

CITY OF OJAI

RESOLUTION NO. 15-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI AMENDING THE MASTER FEE AND FINE SCHEDULES FOR MUNICIPAL CODE VIOLATIONS AND COSTS RELATED TO VACANT BUILDINGS

WHEREAS, Section 1-6.103 of the Ojai Municipal Code authorizes enforcement officers of the City to issue administrative citations for violations of the Municipal Code; and

WHEREAS, Section 1-6.105 provides that the City Council shall establish a schedule of fines by Resolution; and

WHEREAS, an updated schedule of fines for violations of the Municipal Code was adopted on May 30, 2012; and

WHEREAS, the updated schedule does not specify fines for violation of Municipal Code Section 9-15.05 for failing to register a vacant building, for violation of Municipal Code Section 9-15.09 for failing to contract with a local property management company for monitoring of a vacant building, for violation of Municipal Code Section 9-15.11 for failing to secure a vacant building against unlawful entry, and for violation of Municipal Code Section 9-15.12 for failing to remediate a vacant building in accord with a vacant building abatement plan prepared by the Community Development Director; and

WHEREAS, the updated schedule does not specify an annual registration fee for vacant buildings, as provided for by Municipal Code Section 9-15.05, does not specify a monitoring program fee for vacant buildings as provided for by Municipal Code Section 9-15.07, subdivision (c), does not specify a fee for contracting with a local property management company for monitoring vacant buildings as provided for by Municipal Code Section 9-15.09, subdivision (d), does not specify a fee for contracting with a local property management company to secure vacant buildings as provided for by Municipal Code Section 9-15.11, and does not specify a fee for preparing an abatement plan for a vacant building as provided for by Municipal Code Section 9-15.12; and

WHEREAS, the City Council desires to amend the updated schedule of fines and fees to adopt fees and fines, respectively, under the authority provided by each of the above-cited sections of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ojai that:

SECTION 1. Environmental Determination

The City Council finds that the setting or revising of these fees is exempt under Section 15273 (a) of the California Environment Quality Act ("CEQA") Guidelines as CEQA does not apply to charges by public agencies for the propose of meeting operational expenses.

Additionally, the City Council finds that the adoption of these fees and fines is not a project under CEQA because adopting this resolution will not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment” as this resolution only adopts fees and fines related to the monitoring, inspection, and remediation of existing vacant buildings. This resolution does not authorize any physical changes to the environment. Accordingly, the City finds that these amendments do not qualify as a “project” under CEQA Guidelines Section 15378(b)(5) because they constitute administrative activities of government that do not directly or indirectly result in any physical changes in the environment.

SECTION 2. Amendment of the City of Ojai schedule of fines for “Municipal Code Violations”

The following fines are hereby added to the schedule of fines for Municipal Code Violations:

Code Section	Description	First Infraction	Multi-Infraction	Misdemeanor
9-15.05	Failure to register a vacant building	\$500	\$500	\$500
9-15.09	Failure to contract with a local property management company for monitoring of a vacant building	\$250	\$250	\$250
9-15.11	Failure to secure a vacant building against unlawful entry	\$500	\$500	\$500
9-15.12	Failure to remediate a vacant building in accord with a vacant building abatement plan prepared by the Community Development Director	\$500	\$500	\$500

SECTION 3. Amendment of the City of Ojai Fee Schedule.

The following fees are hereby added to the City of Ojai Fee Schedule:

Code Section	Description	Fee
9-15.05	Annual vacant building registration fee	\$250
9-15.07(c)	Monthly monitoring/reporting fee for vacant buildings	\$250
9-15.09(d)	Contracting with a local property management company for monitoring vacant buildings	\$250, plus the actual cost of the contract
9-15.11	Contracting with a local property management company to secure vacant buildings	\$250, plus the actual cost of the contract
9-15.12	Preparing an abatement plan for a vacant building	\$250, plus the actual cost of the contract

SECTION 4. Effective Date.

This Resolution shall be in full force and effect on the day of adoption by the City Council.

PASSED, APPROVED and ADOPTED this 22nd day of September, 2015 by the following vote:

AYES: Blatz, Haney, Lara, Weirick
NOES: Clapp
ABSENT: None
ABSTAIN: None

CITY OF OJAI, CALIFORNIA



Severo Lara, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:



Matthew Summers, City Attorney

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APPROVED AS TO FORM:

Matthew P. Summers

Matthew Summers, City Attorney