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

Matt Brown, Mayor

ATTEST:
Carla Kacmar, Town Clerk