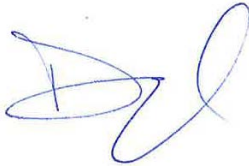


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dylan Feik, City Manager
DATE: January 17, 2017
SUBJECT: Consideration of a Resolution Adopting a Schedule of Fines for Administrative Citations Issued Under Chapter 1.28 of the Calistoga Municipal Code

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of a Resolution to adopt a schedule of fines for
2 “administrative citations” for violations of the Calistoga Municipal Code.

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4 **RECOMMENDATION:** Adopt the Resolution.

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6 **BACKGROUND:** On November 1, 2016, the Council adopted Ordinance No.
7 725, which enacted Chapter 1.28 of the Calistoga Municipal Code. Chapter 1.28
8 provides a program for issuance of “administrative citations” to assist with code
9 enforcement in the City of Calistoga. This process will allow all city departments
10 the ability to issue citations for violations of various City codes. Administrative
11 enforcement is designed to be less expensive and achieve a quicker resolution to
12 the violation than criminal or civil enforcement.

13
14 Chapter 1.28 provides that the amounts for fines under the administrative citation
15 program will be established by a separate resolution of the City Council.
16

17 **DISCUSSION:** The attached Resolution would create a schedule of fines that
18 would apply when City staff cites violators of the Calistoga Municipal Code under
19 the administrative citation program.

20
21 For most violations of the Code, staff recommends the penalty amounts be set at
22 the rates that would apply if the violations were charged as infractions. Those
23 amounts are \$100 for the first violation, \$200 for the second violation of the same
24 ordinance within one year, and \$500 for each additional violation of the same
25 ordinance within one year.

26
27 Staff recommends higher penalty amounts for violations of the City's Stormwater
28 Runoff Pollution Control Ordinance (Chapter 19.05) and violations of the Sewer
29 Service Regulations (Chapter 13.08). These are serious violations that the City
30 wants to be able to curb immediately. To provide a strong deterrent, staff is
31 recommending that the penalty be set at the \$1,000 per violation rate that would
32 be applicable if the violations were charged as misdemeanors.

33
34 **FISCAL IMPACT:** The fiscal impact is difficult to determine at this time because
35 currently, administrative citations are not used. Fiscal impact will depend on the
36 number of citations issued, and the cost of the administrative process related to
37 issuance of administrative citations.

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39 **ATTACHMENT:**
40 1. Resolution Adopting a Schedule of Fines for Administrative Citations
41 Issued Under Chapter 1.28 of the Calistoga Municipal Code
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RESOLUTION NO. 2017-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING A SCHEDULE OF FINES FOR ADMINISTRATIVE CITATIONS ISSUED UNDER CHAPTER 1.28 OF THE CALISTOGA MUNICIPAL CODE

WHEREAS, on November 1, 2016, the City of Calistoga (“City”) adopted Ordinance No. 725, which enacted Chapter 1.28 of the Calistoga Municipal Code (“Municipal Code”) to provide an administrative citation program for code enforcement; and

WHEREAS, pursuant to Section 1.28.050(C) of the Municipal Code, the Schedule of Fines for Administrative Citations issued under Chapter 1.28 shall be established by separate resolution of the City Council; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Calistoga that the Schedule of Fines for Administrative Citations issued under Chapter 1.28 of the Municipal Code shall be as set forth in Exhibit A, attached hereto and incorporated by this reference.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **17th day of January, 2017** by following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

CHRIS CANNING, Mayor

ATTEST:

MELISSA VELASQUEZ, Deputy City Clerk

39 **EXHIBIT "A"**

40
41 **Schedule of Fines for Administrative Citations Issued Under Chapter 1.28 of the**
42 **Calistoga Municipal Code**

43
44 Unless otherwise specified in the following schedule or specifically identified in the
45 Calistoga Municipal Code, the administrative fine for violations of the Calistoga
46 Municipal Code, including any codes adopted therein, enforced pursuant to Chapter
47 1.28 of the Calistoga Municipal Code, shall be as follows:

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 - \$100 for the first violation;
 - \$200 for the second violation of the same ordinance within one year; and
 - \$500 for each additional violation of the same ordinance within one year.

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Code Section	Description of Violation	Penalty (Each Violation)
Chapter 19.05	Violations of Stormwater Runoff Pollution Control Ordinance	\$1,000
Chapter 13.08	Violations of Sewer Service Regulations	\$1,000