



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 6, 2010

ITEM NUMBER: _____

SUBJECT: AMENDING THE CIVIL CITATION FINES AND PENALTIES SCHEDULE

DATE: JUNE 30, 2010

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: KIMBERLY BRANDT, AICP, DIRECTOR

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Adopt attached resolution amending the civil citation fines and penalties schedule.

BACKGROUND/ANALYSIS:

On June 22, 2010, City Council directed staff to prepare the necessary resolution for Council action to increase the City's civil citation fines for code violations; this direction was made in conjunction with the Council's various actions on the City's 2010/2011 budget. The maximum administrative fine for violations which would be considered infractions, if charged criminally, is set by State law and is not recommended for any change.

On April 12, 2010, the Planning Commission recommended the following changes to the City's civil fines and penalties schedule as it relates to code violations which could be charged as misdemeanors:

CIVIL FINES AND PENALTIES AMOUNTS		
	CURRENT	PROPOSED
1 ST VIOLATION	\$75.00	\$150.00
2 ND VIOLATION	\$200.00	\$300.00
ALL OTHER VIOLATIONS	\$500.00	\$500.00

The Commission believes that increasing the fine schedule will provide additional deterrence from violating the City's codes. The fine amounts were last increased in July 2000 by Council Resolution 00-60.

ALTERNATIVES CONSIDERED:

Council may choose to increase and/or modify the fees as recommended by the Planning Commission or retain the City's current fine schedule.

FISCAL REVIEW:

The Finance Department has estimated that the proposed fine increases will result in the City collecting an additional \$10,000.00 in fines on an annual basis.

LEGAL REVIEW:

The City Attorney's Office has reviewed the attached resolution and approved it as to form.



KIMBERLY BRANDT, AICP
Development Services Director

DISTRIBUTION: City Manager
City Attorney
Public Services Director
Asst. Finance Director
Budget & Research Officer
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Resolution

File Name: 070610CivilCites	Date: 063010	Time: 4:30 p.m.
-----------------------------	--------------	-----------------

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE CIVIL FINES AND PENALTIES PURSUANT TO SECTION 1-40 OF THE COSTA MESA MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

WHEREAS, the City has enacted Chapter II of Title 1 of the Costa Mesa Municipal Code which allows for the assessment of a civil fine for violations of the Municipal Code; and

WHEREAS, Section 1-40 provides that the fines and penalties shall be set by the City Council resolution; and

WHEREAS, in Resolution No. 97-81, the City Council originally set the fines and penalties when the civil citation ordinance was first enacted in September 1997; and

WHEREAS, in Resolution No. 00-60, the City Council reevaluated and set new fines in July 2000; and

WHEREAS, the City Council has once again reevaluated the amount of the fines and now wishes to set new specific fines and penalties for code violations:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa determines and orders as follows:

SECTION 1. The civil fines, penalties, and implementing provisions for violations of the Costa Mesa Municipal Code pursuant to Title 1, Chapter II, shall be those as specified in Schedule 1, attached hereto and incorporated herein.

SECTION 2. These fines and penalties are subject to the provisions of said Chapter II of Title 1 and shall remain in force until changed by a new resolution.

PASSED AND ADOPTED this 6th day of July, 2010.

ALLAN MANSOOR
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY



SCHEDULE 1

CIVIL FINES AND PENALTIES FOR COSTA MESA MUNICIPAL CODE VIOLATIONS

1. Fines for Violations of the Costa Mesa Municipal Code:

\$150.00	First Violation
\$300.00	Second Violation
\$500.00	All other violations of the same code provision within a one-year period of the first violation

2. Fines for Infraction Violations of the Costa Mesa Municipal Code: The fine for violating a code provision that is specifically made an infraction under the Municipal Code shall not exceed the fines imposed for infractions pursuant to Section 1-33 of the Costa Mesa Municipal Code.

3. Late payment penalties: A \$25.00 late payment penalty shall be added to fines not paid within 30 days of their due date.

4. Collections: Fines that are delinquent for 60 days or more and total at least \$250.00 shall be processed through the abatement and/or assessment procedures specified in Section 1-48 of the Costa Mesa Municipal Code. All other delinquent fines may be referred to a collection agency as determined by the Director of Finance.