

RESOLUTION NO. 2020-157

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE UPDATING THE SCHEDULE OF FINES RELATED TO ADMINISTRATIVE CITATIONS IN THE CITY OF ELK GROVE

WHEREAS, on April 8, 2009, the City Council of the City of Elk Grove (“the City”) adopted Ordinance No. 7-2009, creating Elk Grove Municipal Code Chapter 1.12, Administrative Citations; and

WHEREAS, on June 26, 2019, the City Council adopted Resolution No. 2019-136 establishing the City’s current fine schedule related to administrative citations; and

WHEREAS, the City Council recognizes that the nature of some violations is best enforced by issuing a per violation fine (e.g. per inoperable vehicle, per illegal firework, or per illegal marijuana plant) rather than by issuing a single fine for violations on a single property in a bundled fashion; and

WHEREAS, Senate Bill 946 was signed into law in September 2018, amending California Government Code Section 51039(a)(3)(A) and establishing a distinct fine schedule related to sidewalk vending. This action would incorporate these fines into the resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Repeals and replaces the previously approved Schedule of Fines adopted with Resolution No. 2019-136. Notwithstanding the repeal of Resolution 2019-136, any citation or administrative fine imposed or issued under Resolution 2019-136 prior to the effective date of this Resolution shall remain valid and enforceable; and
- 2) Approves this Resolution and the updated Schedule of Administrative Fines attached hereto as Exhibit A and incorporated herein by reference. Any persons who fails to pay a fine identified on Exhibit A when due shall be liable for a penalty in the amount of ten percent (10%) of the fine. In addition to any penalties, any person who fails to pay a fine when due shall also be liable for interest on the fine at a rate of one and one-half percent (1½%) simple interest per month or portion thereof, of the principal amount of the fine (exclusive of accrued interest and penalties) from the date the fine is due until paid; and
- 3) Establishes that this Resolution and the Schedule of Administrative Fines established herein shall become effective immediately upon passage of this Resolution, with the exception that new fines related to Chapter 4.54 concerning sidewalk vending shall become effective on the effective date of the accompanying Ordinance No. 14-2020 amending Chapter 4.54 and providing for new fines concerning sidewalk vending; and

- 4) Establishes that a separate violation of the EGMC occurs each day there is a violation of the EGMC; establishes that a separate violation of the EGMC occurs for each discrete violation of the EGMC on single day, whether the violations are related or unrelated, and whether the violations are at the same or different location; and directs that a separate and progressive fine may be imposed for each separate violation of the EGMC, whether the violations occur on the same day or different days.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of June 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

**EXHIBIT A
SCHEDULE OF ADMINISTRATIVE FINES
(EGMC 1.12.050)**

EGMC Title	EGMC Chapters/Sections	Administrative Fine Amounts
Title 4 Additional Regulations and Prohibitions for Businesses; Article I Street Businesses	Chapter 4.54.010 (A)(1); Sidewalk Vendor Regulations (vending without a valid City business license)	<p>1st violation: \$250;</p> <p>2nd violation within one year of the first violation: \$500;</p> <p>3rd or more violation within one year of the first violation: \$1,000</p> <p>Upon proof of a valid City business license having been issued by the City following imposition of a fine, the administrative fines set forth above shall be reduced as follows:</p> <p>1st violation: \$100;</p> <p>2nd violation within one year of the date of the first violation: \$200;</p> <p>3rd or more violation within one year of the date of the first violation: \$500.</p>
Title 15 Water and Sewers	Chapter 15.12 Stormwater Management and Discharge Control	Each violation \$1,000
Titles not specifically listed	Fines for violation of any other section of the Elk Grove Municipal Code for which a specific fine or penalty is not specified.	<p>Unless a different fine or penalty is set forth by a specific code section, for any violation of any City of Elk Grove Municipal Code section, the following administrative fine schedule shall apply:</p> <p>1st violation: \$100;</p> <p>2nd violation of the same code section within one year of the date of the first violation: \$200;</p> <p>3rd or more violations of the same code section within one year of the date of the first violation: \$500</p>

Effective: June 24, 2020

In the event the administrative fine amounts set forth in this Schedule of Administrative Fines exceed the amount the City is authorized to assess by California state law, then the maximum administrative fine amount shall be that amount authorized by state law.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-157

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO)
CITY OF ELK GROVE)

ss

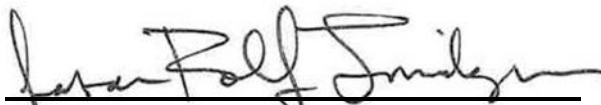
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 24, 2020 by the following vote:

AYES: COUNCILMEMBERS: Ly, Detrick, Hume, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Nguyen



Jason Lindgren, City Clerk
City of Elk Grove, California