
Amendments to Administrative Citations Ordinance



City Council
May 7, 2019

Summary

- Proposed amendment to Fullerton Municipal Code Title 1 (Administrative Citations) will:
 - Streamline and update code enforcement processes
 - Implement changes as a result of CA AB 2598 and CA AB 2164 that became effective on January 1, 2019.

Background

- CA Gov Code 53069.4 allows cities, by ordinance, to make any violation of its ordinances subject to an administrative fine.
- 1998: City Council adopted ordinance adding FMC Chapter 1.10 to establish administrative citations, fines, and penalties for FMC violations pursuant to Gov Code.
- 1998: City Council adopted Resolution No. 8986 setting the Administrative Citations Fee Schedule
 - Last update July 2018 by Resolution No. 2018-46.
- Administrative Citation tool used by various City Departments:
 - Community Development
 - Public Works/Engineering
 - Fire Department
- Staff recommends minor modifications to Chapter 1.10 to streamline outdated enforcement and service processes.

AB 2598 and AB 2164

- Became effective January 1, 2019
- Modify CA Gov 53069.4
- To effectuate new laws:
 - City needs to amend current administrative enforcement procedures set forth in FMC Chapter 1.10
 - Increase the City's maximum administrative fee schedule according to the provisions of AB 2598
 - Modify Title 1 to be in compliance with the provisions of AB 2164 which authorize immediate issuance of citations for violations as a result of the illegal cultivation of cannabis

Proposed Amendment

Would result in the following changes to the current Code Enforcement protocol:

1. Streamline service process
2. Preserve a recipient's right to appeal
 - Hardship Waiver in lieu of deposit of fine amount
3. Increase maximum fines for building and safety violations
4. Impose higher fines to commercial property owners who fail to remove visible refuse and/or allow prohibited land use
5. Allow recipients of 2+ citations to submit a Hardship Waiver
 - Reduce fines or establish payment plan
 - With demonstrated compliance efforts
6. Authorize staff to immediately cite illegal cannabis grows with unpermitted construction to accommodate the use.

Proposed Resolution

Current Administrative Citation Fee Schedule

All Violations Other Than Building & Safety Code Violations		Violations of Building & Safety Codes	
Fine Amount	Violation	Fine Amount	Violation
\$100	1 st Violation	\$100	1 st Violation
\$200	2 nd violation of same ordinance within one year	\$500	2 nd violation of same ordinance within one year
\$500	For each additional violation of the same ordinance within one year	\$1,000	For each additional violation of the same ordinance within one year

Proposed Administrative Citation Fee Schedule

All Violations Other Than Building & Safety Code Violations		Violations of Building & Safety Codes	
Fine Amount	Violation	Fine Amount	Violation
\$100	1 st Violation	\$130	1 st Violation
\$200	2 nd violation of same ordinance within one year	\$700	2 nd violation of same ordinance within one year
\$500	For each additional violation of the same ordinance within one year	\$1,300	For each additional violation of the same ordinance within one year
		\$2,500	Subsequent violation(s) of specified* violations within 2 years of 1 st violation.

*Commercial properties who fail to remove visible refuse or allow prohibited land use.

Recommended Action

1. Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the Ordinance.
 - An Ordinance of The City Council of The City Of Fullerton, California, amending Chapter 1.10 of Title 1 of the Fullerton Municipal Code relating to Administrative Citations.
2. Adopt Resolution No. 2019-XX.
 - A Resolution of The City Council of The City Of Fullerton, California, establishing amounts for fines imposed for code violations pursuant to Section 1.10.050 of the Fullerton Municipal Code Enforcement.

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