

Town of Yountville

Ordinance Number 21-504

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING SECTIONS 8.05.120 AND 8.05.130 OF CHAPTER 8.05 OF TITLE 8 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING ADMINISTRATIVE FINES AND PENALTIES

Now, therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. CODE AMENDMENT: Section 8.05.120 of Chapter 8.05 of Title 8 of the Yountville Municipal Code is hereby amended to read as follows:

- A. For code violations that would otherwise be an infraction, administrative fines shall not exceed \$100.00 for a first violation, \$200.00 for a second violation of the same code section within one year, and \$500.00 for each additional violation of the same code section within one year.
- B. For code violations of local building and safety codes, administrative fines shall not exceed ~~\$100~~130.00 for a first violation, ~~\$500~~700.00 for a second violation of the same provision within one year, and ~~\$1,000~~1,300.00 for each additional violation of the same provision within one year of the first violation, and if the property is a commercial property with an existing building and the violation is for a failure to remove visible refuse or a failure to prohibit unauthorized use of the property, \$2,500 for each additional violation of the same provision within two years of the first violation.
- C. For code violations of the short-term rental prohibition in Section 17.12.010(C)(1), as amended or renumbered from time to time, administrative fines shall not exceed \$1,500 for a first violation, \$3,000 for a second violation of the same provision within one year, and \$5,000 for each additional violation of the same provision within one year of the first violation. The administrative fines in this section shall apply only to code violations that pose a threat to public health or safety.
- D. If the code violation pertains to building, plumbing, electrical, mechanical or other similar structural or zoning issues and does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the responsible party shall be provided a notice of violation including not less than 15 days in which to abate or otherwise correct the code violation(s) prior to the imposition of an administrative fine or penalty. The determination of timely compliance, abatement, mitigation or elimination of the code violation shall be made by the enforcement officer or other authorized Town official.
- E. Any code violation may be subject to an administrative penalty not exceeding \$1,000 per violation.

- F. Administrative fines and/or penalties not paid prior to their due date shall result in the imposition of a penalty and interest for every day of delinquency, as set forth in a resolution of the Town Council.
- G. Each responsible party may be charged with a separate offense for each and every day during any portion of which any code violation is committed, continued or permitted by such responsible party. In addition to the fines and penalties provided in subsections A through D of this section, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be summarily abated as such by the Town, if such nuisance is an immediate threat to public health, safety, or welfare, and each and every day such condition continues shall be regarded as a new and separate offense.

SECTION 2. CODE AMENDMENT: Section 8.05.130 of Chapter 8.05 of Title 8 of the Yountville Municipal Code is hereby amended to read as follows:

- A. All fines and penalties are due on the day specified in the notice of violation, abatement order, and/or administrative citation.
- B. Fines and penalties shall be payable to the Town at Town Hall, 6550 Yount Street, Yountville, CA 94599, or to a collection agency if the fine and/or penalty has been assigned to a collection agency. Payment may be made by credit card, or by mailing the fine and/or penalty amount paid by check or money order to the Town Clerk at the same address. Cash payments may only be made in person at the same address.
- C. Payment of a fine or penalty pursuant to this chapter shall not excuse or discharge any continued or repeated code violation.
- D. Pending an administrative hearing by a hearing officer, payment of a fine and/or penalty may be stayed if the Town Manager determines, pursuant to Section 8.05.140, that a responsible party is unable to pay the fine and/or penalty and has made a bona fide effort to remedy the code violation or otherwise comply with the notice of violation and/or abatement order.

SECTION 3. CEQA: The Town Council has considered all of the evidence in the record, including the staff report, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 4. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact

that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Effective Date: This Ordinance shall take effect 30 days after final adoption.

SECTION 6. Certification: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 16th day of November, 2021.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 7th day of December, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Eddy Gomez
Deputy Town Clerk

Gary B. Bell
Town Attorney

I, Eddy Gomez, Deputy Town Clerk of the Town of Yountville, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the Town Council on the 16th day of November 2021. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the 7th day of December, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eddy Gomez, Deputy Town Clerk