

**RESOLUTION NO. 4271**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
ESTABLISHING THE ADMINISTRATIVE CITATION SCHEDULE OF FINES FOR VIOLATIONS  
OF THE SAN ANSELMO MUNICIPAL CODE**

**WHEREAS**, on March 12, 2019, the Town Council adopted An Ordinance of the Town Council of the Town of San Anselmo Amending Title 1 (General Provisions) to Add Chapter 6 (Administrative Citations) to the San Anselmo Municipal Code; and

**WHEREAS**, the Ordinance authorizes the imposition of fines for Municipal Code violations through the issuance of administrative citations; and

**WHEREAS**, the Ordinance provides that the amount of the administrative citation fines will be set forth in a schedule of fines established by resolution of the Town Council; and

**WHEREAS**, Government Code section 53069.4, specifies that the administrative fine or penalty established by the Town shall not exceed the maximum fine or penalty amounts for infractions set forth in Government Code section 36900; and

**WHEREAS**, the Town Council finds that establishing a fine schedule for administrative citations is in the public interest.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby resolves as follows:

**Section 1. Environmental Review**

The Town Council finds that adoption of this resolution is exempt from the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), because it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment. (CEQA Guidelines §15061(b)(3)).

**Section 2. Adoption of Fine Schedule for Administrative Citations**

The Town Council adopts the following fines pursuant to section 1-6.06 of the Town's Municipal Code.

- A. Except as may otherwise be provided in the Town of San Anselmo Municipal Code or in the Master Fee Schedule adopted by the Town Council for violation of certain ordinance provisions, violations of the San Anselmo Municipal Code are subject to the administrative fines set forth in this resolution. The Town Council intends to have the fines listed in the resolution reflect those listed in section 36900 of the California Government Code, as amended.
  1. If a violation of a Town ordinance could be charged as an infraction, the

administrative fine amounts are:

- i. A fine not exceeding one hundred dollars (\$100) for a first violation.
  - ii. A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year.
  - iii. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.
2. A violation of local building and safety codes determined to be an infraction is punishable by the following:
- i. A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
  - ii. A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year.
  - iii. A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.
  - iv. A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.
3. If a violation of a Town ordinance could be charged as a misdemeanor, the administrative fine amounts are:
- i. A fine not exceeding one hundred dollars (\$150) for a first violation;
  - ii. A fine not exceeding three hundred dollars (\$300) for a second violation of the same ordinance within one year;
  - iii. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year;
  - iv. A fine not exceeding one thousand dollars (\$1,000) for each additional violation of the same provision within one year of the first violation.

### **Section 3. Effective Date**

This Resolution shall take effect immediately upon adoption by the Town Council.

### **Section 4. Severability**

The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this resolution is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on April 9, 2019, by the following vote:

AYES: Brown, Coleman, Wright  
NOES: None  
ABSENT: Greene, Colbert  
ABSTAIN: None

  
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Matt Brown, Mayor

ATTEST:  
  
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Carla Kacmar, Town Clerk