



Legislation Text

File #: 18-2270, Version: 1

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 11/20/2018

TO: Honorable Mayor and City Council Members

FROM: Police Department and Legal & Risk Management Department

SUBJECT:

City Council consideration of Ordinance No. 3289, first reading of an Ordinance amending Section 9.31.140 of the Corona Municipal Code to clarify parental responsibilities and administrative penalties related to graffiti and City Council consideration of Resolution No. 2018-119 amending the Administrative Penalties Schedule for violations of the Corona Municipal Code.

RECOMMENDED ACTION:

That the City Council:

1. Introduce by title only and waive full reading of Ordinance No. 3289, first reading of an Ordinance amending Section 9.31.140 of the Corona Municipal Code to clarify parental responsibilities and administrative penalties related to graffiti.
2. Adopt Resolution No. 2018-119 amending the administrative penalties schedule for violations of the Corona Municipal Code.

ANALYSIS:

Chapter 9.31 (Graffiti Prevention) of the Corona Municipal Code ("CMC") governs the process by which the City can hold minors and adults responsible, both civilly and criminally, for damage caused by graffiti. While Chapter 9.31 provides that parents can be held civilly responsible for damages to public or private property incurred as a result of their minor child's violation of the graffiti prohibitions, and while such civil proceedings include the City's administrative penalties ordinance found in Chapter 1.08 of the CMC, staff would like to clarify the wording to make them both abundantly clear. Thus, we are recommending those changes to CMC Section 9.31.140 (Violation - Penalties) noted in the redline copy of the ordinance attached hereto. These are simply clarifying changes and do not

change existing parental responsibility.

In addition, California Government Code Section 53069.4 authorizes cities to impose and collect administrative fines and penalties for violations of any of its codes and ordinances. The City has adopted an ordinance to implement such an administrative penalties program and it is codified in Sections 1.08.110 through 1.08.190 of the CMC. Section 1.08.140 of the CMC provides that the amount of administrative penalties imposed for violations of the CMC shall be established by resolution of the City Council.

On July 5, 2001, the City Council adopted Resolution No. 2001-86, establishing an Administrative Penalties Schedule for violations of the CMC. Resolution No. 2001-86 was drafted to identify section-by-section the administrative penalty amount for different violations of the CMC. The reason for this was that, while violations which can be enforced only as infractions are limited to statutorily minimum penalties (\$100 for the first violation; \$200 for the second violation; and \$500 for each additional violation within a twelve (12) month period), violations which can be enforced as misdemeanors are not so limited. In 2001, staff believed that the section-by-section detail may be more helpful and transparent and that the City may identify many more sections that may necessitate penalties in excess of the statutory minimum. However, that has not proved to be true and staff now believes that a more simple and streamlined Administrative Penalties Schedule would be more transparent and administratively easier to maintain.

Accordingly, staff now recommends amending the Administrative Penalties Schedule to impose more uniform fine amounts, with the vast majority of violations having fines equivalent to the state established criminal infraction minimums. As noted in the attached Resolution and Redline Administrative Penalties Schedule, only a few CMC violations are recommended to have either lower or higher fine amounts than the criminal infraction minimums and even fewer are recommended to be lower or higher than the penalty amounts provided for in Resolution 2001-086.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended action.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes minor, clarifying changes to the City's graffiti prevention ordinance and administrative penalties schedule, and will not have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: MARIA CONZELMAN, SR. PARALEGAL/CLAIMS MANAGER

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REVIEWED BY: GEORGE JOHNSTONE, CHIEF OF POLICE

REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER

REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES
DIRECTOR

SUBMITTED BY: DARRELL TALBERT, CITY MANAGER

Redline Ordinance No. 3289

Final Ordinance No. 3289

Redline Administrative Penalties Schedule

Final Resolution No. 2018-119