

ORDINANCE NO. 30-08

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND
AMENDING SUBSECTION 2.62.040 OF SECTION 2.62 OF THE RICHMOND
MUNICIPAL CODE RELATING TO SETTING A TWO-TIER FINE STRUCTURE
FOR ADMINISTRATIVE CITATIONS.**

The City Council of the City of Richmond do ordain as follows:

SECTION 1: Subsection 2.62.040 of the Richmond Municipal Code is hereby added and/or amended to read as follows:

2.62.040 Amount of Fines

(a) The amount of fines for Code violations imposed pursuant to this chapter are divided into two categories and shall be known as Tier One fines and Tier Two fines.

(1.) Tier One fines shall be imposed for Code violations other than those specifically listed below under Tier Two fines and shall be set as follows:

(A) First Citation- Two-hundred and Fifty (\$250) Dollars for the first violation;

(B) Second Citation- Five-hundred (\$500) Dollars for the second violation of the same provision of this Code within any 24-consecutive month period;

(C) Third and Additional Citations- One-thousand (\$1,000) Dollars for the third and any additional violation of the same provision of this Code within any 24-month consecutive period.

(2) Tier Two fines shall be imposed for the following Code violations only: section 6.20.020, which adopts by reference the State Housing Code codified as Health and Safety Code section 17920.3 et al (substandard dwelling structures); section 6.38- Vacant Building Ordinance; section 6.10.020, which adopts by reference the Uniform Code of Abatement of Dangerous Buildings; and subsection 6.06.070(a) and (b) - Historic Structure code. Tier Two fines shall be set as follows:

(A) First Citation- One-thousand (\$1,000) Dollars for the first violation;

(B) Second Citation- Two-thousand, five-hundred (\$2,500) Dollars for the second violation of the same provision of this Code within any 24-consecutive month period;

(C) Third and Additional Citations- Five-thousand (\$5,000) for the third and any additional violations of the same provision of this Code within any 24-consecutive month period;

(b) A ten-percent (10%) late payment fee shall be imposed on any fine which is not paid within thirty (30) days of the issuance of the citation.

(c) The administrative citations outlined in this chapter are levied in addition to any recovery of costs outlined in Chapter 2.34 of this Code.

SECTION 2: CEQA

Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b) (3).

SECTION 3: Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 4: Effective Date

This Ordinance becomes effective 30 days after its final passage and adoption.

First read at a regular meeting of the City Council of the City of Richmond held on November 25, 2008, and finally passed and adopted at a regular meeting thereof held **December 16, 2008**, by the following vote:

AYES: Councilmembers Butt, Bates, Lopez, Sandhu, Thurmond, Vice Mayor Marquez and Mayor McLaughlin

NOES:

ABSTENTIONS:

ABSENT: Councilmembers Rogers and Viramontes

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California)
County of Contra Costa) ss.
City of Richmond)

I certify that the foregoing is a true copy of Ordinance No. 30-08 N.S., finally passed and adopted by the Council of the City of Richmond at a special meeting on December 16, 2008.