gardens. (Ord. 533 § 1, 2010).

1.08.060 Custodian of city logo.

The city clerk of the city of Hawaiian Gardens shall be the official custodian of the official logo of the city. (Ord. 533 § 1, 2010).

Chapter 1.12 ENFORCEMENT OF CODES

1.12.010 Legislative findings.

- A. The city council finds that there is a need for alternative methods to enforce code violations that detract from the appearance of the community and create blighted conditions potentially affecting the social, physical, environmental and economic conditions of the city.
- B. The city council desires to provide for orderly and productive growth by protecting the health, safety and welfare of the citizens of the city.
- C. The city council strives to protect the property values and interest in the community by abating deteriorating conditions and removing blight.
- D. The city council promotes economic growth by committing to promote a community that is safe, sanitary, and a desirable place to work and live.
- E. The city council finds and determines that the enforcement of the Hawaiian Gardens Municipal Code, other ordinances adopted by the city, and conditions of approval of land use entitlements are matters of local concern and shall be addressed in a manner that is fair and consistent with the Hawaiian Gardens zoning ordinance and general plan.
- F. The city council finds that the procedures established in this chapter shall be in addition to criminal, civil, or any other legal remedies established by law to address violations of the municipal code or other applicable county or state code and laws. This chapter shall not prevent the concurrent or consecutive use of these legal remedies to achieve compliance.

The adoption of this code nor the repeal or amendment by this code or any ordinance or any part of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of this code nor to be construed as a waiver of any license, fee, permit or penalty. The manner and timing of enforcement and implementation of this code shall be within the duties of the enforcement officer.

The implementation of this code shall not be construed to hold the city or any officer or employee of the city responsible for any damage to persons or property by reason of a failure to enforce, implement or execute any of the provisions of this code. No officer or employee shall be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance. (Ord. 449 § 3, 1999).

1.12.020 Definitions.

“Enforcement officer” means any officer or employee of the city, with the authority to enforce the Hawaiian Gardens Municipal Code, or applicable Los Angeles County or state of California codes and laws, as identified in Section 1.12.050(C).

“Responsible person” means any individual who is in violation of the Hawaiian Gardens Municipal Code, or any individual who is the owner of or occupant of real property or owner or authorized agent of any business, company, or entity or parents or the legal guardian of any person under the age of eighteen years of age, who causes or maintains a violation of the Hawaiian Gardens Municipal Code, or applicable county or state codes or laws. (Ord. 449 § 3, 1999).

1.12.030 Authority.

- A. Any responsible person violating any provision of the city of Hawaiian Gardens Municipal Code or applicable Los Angeles County or state of California code, may be issued a citation by an enforcement officer as provided for in this chapter. A violation of this code includes, but is not limited to, all violations of the city of Hawaiian Gardens Municipal Code, uniform codes adopted by the city, county of Los Angeles codes adopted by the city, or state of California codes and laws. Also any failure to comply with any condition imposed by any land use entitlement, permit, agreement, or an environmental document issued or approved under the provisions of this code is subject to citation by an enforcement officer.
- B. Each and every day a violation of the municipal code or applicable county or state code exists constitutes a separate and distinct offense. (Ord. 449 § 3, 1999).

1.12.040 Bail schedule.

The city council shall by resolution adopt a bail schedule for violations of the city of Hawaiian Gardens Municipal Code. From time to time the city council may amend the bail schedule, by resolution. (Ord. 449 § 3, 1999).

1.12.050 Powers of arrest and authorization to issue citations.

- A. Pursuant to the provisions of Section 836.5 of the California Penal Code, or any amendment thereof, enforcement officers of the city shall be authorized to exercise the powers of arrest and

issuance of citations. The use of this chapter shall be at the sole discretion of the enforcement officer, provided he/she has reasonable cause, pursuant to the California Penal Code.

B. The enforcement officers shall issue citations and/or exercise the powers of arrest only as to those responsible persons, firms, or corporations found to be violating a provision of the city of Hawaiian Gardens Municipal Code, uniform codes adopted by the city, county of Los Angeles codes adopted by the city, or state of California codes and laws which the officer or employee has a duty to enforce, and which violation (misdemeanors) occurs in the presence of the enforcement officer.

C. The following classifications of officers and employees of the city are authorized to issue citations and exercise the powers of arrest pursuant to Penal Code Section 836.5, provided that the employee has completed an introductory course of training prescribed by the Commission on Peace Officer Standards Training pursuant to Penal Code Section 832:

1. City administrator;
2. Director of planning and community development;
3. Associate planner;
4. Code enforcement officer;
5. Community relations officer;
6. Parking control officer;
7. Administrative technician;
8. Planning technician;
9. Building inspector;
10. Health inspector;
11. Fire inspector;
12. Peace officer.

D. Nothing in this section authorizes any employee in the city to carry a firearm (other than pepper spray) or to physically arrest a responsible person. An employee of the city needing assistance to execute an arrest shall be aided by the Los Angeles County sheriff's department or other police agency. (Ord. 449 § 3, 1999).

1.12.060 Citation procedure.

A. When any responsible person is arrested in the city for violating any provision or failing to comply with any of the requirements of the municipal code or any other ordinances of the city, and such responsible person is not immediately taken before a magistrate as provided for in the Penal Code of the state, the arresting officer or employee may prepare in duplicate a written notice to appear in court, which notice shall contain the name and address of such responsible person to whom the notice is issued, the offense charged against him/her, time and place the offense occurred, and the time and place where and when such responsible person shall appear in court. The time specified in the notice to appear shall be at least ten days after such arrest. Such written notice shall

be presented to the arrested person and request shall be made for a written promise to appear at such time and place.

B. Any responsible person who wilfully violates his/her written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he/she was originally arrested.

C. When a responsible person signs a written promise to appear at the time and place specified therein, and has not posted bail as provided for in the California Penal Code, the magistrate shall issue and have delivered for execution a warrant for his/her arrest within twenty days after the responsible person has failed to appear as promised, or if the responsible person promises to appear before an officer authorized to accept bail, other than a magistrate, and fails to do so on or before the date with which he/she promised to appear, then within twenty days after the delivery of the written promise to appear by the officer to the magistrate having jurisdiction over the offense, the magistrate shall issue and have delivered for execution, a warrant for his/her arrest. When the responsible person violates his/her promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged on the written promise to appear and the complaint, if any, filed by the arresting officer or employee.

D. When the preparation and delivery of a written notice to appear is impractical, the written notice may be mailed, by registered mail, to the last known owner of the property or business. Simultaneously the written notice to appear may be sent by first class mail. If the written notice is sent by registered mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the notice to appear sent by first class mail is not returned. All informational requirements found in subsection A of this section shall remain the same. The time specified in the notice to appear shall be at least ten days after such written notice is expected to be delivered to the responsible person. (Ord. 449 § 3, 1999).

1.12.070 Classification of offenses—Public nuisances.

A. No person shall violate any provision or fail to comply with any requirement, obligation, or condition of this code or land use entitlement, or any duly-adopted or uncodified ordinance, or of any permit, license, approval or land use entitlement granted or issued pursuant to the code or an ordinance (collectively hereafter the “code”). Such violations are punishable as follows:

1. Misdemeanor. A responsible person violating or failing to comply with the code shall be guilty of a misdemeanor unless such violation or failure to comply is expressly designated in this code as an infraction. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine as identified in the city bail schedule, not to exceed one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued or permitted by such person, and shall be punished accordingly.

2. Infraction. A responsible person violating or failing to comply with the code, which offense is expressly designated therein as an infraction, shall be guilty of an infraction. Except as otherwise provided in this code, any person convicted of an infraction shall be punishable by a fine of: (1) one hundred dollars for the first violation; (2) two hundred dollars for the

second violation of the same provision of this code within a twelve-month period; and (3) five hundred dollars for a third or more violations of the same provision of this code within a twelve-month period unless noted otherwise in the bail schedule which may be amended by resolution by the city council. The fourth violation of the same section of the municipal code within one year may be treated as misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued or permitted by such person, and shall be punished accordingly.

A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him/her unless he/she is arrested and not released on his/her written promise to appear, on his/her own recognizance, or pursuant to a deposit of bail.

B. Reclassification of Offenses. A violation of this code classified as a misdemeanor may be charged as an infraction when:

1. The prosecutor files a complaint charging the offense as an infraction; or
2. The court, on motion of the prosecutor and with the consent of the defendant, determines to treat a misdemeanor offense as an infraction, in which event the case will proceed as if the defendant had been arraigned on an infraction complaint.

C. Continuing Duty of Abatement. Payment of a fine shall not excuse payment of any required fee under the code, or the failure to correct a violation of the code, nor shall it bar the further exercise of one or more of the city's remedies with regard to such violation.

D. Public Nuisances. In addition to the penalties hereinabove provided, any condition, use or activity caused, maintained or otherwise permitted to exist in violation of the code or a condition of approval of a land use entitlement, shall be deemed a public nuisance and may be abated by the city as such in any manner allowed by law. Each and every day that a prohibited condition, use or activity is caused, maintained or otherwise permitted, shall be regarded as a new and separate public nuisance. (Ord. 501 § 1, 2004; Ord. 449 § 3, 1999).

1.12.080 Failure to provide identification.

It shall be a misdemeanor for any person to fail to provide a California Drivers License (CDL), California Identification Card (CIC), or other form of positive identification (i.e., visa, passport, etc.) to enforcement officers. (Ord. 449 § 3, 1999).

1.12.090 Giving false information to an officer or employee.

It shall be a misdemeanor for any person to give false or misleading information to the enforcement officers. (Ord. 449 § 3, 1999).

1.12.100 Threatening or assault on an officer or employee.

It shall be a misdemeanor for any person to intimidate, obstruct, disturb, interfere, provoke, use offensive words which may provoke an immediate violent reaction, threaten, assault, injure or hurt the enforcement officer. (Ord. 449 § 3, 1999).

1.12.110 Evading an officer or employee.

It shall be a misdemeanor for any person to evade or in any manner elude an enforcement officer. (Ord. 449 § 3, 1999).

Chapter 1.13 ADMINISTRATIVE CITATIONS

1.13.010 Applicability.

- A. Use of this chapter shall be at the sole discretion of the city and is one remedy that the city has to address violations of the Hawaiian Gardens Municipal Code. By adopting this chapter, the city does not intend to limit its discretion or ability to utilize any criminal, civil or other remedies, or any combination thereof, to address any violations of the city's laws.
- B. This chapter makes any violation of the provisions of the Hawaiian Gardens Municipal Code subject to civil fines.
- C. This chapter establishes the administrative procedures for the imposition, enforcement, collection and administrative review of civil fines pursuant to Government Code Section 53069.4.
- D. An administrative fine shall be imposed by means of an administrative citation issued by an enforcement officer and shall be paid directly to the city of Hawaiian Gardens. Payment of a fine shall not excuse a failure to correct a violation nor shall it bar further enforcement action by the city. (Ord. 501 § 3, 2004).

1.13.020 Definitions.

As used in this chapter, the following words are defined as follows:

“Citation” means an administrative citation that is issued to a responsible person pursuant to this chapter.

“Citee” means a responsible person to whom a citation is issued.

“City” means the city of Hawaiian Gardens, California.

“Civil fine” is the monetary sanction established by resolution of the city council that is imposed by a citation.

“Code” means and includes (1) the entire Hawaiian Gardens Municipal Code and all Los Angeles County and state codes incorporated therein by adoption or reference; (2) any uncodified ordinance adopted by the Hawaiian Gardens city council; and (3) all other state laws applicable to the city of Hawaiian Gardens.

“Director” means the director of the planning and community development department of the city of Hawaiian Gardens or his/her designee.

“Enforcement officer” means any officer, agent or employee of the city designated by the city administrator to have the authority and responsibility to enforce certain provisions of this code, as identified in Section 1.12.050(C) of this code. This official may also be referred to as an “officer.”

“Hearing officer” means a person, agency or body designated by the city to consider all timely requests for an administrative hearing upon issuance of a citation.

“Notice of violation” means a written notice to a responsible person that a violation of this code has occurred. This notice may include a warning that an administrative citation assessing fines may be issued unless the violation is terminated or abated.

“Owner” means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, or responsibility for, any real property in the city, including all persons identified as owners on the last equalized assessment roll of the Los Angeles County assessor’s office. An owner of personal property or animals shall be any person who has legal title, charge, control or possession of, or responsibility for, property. An owner may include an agent, manager or representative thereof.

“Person” means and includes any individual, partnership of any kind, a corporation of any kind, limited liability company, association, joint venture or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrators, or assigns, or any combination of such persons. “Person” also includes any public entity or agency that acts as an owner in the city.

“Property” or “premises” means any real property, or improvements thereon, or portions thereof, as the case may be. “Property” includes any parkway or unimproved public easement abutting such real property. “Property” shall also include all forms of personal property or animals, where applicable.

“Responsible person” means any person, whether as an owner, or otherwise, that allows, causes, creates, maintains, or permits a violation of the code to exist or continue, by any act or the omission of any act or duty.

“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. A “transient” violation is one that is brief or spontaneous in its commission, or that is not typically confined to a fixed location. A “nontransient” violation is continuing in nature and generally present at one location. (Ord. 501 § 3, 2004).

1.13.030 Scope.

This chapter provides for imposition of a civil fine pursuant to a citation for any violation of the code, as well as for a breach or violation of any condition of a permit, approval or license issued pursuant to the code. This remedy may be utilized in place of, or in addition to, any other remedy allowed by the code or state law. The director or designees thereof, shall have sole discretion to utilize any remedy or remedies as authorized by law. (Ord. 501 § 3, 2004).

1.13.040 Issuance of notice of violation.

A. When an enforcement officer determines that a responsible person has committed a violation of the code, the officer may first issue a notice of violation. The officer may then issue a citation if complete abatement of the violation does not occur in a reasonable period as required by the officer in the notice. The community development director, or a designee thereof, may give a responsible person an extension under a notice of violation if substantial progress, as determined by the city, is made in abating the violation in the period stated in the notice, or when the city determines that mitigating or extenuating factors are present that merit an extension of a correction period in a notice of violation.

B. The enforcement officer may, notwithstanding the foregoing subpart, elect to issue a citation without a prior notice of violation if the responsible person is a chronic or repeat offender of the code, or when the violation is transient in nature, or when the violation presents an immediate danger to health or safety, or is otherwise a serious or substantial detriment to public welfare. (Ord. 501 § 3, 2004).

1.13.050 Issuance of administrative citation—Contents thereof.

- A. Whenever an enforcement officer determines that a violation of the code has occurred, the officer may issue a citation on a form approved by the city attorney imposing a civil fine or fines to the responsible person(s) in accordance with the provision of this chapter.
- B. When the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that creates an immediate danger to health or safety, a citation may be issued forthwith. In the absence of an immediate danger, a citation for such a violation shall not be issued pursuant to this chapter unless the responsible person has first been provided with a reasonable period, as determined by the officer, in which to complete the abatement or compliance actions.
- C. An enforcement officer may issue a citation for a violation not committed in the officer's presence if the officer has determined, through investigation, that the citee did commit, or is otherwise responsible for, the violation.
- D. Each day that a prohibited condition, use or activity under the code is committed, continued or permitted, shall be a separate violation for which a citation may be issued. A citation may charge several violations of the code.
- E. Each citation shall contain the following information:
 1. Name and mailing address of the responsible person;
 2. The address or description of the location of the violation;
 3. The date of commission of the violation(s) or detection thereof by an enforcement officer;
 4. The code ordinance section(s) violated;
 5. A description of the violation(s);
 6. Amount of the fine for each violation, and the procedure and place to pay the fine(s), and any late charge(s), if not timely paid;
 7. When appropriate, the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such action(s);
 8. A description of the citation review process and the manner by which a hearing on a citation may be obtained (including the form to be used and the period in which a request must be made in order to be timely);
 9. The name and signature of the officer, and the signature of the citee, if he/she is physically present and will sign the citation at the time of its issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceeding, nor shall signing a citation constitute an admission that a person has committed a violation of the code;
 10. Any other information deemed necessary by the director. (Ord. 501 § 3, 2004).

1.13.060 Service of citation.

- A. A citation may be served either by personal delivery to the citee or by first class mail through the United States Postal Service. If served by first class mail, the citation shall be sealed in an envelope with postage prepaid and addressed to the citee at his/her last-known business or residence address as the same appears in public records of the city. Service by mail shall be deemed to have been completed on the date of deposit with the United States Postal Service. The date of personal service or the date a citation is deposited with the U.S. Postal Service shall constitute the issuance date of a citation.
- B. If an agent, manager or representative of a responsible person is personally served with a citation, a copy thereof shall also be served by first class mail to the responsible person at his/her last-known business or residence address as the same appears in public records of the city. In such instances, the date a copy of the citation is deposited with the U.S. Postal Service shall constitute the issuance date of a citation.
- C. If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the code, the officer shall post the citation on such real property in the city in which the citee is known to have a legal interest in, or possession, dominion and control of, such property, or a portion thereof. The date of posting shall constitute the issuance date of a citation.
- D. Any notice or order given pursuant to any provision of this chapter shall be served in the manner provided for in this section, unless otherwise stated.
- E. Failure of a citee to receive a citation or notice by mail, shall not invalidate any fine, late charge, action or proceeding, if service was given in a manner stated in this section. (Ord. 501 § 3, 2004).

1.13.070 Civil fines, late charges—Collection of fees and costs.

- A. The amounts of the fines imposed pursuant to this chapter shall be set forth in a schedule of fines established by resolution of the city council. The city council may, by resolution, also impose escalating fines in amounts it deems appropriate for repeat offenses in a twelve-month period that are classified as misdemeanors under the code. The amounts of fines may be modified from time to time by a resolution of the city council.
- B. If a violation is classified as an infraction under the code, the civil fine shall not exceed one hundred dollars for a first offense, two hundred dollars for a second offense within one year, and three hundred dollars for a third offense within one year as set forth in subdivision (b) of Section 25132 and subdivision (b) of Section 36900 of the California Government Code. The amounts of such fines may be modified from time to time by a resolution of the city council provided they do not exceed the limits allowed by state law.
- C. Failure to pay a civil fine within the period required from the issuance date of a citation shall result in a late charge as established by a resolution of the city council. The amount of a late charge may be modified from time to time by a resolution of the city council.
- D. Civil fines and any late charges due shall be paid to the city at such location or address as stated in the citation, or as may otherwise be designated by the director.
- E. The due date for the city's receipt of a civil fine shall be fifteen calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.

F. Payment of a civil fine shall not excuse or discharge a citee 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.

G. Abatement of a violation shall not excuse the obligation of a citee to pay a civil fine, or any late charge.

H. Unpaid civil fine and/or late charges shall constitute a debt that may be collected in any manner allowed by law. The city shall be entitled to recover its attorney fees and costs arising from an action to collect a civil fine and/or late charge if it is the prevailing party and provided it made the election to seek attorney fees at the commencement of the action. A citee shall be entitled to recover his/her attorney fees if the city made the election to seek attorney fees at the outset of the action and the citee prevails thereon. (Ord. 501 § 3, 2004).

1.13.080 Right to an administrative hearing—Waiver of advance deposit of fine.

A. Any citee may contest the violation(s), or that he/she is a responsible person, by filing a request for an administrative hearing with the office of the city clerk, Hawaiian Gardens City Hall, 21815 Pioneer Blvd., Hawaiian Gardens, CA 90716. The request for an administrative hearing shall be made on a city-approved form and filed within fifteen calendar days from the issuance date of a citation. If the office of the city clerk does not receive the request in the required period, the citee shall have waived the right to a hearing and the citation shall be deemed final.

B. No fee shall be charged for the filing of a request for a hearing.

C. Requests for a hearing shall be accompanied by the entire amount of the fine stated in the citation. Failure to deposit a fine, or the tender of a nonnegotiable check in the required period, shall render a request for an administrative hearing incomplete and untimely. Fines that are deposited with the city shall not accrue interest. Fines deposited shall be returned to the person tendering the fines within thirty days in the event a citation is overturned.

D. A citee who is financially unable to deposit the civil fine with his/her request for a hearing may complete a city-approved application form for an advance deposit hardship waiver (hereafter the “hardship waiver”). This form and all required accompanying records, shall be tendered, along with a request for a hearing, to the office of the city clerk, Hawaiian Gardens City Hall, 21815 Pioneer Blvd., Hawaiian Gardens, CA 90716 within fifteen calendar days from the issuance date of a citation.

E. To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the city to reasonably determine the citee’s present inability to deposit the fine. Documents suitable for consideration, may include, without limitation, accurate, complete and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income and expense records for twelve months preceding submittal of the waiver form, as well as other documentation demonstrating the citee’s financial hardship. The city may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a citee for a hardship waiver without prior notice to the citee.

F. Failure to submit a completed, signed hardship waiver form, along with records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the citee shall have waived the right to a hearing and the citation shall be deemed final.

G. The city shall issue a written decision specifying the reasons for issuing or not issuing the hardship waiver. This decision is final and nonappealable. The decision shall be served upon the person requesting the hardship waiver by first class mail.

1. Approval of a hardship waiver shall result in the city setting a hearing pursuant to subsection I of this section.
2. If the city determines that the citee is not entitled to a hardship waiver, he/she shall tender the full amount of the civil fine to the office of the city clerk within seven calendar days of the date the decision is deposited with the U.S. Postal Service. In the event the city clerk does not receive the full amount of the fine in the required period: (i) a late charge shall be imposed; (ii) the request for a hearing is rendered incomplete and untimely; and (iii) the citee shall have waived the right to a hearing and the citation shall be deemed final.

H. A request for a hearing shall contain the following:

1. The citation number;
2. The name, address, telephone and any facsimile numbers of each person contesting the citation;
3. A statement of the reason(s) why a citation is being contested;
4. The date and signature of the citee(s).

I. The person filing the request for a hearing shall be notified in writing by certified mail of the date, time and place set for this proceeding which shall be conducted within sixty days of the date a timely and complete request is received by the office of the city clerk. Such notice shall be given at least ten calendar days prior to the date of the hearing. Service of this notice is deemed complete at time of mailing. The failure of a citee to receive a properly addressed notice shall not invalidate the citation or any hearing, city action or proceeding conducted pursuant to this chapter.

J. If the officer submits an additional written report concerning the citation to the office of the city clerk for consideration at the hearing, then a copy of this report shall also be served by first class mail on the person requesting an administrative hearing no less than three calendar days prior to the date thereof. Failure to receive such report shall not invalidate the citation or any hearing, city action or proceeding conducted pursuant to this chapter.

K. A timely request for a hearing shall not excuse a citee 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. (Ord. 520 § 2, 2008; Ord. 501 § 3, 2004).

1.13.090 Administrative hearing—Procedures.

- A. The city administrator shall designate or appoint a hearing officer.
- B. Administrative hearings are informal and rules of evidence and discovery do not apply. The city bears the burden of proof to establish a violation and responsibility thereof by a preponderance of evidence. The citation is *prima facie* evidence of the violation, however, the officer who issued the citation is not required to attend or participate at the hearing. The citee(s), and officer, if present, shall have an opportunity to present evidence and to cross-examine witnesses. A citee may bring an interpreter to the hearing provided there is no expense to the city thereof. The hearing officer may question any person who presents evidence or who testifies at any hearing.

C. A citee may appear at the hearing in person or by written declaration executed under penalty of perjury. Such declaration and any documents in support thereof shall be tendered to and received by the office of the city clerk at least three city business days prior to the hearing. If the citee fails to attend the scheduled hearing or does not submit a written declaration in a timely manner, he/she shall be deemed to have waived the right to a hearing. In such an instance, the hearing officer shall cancel the hearing and not render a decision. In such instances, the citation shall be deemed final.

D. Hearings may be continued once at the request of a citee or the officer who issued the citation. The hearing officer may also continue the hearing for cause. (Ord. 501 § 3, 2004).

1.13.100 Hearing officer decision—Right of appeal.

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue an administrative order at the conclusion of the hearing or within fifteen days to uphold or overturn the citation and shall state the reasons thereof. If the citation is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and state deadline(s) to complete such action(s). The decision of the hearing officer shall be final. All fines become immediately due and owing to the city in the full amount and if not paid may be collected as provided in this chapter. Failure to comply with an administrative order directing the abatement of a continuing violation will result in a criminal misdemeanor complaint to be filed or other legal remedy available to gain compliance with the administrative order.

B. The citee(s) shall be served by first class mail with a copy of the administrative order. The date the decision is deposited with the U.S. Postal Service shall constitute the date of its service. The failure of a citee to receive a properly addressed decision shall not invalidate the citation or any hearing, city action or proceeding conducted pursuant to this chapter.

C. Decisions of the hearing officer are, in accordance with Government Code Section 53069.4(b), appealable to the superior court within twenty days after the date of their service. Each decision shall contain a statement advising the citee(s) of this appeal right and the procedures and court filing fee for its exercise. A citee shall serve a copy of the court filed notice of appeal on the office of the city clerk at Hawaiian Gardens City Hall, 21815 Pioneer Blvd., Hawaiian Gardens, CA 90716 by personal service or first class mail within five calendar days of filing the original thereof.

D. If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed.

E. The superior court is the sole reviewing authority and an appeal from a hearing officer's decision is not appealable to the city council. If a responsible person prevails on appeal, the city shall reimburse his/her filing fee, as well as the fine deposit in accordance with the court judgment. These moneys shall be mailed to the responsible person within thirty calendar days of the city's receipt of a notice of judgment or ruling from the superior court clerk. (Ord. 501 § 3, 2004).

1.13.110 Collection of delinquent fines.

The city may use all available legal means to collect past due fines and other related costs.

- A. Any person who fails to pay any fine shall be liable in any action or collection procedure brought by the city for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorneys' fees.
- B. Collection costs shall be in addition to any penalties, interest and late charges imposed upon the delinquent obligation.
- C. Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally responsible party if the violation or violations persist after the date for correcting them as stated in the administrative order. (Ord. 501 § 3, 2004).

1.13.120 Collection by lien.

If the fine owed by a cited party is for one or more municipal code violations on the cited party's property, and the citation was issued to abate a nuisance as defined by the municipal code or city ordinance, and the amount has been delinquent ninety days or more, the delinquent amount shall become a lien on the property on which the violations occurred. (Ord. 501 § 3, 2004).

1.13.130 Notice of lien hearing.

The city shall give written notice to the cited party of a hearing before the city council regarding the delinquent fine amount and related costs. The notice shall be mailed by first class mail at least fourteen days before the hearing. The notice shall state:

- A. The citation or citations resulting in the delinquent fine amount;
- B. The total of the delinquent fine amount and related costs;
- C. The date the delinquent fine amount was due;
- D. The street address, assessor's parcel number and legal description of the property upon which the violations occurred;
- E. The date, hour and place of the hearing;
- F. A statement that the cited party or other legally responsible person may appear and be heard;
- G. A statement that unless the fine amount is paid by the date specified in a resolution by the city council, the total amount due will become a lien and special assessment on the property. (Ord. 501 § 3, 2004).

1.13.140 Lien hearing.

At the lien hearing, the city council shall hear and consider all competent evidence about the delinquent fine amount. If it finds the amount is delinquent, it shall make a finding of fact confirming that the delinquent fine amount and related costs are due the city as costs of nuisance abatement. If the delinquent amount are affirmed, the total amount due is to be paid to the city within five days, after which the amount due will become a lien on the property. (Ord. 501 § 3, 2004).

1.13.150 Recorded lien.

If the amount due is not paid within five days after the city council confirms it and orders it paid, the amount due shall constitute a lien upon the real property upon which the nuisance violations existed and shall be a special assessment against the property. The lien shall continue until the amount due and interest, computed at six percent per annum from the date of the city council's confirmation, is paid or until it is discharged of record.

If the amount due is not paid as required by the city council's order, a notice of lien shall be recorded in the office of the county recorder and delivered to the county tax collector. The notice of lien shall substantially be in the following form:

NOTICE OF LIEN
CLAIM OF THE CITY OF HAWAIIAN GARDENS

By the authority of Hawaiian Gardens Municipal Code section 1.13.040, an administrative citation or citations were issued regarding nuisance abatement at the real property described below. Fines were assessed for the nuisance. By action of the City of Hawaiian Gardens City Council, recorded in its official minutes, the fines and related costs were confirmed as delinquent and assessed against the property as costs of nuisance abatement.

The delinquent amount was not paid, therefore the City of Hawaiian Gardens claims a lien on the real property for the costs of abatement in the amount of \$ _____, which shall be a lien on the real property until it is paid, with interest at the rate of 6% per annum from the _____ day of _____, 2_____[insert the date the City Council confirmed the delinquent fines and related costs]. The lien shall continue until paid in full and discharged of record. It shall also be a personal obligation against [insert name of property owner].

The real property upon which a lien is claimed is that certain parcel of land in the City of Hawaiian Gardens, County of Los Angeles, State of California, described as follows:

[Insert legal description.]

Dated this _____ day of _____, 2_____.

City of Hawaiian Gardens

By: _____

Community Development Director

(Ord. 501 § 3, 2004).

1.13.160 Special assessment.

After the lien is confirmed and recorded, a certified copy of it shall be filed with the county auditor. The description of the parcel reported to the auditor shall be the one used by the county assessor's map book for the current year. The county auditor shall enter each assessment on the county tax roll for the reported

parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes.

If delinquent, the amount is subject to the same penalties and procedure of foreclosure provided for ordinary municipal taxes. As an alternative method, the county tax collector, in his/her discretion, may collect the assessment without reference to the general taxes, by issuing separate bills and receipts for the assessment. Laws relating to the levy, collection and enforcement of county taxes shall apply to such special assessment.

The city may receive the amount due on the abatement costs and issue receipts at any time after the confirmation of the statement, before August 1st of that current year. The city council may order a refund of any lien or assessment paid under this section if it finds that all or part of the assessment has been erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with the city clerk on or before March 1st after taxes become due and payable. The claim shall be verified by the person who pays the tax, or his/her guardian, executor, or administrator. (Ord. 501 § 3, 2004).

1.13.170 Miscellaneous provisions.

- A. Failure of a citee to comply with a corrective action stated in any uncontested citation, or with regard to a correction order in any hearing officer decision that is deemed confirmed, shall constitute a misdemeanor.
- B. The director may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. Notice of such action shall be given to the citee in writing.
- C. The director is authorized to promulgate procedural rules and regulations governing the civil administrative citation and hearing process. (Ord. 501 § 3, 2004).

1.13.180 Severability.

If any section, subpart, sentence, clause, phrase, or portion of this chapter is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this chapter shall nonetheless remain in full force and effect. The city council declares that it would have adopted each section, subpart, sentence, clause, phrase, or portion of this chapter, irrespective of the fact that any one or more sections, subparts, sentences, clauses, phrases or portions of this chapter be declared invalid or unenforceable. (Ord. 501 § 3, 2004).

Chapter 1.14 APPEALS AND CALLS FOR REVIEW

1.14.010 Purpose and intent.

The purpose and intent of this chapter is to establish the procedures for appealing a decision of the staff or decision maker, as well as procedures for the city council to review decisions. (Ord. 412 § 2, 1993).

1.14.020 Rights of review.

The city council may call up a decision of the staff or decision maker to approve, conditionally approve or deny an application as set forth in this code. (Ord. 412 § 2, 1993).

1.14.030 Initiation of appeals and calls for reviews.

A. Appeals.

1. Filing. An appeal may be filed by any aggrieved party, with the city clerk in the form prescribed by the city clerk. This appeal shall state specifically:
 - a. The person making the appeal;
 - b. The decision maker the decision is appealed from;
 - c. How a determination or interpretation is not in accord with the purposes of this code;
 - d. How it is claimed that there was an error or abuse of discretion;
 - e. How the record includes inaccurate information;
 - f. How a decision is not supported by record.
2. Fee. An appeal shall require a fee established by resolution by the city council.
3. The filing of an appeal vacates the decision from which the appeal is taken. Such decision is only reinstated if the appellate body affirms the original decision in its action.

B. Calls for Reviews.

1. Filing. A decision may be called for review by a designated review body prior to the effective date of the decision being reviewed. Any member of a designated review body may file a call for review with the clerk or secretary of the review body.
2. Fee. No fee shall be charged for a call for review made by a member of a designated review body. A review requested by an applicant shall require a fee to be set by the city council by resolution. (Ord. 412 § 2, 1993).

1.14.040 Procedures for appeals and calls for reviews.

A. Timing. Within ten days after a decision, any person aggrieved by the decision may appeal the decision by filing a notice of appeal with the city clerk. Upon receipt of a valid appeal, the clerk or secretary of the designated appellate body shall set a hearing date to occur within sixty days unless both applicant and appellant consent to a later date. The appellate or review body may delegate the setting of hearing dates to its clerk or secretary.

B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed requires a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.

C. Plans and Materials. A hearing shall be held de novo. Compliance with this provision shall be verified prior to or during the hearing by a representative of the person or body that made the original decision. Nothing herein shall prevent the appellate or review body from imposing conditions on a project and granting approval to a project modified by conditions imposed as part of the decision.

D. Hearing. At the hearing, the appellate or review body shall review the record of the decision and hear testimony of the appellant, the applicant, the party or body whose decision is being appealed or reviewed and any other interested party.

E. Decision. After the hearing, the appellate or review body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate or review body shall state the specific reasons for modification or reversal. Decisions on appeals or reviews shall be rendered within thirty days of the close of the hearing. A decision of the city council on any appeal from a decision, appeal or review shall be final.

F. Notice. The clerk or secretary of the appellate body shall mail the notice of the decision within five working days after the date of the decision to the applicant, the appellant and any other party requesting such notice. (Ord. 412 § 2, 1993).

1.14.050 Effective date.

A decision regarding an action or review shall become effective on the eleventh day after the date of the notice of decision, unless called for appeal or review by the city council prior to that date. (Ord. 412 § 2, 1993).

1.14.060 New appeals or call for reviews.

Following denial of an appeal or certification of a decision called for review, the same or substantially the same matter shall not be considered by the same body within one year, unless the denial or the certification is made without prejudice. (Ord. 412 § 2, 1993).

1.14.070 Revocation.

A. Any license, permit or certificate issued by the city to any person to carry on any business under the provisions of this chapter may be revoked or suspended by the city council in the manner provided in this section:

1. The city council may upon its own motion, or upon the written charges filed by the city administrator or his/her authorized designee, or the city attorney, give notice to any licensee or permittee to appear before the city council at a time and place set for such hearing to show cause, if any there may be, why the license or permit issued to the licensee or permittee shall not be revoked or suspended. The notice shall state the grounds for complaint or reason for suspension in clear and concise language.

2. Such notice shall be served upon the licensee or permittee not less than five days and not more than ten days prior to the date set for the hearing. Upon good cause being shown, the licensee shall be entitled to a continuance until the next meeting of the city council.

3. On revocation of a license, no part of the money paid to the city therefor shall be returned, but the license fee shall be forfeited to the city.

B. The city council upon its own motion may suspend any license or permit without previous notice pending a hearing as provided in this section:

1. When it appears to the city council that the immediate suspension of any license or permit is necessary for the immediate preservation of the public health, morals, safety and general welfare.

2. At the time of the suspension of any license or permit, the licensee or permittee shall be served with a written statement containing the reasons for such suspension.

3. Within twenty-four hours after the suspension of any license as provided in this section, and unless the license is sooner restored, the licensee or permittee shall be served with a notice.
4. In all cases where a license has been suspended as provided in this section, the hearing of the charges upon which revocation of license is sought shall be held not earlier than the third day, nor later than the fifth day after service of the notice, except at the request and with the consent of the licensee or permittee.

C. After conducting such hearing as provided for in this section, the city council may revoke, suspend or reinstate any such license upon such terms and conditions as in the exercise of a reasonable and sound discretion it shall determine. The order of the council revoking, suspending or reinstating the license or permit shall be final and conclusive.

D. The city council after revoking or suspending any license or permit shall notify the business license collector of such fact, and thereafter no license shall be issued by the business license collector to any licensee or permittee to carry on any business or do any act for which such license or permit was granted until a new license or permit shall have been granted therefor by the city council. (Ord. 412 § 2, 1993).