

ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING TITLES 1, 5, 8, 9, and 12 of THE LANCASTER MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS FOR MISDEMEANOR AND CIVIL OFFENSES, THE IMPLEMENTATION OF A PROCESS FOR FEE REDUCTION AND APPEAL FOR ADMINISTRATIVE CITATIONS, AND GIVING THE CITY MANAGER DISCRETION TO CREATE POLICIES AND PROCEDURES TO FURTHER IMPLEMENT THIS ORDINANCE

WHEREAS, the City Council of the City of Lancaster has determined that it is necessary to amend Titles 1, 5, 8, 9, and 12 relating to the administration of civil penalties for misdemeanor offenses and the penalties assessed;

WHEREAS, the City Council further finds and declares that establishing processes for waiving or reducing citation penalties for those cited persons who can demonstrate indigency is in the public interest, while providing persons who commit such offenses an opportunity to avoid criminal proceedings;

WHEREAS, the City Council further finds and declares that expanding an appeals process for cited persons is in the public interest;

WHEREAS, the City Council further finds and declares it is necessary to give the City Manager and his or her designees the discretion to further promulgate the rules, policies and procedures necessary to implement the above amendments;

WHEREAS, the City Council desires to exercise its authority to amend and streamline the various chapters of the Lancaster Municipal Code related to the assessment of administrative citations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. Title 1 (“General Provisions”) of the Lancaster Municipal Code is hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 3. Title 5 (“Business Licenses and Regulations”) of the Lancaster Municipal Code is hereby amended as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 4. Title 8 (“Health and Safety”) of the Lancaster Municipal Code is hereby amended as set forth in Exhibit “C” attached hereto and incorporated herein by reference.

Section 5. Title 9 (“Public Peace, Morals and Welfare”) of the Lancaster Municipal Code is hereby amended as set forth in Exhibit “D” attached hereto and incorporated herein by reference.

Section 6. Title 12 ("Streets, Sidewalks and Public Places") of the Lancaster Municipal Code is hereby amended as set forth in Exhibit "E" attached hereto and incorporated herein by reference.

Section 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Andrea Alexander , City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2022, and placed upon its second reading and adopted at a regular meeting of the City Council on the ____ day of _____, 2022 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

ANDREA ALEXANDER

City Clerk
City of Lancaster

R. REX PARRIS

Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1097, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

EXHIBIT “A”

Title 1 of the Lancaster Municipal Code is hereby amended as follows:

Chapter 1.12:

Section 1.12.020 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

Section 1.12.020 – Penalty for violation.

- A. Misdemeanors. Any person convicted of a misdemeanor under the provisions of this code, is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the Los Angeles County Jail for a period not exceeding six months, or by both such fine and imprisonment.
- B. Infractions. B. Infractions. Any person convicted of an infraction under the provisions of this code, is punishable 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 within one year; (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.
- C. Continuing Violations. Each day or any portion thereof that a person violates any provision of this code, including without limitation, the maintenance of a building, structure or use in violation of this code, shall constitute a separate offense.
- D. Any person convicted of a misdemeanor or infraction under the provisions of the code sections set forth in the following fee schedule, is punishable by a fine not exceeding the penalty amounts or community service hours set forth in the following fee schedule. All other violations not set forth in the fee schedule below shall be punishable by a fine or community service hours in an amount to be adopted by ordinance of the City Council.

FEE SCHEDULE

Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
9.48.050(B)(1); Ch. 8.20	Littering	\$100 \$200 \$500	4 8 12

Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
9.48.050(B)(2); Ch. 8.24	Noise Violations	\$100 \$200 \$500	4 8 12
9.48.050(B)(3); Ch. 8.62	Shopping Cart Violations	\$100 \$200 \$500	4 8 12
9.48.050(B)(4); Chs. 9.12, 9.16, and 9.18	Loitering Violations	\$100 \$200 \$500	4 8 12
9.48.050(B)(5); Ch. 9.20	Public Alcohol Consumption	\$100 \$200 \$500	4 8 12
9.48.050(B)(6); Ch. 9.34	Camping and Lodging Violations	\$25 \$75 \$150	2 4 8
9.48.050(B)(7); Ch. 9.36	Aggressive Solicitation Violations	\$100 \$200 \$500	4 8 12
9.48.050(B)(8); Ch. 12.04	Violations of Park Rules	\$50 \$100 \$200	4 8 12
9.48.050(A)	Any misdemeanor offense as set forth in the California Penal Code, Business & Professions Code, Health & Safety Code, Vehicle Code, or other state code, provided such offense does not involve a battery, assault, or other offense related to physical attack or injury on a person	\$100 \$200 \$500	4 8 12
8.30.060(A)	Grass taller than 8"	\$50 \$100 \$200	4 8 12
8.30.060(B)	Landscape materials or areas infested with insects, disease or vermin	\$100 \$200 \$500	4 8 12
8.30.060(C)	Dead or dry plant material	\$100 \$200 \$500	4 8 12
8.30.060(D)	Overgrown plant that prohibits pedestrian or vehicular travel or visibility on public street or sidewalk	\$100 \$200 \$500	4 8 12

Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
8.30.060(E)	Trees or shrubs with dead limbs and Branches	\$100 \$200 \$500	4 8 12
8.30.060(F)	Numerous or large areas of bare dirt within lawns.	\$50 \$100 \$200	4 8 12
8.30.060(G)	Planter or lawn areas containing a significant number of weeds	\$50 \$100 \$200	4 8 12
8.30.060(H)	Broken or improperly adjusted irrigation systems resulting in significant or continuous spray, spillage or flow of water onto adjacent property, public streets or continuous pooling or ponding of water either on or off site	\$100 \$200 \$500	4 8 12
8.30.060(I)	Accumulation of large amounts of plant material debris such as leaves, pulled weeds, grass clippings, or branches that are not being used for mulching or composting purposes	\$100 \$200 \$500	4 8 12
8.30.060(J)	Inoperative backflow prevention device on irrigation system	\$100 \$200 \$500	4 8 12
5.04.290; Ch. 5.04; Article I Business Licenses	Failure to obtain business license or other violation of Ch. 5.04; Article I Business Licenses	\$100 \$200 \$500	4 8 12
5.04.210-240; Ch. 5.04; Article II Peddlers and Vendors	Failure to comply with Ch. 5.04; Article II Peddlers and Vendors	\$100 \$200 \$500	3 6 9
5.04.270-280; Ch. 5.04; Article IV Registration of Secondhand Purchases	Failure to comply with Ch. 5.04; Article IV Registration of Secondhand Purchases	\$100 \$200 \$500	4 8 12
5.04.520; Ch. 5.04; Article V Sidewalk Vendors	Failure to comply with Ch. 5.04; Article V Sidewalk Vendors; subject to 5.04.530	\$100 \$200 \$500	4 8 12

Chapter 1.16

Section 1.16.040 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

- A. "City" means the city of Lancaster.
- B. "Code" means the Lancaster Municipal Code, the Lancaster Zoning Code, or any law, rule, regulation, or code which is adopted by reference.
- C. "Community Service" means work performed for the benefit the community, including the participation in City-approved voluntary education and social service programs that cited persons may elect to perform as an alternative to paying the Penalty.
- D. "Enforcement officer" means any person authorized to enforce violations of this code.
- E. "Hearing officer" means any person appointed by the city manager to preside over the administrative hearings provided for in Section 1.16.090 of this code.
- F. "Party" means any natural person, firm, association, business, trust, organization, corporation, partnership, company or any other entity which is recognized by law as the subject of rights or duties.
- G. "Penalty" shall include "civil penalty" and shall mean the amount assessed for violation of this code pursuant to the administrative citation.
- H. "Person" means any natural person, firm, association, business, trust, organization, corporation, partnership, company or any other entity which is recognized by law as the subject of rights or duties.
- I. "Respondent" means any person or entity who is the registered owner, property owner, legal owner, driver, operator, tenant, lessee or is otherwise liable for penalties in accordance with the applicable section of this code, and who contests or disputes liability for civil penalties.
- J. "Responsible person" shall mean an owner of any property, a person who is responsible for control of the property or the condition of the property or a person who is responsible for repair or maintenance of the property.

Section 1.16.080 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

1.16.080 – Contents of administrative citation

The administrative citation shall include all the following:

- A. A brief description of the violation;
- B. Date and location of the violation(s) and the approximate time the violation(s) was observed and/or committed;
- C. Code section(s) violated;
- D. Description of corrective action required;
- E. A statement explaining that each day constitutes a new violation;
- F. The amount of civil penalty imposed for the violation(s) as set forth in Section 1.12.020 of the Lancaster Municipal Code;
- G. A statement advising that the fine shall be paid to the city within sixty (60) days from the date on the administrative citation, procedure for payment, and the consequences of failure to pay;
- H. A statement describing the responsible party's rights of appeal;
- I. Notice of the process for waiving or reducing payment requirements related to the citation; and
- J. A link to the City's website including the online location of the ability to pay form.

Section 1.16.085 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

1.16.085 –Review of administrative citation or ability to pay

- A. Request for initial review of administrative citation.
 - 1. A person who has been issued an administrative citation pursuant to this chapter may request an initial review of the citation by the City. The request shall be made in writing and shall state the reason(s) that the citation should be dismissed. The requestor shall include a copy of all pertinent evidence. The request must include a mailing address and, if available, an email address to which correspondence related to the request may be sent. The written request for an initial review must be received by the city clerk's office within fourteen (14) calendar days from the date of the citation's issuance. No fee shall be required for filing the request for an initial review. Failure of the city clerk to receive a timely request for an initial review constitutes a waiver of the right to contest the administrative citation; in this event, the citation is final and binding, and payment shall be due within sixty (60) calendar days from the date of the citation's issuance.

2. Upon timely receipt of a written request for an initial review of the administrative citation, the City Manager or a person designated by the City Manager to act as a reviewing officer shall conduct an initial review of the administrative citation, the written incident report or statement of facts, and the request for review and all evidence submitted with the request. The reviewing officer shall assess whether the evidence shows that the violation occurred and if any extenuating circumstances exist that warrant dismissal, and shall make a decision to preliminarily uphold or dismiss the citation. The reviewing officer shall notify the cited person of the decision in writing by mail and/or email within ninety (90) calendar days from the date of receipt of the request for initial review; provided, however, that the City Manager or person designated by the City Manager may extend the ninety (90) day deadline upon a finding of good cause.

B. Initial review of ability to pay.

1. Indigency Waiver. The City will provide an ability to pay form on its website and make a physical copy of the form available at City Hall and the Public Safety Department office. The City shall waive the citation penalty, any late payment or collection fee, and the payment requirement to appeal for individuals who demonstrate they are indigent. The City will accept that a cited person is indigent if the person fits into one of the following three categories:
 - i. The person is “very low-income,” as defined in Health and Safety Code section 50105;
 - ii. The person has qualified with another public agency to receive means-tested public benefits, including the following:
 1. Supplemental Security Income or State Supplemental Payment
 2. Cash Assistance Program for Immigrants (“CAPI”)
 3. CalWorks
 4. Medi-Cal
 5. General Relief
 6. Temporary Assistance for Needy Families (“TANF”)
 7. In-Home Supportive Services (“IHSS”)
 - iii. The person is “homeless,” as defined by 24 C.F.R. section 578.3.
2. To establish eligibility for an indigency waiver, a cited person shall present one of the following forms of proof, dated within sixty (60) days before or after the date of the citation, establishing that they are indigent.

- i. *Evidence that a person is “very-low income” as defined in Health and Safety Code section 50105:* (1) copy of pay stub; (2) copy of tax return; (3) W-2 form; or (4) statement of gross monthly income, signed under penalty of perjury;
 - ii. *Evidence of receipt of means-tested public benefits:* (1) benefit verification or “award” letter; (2) notice of action; (3) copy of benefits check stub; (4) Housing Authority of the City of Los Angeles (HACLA) voucher; (5) Medi-Cal card; (6) income and eligibility verification form issued by a public agency administering benefits; (7) monthly reporting form issued by a public agency administering benefits; or (8) benefits card;
 - iii. *Evidence that a person is “homeless”:* (1) verification of homelessness from Los Angeles Homeless Services Authority; (2) documentation from a service provider demonstrating homelessness; (3) documentation from a shelter demonstrating homelessness; or (4) administrative citation in which the citing officer describes the cited person as “unhoused,” “homeless,” “transient,” or some other term denoting homelessness.
3. The reviewing officer shall make a determination of whether or not the cited person has the ability to pay the full deposit to appeal an administrative citation based on the information provided in the statement of financial worth, and shall notify the cited person in writing by mail and/or email within ninety (90) calendar days from the date of receipt of the request for initial review; provided, however, that the City Manager or person designated by the City Manager may extend the ninety (90) day deadline upon a finding of good cause.
4. A previously-granted waiver of the payment requirement to appeal based on inability to pay will automatically qualify a cited individual for an indigency waiver of the citation penalty for the same administrative citation. The City will not require a cited individual to furnish documentation establishing inability to pay the same citation more than once.
5. A person for whom the determination has been made that the person does not have the ability to pay the full amount of the citation shall, no later than fourteen (14) calendar days from the date of the determination, coordinate with the department to enroll in and perform community service according to the manner set forth in Sections 1.16.040 and 1.16.095 of this Chapter.

Section 1.16.095 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

1.16.095 – Community service in lieu of payment of penalty.

- A. As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform Community Service. The amount of hours of community service necessary to be performed for each violation is set forth in section 1.12.020 of Chapter 1.12 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.
- B. In the event a person who has enrolled in community service fails or refuses to perform the community service in a timely and appropriate manner, as provided in any applicable rules, regulations, policies and procedures, the City may cancel the community service agreement and collect any unpaid balance of the administrative citation in accordance with Section 1.16.100 of this Chapter.
- C. To ensure that community service alternatives to citation penalties are equally accessible to persons with disabilities, the City will provide reasonable accommodations. The City will adopt and maintain a process for receiving and addressing disability accommodation requests and grievances related to administrative citations.

Section 1.16.100 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

1.16.100 – Penalties assessed.

- A. Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in California Penal Code Section 374.4.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of

Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

- B. If the violator or property owner fails to correct the violation, subsequent administrative citations may be issued for the same violation(s).
- C. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the city.
- D. All penalties assessed shall be payable to the City.
- E. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation pursuant to Section 1.16.080(g) shall result in the assessment of an additional late fee. The amount of the late fee shall not exceed Thirty Dollars (\$30.00) per administrative citation.
- F. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, impose a special assessment as set forth below, or pursue any other legal remedy to collect such money.
- G. The city may impose a special assessment against the property that is the subject of a citation if the citation has been issued to the property owner. The city shall record a notice of lien in the office of the county recorder when the special assessment procedure is used. When so made and confirmed, the cost shall constitute a lien on that property for the amount of the assessment. After confirmation and recordation, a copy shall be turned over to the Los Angeles county tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law

Section 1.16.140 is hereby added to the Lancaster Municipal Code as follows:

1.16.140 – Rules, regulations.

The city manager, or city manager's designee is authorized to promulgate such rules, regulations, policies and procedures as may be necessary or convenient to implement this chapter.

EXHIBIT “B”

Title 5 of the Lancaster Municipal Code is hereby amended as follows:

Chapter 5.04

Section 5.04.520 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

5.04.520 – Penalties.

A. Violations of any of the provisions of this chapter shall not be prosecuted as infractions or misdemeanors but shall be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

B. The city manager, or the city manager’s designee may rescind a sidewalk vendor’s business license for the term of that license upon the fourth violation or subsequent violations.

Section 5.04.530 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

5.04.530 – Ability-to-pay determinations.

When assessing an administrative fine under this chapter, the city will take into consideration a sidewalk vendor’s ability to pay the fine, in the manner set forth in Section 1.16.085 of Chapter 1.16 of this Code.

Section 5.04.560 of the Lancaster Municipal Code is hereby added to the Lancaster Municipal Code as follows:

5.04.560 – Community service in lieu of payment of penalty.

As an alternative to paying the amount of the administrative citation, a sidewalk vendor may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code.

EXHIBIT “C”

Title 8 of the Lancaster Municipal Code is hereby amended as follows:

Chapter 8.20

Section 8.20.150 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

8.20.150 – Violation – Penalty

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in California Penal Code Section 374.4.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 8.24

Section 8.24.060 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

8.24.060 – Violation – Penalty

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in California Penal Code Section 415.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of

Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 8.30

Section 8.30.080 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

8.30.080 – Violations and remedies.

Violations of any of the provisions of this chapter shall not be prosecuted as infractions or misdemeanors but shall be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 8.62

Section 8.62.130 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

8.62.130 – Penalty.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in Business and Professions Code sections 22435 *et seq.*

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

EXHIBIT “D”

Title 9 of the Lancaster Municipal Code is hereby amended as follows:

Chapter 9.12

Section 9.12.040 of the Lancaster Municipal Code is hereby added to the Lancaster Municipal Code as follows:

9.12.040 – Violations and remedies.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the California Penal Code, including, but not limited to, Sections 647 *et seq.*, and 653 *et seq.*

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.16

Section 9.16.050 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.16.050 – Violation – Penalty.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the California Penal Code, including, but not limited to, Sections 647 *et seq.*, and 653 *et seq.*

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.18

Section 9.18.040 of the Lancaster Municipal Code is hereby and restated in its entirety to read as follows:

9.18.040 –Penalty.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the California Penal Code, including, but not limited to, Sections 647 *et seq.*, and 653 *et seq.*.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.20

Section 9.20.040 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.20.040 – Violation – Penalty.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the California Penal Code, including, but not limited to, Sections 647 *et seq.*, and 653 *et seq.* and/or Business and Professions Code Section 25620.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.34

Section 9.34.020 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.34.020 – Enforcement and penalties.

A. This chapter may be enforced by peace officer and by city of Lancaster employees in accordance with Chapter 1.08 of this Code.

B. Violations of this chapter may be punished as set forth in Chapter 1.12 of this Code, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.36

Section 9.36.040 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.36.040 – Penalty.

A violation of this section is punishable as a misdemeanor or chargeable at the district attorney's or city prosecutor's discretion.

Violations of any of the provisions of this chapter may, in the alternative, be punished by the issuance of an administrative citation, the penalty amount of which shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

Chapter 9.48

Section 9.48.060 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.48.060 – Administrative citations.

A. As an alternative to pursuing misdemeanor criminal proceedings, any officer, as defined in this chapter, may issue an administrative citation to a person when the officer has determined, through personal observation or after undertaking standard law enforcement investigatory actions, that the person has committed an offense as set forth in section 9.48.050. A separate citation will be issued for the commission of each separate or subsequent enumerated offense.

B. Within 72 hours after issuance of a citation, the citing officer shall submit a copy of the citation and a written incident report or statement of facts to the director. Alternatively, in lieu of issuing the citation, the officer may elect to submit the written incident report or statement of facts to the director, who may then issue the citation.

C. An administrative citation may be personally given to the offender, or the offender may be served by first class mail to an address which is either: (i) indicated on any form of identification presented to the officer, of (ii) discovered by the officer during the course of his or her standard law enforcement investigatory actions. The date a citation is placed in a U.S. Postal Service mail receptable shall be the date of service. A declaration of service shall be made by the person mailing the administrative citation showing the date and manner of service by mail and reciting the name and address of the citation addressee. Failure of any responsible person to receive an administrative citation by mail shall not invalidate any citation issued pursuant to this chapter.

D. The citation shall be in a city-approved format, and shall include the following information:

1. A brief description of the violation;

2. Date and location of the violation(s) and the approximate time the violation(s) was observed and/or committed:
3. Code section(s) violated:
4. Description of corrective action required:
5. A statement explaining that each day constitutes a new violation:
6. The amount of civil penalty imposed for the violation(s) as set forth in Section 1.12.020 of the Lancaster Municipal Code;
7. A statement advising that the fine shall be paid to the city within sixty (60) days from the date on the administrative citation, procedure for payment, and the consequences of failure to pay;
8. A statement describing the responsible party's rights of appeal;
9. Notice of the process for waiving or reducing payment requirements related to the citation; and
10. A link to the City's website including the online location of the ability to pay form.

E. The penalty amounts of administrative citations issued pursuant to this chapter shall be assessed at a rate as set forth in the Fee Schedule in Section 1.12.020 of Chapter 1.12 of this Code.

Section 9.48.070 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.48.070 – Initial review of administrative citation or ability to pay

A. Request for initial review of administrative citation.

1. A person who has been issued an administrative citation pursuant to this chapter may request an initial review of the citation by the City. The request shall be made in writing and shall state the reason(s) that the citation should be dismissed. The requestor shall include a copy of all pertinent evidence. The request must include a mailing address and, if available, an email address to which correspondence related to the request may be sent. The written request for an initial review must be received by the city clerk's office within fourteen (14) calendar days from the date of the citation's issuance. No fee shall be required for filing the request for an initial review. Failure of the city clerk to receive a timely request for an initial review constitutes a waiver of the right to contest the administrative citation; in this event, the citation is final and binding, and payment shall be due within sixty (60) calendar days from the date of the citation's issuance.

2. Upon timely receipt of a written request for an initial review of the administrative citation, the City Manager or a person designated by the City Manager to act as a reviewing officer shall conduct an initial review of the administrative citation, the written incident report or statement of facts, and the request for review and all evidence submitted with the request. The reviewing officer shall assess whether the evidence shows that the violation occurred and if any extenuating circumstances exist that warrant dismissal, and shall make a decision to preliminarily uphold or dismiss the citation. The reviewing officer shall notify the cited person of the decision in writing by mail and/or email within ninety (90) calendar days from the date of receipt of the request for initial review; provided, however, that the City Manager or person designated by the City Manager may extend the ninety (90) day deadline upon a finding of good cause.

B. Initial review of ability to pay.

1. Indigency Waiver. The City will provide an ability to pay form on its website and make a physical copy of the form available at City Hall and the Public Safety Department office. The City shall waive the citation penalty, any late payment or collection fee, and the payment requirement to appeal for individuals who demonstrate they are indigent. The City will accept that a cited person is indigent if the person fits into one of the following three categories:
 - i. The person is “very low-income,” as defined in Health and Safety Code section 50105;
 - ii. The person has qualified with another public agency to receive means-tested public benefits, including the following:
 1. Supplemental Security Income or State Supplemental Payment
 2. Cash Assistance Program for Immigrants (“CAPI”)
 3. CalWorks
 4. Medi-Cal
 5. General Relief
 6. Temporary Assistance for Needy Families (“TANF”)
 7. In-Home Supportive Services (“IHSS”)
 - iii. The person is “homeless,” as defined by 24 C.F.R. section 578.3.
2. To establish eligibility for an indigency waiver, a cited person shall present one of the following forms of proof, dated within sixty (60) days before or after the date of the citation, establishing that they are indigent.

- iv. *Evidence that a person is “very-low income” as defined in Health and Safety Code section 50105:* (1) copy of pay stub; (2) copy of tax return; (3) W-2 form; or (4) statement of gross monthly income, signed under penalty of perjury;
 - v. *Evidence of receipt of means-tested public benefits:* (1) benefit verification or “award” letter; (2) notice of action; (3) copy of benefits check stub; (4) Housing Authority of the City of Los Angeles (HACLA) voucher; (5) Medi-Cal card; (6) income and eligibility verification form issued by a public agency administering benefits; (7) monthly reporting form issued by a public agency administering benefits; or (8) benefits card;
 - vi. *Evidence that a person is “homeless”:* (1) verification of homelessness from Los Angeles Homeless Services Authority; (2) documentation from a service provider demonstrating homelessness; (3) documentation from a shelter demonstrating homelessness; or (4) administrative citation in which the citing officer describes the cited person as “unhoused,” “homeless,” “transient,” or some other term denoting homelessness.
3. The reviewing officer shall make a determination of whether or not the cited person has the ability to pay the full deposit to appeal an administrative citation based on the information provided in the statement of financial worth, and shall notify the cited person in writing by mail and/or email within ninety (90) calendar days from the date of receipt of the request for initial review; provided, however, that the City Manager or person designated by the City Manager may extend the ninety (90) day deadline upon a finding of good cause.
4. A previously-granted waiver of the payment requirement to appeal based on inability to pay will automatically qualify a cited individual for an indigency waiver of the citation penalty for the same administrative citation. The City will not require a cited individual to furnish documentation establishing inability to pay the same citation more than once.

A person for whom the determination has been made that the person does not have the ability to pay the full amount of the citation shall, no later than fourteen (14) calendar days from the date of the determination, coordinate with the department to enroll in and perform community service according to the manner set forth in Section 1.16.095 of Chapter 1.16.095 of the Code.

Section 9.48.080 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.48.080 – Administrative Hearing

A. A person whose initial review of an administrative citation has resulted in the citation being upheld pursuant to this chapter may contest the citation by filing a written appeal on a city-approved form to the city clerk within fourteen (14) calendar days from the date of the issuance of the written statement of the results of the initial review. The basis for the appeal must be specified in detail on the appeal form. The appeal form must include a mailing address and, if available an email address to which correspondence related to the request may be sent. Failure of the city clerk to receive a timely appeal constitutes a waiver of the right to contest a citation; in this event, the citation is final and binding.

B. A deposit in the amount of the citation must be paid at the time the appeal is filed. A cited person for whom a determination has been made that the person is unable to pay the full amount of the citation shall not be required to pay the deposit at the time the appeal is filed.

C. As soon as practicable after a timely appeal is filed, the city manager or his/her designee shall fix a date, time and place for a hearing. The hearing shall be conducted by a hearing officer. Written notice of the time and place for the hearing shall be served by first class mail and/or email at least ten (10) calendar days prior to the date of the hearing.

D. An appellant may request, in writing, that the city manager or his/her designee reschedule the hearing if the request is made at least twenty-four (24) hours prior to the hearing. The city manager or his/her designee shall grant one (1) continuance of the hearing date.

E. Failure of an appellant to appear at the scheduled hearing shall constitute the appellant's waiver of the right to appeal and a forfeiture of the citation amount deposited at the time the appeal was filed.

F. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish, by a preponderance of evidence, that the appellant committed the offense that was the basis for the citation. The officer issuing the administrative citation and/or submitting the written incident report or statement of facts shall not be required to appear at the hearing. The hearing officer shall accept testimony by declaration under penalty of perjury relating to the commission of the offense, as set forth in the issuing officer's incident report or statement of facts, and shall consider any other relevant evidence concerning the commission of the offense that the director or his/her designee may present at the hearing. The hearing officer shall also take the testimony of the appellant, and/or his or her witnesses, will consider any other credible relevant rebuttal evidence the appellant may wish to present. The appellant may represent himself or herself or be represented by

anyone of his or her choice, including counsel, at his or her sole expense. The appellant may bring an interpreter to the hearing at his or her sole expense.

G. The hearing officer shall make findings based on the record of the hearing, and shall prepare a written decision, based on those findings, to uphold or dismiss the citation. A hearing officer may uphold the citation but modify the penalty amount if extenuating circumstances warrant a modification in the interest of justice. A copy of the written decision shall be served on the appellant by first class mail within fourteen (14) days after the hearing. If the citation is dismissed, the city shall refund the amount of the citation deposit to the appellant within thirty (30) days from the date of the decision.

H. The decision of the hearing officer is final and conclusive, subject only to review by the superior court in accordance with the time limits set forth in Code of Civil Procedure Section 1094.6.

Section 9.48.090 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows:

9.48.090 – Community service in lieu of payment of penalty.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.

EXHIBIT “E”

Title 12 of the Lancaster Municipal Code is hereby amended as follows:

Chapter 12.04

Section 12.04.480 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as follows: :

12.04.480 – Violation – Penalty.

Every person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction is punishable as provided in Chapter 1.12 of the Lancaster Municipal Code or as otherwise provided in the applicable sections of the California Penal Code.

As an alternative to paying the amount of the administrative citation, a cited person may elect to enroll in and perform community service, as set forth in Section 1.16.095 of Chapter 1.16 of this Code. A cited person who has been granted an indigency waiver pursuant to section 1.16.085 of Chapter 1.16 of this Code shall enroll in and perform community service as an alternative to paying the amount of the administrative citation.