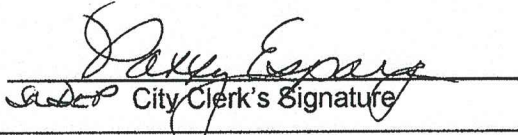


77

J. McGRATH, C.A.
CHIEF SMALL, PD

Council/Agency Meeting Held: <u>7-6-09</u>	 City Clerk's Signature
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied <u>7-1-2 (COUNCIL NO., GREEN, HARDY ABSENT)</u>	
Council Meeting Date: 7/6/2009	Department ID Number: CA 09-17

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Adoption of Resolution to Increase Civil Fine Amounts

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: In the last ten years, only fine amounts for specific violations of Huntington Beach Municipal Code relating to business regulations and zoning have been increased. The fine amounts for other civil violations of the Huntington Beach Municipal Code should be increased.

Funding Source: No funds required.

Recommended Action: Motion to: Adopt Resolution No. 2009-34 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH REVISING AND RESTATING THE FEE SCHEDULE FOR CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS."

Alternative Action(s): Do not adopt Resolution No. 2009-34.

Analysis: In 1998, the City established an administrative citation program (Chapter 1.18 of the HBMC). At that time, fines for civil violations were set by Resolution No. 98-43. Since that time, the fine amounts were increased for specific HBMC violations relating to business regulations and zoning; however, fines for non-specific violations have not increased in more than 10 years. Staff is recommending a \$25.00 increase for the first violation, a \$50.00 increase for the second violation, and a \$100.00 increase for the third violation in a twelve month period. These new fine amounts would apply to violations such as dogs off leash, newsrack violations, cell phone usage in the library, and violations of beach and pier regulations.

#6

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 7/6/2009

DEPARTMENT ID NUMBER: CA 09-17

Strategic Plan Goal: Maintain and enhance public safety; maintain and enhance our financial reserves.

Environmental Status: Not applicable

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Resolution No. <u>2009-34</u> titled "A Resolution of the City Council of the City of Huntington Beach Revising and Restating the Fee Schedule for Civil Fines for Municipal Code Violations."

ATTACHMENT NO. 1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH REVISING AND RESTATING THE FEE SCHEDULE
FOR CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS

WHEREAS, Resolution No. 2004-79 was adopted by City Council first setting the civil fines, interest and penalties to persons who are issued Administrative Citations pursuant to Chapter 1.18 of the Huntington Beach Municipal Code; and

Section 1.18.070 of the Municipal Code provides that the fines, interest and penalties shall be set by the City Council by resolution; and


The civil fine amounts for specific violations of the Municipal Code were increased in 2007. However, fine amounts for miscellaneous violations of the Municipal Code have not been increased for over ten years, while the CPI has increased several times during the last decade; and

The City Council has considered this matter and has determined to increase and set forth the specific fines, interest and penalties for various code violations,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

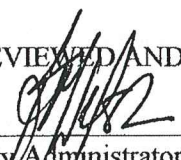
1. The civil fines, interest and penalties and implementing provisions for violations of the Municipal Code pursuant to Chapter 1.18 shall be those as specified in Schedule 1, attached hereto and incorporated herein. The increased fine amounts are in **boldface type**.
2. These fines, interest and penalties are subject to the provisions of said Chapter 1.18 and shall remain in force until changed by a new resolution of the City Council.
3. Resolution No. 2007-22 and all other resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 6th day of July, 2009.



Mayor

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED AS TO FORM:



City Attorney

SCHEDULE 1

**FINES, INTEREST, AND PENALTIES
FOR MUNICIPAL CODE VIOLATIONS**

1. Fines. Violations of the Municipal Code of the City of Huntington Beach shall be subject to the fines shown below. A subsequent violation is any violation where the citee was cited one or more times in the preceding 12 months for the same violation, unless the violation was cancelled pursuant to Chapter 1.18.

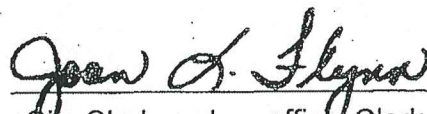
<u>CODE SECTION</u>	<u>FINE AMOUNT FOR FIRST VIOLATION:</u>	<u>FINE AMOUNT FOR SECOND VIOLATION:</u>	<u>FINE AMOUNT - SUBSEQUENT VIOLATIONS</u>
Violation of HBMC Titles 5, 8, 17 and HB Zoning & Subdivision Ordinance (EXCEPT for violation of Section 9.52.010 and Huntington Beach Fire Code Section 7802.3 as Adopted by Huntington Beach Municipal Code Section 17.56.010)	\$250	\$500	\$1,000
Violation of Huntington Beach Fire Code Section 7802.3 as Adopted by Huntington Beach Municipal Code Section 17.56.010.	\$500	\$1,000	\$1,000
Violation of Huntington Beach Municipal Code Section 9.52.010	\$500	\$1,000	\$1,000
Violation of all other Code sections.	\$125	\$250	\$600

2. Interest on Fines. Interest shall accrue upon all delinquent fines and penalties at the annual rate of 18 per cent. This interest will be imposed and collected according to the discretion of the City Treasurer upon considering such factors bearing on practicability as to the cost to compute the interest owed, the amount of interest due, and its collectability. The purpose of granting this discretion to the Treasurer is to not require collection of interest when it would not be cost effective.
3. Late Payment Penalties. A \$25 late payment penalty shall be owed for fines not paid within 30 days of their due date. The Treasurer shall have the same discretion over collection of late penalties as for interest as set forth in paragraph 2 above.
4. Collections. Fines that are delinquent for 60 days or more and total at least \$250 shall be processed through the abatement and/or assessment procedures specified in section 1.18.150 of the Municipal Code. All other delinquent fines may be referred to a collection agency as determined by the City Treasurer.

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on **July 6, 2009** by the following vote:

AYES: Carchio, Bohr, Coerper, Hansen
NOES: Dwyer
ABSENT: Green, Hardy
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

RCA ROUTING SHEET

INITIATING DEPARTMENT:	City Attorney
SUBJECT:	Adopt Resolution to Increase Civil Fine Amounts
COUNCIL MEETING DATE:	July 6, 2009

RCA ATTACHMENTS	STATUS
Ordinance (w/exhibits & legislative draft if applicable)	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Resolution (w/exhibits & legislative draft if applicable)	Attached <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/>
Tract Map, Location Map and/or other Exhibits	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Contract/Agreement (w/exhibits if applicable) <i>(Signed in full by the City Attorney)</i>	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subleases, Third Party Agreements, etc. <i>(Approved as to form by City Attorney)</i>	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Certificates of Insurance <i>(Approved by the City Attorney)</i>	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Fiscal Impact Statement (Unbudgeted, over \$5,000)	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Bonds (If applicable)	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Staff Report (If applicable)	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Commission, Board or Committee Report (If applicable)	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Findings/Conditions for Approval and/or Denial	Attached <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>

EXPLANATION FOR MISSING ATTACHMENTS

	REVIEWED	RETURNED	FORWARDED
Administrative Staff	()	()	()
Deputy City Administrator (Initial)	()	()	()
City Administrator (Initial)	()	()	()
City Clerk	()	()	()

EXPLANATION FOR RETURN OF ITEM:
 PLEASE MAKE CHGS/CORRECTIONS/INSERTIONS ON PG 1-2

(Below Space For City Clerk's Use Only)