

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING SECTION 18.30.040, "PENALTIES FOR VIOLATIONS," OF DIVISION 1,
ARTICLE III, OF CHAPTER 18 OF THE TOWN CODE, "SOCIAL HOST ORDINANCE"**

WHEREAS, the Town's social host ordinance is codified at Town Code Sections 18.30.040 and following;

WHEREAS, Town Code Section 18.30.040 currently addresses penalties for violations for the social host ordinance;

WHEREAS, Section 18.30.040 (c) provides that the enforcement officer shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by the chapter within ten (10) days of the violation;

WHEREAS, staff has observed that ten days is insufficient time for the case report to be completed and forwarded to the Town Attorney for review and forwarding to the Town's Code Compliance Officer;

WHEREAS, there is no state or local requirement that an administrative citation be issued within ten days of a Town Code violation; and

WHEREAS, staff is proposing an ordinance to amend the Town's social host ordinance to remove the ten-day time limit;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Section 18.30.040, "Penalties for Violation" of Division 1, "Social Host Ordinance," of Chapter 18, of the Town Code is amended to read as follows:

Sec. 18.30.040. Penalties for violations.

- (a) The enforcement officer, at their discretion, may immediately issue a citation for violation of this Chapter upon evidence of the violation. There is no requirement of a first warning in order for the enforcement officer to issue this citation.
- (b) Administrative Fine: A first violation of this chapter shall result in a citation with a one thousand five hundred dollar (\$1,500.00) fine. A second violation and subsequent violations shall result in a citation with a three thousand dollar (\$3,000.00) fine.

- (c) The enforcement officer shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by the chapter. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.
- (d) The administrative fine prescribed in this section is in addition to any cost recovery fee for public safety responses that may be assessed pursuant to section 18.30.040.

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses, or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION IV. Publication.

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the _____, 2023, and adopted by the following vote as an ordinance of the

Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____, 2023. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____