

**ITEM 5 ATTACHMENT B
ORDINANCE NO. 2020-385U**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CALABASAS, CALIFORNIA AMENDING
SECTION 1.17.080 (ADMINISTRATIVE CITATIONS) AND
SECTION 1.17.110 (AMOUNT OF ADMINISTRATIVE
FINES AND PENALTIES) OF CHAPTER 1.17
(ADMINISTRATIVE ENFORCEMENT) OF TITLE 1
(GENERAL PROVISIONS) OF THE CALABASAS
MUNICIPAL CODE.**

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

SECTION 1. Code Amendment. Section 1.17.080 (Administrative Citations) of Chapter 1.17 (Administrative Enforcement) of Title 1 (General Provisions) of the Calabasas Municipal Code is hereby amended to read as follows, with underlined text denoting additions and ~~struck-through~~ text denoting deletions:

1.17.080 – Administrative citations.

~~If a responsible person(s) fails to correct a code violation within the time prescribed in a notice of violation, an enforcement officer may issue an administrative citation to each and every responsible party who knew or reasonably should have known of that notice of violation of whom the enforcement officer has knowledge.~~ An enforcement officer may, without first issuing a notice of violation, issue an administrative citation to one or more responsible persons for violations that do not concern Title 15, or the portions of Title 17 that regulate building, plumbing, electrical, or other similar structural requirements, of the code. If an administrative citation is for a continuing violation of Title 15 or the portions of Title 17 that regulate building, plumbing, electrical, or other similar structural requirements, the enforcement officer shall first issue a notice of violation, which shall include a reasonable period to correct or otherwise remedy the violation. Notwithstanding the foregoing, if the violation is an immediate danger to health or safety, a notice of violation is not required before an enforcement officer may issue an administrative citation.

SECTION 2. Code Amendment. Section 1.17.110 (Amount of Administrative Fines and Penalties) of Chapter 1.17 (Administrative Enforcement) of Title 1 (General Provisions) of the Calabasas Municipal Code is hereby amended to read as

follows, with underlined text denoting additions and ~~struck-through~~ text denoting deletions:

1.17.110 – Amount of administrative fines and penalties.

A. ~~The fines for a code violation shall be established from time to time by resolution of the city council. The schedule of fines may include escalating fine amounts for repeated code violations within specific periods of time.~~ Under the authority granted to the City by the California Constitution, Article I, section 7, and Government Code sections 36900, 36901 and 53069.4, any violation of this code that constitutes a misdemeanor may be separately subject to an administrative fine of one thousand dollars (\$1,000.00). Under the same authority, any violation of this code that constitutes an infraction may be separately subject to an administrative fine in the following amounts:

1. A fine of one hundred dollars (\$100.00) for a first violation;
2. A fine of two hundred dollars (\$200.00) for a second violation of the same provision of code or ordinance within one year;
3. A fine of five hundred dollars (\$500.00) for each additional violation of the same provision of code or ordinance within one year.

All such fine amounts may be modified from time to time, by resolution of the city council. The schedule of fines may include escalating fine amounts for repeated code violations within specific periods of time.

B. ~~If a responsible person does not pay an administrative fine on or before the due date, he or she shall also incur a penalty and interest for every day of delinquency, as the city council shall establish from time to time by resolution. Any violation of Title 15 of this code that constitutes an infraction, including any misdemeanor violation under Section 15.04.840 reduced to an infraction under the authority of Section 1.16.010, may be subject to a separate administrative fine in the following amounts:~~

1. A fine of not more than one hundred and thirty dollars (\$130.00) for a first violation;
2. A fine of not more than seven hundred dollars (\$700.00) for a second violation of the same provision of code or ordinance within one year;
3. A fine of not more than one thousand, three hundred dollars (\$1,300.00) for each additional violation of the same provision of code or ordinance within one year.

4. A fine of not more than two thousand, five hundred dollars (\$2,500.00) for each additional violation of the same provision of code or ordinance within two years, if the property is a commercial property that has an existing building at the time of the violation and the violation is due to any failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

The responsible party subject to any heightened administrative fine for any violation of Title 15 of this code under this subsection may apply to the City Manager, on a form to be promulgated by the City Manager, for approval of a hardship waiver to reduce, but not eliminate, the administrative fine if the City Manager finds that good cause exists to show that the responsible party has made a bona fide effort to comply with the code after the first violation and that payment of the full administrative fine would impose an undue financial burden on the responsible party. All such fine amounts may be further modified from time to time, by resolution of the city council. The schedule of fines may include escalating fine amounts for repeated code violations within specific periods of time.

C. The due date for payment of an administrative fine is fifteen (15) days from the date of service of an administrative citation. If a responsible person does not pay an administrative fine by the due date, he or she shall also incur a late charge and interest on the unpaid administrative fine(s) for every day of delinquency. The city council shall establish the late charge amount and interest rate by resolution and may amend those amounts in the future by resolution.

SECTION 3. Urgency Findings. The City Council of the City of Calabasas hereby finds that there is a current and immediate threat to, and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure. Individuals within the City are engaging in violations of the municipal code which pose a public health and safety hazard because of the coronavirus COVID-19 pandemic. Immediate action is required to deter such action by allowing immediate issuance of administrative fines for such violations to limit the spread of the disease.

SECTION 4. Effective Date. Under Government Code section 36937, subdivision (b), this Ordinance shall become effective immediately because its passage is required for the immediate preservation of the public peace, health and safety.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 6. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that this amendment to the Calabasas Municipal Code is exempt from California Environmental Quality Act (CEQA). The City Council has considered all of the evidence in the record, including the staff reports and any testimony received on the matter by the City Council, and hereby determines that the text amendments will not have a significant effect on the environment as the amendments impose specified fines for violations of the code and do not directly permit any changed activities in the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b)(3) and Section 15378 (b)(5) of the California Code of Regulations.

SECTION 7. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 28th day of October 2020.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney