

TO: JAMES L. APP, CITY MANAGER
FROM: DENNIS CASSIDY, CHIEF OF POLICE
SUBJECT: CODE ENFORCEMENT- ADMINISTRATIVE CITATION PROGRAM
DATE: May 15, 2007

Needs: To consider an Administrative Citation program as an alternate method of handling violations of the Paso Robles Municipal Code (PRMC.)

- Facts:**
1. The City Council deemed enforcement of the Municipal Code a high priority. To meet that end, the City Council approved the hiring of one (1) additional full time Code Enforcement Specialist and the filling of one (1) vacant part-time Code Enforcement Specialist position.
 3. Violations of the Municipal Code may be enforced via criminal citations, abatement proceedings, or civil charges/complaints.
 4. The addition of an Administrative Citation Program would allow a non-criminal citation to property out of compliance.
 5. An Administrative Citation program has worked well in other communities throughout California.
 6. An Administrative Citation program would reduce costs required for pursuing enforcement actions.
 7. The full amount of any Administrative Citation fines collected comes directly back to the City of Paso Robles.
 8. The City Attorney has reviewed the Administrative Citation program to provide for the abatement of public nuisances and municipal code violations.

**Analysis &
Conclusion:**

An Administrative Citation program would give the City of Paso Robles another tool to use in enforcement of the Paso Robles Municipal Code.

When a violation is noted, contact will be made with any person owning, leasing, occupying or having charge or possession of the premises or property, and they will be given a specific timeframe to bring the premises into compliance. If there has been no compliance within the specified time period, an Administrative Citation will be issued to the responsible party. The first citation comes with a one-hundred dollar (\$100) fine, payable to the City of Paso Robles. If non-compliance continues, then another Administrative Citation would be issued carrying a two-hundred (\$200) fine, and if a third or subsequent violation occurs on the property within one (1) year, a five-hundred (\$500) fine would be levied. If the Administrative Citation program does not succeed in gaining compliance, the City of Paso Robles has the option of issuing a criminal citation or seeking abatement through the City Council.

Policy

Reference: Paso Robles Municipal Code Title 1 General Provisions Chapters 1.02 and 1.06

Fiscal

Impact: Savings of legal fees during the year and new fine revenue

Options:

- a. By separate Council action:
 1. Introduce for first reading Ordinance No. XXX N.S. amending Chapter 1.02 of the El Paso de Robles Municipal Code relating to an Administrative Citation Program, and set June 5, 2007 as the date for adoption of said Ordinance; and;
 2. Adopt Resolution No. 07-XXX setting the Schedule of Fines for the Administrative Citation Program.
- b. Amend, modify, or reject the foregoing option.



City of Paso Robles Administrative Citation

Citation No. _____

Date: _____	Time: _____	Day of Week: _____
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Name: (first, middle, last) _____

Address: _____

City: _____	State: _____	Zip: _____
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Location of Violation: _____

<p>9.06.030(9)(a) PRMC Trash/Debris</p> <table style="width: 100%;"> <tr> <td colspan="3">Penalty</td> </tr> <tr> <td>1st <input type="checkbox"/></td> <td>2nd <input type="checkbox"/></td> <td>3rd <input type="checkbox"/></td> </tr> <tr> <td>\$100</td> <td>\$200</td> <td>\$500</td> </tr> </table>	Penalty			1st <input type="checkbox"/>	2nd <input type="checkbox"/>	3rd <input type="checkbox"/>	\$100	\$200	\$500	<p>9.06.030(9)(b) PRMC Discarded Object</p> <table style="width: 100%;"> <tr> <td colspan="3">Penalty</td> </tr> <tr> <td>1st <input type="checkbox"/></td> <td>2nd <input type="checkbox"/></td> <td>3rd <input type="checkbox"/></td> </tr> <tr> <td>\$100</td> <td>\$200</td> <td>\$500</td> </tr> </table>	Penalty			1st <input type="checkbox"/>	2nd <input type="checkbox"/>	3rd <input type="checkbox"/>	\$100	\$200	\$500	<p>9.06.030(9)(c) PRMC Inoperative Vehicle</p> <table style="width: 100%;"> <tr> <td colspan="3">Penalty</td> </tr> <tr> <td>1st <input type="checkbox"/></td> <td>2nd <input type="checkbox"/></td> <td>3rd <input type="checkbox"/></td> </tr> <tr> <td>\$100</td> <td>\$200</td> <td>\$500</td> </tr> </table>	Penalty			1st <input type="checkbox"/>	2nd <input type="checkbox"/>	3rd <input type="checkbox"/>	\$100	\$200	\$500
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Required Correction: _____

Without Admitting Guilt, I acknowledge having received this citation _____

Signature X _____

Comments: _____

Issuing Officer: (Print) _____	Signature: _____	ID Number: _____
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Administrative Citation Procedures

Payment Process:

The total amount of the fine specified on the administrative citation shall be paid to the Paso Robles Police Department within thirty (30) days from the date of issuance of the administrative citation. Make your check or money order payable to City of Paso Robles and mail to or pay in person at 900 Park Street, Paso Robles, CA 93446. Write the citation number on your check or money order. A late fee of 10% of the citation amount shall be charged if the fine is not paid within thirty (30) days from the date of issuance of the administrative citation. Payment of the fine shall not excuse or discharge any continuation or repeated occurrence of the city code violation(s) that are subject of said citation. If the violation(s) are not corrected within the time frame specified on this citation, another administrative citation may be issued to you for the same or increased amount, a criminal citation may be issued or a nuisance abatement action may taken against you.

To Contest this Citation:

A request for administrative hearing may be filed no later than fifteen (15) calendar days from the date of issuance of this citation. The person requesting the hearing shall deposit the full amount of the fine along with the requisite Administrative Hearing Form with the Finance Department. The person may request an administrative hearing form by telephone, (805) 227-7500, mail or in person but shall be solely responsible for completing and returning it within said fifteen (15) day time frame. Failure of any person to submit this request for hearing within the stipulated fifteen (15) day time frame or failure to attend the hearing shall result in failure to exhaust that person's administrative remedies.

White - File Yellow - Violator Pink - Records

RESOLUTION NO. 07-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE
ROBLES SETTING THE SCHEDULE OF FINES FOR ADMINISTRATIVE
CITATIONS

WHEREAS, the City of El Paso de Robles desires to adopt an alternative enforcement tool to allow Municipal Code violations to be processed in a civil manner through the issuance of an administrative citation; and

WHEREAS, the Administrative Citation Program requires the City Council set a schedule of fines; and

WHEREAS, the Administrative Citation Program requires provisions specifying any increased fines for repeat violations of the same or similar provisions by the same person within thirty-six (36) months from the day of an administrative citation; and

WHEREAS, the Administrative Citation Program requires late payment charges for overdue fines.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of El Paso de Robles does adopt the attached Administrative Citation Program Schedule of Fines.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of May, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

Administrative Citation Program Schedule of Fines

Violations

Each and every infraction violation under the provisions of this Code shall be punishable by:

1. A fine not exceeding one hundred dollars (\$100) for a first violation.
2. A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one (1) year.
3. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one (1) year.

Repeat Violators

For repeat violations of the same or similar provision by the same person within thirty-six (36) months from the date of an administrative citation shall be:

1. A fine not exceeding one thousand dollars (\$1000.)

Late Payment Charges

A late payment charge of ten percent (10%) of the citation amount shall be charged if the fine is not paid within thirty (30) days from the date of issuance of the administrative citation.

ORDINANCE NO. ____
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING CHAPTER
1.02 OF THE EL PASO DE ROBLES MUNICIPAL CODE RELATING TO AN
ADMINISTRATIVE CITATION PROGRAM

WHEREAS, under the authority provided by Government Code Sections 36901 and 53069.4, the City Council desires to adopt an alternative enforcement tool to allow Municipal Code violations to be processed in a civil manner through the issuance of an administrative citation; and

WHEREAS, under the authority of Government Code Sections 38771 et seq. and Civil Code Sections 3479 and 3480, the City Council desires to prohibit the occurrence of public nuisances throughout the City and to provide a procedure whereby the City's Enforcement Officers shall declare public nuisances and provide for their abatement.

Now, THEREFORE, the City of El Paso de Robles does hereby ordain as follows:

Section 1. Section 1.02.010 of the Paso Robles Municipal Code is hereby amended to read as follows:

Sections:

1.02.010 – Violations, Penalties and Enforcement

1.02.010 Violations, Penalties and Enforcement

The City Council of the City of El Paso de Robles intends to secure compliance with the provisions of this Code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this Code, each violation of the provisions of this Code may be enforced alternatively as follows:

A. Infraction. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code may be prosecuted for any infraction. Written citations for infractions may be issued by police officers or non-safety employees designated by Paso Robles Municipal Code Chapter 1.06. Each and every infraction violation under the provisions of this Code shall be punishable by:

1. A fine not exceeding one hundred dollars (\$100) for a first violation.
2. A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one (1) year.
3. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one (1) year.

B. Misdemeanor. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by trained non-safety employees designated by Paso Robles Municipal Code Chapter 1.06 and meeting the requirements of the pertinent California Penal Code sections. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

C. Civil Action. The City Attorney, by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) found to be in violation of the provisions of this Code, as provided by law.

D. Administrative Citation. Upon a finding by the city official vested with the authority to enforce the various provisions of this Code that a violation exists, he or she may issue an Administrative Citation under the provisions of Chapter 1.03.

Section 2. Chapter 1.03 of the Paso Robles Municipal Code is hereby added to Title 1 to read as follows:

Sections:

1.03.005	Legislative Findings and Statement of Purposes
1.03.010	Administrative Citations
1.03.020	Administrative Fines
1.03.030	Payment of Fines
1.03.040	Hearing Request
1.03.050	Administrative Citation Hearing
1.03.060	Hearing Officer Decision
1.03.070	Late Payment Charges
1.03.080	Recovery of Administrative Citation Fines and Costs
1.03.090	Notices
1.03.100	Judicial Review

1.03.005 Legislative Findings and Statement of Purposes

A. The City Council hereby finds that there is a need for an alternative method of enforcement for minor violations of the Municipal Code and applicable State Codes. The City Council further finds that an appropriate method of enforcement for minor violations is an Administrative Citation Program as authorized by Government Code Section 53069.4.

1.03.010 Administrative Citations

A. Whenever an enforcement officer charged with the enforcement of this code determines that a violation of any provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

B. "Enforcement officer" shall mean any officer or employee with the authority to enforce the City of El Paso De Robles Municipal Code as identified in Chapter 1.06.

- C. Each administrative citation shall contain the following information:
- (1) The date of violation;
 - (2) The address or a definite description of the location where the violation occurred;
 - (3) The provision(s) violated and a description of the violation;
 - (4) The amount of the fine for the violation;
 - (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - (6) An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
 - (7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the procedure for requesting a hearing; and
 - (8) The name and signature of the enforcement officer.

1.03.020 Administrative Fines

- A. The amounts of the fines for violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council, or where no fine is specified therein by:
- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance or permit within one year from the date of the first violation;
 - (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance or permit within one (1) year from the date of the first violation.
- B. The schedule of fines shall specify any increased fines for repeat violations of the same or similar provision by the same person within thirty-six (36) months from the date of an administrative citation.
- C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

1.03.030 Payment of Fines

- A. The fine shall be paid directly to the city within thirty (30) days from the date of the administrative citation.
- B. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.

1.03.040 Hearing Request

- A.** Any recipient of an administrative citation may contest that there was a violation or that he or she is the responsible party by filing with the Police Department in writing a request for a hearing within fifteen (15) calendar days from the date of the administrative citation.
- B.** The person requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C.** If the enforcement officer submits a written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report shall be served by certified mail, return receipt requested on the person requesting the hearing no less than three calendar days prior to the date of the hearing.

1.03.050 Administrative Citation Hearing

- A.** An administrative citation hearing shall be held by the hearing officer in the manner and form set forth in this section.
- B.** The City of El Paso de Robles City Manager shall designate the hearing officer for the Administrative Citation hearing. The hearing officer shall not be a City of El Paso de Robles employee. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the hearing officer.
- C.** No hearing to contest an Administrative Citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted and, the fine has been deposited in advance.
- D.** The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the Municipal Code on the date(s) specified in the Administrative Citation.
- E.** The person contesting the Administrative Citation shall be given the opportunity to testify and present witnesses and evidence concerning the Administrative Citation.
- F.** The failure of any recipient of an Administrative Citation to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

- G. The Administrative Citation and any additional documents submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- H. At least three days prior to the hearing, the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.
- I. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the Administrative Citation prior to issuing a written decision.

1.03.060 Hearing Officer Decision

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the Administrative Citation and shall state in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the Administrative Citation should be upheld, the hearing officer shall determine the amount of the fine to be imposed, and shall specify a date by which the fine is to be paid to the city.
- C. The recipient of the Administrative Citation shall be served a copy of the hearing officer's written decision by certified mail, return receipt requested.

1.03.070 Late Payment Charges

Any person who fails to pay to the City any fine imposed pursuant to the provisions of this chapter on or before the date the fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines.

1.03.080 Recovery of Administrative Citation Fines and Costs

The City may collect any past-due Administrative Citation fine or late payment charge by use of any and all available legal means. The City may also recover its collections costs according to proof.

1.03.090 Notices

- A. The Administrative Citation and all notices required to be given by this chapter shall be served on the responsible party in substantially the same manner as set forth in this chapter.
- B. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

1.03.100 Judicial Review

Any person aggrieved by an administrative decision of the hearing officer regarding the disposition of an Administrative Citation may obtain review by filing a petition for review with the municipal court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.

Section 3. Section 1.06.010 of the Paso Robles Municipal Code is hereby amended to read as follows:

Sections:

1.06.010 Designated City Employees

The following designated public officers and employees all have the power to issue citations for violations of the provisions of this Code as specified in this section:

- A. Any full time or part time city employee designated by the Chief of Police

Section 4. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance and adopted Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Section 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 on the 31st day after its passage.

INTRODUCED at a regular meeting of the City Council held on May 15, 2007,

And PASSED AND ADOPTED by the City Council of the City of El Paso de Robles on the fifth day of June, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: April 30, 2007

Meeting Date: May 15, 2007

Project: Administrative Citation Program

Authorizing the adoption of an ordinance that would create an Administrative Citation Program to aid in the enforcement Of the Paso Robles Municipal Code

I, Deborah Robinson, employee of the of the City of El Paso de Robles do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 

NOTICE OF PUBLIC HEARING

City of Paso Robles

SETTING SCHEDULE OF FINES FOR ADMINISTRATIVE CITATIONS

NOTICE IS HEREBY GIVEN THAT, in accordance with Government Code 66016 and 66018, the City Council of the City of El Paso de Robles will hold a public hearing to receive public testimony regarding the proposed fines associated with the Administrative Citation Program within Police Department of the City of El Paso de Robles.

The public hearing will be held at 7:30 p.m., Tuesday, May 15 20, 2007 at the Library Conference Center located at 1000 Spring Street. The public is invited to attend and encouraged to speak on this matter.

The Council will be considering adoption of an ordinance that would create an Administrative Citation program to aid in the enforcement of the Paso Robles Municipal Code.

The staff report for the proposed Administrative Citation Program will be available for review at the City Clerks Office, 1000 Spring Street, Paso Robles, CA 93446, on the Thursday before the scheduled date of this hearing. For questions regarding review of the report, please contact the City Clerk's Office at 237-3960.

Comments on the proposed project may be mailed to the City Clerk's Office, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing. Should you have any questions regarding this application, please call Sergeant Gary Silveira of the Paso Robles Police Department at (805) 237-6464.

If you challenge the proposed application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Publish April 30 and May 8, 2005
Deborah Robinson
Deputy City Clerk
Apr. 30; May 8, 2007

6574624

PROOF OF PUBLICATION
LEGAL NEWSPAPER NOTICES
CITY COUNCIL
PROJECT NOTICING

Newspaper: Paso Robles Press

Date of Publication: May 1, 2007

Meeting Date: May 15, 2007

Project: Administrative Citation Program
Authorizing the adoption of an ordinance that would create an Administrative Citation Program to aid in the enforcement of the Paso Robles Municipal Code

I, Deborah Robinson, employee of the of the City of El Paso de Robles do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 



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City of Paso Robles

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