

ASSEMBLY BILL

No. 514

Introduced by Assembly Member Williams

February 23, 2015

An act to amend Sections 25132 and 36900 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as introduced, Williams. Ordinances: violations: fines.

Existing law authorizes the legislative body of a city, county, or city and county to collect any fee, cost, or charge incurred in specified activities, including the abatement of public nuisances, enforcement of specified zoning ordinances, inspections and abatement of violations of the State Housing Law, inspections and abatement of violations of the California Building Standards Code, and inspections and abatement of violations related to local ordinances that implement these laws. Existing law limits the amount of this fee, cost, or charge to the actual cost incurred performing the inspections and enforcement activity, including permit fees, fines, late charges, and interest.

Existing law authorizes the legislative body of a local agency to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, as specified. For violations of city or county building and safety codes determined to be an infraction, existing law limits the amount of the fine to \$100 for a first violation, \$500 for a second violation of the same ordinance within one year, and \$1,000 for each additional violation of the same ordinance within one year of the first violation.

This bill would eliminate these fine amounts for violations of local building and safety code ordinances determined to be an infraction and instead require a maximum fine or penalty amount for a violation of those local building and safety ordinances to be established by ordinance that is subject to specified requirements. By requiring cities and counties to establish these fine or penalty amounts by ordinance, the bill would impose a state mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25132 of the Government Code is
 2 amended to read:
 3 25132. (a) Violation of a county ordinance is a misdemeanor
 4 unless by ordinance it is made an infraction. The violation of a
 5 county ordinance may be prosecuted by county authorities in the
 6 name of the people of the State of California, or redressed by civil
 7 action.
 8 (b) Every violation determined to be an infraction is punishable
 9 by (1) a fine not exceeding one hundred dollars (\$100) for a first
 10 violation; (2) a fine not exceeding two hundred dollars (\$200) for
 11 a second violation of the same ordinance within one year; (3) a
 12 fine not exceeding five hundred dollars (\$500) for each additional
 13 violation of the same ordinance within one year.
 14 (c) Notwithstanding any other provision of law, a violation of
 15 a local building and safety ~~codes~~ ordinance determined to be an
 16 infraction is punishable by ~~(1) a fine not exceeding one hundred~~
 17 ~~dollars (\$100) for a first violation; (2) a fine not exceeding five~~
 18 ~~hundred dollars (\$500) for a second violation of the same ordinance~~
 19 ~~within one year; (3) a fine not exceeding one thousand dollars~~
 20 ~~(\$1,000) for each additional violation of the same ordinance within~~

1 ~~one year of the first violation. a fine established by ordinance that~~
2 ~~is subject to all of the following requirements:~~

3 (1) ~~The amount of the fine does not exceed the amount of the~~
4 ~~permit fee required by the local building and safety ordinance~~
5 ~~multiplied by 10 or, in the absence of a permit fee, one thousand~~
6 ~~dollars (\$1,000).~~

7 (2) ~~The amount of the fine is based upon the severity of the~~
8 ~~threat to public health and safety.~~

9 (3) ~~The amount of the fine for a second violation of the same~~
10 ~~ordinance within five years of the first violation is greater than~~
11 ~~the amount of the fine for the first violation. The amount of the~~
12 ~~fine for the third violation of the same ordinance within five years~~
13 ~~of the first violation is greater than the amount of the second~~
14 ~~violation.~~

15 SEC. 2. Section 36900 of the Government Code is amended
16 to read:

17 36900. (a) Violation of a city ordinance is a misdemeanor
18 unless by ordinance it is made an infraction. The violation of a
19 city ordinance may be prosecuted by city authorities in the name
20 of the people of the State of California, or redressed by civil action.

21 (b) Every violation determined to be an infraction is punishable
22 by (1) a fine not exceeding one hundred dollars (\$100) for a first
23 violation; (2) a fine not exceeding two hundred dollars (\$200) for
24 a second violation of the same ordinance within one year; (3) a
25 fine not exceeding five hundred dollars (\$500) for each additional
26 violation of the same ordinance within one year.

27 (c) Notwithstanding any other provision of law, a violation of
28 a local building and safety ~~codes~~ ordinance determined to be an
29 infraction is punishable by ~~(1) a fine not exceeding one hundred~~
30 ~~dollars (\$100) for a first violation; (2) a fine not exceeding five~~
31 ~~hundred dollars (\$500) for a second violation of the same ordinance~~
32 ~~within one year; (3) a fine not exceeding one thousand dollars~~
33 ~~(\$1,000) for each additional violation of the same ordinance within~~
34 ~~one year of the first violation. a fine established by ordinance that~~
35 ~~is subject to all of the following requirements:~~

36 (1) ~~The amount of the fine does not exceed the amount of the~~
37 ~~permit fee required by the local building and safety ordinance~~
38 ~~multiplied by 10 or, in the absence of a permit fee, one thousand~~
39 ~~dollars (\$1,000).~~

1 (2) *The amount of the fine is based upon the severity of the*
2 *threat to public health and safety.*

3 (3) *The amount of the fine for a second violation of the same*
4 *ordinance within five years of the first violation is greater than*
5 *the amount of the fine for the first violation. The amount of the*
6 *fine for the third violation of the same ordinance within five years*
7 *of the first violation is greater than the amount of the second*
8 *violation.*

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.