

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 2/11/08		Item Number: <u>A-1</u>	
AGENDA ITEM: Introduction of an Ordinance Amending Chapter 1.01 of the Culver City Municipal Code Relating to General Penalty Provisions; Renumbering Chapter 1.02 to 1.03; and Adding a New Chapter 1.02 to the Culver City Municipal Code Relating to the Enforcement of the Municipal Code through an Administrative Citations Process.			
Contact Person/Dept.: Sol Blumenfeld		Phone Number: 310-253-5702	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List (02/06/08)			
Department Approval: Sol Blumenfeld (02/04/08)		City Attorney Approval: Carol Schwab (by H. Baker) (02/07/08)	
Fiscal Impact Review: Jeff Muir (by M. Noller) (02/06/08)		City Manager Approval: Jerry B. Fulwood (02/07/08)	
<u>RECOMMENDATION</u> Staff recommends the City Council introduce an ordinance amending Chapter 1.01 of the Culver City Municipal Code (CCMC) relating to general penalty provisions, renumbering Chapter 1.02 to 1.03, and adding a new Chapter 1.02 to the CCMC relating to the enforcement of the CCMC through an administrative citation process. <u>BACKGROUND</u> The administrative citation process allows a jurisdiction to issue administrative citations for violations of its municipal code as an alternative to charging the responsible person with a criminal infraction or misdemeanor in a court of law. Administrative citations are proposed to bring about compliance when other methods of code enforcement may fail, when the same violation is committed repeatedly, or when circumstances warrant an immediate citation (e.g., dumping of oil in the gutter). By adopting an Administrative Citation program, the City does not abrogate its discretion to utilize any other remedy, civil or criminal, to address such violations. Code Enforcement has been successful in eliminating unsightly conditions and gaining voluntary compliance when violations are discovered. However, from time to time, staff encounters chronic violators who do not respond to current compliance programs. To address this concern, staff has prepared a proposed Ordinance (Attachment 1) amending the CCMC to add a new Chapter 1.02, which			
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provides for enforcement of the CCMC through an administrative citation process. This process provides for an administrative remedy for any violation of the CCMC, including but not limited to violations related to building, plumbing, electrical or other similar structural or zoning issues, public nuisances, sanitation and miscellaneous offenses.¹ In addition, the proposed Ordinance amends various sections of Chapter 1.01 relating to general penalty provisions, and renumbers the existing Chapter 1.02 to Chapter 1.03. These additional changes to the CCMC are made to provide for clarity, consistency and ease of reference.

DISCUSSION

The proposed Ordinance will allow the City to more effectively conduct code enforcement with an administrative citation process. Currently, Enforcement Services does not utilize administrative citations, although a similar tool is utilized by the City Treasurer's Office for management of business tax enforcement. Should the City Council adopt the ordinance, a violator of a CCMC provision, who is issued an administrative citation, will be required to pay a fine to the City rather than to the court. This process will eliminate the need for court appearances for arraignments, pre-trials and trials for violations of the CCMC.

The proposed citation amounts are:

\$100.00 for a first violation;
\$200.00 for a second violation;
\$500.00 for each subsequent violation within one year.

Proposed Municipal Code Amendments

The following is a brief description of the proposed changes to the existing Municipal Code:

1. Chapter 1.01 has been updated to provide for additional provisions to include offenses by acts of omission and violations deemed to be public nuisances. In addition, language has been added to clarify associated fines for infraction and misdemeanor violations.
2. Existing Chapter 1.02 (City Standards) has been renumbered to Chapter 1.03.

¹ Effective January 1, 1996, Section 53069.4 was added to the Government Code authorizing cities to make violations of any ordinance subject to an administrative fine or penalty. The administrative citation tool has been proven effective in a number of other cities including Beverly Hills, West Hollywood, Palm Springs, Lakewood and Temple City.

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3. A new Chapter, 1.02 (Administrative Citations) has been added to provide for an administrative remedy for any violation of the Code, including continuing violations related to building, plumbing electrical or other similar structural or zoning issues. The inclusion of this administrative remedy does not preclude the City from utilizing any other remedy, civil or criminal, for violations of the CCMC. This new Chapter 1.02 also outlines the legislative findings and purpose of this process, use of administrative citations, definitions, administrative fines, contents of the citation, service of the citation, satisfaction of citation, request for hearing procedures and right to judicial review guidelines.

Summary

The proposed Administrative Citation process is an additional tool that will provide an efficient and streamlined procedure for enforcement of the CCMC. To this end, City staff recommends the proposed Ordinance for City Council consideration and introduction.

It should be noted, in conjunction with the adoption of the proposed Ordinance, staff will be returning to Council to update Resolution No. 2004-R016, which sets forth the public officers and employees who are authorized to enforce the CCMC and the specific provisions of the CCMC under their authority.

FISCAL ANALYSIS

At this time, there is no fiscal impact associated with this action. While there would be an increased revenue stream from the administrative fines levied, it would not significantly offset the costs to maintain the current program. As code enforcement is extremely labor-intensive to implement, the ultimate objective of the program would be increased code compliance throughout the community.

ATTACHMENTS

1. Proposed Ordinance
2. Sample Administrative Citation from Beverly Hills
3. Sample of Administrative Citation from Banning

MOTION

That the City Council:

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Introduce an ordinance amending Chapter 1.01 of the Culver City Municipal Code relating to general penalty provisions, renumbering Chapter 1.02 to 1.03, and adding a new Chapter 1.02 relating to enforcement of the Culver City Municipal Code through an administrative citation process.