

**LEGAL NOTICE
CITY OF PATTERSON**

SUMMARY

Ordinance No. 792

An Ordinance of the City Council of the City of Patterson Amending Chapters 1.36 and 1.44 of the Patterson Municipal Code to establish Procedures for Issuing Administrative Citations

Ordinance No. 793

An Ordinance of the City Council of the City of Patterson to Add Chapter 10.42 to City of Patterson Municipal Code Regarding Funeral Procession Escorts

NOTICE IS HEREBY GIVEN that this document along with the full/complete copy of Ordinance No. 792 and Ordinance No. 793 are available for public review at the City of Patterson City Hall, City Clerk's Office, 2nd Floor, during normal business hours and/or available On-Line on the City of Patterson Web Site www.ci.patterson.ca.us listed under Legal Notices & Public Hearings and under the Agenda Center, City Council Agenda of March 1, 2016 and March 15, 2016. City Hall is located at 1 Plaza in the City of Patterson. All interested parties are invited to review the Ordinances prior to their adoption scheduled for Tuesday, March 15, 2016 at a regular City of Patterson City Council Meeting at 7:00 p.m. in City Hall, City Council Chambers, 1 Plaza, Patterson.

ALL INTERESTED PARTIES are invited to attend the meeting and express opinions or submit evidence for or against Ordinance No. 792 and Ordinance No. 793, as described above. At the above noted time and place, testimony from interested persons will be heard by the City Council of the City of Patterson and duly considered prior to taking action on the above Ordinances. Any material submitted to the City Council for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned.

FURTHER INFORMATION on the above Ordinance No. 792 and Ordinance No. 793 may be obtained at the City of Patterson City Hall, City Clerk's Office, 2nd Floor or by calling (209) 895-8014 or by emailing the City Clerk at cityclerk@ci.patterson.ca.us

BY ORDER OF THE CITY COUNCIL OF THE CITY OF PATTERSON.

DATE ADVERTISED: March 10, 2016

CERTIFICATION OF PROPOSED ORDINANCES

I hereby certify that the foregoing is a full, correct and true copy of Ordinance No. 792 and Ordinance No. 793, introduced by the City of Patterson City Council in the County of Stanislaus, State of California, at a regular meeting held on the 1st day of March 2016 at 7:00 p.m. in City Hall, City Council Chambers, 1 Plaza, Patterson, California. Second Reading and Adoption of Ordinance No. 792 and Ordinance No. 793 is scheduled for Tuesday, March 15, 2016 at 7:00 p.m. in City Hall, City Council Chambers, 1 Plaza, Patterson, California.

Maricela L. Vela, City Clerk
City of Patterson

ORDINANCE NO. 792

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PATTERSON, AMENDING CHAPTERS 1.44 AND 1.36
OF TITLE 1 OF THE PATTERSON MUNICIPAL CODE**

WHEREAS, Government Code sections 36901 and 53069.4 authorize cities to provide an administrative enforcement mechanism for violations of the city's municipal code as an alternative to state civil and criminal remedies; and

WHEREAS, the city council finds that implementing an alternative enforcement mechanism for municipal code violations allows the city to efficiently enforce the laws of the city which are in place to ensure the health, safety, and welfare of the public; and

WHEREAS, under the authority provided by Government Code sections 36901 and 53069.4, the city council desires to streamline an alternative enforcement mechanism to allow municipal code violations to be processed through the issuance of an administrative citation; and

WHEREAS, under the authority provided by Government Code section 38771 *et seq.* and Civil Code sections 3479 and 3480, the city council desires to prohibit the occurrence of municipal code violations throughout the city and to provide a procedure whereby the city's staff may enforce the city's code.

THE CITY COUNCIL OF THE CITY OF PATTERSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1.44.010 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.010 Declaration of purpose.

- A. The council finds that there is a need for an alternative method of enforcement for minor violations of this code and applicable state codes. The council further finds that an administrative citation program is an appropriate alternative method of enforcement for violations as authorized by Government Code section 53069.4.
- B. The procedures established in this chapter shall be in addition to other legal remedies established by law which may be pursued to address violations of this code or applicable state codes.
- C. The council hereby finds and determines that the enforcement of the code and other ordinances adopted by the city is a matter of local concern and serves an important public purpose.
- D. Use of this chapter for the enforcement of code provisions shall be at the sole discretion of the city, its officers, agents and employees.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.015 which shall read as follows:

1.44.015 Definitions.

"Code" shall mean the Patterson Municipal Code.

"Correction period" shall mean the period of time designated in the notice of violation within which a responsible party may correct or abate the violation.

"Days" shall mean calendar days.

"Enforcement officer" shall mean any officer or employee authorized by ordinance or resolution of the council to enforce the code, or his or her designee.

"Hearing officer" shall mean any person appointed by the city manager to preside at administrative hearings pursuant to Chapter 1.36.020 of the code.

"Responsible party" shall mean any individual, owner, or occupant of real property, or owner or authorized agent of any business, company, or entity, or the parent or legal guardian of any person under the age of eighteen years, who causes or maintains or allows to continue, by his or her action or failure to act, a violation of the code.

Section 1.44.020 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.020 Authority.

Any person violating any provision of this code or applicable state law may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, a violation of the code, a violation of any uniform code adopted by the council, a violation of any uncodified city ordinance, or failure to comply with any condition imposed by any entitlement, permit, or license issued or approved under this code.

- A. Each and every day a violation of the code or applicable state code exists constitutes a separate and distinct offense.
- B. A civil penalty shall be assessed by means of an administrative citation issued by the enforcement officer which shall be payable directly to the city and deposited in the code enforcement fund established pursuant to section 1.32.110 of this title.
- C. A civil penalty assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter.

Chapter 1.444 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.025 Fine Schedule which shall read as follows:

1.44.025 Fine Schedule.

Unless otherwise provided in the code, the fine amount for each violation shall be:

- A. A fine not to exceed \$100.00 for the first violation;
- B. A fine not to exceed \$200.00 for the second violation of the same code provision, or condition of a permit, license, or entitlement within the same calendar year of the first violation;
- C. A fine not to exceed \$500.00 for each additional violation of the same code provision, or condition of a permit, license, or entitlement within the same calendar year of the first and second violation.

Section 1.44.030 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.030 Procedures.

Upon discovering any violation of this code or applicable state codes, the enforcement officer may issue an administrative citation to a responsible person in the manner prescribed in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add Section 1.44.032 Notice of Violation which shall read as follows:

1.44.032 Notice of Violation.

When a violation is determined to exist or be recurring, the enforcement officer may serve the responsible party with a notice of violation in a manner permitted under section 1.32.090 to give the responsible party the opportunity to correct the violation before an administrative citation is issued. The notice of violation shall contain:

- A. The conditions constituting the violation;
- B. References to the code sections violated and describe how the sections are violated;
- C. All actions required to correct the violations, if any;
- D. A specified time period from the date of service of the notice of violation within which the violation must be corrected or abated;

- E. A statement requiring the responsible person to immediately correct the violations and an explanation of the consequences for failure to correct the violations;
- F. The penalty amount imposed for the violation;
- G. Explanation of how the penalty shall be paid, the time period by which it shall be paid, and the consequences for failure to pay the penalty;
- H. A statement of the fine that will be levied if the violation is not corrected;
- I. A statement that the responsible party may submit in writing to the enforcement officer any information relating to a determination of the existence of a violation;
- J. Identify all rights of appeal; and
- K. Contain the signature of the enforcement officer and the signature of the responsible person if they can be located, as outlined in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.035 which shall read as follows:

1.44.035 Correction or Abatement of Violation.

The notice of violation shall provide a responsible party a reasonable period of time from the date of service to correct the violation, except that if the violation creates an immediate danger to the health or safety of persons or property, the notice of violation may require that the violation be corrected immediately. If the enforcement officer determines that a good faith effort is being made to correct or abate the violation, he or she may grant an additional period of time to complete the correction. If the violation cannot be completely corrected, the violation must be abated in the manner described in the notice of violation. Nothing in this chapter limits the city's authority to perform summary abatements when necessary.

When the enforcement officer determines that the violation has been corrected or satisfactorily abated, the enforcement officer shall provide the responsible party with a letter acknowledging that the correction has occurred. If the violation is corrected or satisfactorily abated within the correction period, no administrative citation shall be issued.

Section 1.44.040 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.040 Administrative Citation.

For a one time code violation that cannot be corrected, no notice of violation is necessary. Instead an administrative citation may be issued to impose an immediate fine. If a notice of violation is issued and the violation is not corrected on the date the compliance deadline expires, the enforcement officer may issue an administrative citation. The administrative citation shall refer to the date and location of the violation and the approximate time the violation occurred, and shall include:

- A. A description of the conditions or incident causing the violation;
- B. The name and address of the responsible party and, if applicable, the physical address or description of the location where the violation exists or occurred;
- C. Reference to the code sections violated;
- D. When applicable, the date the notice of violation was served on the responsible party and the specified time period for correction of the violation;
- E. When applicable, a statement that the violation has not been corrected within the correction period;
- F. The amount of the penalty imposed for the violation;
- G. An explanation of how the penalty shall be paid, the time period by which it shall be paid, and the consequences of failure to pay the penalty;
- H. A statement of any late penalty that will be assessed if the fine is not paid on time;
- I. A statement that the responsible party may submit in writing to the enforcement officer any information relating to a determination of the existence of a violation;
- J. A statement of the right to a hearing; and
- K. The signature of the enforcement officer and the signature of the responsible person if they can be located, as outlined in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.042 Service under this Chapter which shall read as follows:

1.44.042 Service under this Chapter.

- A. Service under this chapter shall be performed in a manner prescribed in section 1.32.090 of the code.
- B. If an enforcement officer physically issues an administrative citation to a responsible party at the time of the incident resulting in the violation, the physical issuance of the administrative citation shall be sufficient service.
- C. If the responsible person is a business, the enforcement officer shall attempt to locate the business owner or responsible person and issue the business owner or responsible person an administrative citation. If the enforcement officer cannot locate the business owner or responsible person, and can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation shall be mailed to the business owner or responsible person as prescribed in section 1.32.090 of this title. The mailing of the administrative citation shall include a request for the business owner or responsible person to sign and return the copy of the administrative citation. Failure of the business owner or responsible party to sign and return the administrative citation shall not affect the validity of any proceeding.
- D. Once the responsible person is located, the enforcement officer shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.
- E. If the violation relates to property and no one can be located on the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person as prescribed in section 1.32.090 of this title and shall include a request for the business owner or responsible person to sign and return the copy of the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.
- F. Failure of any person with an interest in the property to receive notice of an administrative citation shall not affect the validity of any proceeding taken under this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.045 Direct Citation which shall read as follows:

1.44.045 Direct Citation.

An enforcement officer may issue an administrative citation without first issuing a notice of violation if:

- A. The enforcement officer personally observes an action by the responsible party that constitutes a violation; or
- B. The violation does not pertain to building, plumbing, electrical, or other similar zoning issues and creates an immediate danger to health or safety; or
- C. The violation occurred within the immediate vicinity of a posted notice of the requirements of the code provision being violated.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.047 Duty to Cooperate which shall read as follows:

1.44.047 Duty to Cooperate.

Any person who does not possess photo identification, refuses to identify himself or herself to an enforcement officer or who gives a false identity or address to an enforcement officer, shall be guilty of a misdemeanor.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add Section 1.44.049 Satisfaction of Administrative Citation which shall read as follows:

1.44.049 Satisfaction of Administrative Citation.

- A. If the payment of a fine is not received by the city within thirty (30) days of service of the administrative citation, then the city may assess a late fee in the amount of fifty percent (50%) the total amount of the fine.
- B. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the city.
- C. If the responsible party fails to correct the violation, subsequent administrative citations may be issued for maintaining, continuing, or repeating the same or similar violation or allowing the same or similar violation to be maintained, continued, or repeated.
- D. The city may collect any past due administrative citation fines and late payment charges by the use of small claims court or through any other permissible available legal means and may collect all costs and attorney fees pursuant to code section 1.44.080.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.070 Parental Responsibility which shall read as follows:

1.44.070 Parental Responsibility.

Any parent or legal guardian having care, custody, control, or charge of a minor child shall be responsible for paying any fines or fees resulting from a violation of the code pursuant to Welfare and Institutions Code sections 730.5 and 730.6.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.080 Attorney's Fees which shall read as follows:

1.44.080 Attorney's Fees.

In addition to the cost of enforcement and incidental expenses incurred as a result of the enforcement proceeding, pursuant to section 3877.5 of the Government Code, in any proceeding brought to enforce any administrative citation order or recover any fine, the prevailing party shall be entitled to recover attorney's fees, provided that, pursuant to section 38773.5, attorney's fees shall only be available in those proceedings in which the city has provided notice at the commencement of such proceedings that it intends to seek and recover attorney's fees.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.090 Severability which shall read as follows:

1.44.090 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 1.36.010 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.010 Administrative remedies.

- A. The council finds that there is a need for a variety of administrative remedies to enforce violations of this code and applicable state codes. The procedures established by these remedies are in addition to any other legal remedy established by law which may be pursued to address municipal code and applicable state code violations.
- B. Whenever the enforcement officer determines that a violation of this code or applicable state code exists, the enforcement officer may pursue any of the administrative remedies enumerated in this title.

- C. Unless otherwise noted in this chapter, terms and titles shall have the same meaning as defined in Chapter 1.44 of the code.

Section 1.36.020 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.020 Administrative enforcement hearings.

- A. The council finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to this code. It is the purpose and intent of this council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes adequate notice, an opportunity to participate in the administrative hearing and an adequate explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to effectively, expeditiously and fairly resolve issues raised in any administrative enforcement hearing. Any person charged with an administrative violation who has been served with a notice of violation or administrative citation and who wishes to contest the violation or penalty may request a hearing.
- B. The city manager is authorized to develop policies and procedures relating to the qualification, disqualification and appointment of enforcement hearing officers, hearing officer powers, hearing procedures, scope of the hearing, and other matters relating to administrative enforcement hearings. Any person designated to serve as an enforcement hearing officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified in a court of law.
- C. The council or city manager shall appoint independent hearing officers for administrative enforcement hearings or contract with an organization that provides independent hearing officers.
- D. Written notice of the time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the responsible person. The format and contents of the hearing notice shall be in accordance with the rules and policies developed by the city manager. The notice of hearing shall be served by any of the methods of service listed in section 1.32.090 of this title.
- E. The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded. The hearing officer has continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance, ensuring compliance with an administrative enforcement order, modifying an administrative enforcement order, or where extraordinary circumstances exist, granting a new hearing. The hearing officer has the authority to require a responsible person to post a code enforcement bond to ensure compliance with an administrative enforcement order.

F. Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish the existence of a violation of this code or applicable state code. In the case of an abatement hearing, the city bears the burden of proof to establish the existence of a public nuisance. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is by a preponderance of the evidence. Each party shall have the opportunity to present evidence in support of his or her case.

- (1) No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and filed with a deposit of the citation fine, unless a hardship form has been filed and approved.
- (2) The person requesting the hearing shall be notified of the time and place of the hearing at least ten (10) days prior to the hearing via first class mail to the address stated on the hearing request form.
- (3) The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party caused or maintained the violation of the code.
- (4) The responsible party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation, and to cross-examine witnesses and question evidence.

G. Any party whose property or actions are the subject of an administrative enforcement hearing and who fails to appear at the hearing is deemed to waive the right to the hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing was provided.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.025 which will read as follows:

1.36.025 Advanced Hearing Deposit.

If a person requests a hearing under this chapter regarding an administrative citation fine, the person must also pay a deposit to the city for the amount of the fine upon filing the hearing request with the city. If the person has a financial hardship, he or she may file a financial hardship form to avoid paying the deposit to the city. The advanced hearing deposit requirement will only be waived if city approves a timely submitted financial hardship form. Approving a financial hardship in lieu of a fine deposit in no way abrogates the city's right to collect the fine once an administrative enforcement order has been issued.

Section 1.36.030 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.030 Administrative enforcement order.

The decision of the hearing officer shall be entitled "administrative enforcement order." Within ten (10) days of the hearing, the hearing officer will serve an administrative enforcement order, briefly stating the reasons for the decision. The administrative enforcement order shall become final on the date of service of the order, and shall be served on all parties by any one of the methods listed in section 1.32.090 of this Chapter. Once the administrative enforcement order becomes final, the time in which judicial review of the order must be sought shall be governed by the Code of Civil Procedure section 1094.6.

Section 1.36.040 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.040 Judicial review.

It is unlawful for a party to an administrative enforcement hearing who has been served with a copy of the final administrative enforcement order pursuant to section 1.32.090 of the code, to fail to comply with the order. Any person aggrieved by an administrative enforcement order may obtain review of the administrative decision in the appropriate court in accordance with the timelines and provisions set forth in Government Code section 53069.4.

Section 1.36.060 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.060 Hearing Procedures.

- A. A person served with one of the following documents may file a request for a hearing within ten (10) calendar days from the service of notice:
1. An administrative abatement notice issued pursuant to Chapter 1.52 of the code;
 2. An administrative citation issued pursuant to Chapter 1.44 of the code;
 3. A letter from the enforcement officer indicating intent to record a notice of violation pursuant to section 1.40.030 of the code.

- B. The hearing request shall be made in writing and filed with the city clerk. As soon as practicable after receiving the written notice of hearing, the city clerk shall request the council or city manager to appoint, or cause to be appointed, a hearing officer and schedule a date, time and place for an administrative enforcement hearing pursuant to the procedures and policies set forth in section 1.36.020. Failure to attend the administrative enforcement hearing by the persons appealing a notice of violation or administrative citation shall constitute a waiver of his or her rights to an administrative enforcement hearing and adjudication of the notice of violation or administrative citation or any portion of the notice of violation or administrative citation.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.070 Extension of Appeal Deadline which shall read as follows:

1.36.070 Extension of Appeal Deadline.

- A. In the event that a person files a financial hardship form, the person shall have an additional ten (10) calendar days from the date the city mails notice to the person of whether the advanced deposit waiver request has been accepted to file a hearing request form and, if required, provide an advanced deposit.

If the city denies the financial hardship waiver request, the person may file a written appeal of the denial with the council within ten (10) calendar days of the date notice was mailed that the advanced deposit waiver request has been denied. If a person files a timely appeal of a advanced deposit waiver request with the council, the council shall hear the request at its next regularly scheduled meeting. The person shall have five (5) calendar days from the date of the council's decision on their request to file his or her hearing request form and, if necessary, provide an advanced deposit.

- B. If the deadline for filing any request with the city under this chapter falls on a day that the city's offices are closed, then the deadline shall be extended to the first day that the city's offices are open after the initial deadline lapses.
- C. Requests and other documents filed with the city pursuant to this chapter shall be deemed filed on the day the document is personally delivered to the city or the date the document is postmarked after being deposited in the United States mail.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.080 Severability which shall read as follows:

1.36.080 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

This Ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 1st day of March, 2016, and given its first reading and introduction at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the City Council held on the 15th day of March, 2016, and after such reading, _____, who moved its adoption, seconded by _____, and said ordinance was thereupon adopted by the following roll call vote:

AYES:
NOES:
EXCUSED:
ABSTAINED:

APPROVED:

Luis I. Molina
Mayor of the City of Patterson

ATTEST:

Maricela L. Vela
City Clerk of the City of Patterson

**CITY OF PATTERSON POLICY REGARDING QUALIFICATIONS
AND APPOINTMENT OF HEARING OFFICERS**

Pursuant to Patterson Municipal Code (the “P.M.C.”) Section 1.36.020, the city council or the city manager (“City Officials”) are responsible for appointing independent hearing officers (“Hearing Officers”) for the City of Patterson (the “City”) to conduct administrative hearings. Under the P.M.C. the City Official is also responsible for developing procedures for the qualifications, disqualification and appointment of Hearing Officers. The policies related to the qualifications, disqualification, and appointment of Hearing Officers are as follows:

Qualifications:

- (1) A Hearing Officer shall be an impartial person who is an attorney who is licensed to practice law in the State of California.

- (2) A Hearing Officer shall have a minimum of twenty (20) hours of training related to administrative hearings with options of topics including but not limited to: (1) due process, (2) evaluation of evidence, (3) hearing procedures, (4) effective oral and written communication; and (5) interpretation of municipal and state laws. Up to twelve (12) hours of training may be substituted by twelve (12) hours of actual experience in conducting administrative hearings.

- (3) A Hearing Officer must have the ability to render fair and unbiased decisions.

Appointment Procedure:

Any individual interested in becoming a Hearing Officer for the City may submit an application with the City stating his or her qualifications. If the minimum qualifications are met, and the individual agrees to all of the terms and conditions of employment, the individual shall be added to the City’s list of Hearing Officers.

Additionally, the City may at any time enter into a contract with an organization that supplies Hearing Officers for the exclusive provision of Hearing Officers for its administrative hearings. If the City elects to enter into an exclusive contract with an organization that provides trained Hearing Officers, then the City will not be required to accept applications from individuals.

Reappointment:

Every two (2) years a Hearing Officer will be required to reapply with the City. The application must represent and warrant that the applicant is in good standing with the California bar and has not been convicted of a felony or misdemeanor involving moral turpitude. If the applicant is in good standing with the California bar, has not been convicted of a felony or misdemeanor of moral turpitude, and is not otherwise disqualified under these requirements, then the application will be granted and the Hearing Officer will be placed on the list for another two (2) years.

If the City contracts with an organization that provides Hearing Officer's, the terms of the contract shall include that the organization agrees to only provide Hearing Officer's that meet the City's qualifications. Additionally, the contract shall include that the City has a right to demand and the organization has an obligation to provide, proof that each of its Hearing Officer's meets the City's qualifications.

List of Hearing Officers:

The City shall maintain a list of qualified Hearing Officers. Once a person is determined to be qualified and added to the list as a Hearing Officer, that individual shall not be removed from the list unless and until:

- (1) The individual indicates they would like to be removed from the list;
- (2) The City is unable to contact the individual after at least three attempts are made for three separate hearings;
- (3) The City finds that the individual no longer meets the required qualifications to be a Hearing Officer;
- (4) The City finds that the individual has engaged in misconduct normally sufficient to justify termination of employment that is unrelated to the amount of administrative fines upheld or the decisions rendered by the person during administrative hearings.

If the City enters into an exclusive contract with an organization to supply Hearing Officers, then the organization shall have the responsibility of maintaining a list of eligible Hearing Officers and the City will not be required to maintain such a list.

Selection of a hearing officer for a hearing:

When the City Official, is informed that a hearing must be scheduled, he or she, or a person designated by him, will call a person on the Hearing Officer list on a rotating basis, starting with the name below the person who was scheduled for the last hearing. If a person cannot be reached or is unavailable for the hearing date, the next name shall be called until a Hearing Officer is found. The Hearing Officer last scheduled for a hearing shall not be called again unless or until everyone else on the list has been called and, either could not be reached, or found to be unavailable.

The selection of a Hearing Officer will in no way be affected by the outcome of hearings or the amount of fines upheld by a Hearing Officer.

If the City Official determines that a case requires expertise in a particular area, the City Manager may employ an ad hoc Hearing Officer or panel to hear the case provided that the employment is only for one hearing and future employment is not conditioned upon the outcome of the hearing.

At any time and for any reason the City Official can elect to contact an organization that provides trained Hearing Officers to supply Hearing Officers for a hearing. The City Officer may do this prior to calling any member on the Hearing Officer list, even if the organization has been selected to hear the last scheduled hearing. If the City has an exclusive contract with an organization for these services, then the organization will have the responsibility of objectively selecting a Hearing Officer to preside over any given administrative hearing and the City will not be involved in the selection.

Disqualification:

Any Hearing Officer may be disqualified from a hearing based on bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. Each person on the list of Hearing Officers shall be informed of their duty to disqualify themselves as soon as they learn that they may have bias, conflict of interest or prejudice in a hearing outcome.

When a person receives notice of the date of an administrative hearing, the notice shall also contain the name of the selected Hearing Officer and shall state that the person has a right to challenge a Hearing Official by submitting a written petition prior to the hearing. If the City receives a petition, the City Official shall randomly select another Hearing Officer from the pool and inform the person of the new Hearing Officer.

If a person challenges the second Hearing Officer selection prior to the hearing, the City Official will evaluate the reasons given for the petition, make a determination of whether bias exists, and inform the person of his decision. The petition for a different Hearing Officer shall not extend the date of the hearing and a new Hearing Officer may be appointed the day of the hearing without notice.

A person may also lodge a petition for a new Hearing Officer at the beginning of the hearing. If such a petition is made, the Hearing Officer will make a determination as to whether disqualification is appropriate. If the Hearing Officer disqualifies himself or herself, the hearing will be continued to allow for the appointment of a new Hearing Officer. If the Hearing Officer determines that disqualification is not necessary, the petition will be recorded and the hearing will move forward. After the hearing, a person may appeal the Hearing Officer's determination to the city council by submitting a petition stating why the Hearing Officer should be disqualified. The city council shall hold a public hearing on the matter at the next regularly scheduled meeting and make a determination.

If city council finds that the Hearing Officer should have been disqualified, the person shall have the opportunity of another hearing before a different Hearing Officer. If the city council determines that there was no reason to disqualify the Hearing Officer, then the administrative order will be upheld unless overturned for other reasons.

CITY OF PATTERSON

Phone: (209) 895-8000
Fax: (209) 895-8019



PO BOX 667
PATTERSON, CA 95363
Web Page: www.ci.patterson.ca.us

REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Name: _____	Address: _____
Home Phone: () _____	Work Phone: () _____
Citation Number: _____	Date Issued: _____

Any appeal must be filed within ten calendar (10) days of the date the citation was issued. The time requirement for filing a request for hearing shall be deemed jurisdictional and may not be waived.

Reason for appeal (attach additional pages if necessary):

Requested action: _____

Do you or a witness need an interpreter?* Yes / No If yes, please explain: _____

Do you or a witness need reasonable accommodations?** Yes / No If yes, please explain: _____

Amount of administrative fine: \$ _____

Prepayment of the full amount of the fine is required to file this appeal. Payment may be made by of cashier's check, money order, or personal check payable to the City of Patterson. You may submit a "Financial Hardship Form: Advanced Hearing Deposit Waiver Request" along with this form to request a waiver of the advanced deposit requirement. However, if granted, the advanced hearing deposit waiver in no way waives the city's right to later collect any fine owed.

The city may issue a deposit waiver if the city is satisfied that you are unable to deposit the full amount of the fine prior to the hearing. If the city denies the request, a written determination will be provided. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the required hearing deposit, or file a written appeal of the decision to the city council. If you appeal to city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. Pursuant to Patterson Municipal Code section 1.36.070.

Any administrative citation fine that has been deposited **shall be refunded** if it is determined, after a hearing, that the person or entity charged with the violation was not responsible for the violation or that there was no violation as charged in the administrative citation.

I here request a hearing before a hearing officer on this citation.

Dated: _____

Signed: _____

Return this form to either of the following addresses:

City of Patterson
c/o Citations
PO Box 667
Patterson, CA 95363

City of Patterson
City Hall
1 Plaza
Patterson, CA 95363

Notice of the date and time of your hearing shall be mailed to you at least ten (10) days prior to the hearing.

* The hearing officer shall have the discretion to determine how the cost of providing an interpreter shall be allocated between the city and the party requesting the interpreter. In making such determination, the hearing officer shall give equitable consideration to all circumstances in the case, including the ability of the party needing the interpreter to pay for the service pursuant to the guidance provided in Government Code section 11435.25.

** The City of Patterson complies with the Americans with Disabilities Act.



Administrative Citation Hearing Information:

The City of Patterson administrative citation program, as created in the city's municipal code permits city staff and law enforcement to issue administrative citations in response to code violations. If you have received an administrative citation but are not responsible for the code violation, you may request an administrative hearing before an independent hearing officer. The city's policies and procedures for administrative hearings are provided in more detail in chapters 1.36 and 1.44 of the city's municipal code. You can access copies of the city's code online at: <http://codepublishing.com/ca/patterson/> or by visiting the city clerk's office at 1 Plaza, Patterson, California 95363 during regular business hours.

Filing a Request for Hearing:

You must file a request for a hearing on an administrative citation within ten (10) calendar days of the date the citation was issued. To file a request for a hearing, complete the attached form, with any additional information you wish to provide, and return the form to the city clerk's office with a deposit for the full amount of the fine in the form of: (1) a personal check; (2) credit card; (3) cashier's check; or (4) money order made payable to: City of Patterson. Please write the citation number on the memo line of your check or money order. **DO NOT SEND PAYMENT IN CASH.** A \$25.00 charge will be added for any returned checks.

To return this form and the required payment, either (1) mail all documents to: **City of Patterson, c/o Citations, PO Box 667, Patterson, CA 95363**; or (2) deliver all documents to **City Hall, 1 Plaza, Patterson, CA 95363** during normal business hours. To inquire about the city clerk's business hours, call (209) 895-8000. Requests will be deemed filed on the date they are personally delivered to, and received by, the city clerk's office or the date they are postmarked. In the event that the deadline to request a hearing falls on a date when the city's offices are closed for business, the deadline shall be extended to the next date that the city is open.

If you are unable to pay the deposit of the administrative fine at the time you wish to request a hearing, you may qualify for an advanced hearing deposit hardship waiver. To request an advanced hearing deposit hardship waiver, complete a financial hardship form and return it to the city with this hearing request. The city will evaluate the financial hardship form and mail or make available to you otherwise, a written decision to you regarding whether or not it is granting you an advanced hearing deposit waiver. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the city council. If you appeal to the city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. P.M.C. section 1.36.070.

Written notice of the time and place of the hearing and the name of the hearing officer will be mailed to you at the address indicated on this form.

What to Expect at the Hearing:

The administrative hearing shall be conducted by a trained and independent hearing officer. The hearing shall be informal in nature. You will be required to take an oath and have the right to present testimony or evidence either written or verbal concerning the violation. You may bring witnesses to your hearing who can answer questions regarding the violation or your own culpability. You will also have the opportunity to cross examine any witnesses who are present at the hearing on behalf of the city. If you are a minor, you have a right to have a parent or guardian present at the hearing. You may also, but are not required to, be represented by an attorney at the hearing.

The hearing officer shall make findings based on the record of the hearing and all evidence received and testimony heard. The hearing officer shall make a written decision based on the findings and mail you the within ten (10) calendar days after the hearing. The decision of the hearing officer is final and conclusive, subject to review by the superior court in accordance with state law.

If the hearing officer dismisses the administrative citation the penalty and the deposit will be returned to you. If the hearing officer upholds the administrative citation the city shall retain the advanced deposit to satisfy the administrative fine and you will be required to correct any outstanding violation or face criminal prosecution or the imposition of additional administrative penalties. If the hearing officer upholds the administrative citation and you have not deposited the amount of the fine with the city due to an advanced hearing deposit waiver, the amount of the fine shall be due within twenty (20) days of the hearing officer's decision being mailed.

Should you have any questions regarding the administrative hearing procedure, you may contact the city clerk's office by calling (209) 895-8011 during normal business hours.

CITY OF PATTERSON

Phone: (209) 895-8000

Fax: (209) 895-8019



PO BOX 667

PATTERSON, CA 95363

Web Page: www.ci.patterson.ca.us

**CITY OF PATTERSON ADMINISTRATIVE CITATION
FINANCIAL HARDSHIP FORM: ADVANCED HEARING
DEPOSIT WAIVER REQUEST**

Name: _____ Address: _____

Home Phone: () _____ Work Phone: () _____ Amount of Fine \$ _____

Citation Number: _____ Date Issued: _____

If you intend to request a hearing to contest an administrative citation on the basis that no violation of the Patterson Municipal Code ("P.M.C.") occurred or that you are not the responsible party, you are required to deposit the full amount of the administrative citation fine at the time the request for the hearing is made pursuant to P.M.C. section 1.36.025. You may request a waiver of this deposit requirement by filing this form. The city may issue an advanced deposit hardship waiver if the city is satisfied that you are unable to deposit the full amount of the fine prior to the hearing. The city will mail, or make available to you otherwise, a written decision regarding whether it is granting your request. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the city council. If you appeal to the city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. P.M.C. section 1.36.070.

REASON(S) FOR HARDSHIP WAIVER (attach additional pages if needed):

Please provide copies of documentation verifying sources of income. Documents may include Social Security, general assistance, Aid to Families with Dependent Children (AFDC), current paychecks, etc.

I declare, under penalty of perjury, that the foregoing statement and information provided by me is correct.

Signature (Contesting Party)

Date

You will be notified by first-class mail if the request has been approved or denied. Please mail or deliver this form with the attached documentation to either:

City of Patterson
c/o Citations
PO Box 667
Patterson, CA 95363

City of Patterson
City Hall
1 Plaza
Patterson, CA 95363

CITY OF PATTERSON
ADMINISTRATIVE CITATION

PO Box 667, Patterson, CA 95363
 Phone: (209) 895-8000 Fax (209) 895-8019
 www.ci.patterson.ca.us

ADMINISTRATIVE CITATION NO. _____

DATE ISSUED:		TIME:		AM	PM
LOCATION OF VIOLATION:					
RESPONSIBLE PARTY: (name-first, middle, last)					DOB
DRIVER LICENSE #:					
MAILING ADDRESS:					
CITY		STATE		ZIP CODE	
DESCRIPTION OF VEHICLE: (make, model, year, license plate #)					
<input type="checkbox"/> Property Owner <input type="checkbox"/> Occupant <input type="checkbox"/> Contractor <input type="checkbox"/> Individual <input type="checkbox"/> Business Owner <input type="checkbox"/> Other					
The violation(s) listed below exist or occurred at the location, date and time identified above.					
City of Patterson Code Section	Description of Violation	Notice of Violation /Warning Only*	Base Violation Fine Amount**		
		<input type="checkbox"/>			
		<input type="checkbox"/>			
		<input type="checkbox"/>			
*For Notice of Violation or WARNING: No fine applies if the violation(s) is corrected by the date described below. If you have any questions regarding how to correct the violation(s), contact the enforcement officer at (209)_____. Additional citations and fines may be issued for continuing or repeating the violations. A fine of \$ will be assessed if the violation(s) is not corrected by ___/___/___.				**Total Fines \$	
**The Base Violation Amount only lists the fine amount for a first offense. If the responsible party has committed the violation more than once, the total fine amount will be increased accordingly after a review of the party's record. If the City determines that a greater fine is due, it shall mail an amended citation with the new amount.					
IF THE RESPONSIBLE PARTY IS A MINOR COMPLETE 1-3:					
(1) NAME OF PARENT OR GUARDIAN:					
(2) PHONE NUMBER:					
(3) WAS THE PARENT CONTACTED?					
DESCRIPTION OF INCIDENT:					
<input type="checkbox"/> Prior Notice of Violation/WARNING was issued on ___/___/___. <input type="checkbox"/> Corrections were required before ___/___/___ but were not completed on time. Fines are now due.					
Enforcement Officer:		Issue Date:		Badge/ID No. (if applicable)	
		Photos: <input type="checkbox"/>			

Payment Information: Payment of fine must be made within thirty (30) calendar days. Make your check or money order payable to: City of Patterson. DO NOT MAIL CASH. For proper credit please write the Citation No. on your check or money order. LATE PAYMENT FEE - If the payment is not received within thirty (30) calendar days, an additional late fee of twenty percent (20%) of the total amount will be added to the amount owed. Deliver payment by either of the following methods:

Mail to:	Deliver to:
City of Patterson	City Hall
Attn: Citations	1 Plaza
PO Box 667	Patterson, CA 95363
Patterson, CA 95363	

See Below for Payment Information and Appeal Procedures.

I Hereby Acknowledge Receipt of this Citation

Date:

(Signature is not required for citation to be valid).

FAILURE TO IDENTIFY.

- | | | |
|--|-----|----|
| (1) Was the responsible party informed that refusing to identify himself or giving a false identity to the enforcement officer is a misdemeanor offense under Patterson Municipal Code section 1.44.047? | YES | NO |
| (2) Did the responsible party refuse to give a true and correct identify? | YES | NO |

Enforcement Officer

Signature

Date

ADMINISTRATIVE CITATIONS - Each and every day a violation of the City of Patterson Municipal Code ("P.M.C.") or other city ordinances exists constitutes a separate and distinct offense and is subject to citation. Additional administrative citations may be issued to you for the same violation(s) if the violation(s) is not corrected within the time specified. Fines Incurred are \$100 - 1st Violation; \$200 - 2nd Violation; \$500 - for each subsequent violation(s). These are civil not criminal fines. Administrative fines may be imposed for each individual violation deemed to violate the P.M.C. or other city ordinances.

TO APPEAL THIS CITATION - Within ten (10) calendar days of the date of this citation, you may file an appeal by depositing with the city the total fine amount as shown on the citation along with a Request for Appeal of Administrative Citation form. Forms may be picked up at City Hall, 1 Plaza, Patterson, CA. Fill out the form in its entirety, mail or deliver with payment to either of the following addresses:

City of Patterson
Attn: Citations
PO Box 667
Patterson, CA 95363

City of Patterson
City Hall
1 Plaza
Patterson, CA 95363

Appeals received without the full deposit will not be accepted. Upon acceptance of your appeal, you will be notified of your hearing date. If your appeal is successful, the amount designated by the hearing officer will be refunded to you. The city complies with the Americans with Disabilities Act. If you or a witness require reasonable accommodations, you should inform the city at the time you file the appeal.

If you wish to appeal but cannot afford to deposit the full amount of the fine you may qualify for an Advanced Deposit Hardship Waiver ("Deposit Waiver"). The Deposit Waiver does not relieve your obligation to pay the fine if the violation is upheld but allows you to appeal the violation without first making a deposit. You can obtain a Deposit Waiver form at City Hall, 1 Plaza, Patterson, CA.

If you submit a Deposit Waiver, the city will mail a written decision of whether it is granting the request. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the City Council. If you appeal to City Council, you have five (5) calendar days from the date of the City Council decision to file a request for hearing with any required hearing deposit. Pursuant to P.M.C. section 1.36.070.

HOW TO PAY THE FINE - Payment must be received in full within thirty (30) calendar days of the issuance of the citation. Payment should be made by personal check, credit card, cashier's check, or money order payable to the City of Patterson, and either (1) mailed to: City of Patterson, c/o Citations, PO Box 667, Patterson, CA 95363; or (2) delivered to City Hall, 1 Plaza, Patterson, CA 95363 during normal business hours. Please write the citation number on your check or money order. DO NOT SEND CASH. A \$25.00 charge will be added for returned checks.

CONSEQUENCES OF FAILURE TO PAY THE FINE - Failure to pay the fine assessed by the administrative citation within the time specified may result in the City pursuing legal remedies to collect the civil fine(s). If the fine is not received within thirty (30) calendar days of the issuance of the citation, a late penalty of fifty percent (50%) of the total fine amount will be charged. If the City must initiate proceedings to recover the fine or enforce the order, the City may elect to pursue attorney's fees when it initiates the proceeding and the prevailing party shall be entitled to attorney's fees and incidental expenses incurred in enforcing the order or recovering the fine pursuant to P.M.C. Section 1.44.070. Documents are considered filed with the City on the date of delivery or the day they are postmarked. If the last day to file an appeal falls on a day City offices are closed, the deadline shall be the next day City offices are open for business.

IF YOU NEED FURTHER CLARIFICATION about the payment or appeal of this citation, please call (209) 895-8000. If you wish to read the city ordinances they are available on the city's website at www.ci.patterson.ca.us.

IF YOU NEED FURTHER INFORMATION ABOUT HOW TO COMPLY with this citation, contact the enforcement officer listed on the front of this citation.

White Copy (Responsible Party)

Canary Copy (City of Patterson)

Pink Copy (Officer)

ORDINANCE NO. 793

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
REVISING TITLE 10 OF THE PATTERSON MUNICIPAL CODE TO ADD
CHAPTER 10.42 FUNERAL PROCESSIONS**

WHEREAS, the City Council ("Council") for the City of Patterson ("City") recognizes that escorting funeral processions through the City provides respect and decorum for members of the community; and

WHEREAS, the Council is aware that the failure to provide traffic control and escort services for funeral processions has resulted in frustration for members of the community; and

WHEREAS, Vehicle Code Section 21100(e) allows individuals to regulate traffic where that individual has undergone instruction in traffic control procedures approved by local law enforcement; and

WHEREAS, Vehicle Code Section 2817 makes it an infraction to disobey signals or directions from a uniformed police officer conducting a funeral escort; and

WHEREAS, the Council finds that it is important to establish regulations and permitting requirements for individuals conducting traffic control while escorting a funeral procession within the City to protect the health, safety and welfare of the community.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PATTERSON,
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

Title 10 of the Patterson Municipal Code shall be amended to add Chapter 10.42 Funeral Processions, which shall read as follows:

10.42.010 Purpose.

Local authorities may adopt rules and regulations by ordinance or resolution to regulate traffic at such locations that may require traffic directions for orderly traffic flow. It is the purpose of this chapter to use the power, conferred on the city, pursuant to California Vehicle Code Section 21100(e), to appoint persons other than traffic officers to direct and regulate traffic for a funeral procession.

10.42.020 Funeral procession definition.

“Funeral procession” means a group of two (2) or more vehicles traveling in line from a funeral service whether that funeral service is held at a place of worship or another location, to a transportation facility, cemetery, or crematory.

“Permittee” means the person to whom a funeral escort permit is issued.

10.42.030 Permit required for private funeral escorts.

Motor vehicle funeral processions may be led or escorted by private escorts within the city in accordance with the requirements of this chapter. No person shall stop, obstruct, or otherwise direct traffic in intersections while leading or escorting a motor vehicle funeral procession without first obtaining a valid funeral escort permit pursuant to this chapter.

10.42.040 Rules governing funeral procedures.

A. Each vehicle participating in a funeral procession shall be operated with its headlights and, if so equipped, its emergency flashers, turned on.

B. No operator of any vehicle shall drive between the vehicles comprising a funeral procession, provided that vehicles comprising such procession are conspicuously so designated by having their headlights and, if so equipped, emergency flashers turned on.

C. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to rules and regulations promulgated by the police department.

10.42.050 Authorized traffic direction.

A. Any person holding a valid funeral escort permit pursuant to this chapter and leading or otherwise escorting a motor vehicle funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross traffic, to enable all vehicles in the funeral procession to proceed together as an unbroken chain, at an intersection controlled by:

1. Stop signs or yield signs, providing that the permittee remains in the intersection until all funeral procession vehicles have cleared the intersection; and
2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the permittee remains in the intersection at all times when the light is not green until all funeral procession vehicles have cleared the intersection.

B. A permittee is authorized to direct traffic in the manner specified in this section only while using any equipment authorized by the chief of police for this purpose and while carrying a valid funeral escort permit on the permittee's person.

C. The chief of police may order the immediate suspension or revocation of a funeral escort permit if the permittee has not directed traffic in the manner specified in this section.

10.42.060 Official insignia.

The chief of police shall approve an official insignia and any equipment, which shall be used by all permittees while directing traffic in the manner specified in Section 10.42.050. The chief of police shall also approve vehicular equipment regulations including a color or insignia scheme.

10.42.070 Regulations.

A. The chief of police may prepare and issue written regulations for distribution to applicants and permittees regarding the implementation of the provisions of this chapter, including, but not limited to, the safe and lawful conduct of funeral escort services, and the maintenance of insignia, motor vehicles, and equipment used in escorting funeral processions.

B. Such regulations shall be binding upon applicants and permittees. Permittees shall comply with these written regulations as a term and condition of the permit.

10.42.080 Permit application procedures.

A. Applications for a funeral escort permit shall be filed with the chief of police on forms provided by the chief of police and shall contain or be accompanied by the following:

1. Name and address of applicant, and the applicant's funeral escort service employer if the applicant is employed by such a service;
2. Proof of liability insurance in compliance with this chapter;
3. Proof that the applicant holds a valid California driver's license that is properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;
4. Proof of satisfactory completion of a traffic safety program of instruction, as described in Section 10.42.180;

5. Proof that the vehicle to be used in the course of conducting escorts has been inspected by the police department to insure that it meets the equipment and safety requirements as set forth by the police department;
6. An indemnification and hold harmless agreement as set forth in Section 10.42.170 of this chapter signed by the applicant and if the applicant is employed by a funeral service escort provider, the applicant's funeral escort service employer;
7. Permit and insignia fees, as established by resolution of the city council;
8. Such other information as may be required by the chief of police.

B. If all the requirements for approval of a funeral escort permit are met, then the chief of police shall issue a permit within fourteen (14) days of submission of the completed application.

10.42.090 Nontransferability of permits and expiration.

Funeral escort permits shall be issued by the chief of police, or authorized designee, in the names of individual persons actually conducting such escorts and shall expire two (2) years from the date of issuance. Permits shall not be transferable or assignable.

10.42.100 Permit fee schedule

At the beginning of each fiscal year, the chief of police shall prepare a funeral escort permit fee schedule, to be approved by the city manager, which sets forth the charges for all city services required to be utilized in connection with any funeral escort permitting services.

10.42.110 Fee exemption for volunteers.

Funeral escort permit applicants who will provide funeral procession escort services on a volunteer basis are exempt from paying the permit and insignia fees, as established by resolution of the city council.

10.42.120 Permit renewal procedures.

A permittee seeking renewal of his or her funeral escort permit shall meet all the requirements of this chapter applicable to first time applicant in order to obtain a renewal of the funeral escort permit.

10.42.130 Denial, suspension, or revocation of permit.

Funeral escort permits issued pursuant to this chapter may be denied, suspended, or revoked by the chief of police upon any of the following grounds:

- A. The application is incomplete or illegible;

- B. The applicant has knowingly made false statements on the application;
- C. The applicant has been convicted of a crime, and the time for appeal has elapsed, provided, however, that the permit may be denied upon this ground only if the crime is substantially related to the qualification, functions, or duties associated with the operating of motor vehicles or with leading or otherwise escorting a motor vehicle funeral procession;
- D. Failure to meet any of the requirements of this chapter;
- E. The applicant's unlawful or negligent operation of a motor vehicle during the three (3) years prior to the date of application;
- F. The applicant's unlawful or negligent direction of traffic while escorting a vehicular funeral procession or other motor vehicle procession.

10.42.140 Notice of decision to deny, suspend, or revoke permit.

- A. Upon determining the existence of any of the grounds for denial, suspension, or revocation in accordance with Section 10.42.130 of this chapter, the chief of police shall issue a notice of decision to deny, suspend, or revoke the permit. The notice of decision shall state the grounds and reasons upon which the denial, suspension, or revocation is based.
- B. The notice of decision shall be mailed to the applicant or permittee at the address stated on the application or permit. Alternatively, the notice of decision may be hand-delivered to the applicant or permittee or to the address given in the application or permit.
- C. The notice of decision shall advise that the denial, suspension, or revocation shall become final unless the applicant or permittee files a written request for hearing before the chief of police within the time period specified in Section 10.42.150 of this chapter.

10.42.150 Procedure for hearing before the chief of police.

The written request for a hearing before the chief of police must be received by the chief of police, or authorized designee, within ten (10) days of the date of mailing the notice of decision to deny, suspend, or revoke the permit. The chief of police, or authorized designee, shall schedule a hearing, which shall be held no later than thirty (30) days after receipt of a timely request for hearing. The notice of hearing shall be mailed to the applicant or permittee not later than ten (10) days prior to the scheduled date of the hearing. At the hearing before the chief of police, the applicant or permittee shall be given the opportunity to present witnesses and documentary evidence and to cross-examine witnesses. The hearing will be conducted informally, and the technical rules of evidence shall not apply. Any and all other evidence, which the chief of police deems reliable, relevant, and not unduly repetitious, may be considered. The applicant or permittee may be represented by another person.

10.42.160 Decision of the chief of police after hearing.

Within twenty (20) days after the hearing, the chief of police, or authorized designee, shall mail a written decision sustaining, reversing, or modifying his or her initial decision to the applicant or permittee at the address stated in the application or permit. The decision of the chief of police after the hearing shall be final.

10.42.170 Indemnification.

A. The funeral procession escort permittee on a form acceptable to and approved by the city attorney shall assume all risk associated with the activity of escorting funeral processions and agrees not to sue the city, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives for loss or damages suffered by the funeral escort permittee, its agents or successors, arising out of or in connection with any funeral procession escort services conducted by the funeral procession escort permittee or claims by the funeral procession escort permittee or any other person or persons for personal injuries or property damage arising out of or incidental to the funeral procession escort services.

B. In the event that a person or entity brings a claim, action, or proceeding that arises from the funeral procession escort services or any work performed in conjunction with the funeral procession escort services, the funeral procession escort permittee will indemnify, defend and hold harmless the city, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives from and against any and all claims, demands, costs, expenses of whatever nature, including court costs, attorney fees, and expenses of litigation awarded to the prevailing party or parties. The city may elect to tender its own defense to any action and receive reimbursement from the funeral procession escort permittee for any costs or expenses it accrues as a result of that defense.

10.42.180 Liability insurance.

A. Insurance shall be in amounts, form, and insurers acceptable to city attorney, but shall have the following minimum requirements

B. During the term of a permit issued pursuant to this chapter, the permittee or his or her funeral escort service employer, should permittee be employed by such a funeral service provider, shall maintain in full force and effect at the permittee's or his or her employer's own cost a comprehensive auto and general liability insurance policy:

1. In an amount not less than two million dollars (\$2,000,000.00) single limit per occurrence; and
2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and
3. Providing that this city, its officers, employees and agents are to be named as insureds under the policy; and

4. Covering all losses and damages as specified in Section 10.42.170 of this chapter; and
5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and
6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the funeral escort service permit, without thirty (30) days written notice to the city prior to the effective date of such cancellation or change in coverage.

C. In the event of failure of any permittee to maintain in effect the required insurance policy or policies, the funeral escort permit shall be considered to be suspended as a matter of law from the date of cancellation or a lapse of the required insurance. The chief of police may reinstate the permit when the suspended permittee provides the city with proof of insurance as required by this section.

10.42.190 Traffic safety instruction program.

Each applicant for funeral escort permit shall submit to the chief of police evidence of satisfactory completion of an instructional program of traffic safety. Evidence of successful completion of an instructional program for traffic safety shall include, but not be limited to, instructional materials received by the applicant from the program, test scores, and grades received by the applicant. The chief of police shall review and approve each submitted instructional program if the chief of police reasonably believes that the program provides the applicant with sufficient training to safely direct traffic.

10.42.200 Private processions must obey traffic laws.

Persons participating in private funeral processions or other processions within the city without police escort must obey all state and city traffic laws, except as specifically authorized by this chapter.

This Ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 1st day of March, 2016, and given its first reading and introduction at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the City Council held on the 15th day of March, 2016, and after such reading, _____, who moved its adoption, seconded by _____, and said ordinance was thereupon adopted by the following roll call vote:

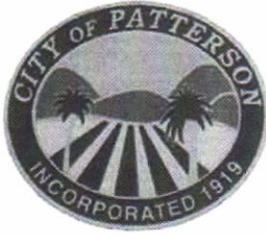
AYES:
NOES:
EXCUSED:

APPROVED:

ATTEST:

Luis I. Molina
Mayor of the City of Patterson

Maricela L. Vela
City Clerk of the City of Patterson



City of Patterson
City Hall
1 Plaza
P.O. Box 667
Patterson, CA 95363

FUNERAL ESCORT RELEASE OF LIABILITY AND HOLD HARMLESS AGREEMENT

THIS LIABILITY RELEASE AGREEMENT (the "Agreement") is entered into on this 1st day of March, 2016, by and between the City of Patterson (the "City") and _____ ("Funeral Escort"). From time to time hereafter, the parties to this Agreement may be collectively referred to as the "Parties" and individually as a "Party".

1. Funeral Escort Obligations. Funeral Escort shall comply with all applicable local, state and federal laws, codes and safety procedures and requirements during all funeral procession escorting services.

2. Release of Liability. Funeral Escort assumes all risk associated with the activity of escorting funeral processions and agrees not to sue the City, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives ("City's Agents") for loss or damages suffered by the Funeral Escort, its agents or successors, arising out of or in connection with any funeral procession escort services conducted by the Funeral Escort or claims by the Funeral Escort or any other person or persons for personal injuries or property damage arising out of or incidental to the funeral procession escort services.

3. Waiver of Claims. The Parties, and each Party, hereby agrees that the release set forth in Section 2 of this Agreement is a full and final release of all claims related to the terms of this Agreement. The Parties, and each Party, hereto agrees and acknowledges that they may hereafter discover facts different from or in addition to those they now know or believe to be true with respect to the matters released herein, and the Parties, and each Party, agrees that all of the terms of this Agreement shall and will remain effective in all respects, regardless of such different or additional facts which may be learned. The Parties, and each Party, understands and acknowledges that section 1542 of the California Civil Code speaks in terms of general releases. To the extent section 1542 may be applicable to specific or special releases, the Parties, and each Party, hereby expressly waives any and all rights such Party may have under section 1542 and any similar law of any other competent jurisdiction. Civil Code section 1542 provides:

"1542. CERTAIN CLAIMS NOT AFFECTED BY GENERAL RELEASE. A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

The Parties specifically do not waive any continuing rights, duties or obligations unrelated to the subject of this Agreement, such as arising from a separate contract or agreement, and do not waive any claims arising from matters outside the scope of this Agreement, or other contract, relationship or obligation between the Parties.

4. Indemnity. In the event that a person or entity brings a claim, action, or proceeding that arises from the funeral procession escort services or any work performed in conjunction with the funeral procession escort services, the Funeral Escort will indemnify, defend and hold harmless the City, and City's Agents from and against any and all claims, demands, costs, expenses of whatever nature, including court costs, attorney fees, and expenses of litigation awarded to the prevailing party or parties. The City may elect to tender its own defense to any action and receive reimbursement from the Funeral Escort for any costs or expenses it accrues as a result of that defense.

5. Term. This Agreement shall continue in effect indefinitely, and may be revoked by Funeral Escort at any time upon the giving of ten (10) days written notice to the City Clerk.

6. Authority. The signatory below warrants and represents that it has the power and authority to bind Funeral Escort to the obligations herein and the names, titles and capacities herein stated on behalf of any entities, persons, states or firms represented or purported to be represented by such entities, persons, states or firms and that all former requirements necessary or required by the state or federal law in order to make the promises herein have been fully complied with.

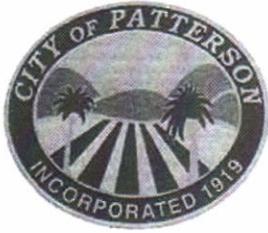
THE SIGNATORY BELOW HAS CAREFULLY READ THIS WAIVER, RELEASE AND HOLD HARMLESS AGREEMENT AND FULLY UNDERSTANDS ITS CONTENTS. FUNERAL ESCORT VOLUNTARILY AGREES TO EACH OF THE TERMS AND PROVISIONS HEREIN AND SIGNS THIS WAIVER, RELEASE AND HOLD HARMLESS AGREEMENT OF ITS OWN FREE WILL.

(Print Name)

(Date)

(Signature)

(Title)



FUNERAL ESCORT PERMIT APPLICATION

City of Patterson
City Hall
1 Plaza
P.O. Box 667
Patterson, CA 95363

APPLICANT INFORMATION

Name		Date of Birth	
Home Address		Phone Number	
City, State		Zip Code	
CDL # and Class		Expiration	

FUNERAL ESCORT BUSINESS INFORMATION (if applicable)

Business Name		Phone Number	
Address			
City, State		Zip Code	

Number and type of funeral escort vehicles to be operated: _____

BACKGROUND QUESTIONS

If you answer "Yes" to any of the questions in this section, for each incident, give the date of occurrence, the reason or offense charged, and the outcome or offense for which you were convicted.

1. Has your driver's license ever been revoked or suspended? _____

2. Have you ever been cited for an accident while operating a motor vehicle? _____

3. Do you have any mental or physical incapacity or infirmity of which you are aware which would in any way interfere with your duties or responsibilities as a Funeral Escort Permittee?

4. Have you been convicted (including convictions by verdict, plea of guilty, or plea of nolo contendere) in the last five (5) years of any crime?

ADDITIONAL REQUIREMENTS

The following items must be turned in with the application:

1. A copy of applicant's liability insurance as required under Patterson Municipal Code Section 10.42.170.
2. A copy of a valid California driver's license that is properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions.
3. Proof of satisfactory completion of a traffic safety program – evidence of curriculum including instruction materials, skills taught and practiced, or an instructional program of traffic safety.
4. Proof that the vehicle to be used in the course of conducting escorts has been inspected by the police department to insure that it meets the equipment and safety requirements as set forth by the police department.
5. An executed indemnity and hold harmless agreement as provided by the city.
6. Permit and insignia fees, if applicable.

I understand that verification of the accuracy of the above information will be conducted. I further understand and agree that the information is a matter of public record and may be made available to interested parties upon request. I hereby certify under penalty of perjury that the above information on this form or any attachment is true and correct.

Signature

Date