



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: DECEMBER 28, 2020

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT H. HOWARD, CONTRACT CITY ATTORNEY
MATTHEW T. SUMMERS, ASSISTANT CITY ATTORNEY
COLANTUONO HIGHSMITH & WHATLEY, PC

SUBJECT: ADOPTION OF ORDINANCE NO. 2021-386, 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

MEETING
DATE: JANUARY 13, 2021

SUMMARY RECOMMENDATION:

Staff recommends City Council adopt Ordinance No. 2021-386 to amend 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 to establish specified administrative fine amounts for violations of the Calabasas Municipal Code and adopt related procedural provisions.

REPORT:

In addition to other lawful remedies and code enforcement tools, such as civil litigation or criminal prosecution, the City has the power to impose administrative fines for violations of the Calabasas Municipal Code. Administrative fines will be a helpful tool for certain chronic code enforcement violations that do not lend themselves to direct abatement by the City, such as continued violations of land use codes, as distinct from a dangerous tree that could be trimmed once with appropriate

authority. In addition to or separate from administrative citations, the City can still, in the appropriate cases as judged by the City Prosecutor, pursue criminal enforcement, or as authorized by the City Council, pursue civil nuisance abatement. The City can also continue to collect certain costs of code enforcement, such as nuisance abatement costs, under Government Code section 38773, et seq., and Calabasas Municipal Code Chapter 8.20.

The City's prior ordinance provided for administrative fines and citations, but did not have precisely stated fine amounts. To remedy this, the City Council adopted an urgency ordinance on October 28, 2020 to adopt a specified set of administrative fines and introduced a non-urgency ordinance to the same effect on the same day. Staff recommends that the City Council now adopt the non-urgency ordinance to confirm the specified set of administrative fines.

The amendments to Section 1.17.080 state that an enforcement officer does not have to first issue a Notice of Violation before issuing an administrative citation and fine, except for violations of the building code and certain portions of the zoning code— an exception required by state law for continuing violations of building, plumbing, electrical, or other similar structural or zoning code provisions.¹ This resolves a prior ambiguity in the code and confirms that a Notice of Violation is not required before an enforcement officer issues a citation for any other violation, including those that are an immediate danger to health or safety. The amendments to Section 1.17.110 establish a graduated series of administrative fine amounts, set at the maximums permitted by state law.² The amendments also establish a state-required administrative process for a violator subject to the higher fines for certain building code violations to seek a hardship reduction.³

FISCAL IMPACT.

The adoption of this ordinance is expected to result in some increased revenue to the City through administrative fines, which may offset in part by increased code enforcement costs incurred to investigate violations. Unpaid administrative fines can be collected through civil actions. Further, for public nuisance code enforcement cases, the City can pursue full cost recovery through the procedures set forth in Chapter 8.20 and other applicable laws, including imposition of a nuisance abatement lien or a nuisance abatement special assessment.

ATTACHMENT:

Ordinance No. 2021-386

¹ Gov't Code, § 53069.4, subd. (a)(2).

² Gov't Code, § 36900, 36901, & 53069.4.

³ Gov't Code, § 36900, subd. (d).