

AMENDED IN SENATE JUNE 9, 2015
AMENDED IN ASSEMBLY MAY 4, 2015
AMENDED IN ASSEMBLY APRIL 21, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 514

Introduced by Assembly Member Williams

February 23, 2015

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~~ *2nd*

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~~ 3rd, and subsequent 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 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
6 determined to be an infraction may be punishable by a fine
7 established by ordinance that is subject to all of the following
8 requirements:

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

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

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

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

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

32 SEC. 2. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.