

RESOLUTION NO. 2020-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING THE ADMINISTRATIVE FINE SCHEDULE FOR CERTAIN VIOLATIONS OF THE COACHELLA MUNICIPAL CODE.

WHEREAS, Coachella Municipal Code section 3.20.020 allows for the adoption of a schedule of fines for administration citations pursuant to Government Code section 53069.4; and

WHEREAS, on November 9, 2016, the City Council adopted Resolution No. 2016-56 adopting an Administrative Fine Schedule pursuant to Coachella Municipal Code section 3.20.020; and

WHEREAS, the Coachella City Council adopted Urgency Ordinance No. 1159 adding Section 1.08.030 to the Coachella Municipal Code making it unlawful for any person to violate any emergency order made by the Governor of the State of California under the Emergency Services Act or any order of the State Department of Public Health or Riverside County Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, Coachella Municipal Code section 1.08.030 authorizes the imposition of a fine for violation of the section through the issuance of an administrative citation; and

WHEREAS, an amendment to the November 9, 2016 Administrative Fine Schedule is proposed to specify a fine for violation of Section 1.08.030 of the Coachella Municipal Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

SECTION 1. Incorporation of Preamble. The City Council finds that all the facts, findings, and conclusions set forth above in this resolution are true and correct.

SECTION 2. Adoption. The Coachella City Council hereby adopts Resolution No. 2016-56 for the adoption of an amended Administrative Fine Schedule, attached hereto as Exhibit A incorporated herein by reference.

SECTION 3. Grace Period. The grace period for certain violations of the Coachella Municipal Code as set forth in Exhibit A is hereby approved. Notwithstanding, the grace period may be extended on a case-by-case basis at the discretion of the enforcement official based on the complexity of correcting the violation and the propensity for harm posed by the continued existence of the violation. Pursuant to Coachella Municipal Code section 3.20.030, a responsible party is not entitled to a grace period if a violation is a continuing violation that creates an immediate danger to health or safety.

SECTION 4. CEQA. The City Council finds that the actions contemplated by this Resolution are exempt from the California Environmental Quality Act (“CEQA”) pursuant to

California Code of Regulations, title 14, sections 15060(c)(2), 15060(c)(3), 15061(b)(3) and 15378(a), in that the Resolution does not have the potential for causing a significant effect on the environment.

SECTION 5. Effective Date. This resolution shall take effect immediately upon its adoption.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED and ADOPTED this 8th day of April 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-20 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 8th day of April 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

RESOLUTION NO. 2020-20

EXHIBIT A

ADMINISTRATIVE FINE SCHEDULE

Pursuant to Coachella Municipal Code (“CMC”) section 3.20.020 and subject to Government Code section 36900, each code violation designated below is subject to a fine of not more than the maximum fine amount specified herein. Each subsequent violation of the same CMC section shall be subject to double the fine of the previous violation up to a maximum of \$1,000 per violation. Any violation of the CMC not otherwise identified below is subject to a fine of no more than the maximum amount authorized in CMC section 3.20.020.

Pursuant to CMC section 3.20.030, a party is entitled to a reasonable opportunity to correct continuing or ongoing violations that do not create an immediate danger to health or safety as designated herein (“Grace Period”). Any violation of the CMC entitled to a Grace Period that is not otherwise designated herein shall be entitled a Grace Period of at least three days.

CMC CODE SECTION	BRIEF DESCRIPTION OF VIOLATION	FINE AMOUNT	GRACE PERIOD
1.08.030	Nuisance—Emergency Order Enforcement	\$1,000.00	N/A
3.10.010(D)(1)	Nuisance—Attractive Nuisance	\$1,000.00	5 Days
3.10.010(D)(2)	Nuisance—Inadequate Landscaping	\$50.00	15 Days
3.10.010(D)(3)	Nuisance—Overgrown Weeds	\$50.00	15 Days
3.10.010(D)(4)	Nuisance—Unmaintained Trees and Shrubs	\$50.00	15 Days
3.10.010(D)(5)	Nuisance—Accumulation of Combustible Debris	\$250.00	5 Days
3.10.010(D)(6)	Nuisance—Parking of Vehicle on Unimproved Surface	\$100.00	5 Days
3.10.010(D)(7)	Nuisance—Overnight Occupation of Vehicle	\$100.00	N/A
3.10.010(D)(8)	Nuisance—Unmaintained Improved Surfaces	\$50.00	15 Days
3.10.010(D)(9)	Nuisance—Unmaintained Parking and Handicap Markings	\$50.00	10 Days
3.10.010(D)(10)	Nuisance—Termites, Insects, Vermin and Rodents	\$250.00	15 Days
3.10.010(D)(11)	Nuisance—Inadequate Sewage Disposal	\$1,000.00	15 Days
3.10.010(D)(12)	Nuisance—Abandoned or Vacant Building	\$1,000.00	15 Days
3.10.010(D)(13)	Nuisance—Offensive Odors	\$500.00	5 Days

CMC CODE SECTION	BRIEF DESCRIPTION OF VIOLATION	FINE AMOUNT	GRACE PERIOD
3.10.010(D)(14)	Nuisance—Improper Storage of Garbage Containers	\$50.00	N/A
3.10.010(D)(15)	Nuisance—Maintenance of Hazardous Substances or Waste	\$500.00	5 Days
3.10.010(D)(16)	Nuisance—Obstruction of Visibility of Public Right-of-Way	\$250.00	5 Days
3.10.010(D)(17)	Nuisance—Unlawful and Non-Conforming Building	\$1,000.00	30 Days
3.10.010(D)(18)	Nuisance—Dismantled Vehicles on Residential Property	\$500.00	15 Days
3.10.010(D)(19)	Nuisance—Visual Blight	\$250.00	15 Days
3.10.010(D)(20)	Nuisance—Unmaintained Swimming Pools	\$500.00	15 Days
3.10.010(D)(21)	Nuisance—Unmaintained Public Toilets	\$500.00	15 Days
3.10.010(D)(22)	Nuisance—Noncomplying Privy	\$500.00	15 Days
3.10.010(D)(23)	Nuisance—Imminent Safety Hazard	\$1,000.00	N/A
3.10.010(D)(24)	Nuisance—Disruptive Activities	\$250.00	N/A
3.10.010(D)(25)	Nuisance—Violation of Land Use Conditions	\$500.00	N/A
3.10.010(D)(26)	Nuisance—Animal Disturbances	\$100.00	N/A
3.10.010(D)(27)	Nuisance—Public Burning	\$100.00	N/A
3.10.010(D)(28)	Nuisance—Air Pollution	\$500.00	5 Days
3.10.010(D)(29)	Nuisance—Stagnant Water and Mosquito Harborage	\$500.00	5 Days
3.10.010(D)(30)	Nuisance—Discharge of Sewage	\$1,000.00	5 Days
3.10.010(D)(31)	Nuisance—Improper Storage of Animal Manure	\$250.00	5 Days
3.10.010(D)(32)	Nuisance—Leaking of Offensive Substances in Transport	\$500.00	N/A
3.10.010(D)(33)	Nuisance—Maintenance of Clothes Line in Public View	\$50.00	N/A
3.10.010(D)(34)	Nuisance—Unmaintained Storm Water Drainage	\$100.00	5 Days
3.10.010(D)(35)	Nuisance—Unlawful Water Disposal	\$250.00	N/A
3.10.010(D)(36)	Nuisance—Damaged Sign Causing Safety Hazard	\$100.00	N/A
3.10.010(D)(37)	Nuisance—Encroachment on Public Property	\$100.00	5 Days

CMC CODE SECTION	BRIEF DESCRIPTION OF VIOLATION	FINE AMOUNT	GRACE PERIOD
3.10.010(D)(38)	Nuisance—Municipal Code Violation	\$1,000.00	30 Days
3.10.010(D)(39)	Nuisance—Civil Code §§ 3479 & 3480 Nuisance	\$1,000.00	30 Days
3.10.010(D)(40)	Nuisance—Penal Code § 11225 Nuisance	\$1,000.00	30 Days
3.10.010(D)(41)	Nuisance—Health and Safety Code § 11570 Nuisance	\$1,000.00	30 Days
3.10.010(D)(42)	Nuisance—Health and Safe Code §§ 17910–17995	\$1,000.00	30 Days
3.10.010(D)(43)	Nuisance—Declared Weed Nuisance	\$50.00	15 Days
3.10.010(D)(44)	Nuisance—Declared Rubbish, Refuse. and Dirt Nuisance	\$50.00	15 Days
5.04.050(B)(1)	Business License Required— Failure to procure license	\$100.00	30 Days
7.04.050	Noise—Excessive/Disturbing Noise	\$100.00	5 Days
7.04.070	Noise—Violation of Allowable Construction Hours	\$100.00	5 Days
7.04.075	Noise—Violation of Allowable Property Maintenance	\$25.00	5 Days
8.04.040	Agricultural Nuisances	\$250.00	5 Days
8.60.040	Abandoned Property—Failure to Register	\$50.00	30 Days
8.60.050	Abandoned Property—Failure to Maintain Property	\$50.00	30 Days
8.64.040	Vacant Property—Failure to Register	\$50.00	30 Days
8.64.050	Vacant Property—Failure to Maintain Property	\$50.00	30 Days
9.04.010-C	Alcoholic Beverages—Drinking on Public Property	\$50.00	NIA
9.04.010-D	Alcoholic Beverages—Drinking on Commercial Property	\$50.00	N/A
9.08.020	Juvenile Curfew—Loitering and Truancy	\$25.00	N/A
9.16.020	Property Offenses—Trailers Outside Camps	\$250.00	30 Days
10.08.060	Stopping, Standing, Parking—Working on Parked Vehicles	\$100.00	5 Days
12.04.030	Street Excavations—Failure to Obtain Permit	\$100.00	N/A
12.12.010	Sidewalk, Driveway, Curb Work—Failure to Obtain Permit	\$100.00	N/A
12.24.040	Street Trees—Breach of Duty to Trim or Remove	\$25.00	30 Days
12.28.010	Palm Trees—Failure to trim/cut annually	\$25.00	30 Days

CMC CODE SECTION	BRIEF DESCRIPTION OF VIOLATION	FINE AMOUNT	GRACE PERIOD
12.32.030 12.32.090	Park Use— No Permit / Revoked Permit	\$50.00	N/A
12.32.140	Park Use—Prohibited Conduct in City Parks	\$25.00	N/A
12.34.090	City Basins—Prohibited Activities & Conduct	\$25.00	N/A
12.36.040	Skateboard Park—Violation of Rules for Use of Park	\$25.00	N/A
15.04.020(A)1	Building Code—Unpermitted Concrete, Flatwork, Patio Slabs	\$50.00	30 Days
15.04.020(A)2	Building Code—Unpermitted Driveways and Pavers	\$50.00	30 Days
15.04.020(A)3	Building Code—Removal of Block Wall for Driveway	\$50.00	30 Days
15.04.020(A)5	Building Code—Unpermitted Storage Shed in excess of 120 square feet	\$50.00	30 Days
15.04.020(A)4	Building Code—Unpermitted Tent/Canvas Structure	\$25.00	15 Days
15.12.010	Electrical Code—Unpermitted Electrical Work	\$25.00	30 Days
15.16.010	Mechanical Code—Unpermitted Mechanical Work	\$25.00	30 Days
15.20.010	Plumbing Code -- Unpermitted Plumbing Work	\$25.00	30 Days
17.16.030C(4)e	RS Zone—Exceeding 60% Maximum Paving in front yard	\$50.00	30 Days
17.58.010(B)	Home Occupations—Operating in Violation of Regulations	\$25.00	60 Days
17.54.020	Zoning Code—Unpermitted Garage Conversion	\$100.00	60 Days
17.56.010 (E)2	Signs—Prohibited Signs on Public Right-of-Way	\$25.00	N/A
17.56.010(E)5	Signs—Window Signs in Excess of 20% of Window Area	\$25.00	15 Days
17.56.010(E)11	Signs—Prohibited Roof	\$25.00	15 Days
17.56.010(1)2	Signs—Temporary Banners more than 30 Days	\$25.00	15 Days
17.56.010(1)3	Signs—Temporary Sale Signs more than 45 Days	\$25.00	15 Days
17.84.030	Medical Cannabis—Dispensaries and Delivery Prohibited	\$1,000.00	N/A
17.85.010	Medical Cannabis—Unpermitted Cultivation Facilities	\$1,000.00	N/A