

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 514**

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**Introduced by Assembly Member Williams**

February 23, 2015

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An act to amend Section 25132 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as amended, 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 authorize the fine amounts for violations of specified county ordinances, including local building and safety ordinances, determined to be an infraction to be established by an ordinance that is subject to specified maximum amount requirements for the first, 2nd, and 3rd violations of the same ordinance. If one of these specified ordinances is not subject to a fine ordinance, this bill would specify the amount of the fine. By imposing duties on counties regarding fine or penalty amounts for violation of specified ordinances, including local building and safety ordinances, the bill would impose a ~~state-mandated~~ *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 the following:
- 10 (1) A fine not exceeding one hundred dollars (\$100) for a first
- 11 violation.
- 12 (2) A fine not exceeding two hundred dollars (\$200) for a second
- 13 violation of the same ordinance within one year.

1 (3) A fine not exceeding five hundred dollars (\$500) for each  
2 additional violation of the same ordinance within one year.

3 (c) Notwithstanding any other provision of law, a violation of  
4 a local building and safety ordinance, brush removal ordinance,  
5 grading ordinance, film permit ordinance, *or* zoning ordinance, ~~or~~  
6 ~~an ordinance that regulates the drilling, operation, maintenance,~~  
7 ~~and abandonment of oil, gas, and geothermal wells,~~ determined to  
8 be an infraction may be punishable by a fine established by  
9 ordinance that is subject to all of the following requirements:

10 (1) The amount of the fine for the first violation does not exceed  
11 the amount of the permit fee required by the ordinance multiplied  
12 by ~~10~~ *three* or five thousand dollars (\$5,000), whichever is less.  
13 In the absence of a permit fee, the amount of the fine does not  
14 exceed one thousand dollars (\$1,000).

15 (2) The amount of the fine for a second violation of the same  
16 ordinance within five years of the first violation ~~is greater than~~  
17 ~~five thousand dollars (\$5,000), but does not exceed ten thousand~~  
18 ~~dollars (\$10,000).~~ *does not exceed the amount of the permit fee*  
19 *required by the ordinance multiplied by five, or ten thousand*  
20 *dollars (\$10,000), whichever is less.* In the absence of a permit  
21 fee, the amount of the fine shall not exceed two thousand five  
22 hundred dollars (\$2,500).

23 ~~The~~

24 (3) *The* amount of the fine for the third violation of the same  
25 ordinance within five years of the first violation is greater than ~~the~~  
26 ten thousand dollars (\$10,000), but does not exceed fifteen  
27 thousand dollars (\$15,000). In the absence of a permit fee, the  
28 amount of the fine shall not exceed five thousand dollars (\$5,000).

29 (4) The amount of the fine is based upon the severity of the  
30 threat to public health and safety.

31 (d) If an ordinance described in subdivision (c) that is  
32 determined to be an infraction is not subject to a fine established  
33 by ordinance as set forth in subdivision (c), the violation of that  
34 ordinance shall be subject to a fine described in subdivision (b).

35 SEC. 2. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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