

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON ESTABLISHING AND ADOPTING AN ADMINISTRATIVE CITATION AND CIVIL PENALTIES FEE SCHEDULES PURSUANT TO CHAPTER 1, SECTIONS 1.8-1, 1.8-2, 1.8-3, 1.8-4 AND 1.8-5 OF THE CODE OF THE CITY OF VERNON, CALIFORNIA 1959

WHEREAS, on _____, 2011, the City Council of the City of Vernon will adopt Ordinance No. ____ amending Chapter 1 by adding Sections 1.8-1, 1.8-2, 1.8-3, 1.8-4 and 1.8-5 to provide administrative remedies for violations; and

WHEREAS, the Director of Community Services & Water by memo dated _____, 2011, has recommended that the fees for administrative citations and civil penalties be established setting forth the fines for violations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 1: The City Council of the City of Vernon hereby finds and determines that the recitals contained hereinabove are true and correct.

SECTION 2: The City Council of the City of Vernon hereby establishes the administrative citation fees as set forth in the schedule attached hereto as Exhibit A.

SECTION 2: The City Council of the City of Vernon hereby establishes the civil penalties as set forth in the schedule attached hereto as Exhibit B.

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SECTION 3: The fees provided for herein shall be effective _____, 2011, and all resolutions, or parts of resolutions, not consistent with or in conflict with this Resolution are hereby repealed.

SECTION 4: The City Clerk of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk of the City of Vernon shall cause this resolution and the City Clerk's certification to be entered in the File of Resolutions of the Council of this City.

APPROVED AND ADOPTED this ____ day of _____, 2011.

Name: _____

Title: Mayor / Mayor Pro-Tem

ATTEST:

Willard G. Yamaguchi, City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Willard G. Yamaguchi, City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. _____, was duly passed, approved and adopted by the City Council of the City of Vernon at a regular meeting of the City Council duly held on Tuesday, _____, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this ___ day of _____, 2011, at Vernon, California.

Willard G. Yamaguchi, City Clerk

(SEAL)

EXHIBIT A

EXHIBIT “A”

ADMINISTRATIVE CITATION SCHEDULE

A violation of any provision of any section of the City Code or any California Building Code adopted by the city shall be subject to a fine pursuant to the below schedule (see next page):

Chapter of Article of City Code containing provision that was violated	Title	1 st Offense	2 nd Offense	3 rd Offense
Chapter 1	General Provisions	N/A	N/A	N/A
Chapter 2	Administration	N/A	N/A	N/A
Chapter 3	Reserved	N/A	N/A	N/A
Chapter 4	Auto Wreckers	\$100	\$200	\$500
Chapter 5	Business License & other City taxes	\$100	\$200	\$500
Chapter 6	Reserved	N/A	N/A	N/A
Chapter 7	Fire Regulations	\$100	\$500	\$1,000
Chapter 8	Emergency Organization & Functions	\$100	\$200	\$500
Chapter 9	Reserved	N/A	N/A	N/A
Chapter 10	Animal & Vector Control	\$100	\$200	\$500
Chapter 10A	Gas Franchises	N/A	N/A	N/A
Chapter 11	Food Protection Program	\$100	\$500	\$1,000
Chapter 12	Waste Management & Recycling	\$100	\$500	\$1,000
Chapter 13	Health & Sanitation	\$100	\$500	\$1,000
Chapter 14	Junk & Secondhand Metal Dealers	\$100	\$200	\$500
Chapter 15	Reserved	N/A	N/A	N/A
Chapter 16	Law Enforcement	\$100	\$200	\$500
Chapter 17	Miscellaneous Offenses	\$100	\$200	\$500
Chapter 17A	Oil Wells	\$100	\$200	\$500
Chapter 18	Permit Enforcement	\$100	\$200	\$500
Chapter 19	Police Permits	\$100	\$200	\$500
Chapter 19A	Real Property Transfer	\$100	\$200	\$500
Chapter 20	Sales & Use Tax	N/A	N/A	N/A

Chapter of Article of City Code containing provision that was violated	Title	1 st Offense	2 nd Offense	3 rd Offense
Chapter 21	Sewers & Storm Drains	\$100	\$500	\$1,000
Chapter 22	Streets & Sidewalks	\$100	\$500	\$1,000
Chapter 23	Reserved	N/A	N/A	N/A
Chapter 24	Building & Construction	\$100	\$500	\$1,000
Chapter 25 Article II, IV, and V	Water	\$100	\$500	\$1,000
Chapter 25 Article VI	Water	\$100	\$200	\$500
Chapter 26	Zoning	\$100	\$200	\$500
Chapter 27	Community Development	\$100	\$200	\$500
Chapter 28	Subdivisions	N/A	N/A	N/A
Chapter 29	Reserved	N/A	N/A	N/A
Chapter 30	Vernon Electrical System	\$100	\$500	\$1,000
Chapter 31	Vernon Natural Gas System	\$100	\$500	\$1,000

Late payment charges: Any person who fails to pay to the City on or before the due date of the administrative fine imposed shall be subject to a late fee of 25% of the administrative fine for each and every thirty (30) day period after the fine is due.

EXHIBIT B

EXHIBIT “B”

CIVIL PENALTIES

Any person in violation of any provision of the City Code or any regulation enforced by the city may be subject to the assessment of civil penalties. The maximum amount of penalties shall not exceed one hundred thousand dollars (\$100,000) annually for every series of violations. A violation shall include not only the act or omission, constituting the violation, but it shall also include causing, allowing, permitting, aiding, abetting, suffering, withholding, or concealing the fact of such act or omission occurred or destroying or tampering with evidence associated with the act or omission. Each and every day a violation exists, constitutes a separate and individual offense.

The penalty may commence on the date when the City first discovered the violation as evidenced by the issuance of a compliance order, administrative citation or any other written correspondence.

In determining the amount of the daily civil penalty the enforcement official shall consider some or all of the following factors:

- i Duration of the violation;
- ii The frequency or recurrence of the violation;
- iii The history of the violation;
- iv The seriousness of the violation;
- v The responsible party conduct after the issuance of notice or order;
- vi The reasonable party’s good faith effort to comply;
- vii The economic impact of the penalty on the reasonable party; and
- viii Impact of violation on the community

The following table may serve as a guideline for establishing the daily civil penalty.

	<i>1.) The responsible party is aggressively pursuing correction of the violation.</i>	<i>2.) The duration of the violation is more than double the time it could have reasonable been corrected.</i>	<i>3.) Same violation has occurred more than 3 times in one year.</i>	<i>4.) The violation impacts neighboring properties</i>	Daily Civil Penalty
Violation poses an immediate threat to life, property or the environment and was caused by the willful conduct and full knowledge that the act was a violation of the City Code by the responsible party.	X				\$1,000
			X		\$1,500
		X			\$2,500
				X	\$1,250
Violation poses an immediate threat to life, property or the environment and was caused by an unavoidable accident or without knowledge that the responsible parties conduct caused a violation.	X				\$500
					\$1,000
		X			\$1,250
				X	\$750
Violation does not pose an immediate threat to life, property or the environment and was caused by the willful conduct and knowledge of the violation by the responsible party.	X				\$200
			X		\$400
		X			\$500
				X	\$400
Violation does not pose an immediate threat to life, property or the environment and was caused by an accident or without knowledge that the responsible parties conduct caused a violation.	X				\$100
			X		\$200
		X			\$400
				X	\$200

1. The Civil penalty may be reduced by up to 75% if it will cause an unacceptable economic impact to the responsible party.

2. The Civil penalty may be increased by 25% if more than one of the columns would be checked, maximum civil penalty is \$2,500.00 a day.