



Meeting Date: 06/10/08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s) _____	<input type="checkbox"/> Report
<input checked="" type="checkbox"/> Res. No(s) _____	<input type="checkbox"/> Public Hearing (Info consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Jim Rupp *JR* Agenda Item No. I-1

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: May 22, 2008

TO: City Council

FROM: James F. Rupp, Assistant City Attorney *[Signature]*
City Attorney's Office

SUBJECT: Resolution Amending the Civil Fine Schedule for Violations of the City Code.

RECOMMENDATION

That City Council adopt a resolution amending the civil fine schedule.

DISCUSSION

On May 13th the City Council adopted an ordinance adding section 7-147.1 to the City Code. The new ordinance prohibits fireworks within the City except as authorized by the Fire Chief. The ordinance will be effective June 12th.

The ordinance prohibits all types of fireworks. The attached resolution will make a distinction between "dangerous fireworks", as defined in Health and Safety Code section 12505 and the fireworks that are not defined as "dangerous fireworks".

The fine for dangerous fireworks will be \$1,000. The fine for the other fireworks will be \$250 for the first offense.

FINANCIAL IMPACT

Staff anticipates that the financial impact of the enforcement of the underlying ordinance can be absorbed in the FY 2008-2009 Police Department budget.

Attachment #1 - Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD AMENDING THE FEE SCHEDULE FOR CIVIL
FINES FOR VIOLATION OF THE OXNARD CITY CODE

WHEREAS, Article 3 of Chapter 7 of the Oxnard City Code ("OCC") establishes civil fines for violations of the OCC, and

WHEREAS, section 7-56 of the OCC provides that the amount of the civil fines shall be adopted by resolution of the City Council.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that effective June 12, 2008 the civil fines, interest and penalties and implementing provisions for violations of the OCC pursuant to section 7-56 of the OCC, as it shall be amended and renumbered from time to time, shall be those specified in the Schedule of Fines attached hereto and incorporated in full herein by this reference.

PASSED and ADOPTED this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

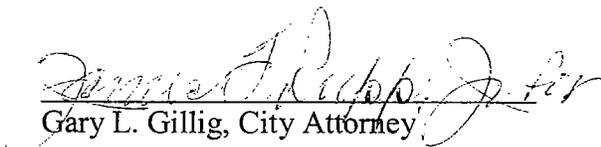
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

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ATTACHMENT NO. 1

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SCHEDULE OF FINES

**FINES, INTEREST AND PENALTIES FOR
VIOLATIONS OF THE OXNARD CITY CODE**

A. Violators of the Oxnard City Code shall be subject to the fines listed below:

<u>Code Sections:</u>	<u>First violation:</u>	<u>Second violation within 12 months:</u>	<u>Subsequent violations within 12 months:</u>
Section 7-147.1 and Sections 7-82, 7-84(B), 7-86(A), 7-87, 7-88, and 7-89 of the Oxnard City Code	\$1,000	\$1,000	\$1,000
Section 7-147.1 of the Oxnard City Code for all fireworks other than those defined in section 12505 of the Health and Safety Code; Sections 7-148.2 and 7-148.3(A) of the Oxnard City Code	\$250	\$500	\$1,000
All except those listed above	\$100	\$200	\$500

B. Violators of any permit, license, or other approval (including but not limited to subdivision maps, special use permits, and zoning clearances) shall be subject to the fines listed below:

<u>Permit, license, or other approval:</u>	<u>First violation:</u>	<u>Second violation within 12 months:</u>	<u>Subsequent within 12 months</u>
All	\$100	\$200	\$500

C. Interest shall accrue upon all delinquent fines and penalties at the annual rate of ten percent.

D. A violator shall owe a \$25 late payment penalty for fines not paid within 30 days of the date such fine is due.

E. Interest and penalties may be waived by the City Manager upon a showing of hardship or upon a showing that such waiver will further the collection of a fine and resolve the violation.