



Agenda Report

Fullerton City Council

MEETING DATE: JULY 17, 2018

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: TED WHITE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: RESOLUTION TO AMEND THE ADMINISTRATIVE CITATION FEE SCHEDULE FOR VIOLATIONS OF THE FULLERTON MUNICIPAL CODE PREVIOUSLY SET BY RESOLUTION NUMBER 8986

SUMMARY

Proposed amendment to the Administrative Citation Fee Schedule in order to provide more effective enforcement of the Fullerton Municipal Code.

RECOMMENDATION

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING THE ADMINISTRATIVE CITATION FEE SCHEDULE FOR VIOLATIONS OF THE FULLERTON MUNICIPAL CODE

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Public Safety
- Infrastructure and City Assets.

FISCAL IMPACT

The proposed administrative citation fee schedule will result in increased revenue to the general fund depending on the amount of citations issued. Revenue from fines varies from year to year. Additional revenue will be used to offset on-going costs associated with enforcement of the municipal code.

DISCUSSION

Background

California Government Code section 53069.4 allows cities, by ordinance, to make any violation of its ordinances subject to an administrative fine or penalty. In 1998, the City Council adopted an ordinance amending Title 1 of the Fullerton Municipal Code (FMC) and adding Chapter 1.10 to establish administrative citations, penalties and remedies for FMC violations. At the same time, the City Council enacted a resolution setting the Administrative Citations Fee Schedule for those violations. Various City departments, including Community Development, Public Works / Engineering, and Fire utilize administrative citations as a tool to gain compliance with applicable code requirements.

The Administrative Citation Fee Schedule has not been updated since 1998. Current citation fine amounts have not been effective in bringing certain types of violations into compliance. For example, cannabis dispensaries operating illegally in the City are often willing to pay the administrative fine amount as a matter of doing business, thus the current fines are not effective in gaining compliance. The proposed amendment to the fee schedule will provide a more effective tool to gain compliance with the municipal code.

Proposed Amendment

Citations are currently issued only after duly noticed requests to comply have been disregarded by the responsible party. Currently, fine amounts are as follows:

Fine Amount	Violation
\$100	For 1 st Violation
\$200	For a 2 nd violation of the same ordinance within one year
\$500	For each additional violation of the same ordinance within one year

The proposed amendment creates two tiers for fine amounts. The first tier would apply to infractions, except those infractions relating to the Building and Safety code. The second tier would apply to misdemeanors, as well as to infractions relating to violations of the Building and Safety Code. The proposed Administrative Citation Fee Schedule is as follows:

Infractions, except violations of the Building and Safety Code		Misdemeanors and Infractions relating to Building and Safety Codes	
Fine Amount	Violation	Fine Amount	Violation
\$100	For 1 st Violation	\$100	For 1 st Violation
\$200	For a 2 nd violation of the same ordinance within one year	\$500	For a 2 nd violation of the same ordinance within one year
\$500	For each additional violation of the same ordinance within one year	\$1000	For each additional violation of the same ordinance within one year

As with all administrative penalties, staff would retain discretion whether to apply the increased penalties depending on the nature of the violation, the responsiveness of the parties involved, and whether issuance of the penalties will facilitate compliance.

Staff's recommendation is consistent with Code Enforcement's current policy of encouraging voluntary compliance. Voluntary compliance is achieved in most cases; therefore, this recommendation would provide the City's enforcement staff with a more effective tool when necessary to ensure the health, safety, and welfare of residents and businesses.

Attachments:

- Attachment 1 – Ordinance No. 2939
- Attachment 2 – Resolution No. 8986
- Attachment 3 – Draft Resolution No. 2018-XX