



Legislation Details (With Text)

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File created: 2/13/2024 **In control:** City Council

On agenda: 2/27/2024 **Final action:**

Title: AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING HERMOSA BEACH MUNICIPAL CODE SECTION 1.10.040 PARAGRAPH (A) TO INCLUDE VIOLATIONS PERTAINING TO PARTIES ON PRIVATE PROPERTY, SOLID WASTE COLLECTION, SPECIAL EVENTS, OUTDOOR FITNESS CLASSES FOR CITY PARKS AND BEACH, AND USE OF CITY SEAL, LOGO, AND INSIGNIA, IN THE LIST OF VIOLATIONS SUBJECT TO ADMINISTRATIVE CITATION PROCEDURES AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Community Development Director Carrie Tai)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Ordinance 24-XXX, 2. Link to August 14, 2007 City Council Staff Report, 3. Link to October 9, 2007 City Council Staff Report, 4. Link to June 14, 2016 City Council Staff Report, 5. Link to October 26, 2021 City Council Staff Report, 6. Link to March 14, 2023 City Council Staff Report, 7. Link to September 12, 2023 City Council Staff Report, 8. Link to January 23, 2024 City Council Staff Report, 9. SUPPLEMENTAL ecomments for item 14e.pdf, 10. SUPPLEMENTAL email from Ray Dussault for item 14e, 11. SUPPLEMENTAL PowerPoint

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 2/27/2024 | 1 | City Council | adopted | Pass |

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of February 27, 2024**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
AMENDING HERMOSA BEACH MUNICIPAL CODE SECTION 1.10.040 PARAGRAPH (A) TO
INCLUDE VIOLATIONS PERTAINING TO PARTIES ON PRIVATE PROPERTY, SOLID WASTE
COLLECTION, SPECIAL EVENTS, OUTDOOR FITNESS CLASSES FOR CITY PARKS AND
BEACH, AND USE OF CITY SEAL, LOGO, AND INSIGNIA, IN THE LIST OF VIOLATIONS
SUBJECT TO ADMINISTRATIVE CITATION PROCEDURES AND FINDING THE SAME EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**
(Community Development Director Carrie Tai)

Recommended Action:

Staff recommends City Council introduce on first reading an ordinance (**Attachment 1**) entitled, “An Ordinance of the City of Hermosa Beach, California, Amending Hermosa Beach Municipal Code Section 1.10.040 Paragraph (A) to Include Violations Pertaining to Parties on Private Property, Solid Waste Collection, Special Events, Outdoor Fitness Classes for City Parks and Beach, and Use of

City Seal, Logo and Insignia, in the List of Violations Subject to Administrative Citation Procedures”

Executive Summary:

The process of prosecuting misdemeanors is time and labor intensive and minimally effective in quickly gaining compliance. The City’s existing administrative citation procedure provides a way to incentivize compliance using a monetary fine. The City may elect to address violations, misdemeanors or infractions, through the administrative citation process, by listing them in the Hermosa Beach Municipal Code (HBMC).

Staff identified frequently observed violations, such as parks and playground rules and storage of trash bins, that are not listed in the HBMC, thereby impairing the City’s ability to pursue administrative remedies. Staff recommends adding several commonly observed violations to the list of violations subject to administrative citation provisions.

Background:

At its August 14, 2007 meeting, City Council approved the creation of an administrative citation process. At its October 9, 2007 meeting, City Council approved the establishment of a tiered approach for citation fine amounts and deadlines to incentivize compliance.

Upon observing a violation, the City may issue an administrative citation, consisting of a violation fine, which must be paid to the City. The violation must also be corrected, as continued violations may incur subsequent citations and fines. Administrative citations may be appealed by requesting a hearing before a hearing officer. Administrative citations not appealed and not paid are referred to collections. Unresolved violations may be cited subsequent times. The City may also pursue greater remedies, such as prosecution, for unresolved violations.

Currently, all violations, whether misdemeanor or infraction, must be listed in HBMC Section 1.10.040, Administrative Citations and Penalties, as a violation subject to an administrative citation to be enforced administratively. The City has numerous ways to address misdemeanor or infraction violations of the HBMC. The City may pursue “cease and desist” orders through legal counsel and/or a \$1,000 fine or arrest through prosecution. The process of prosecuting misdemeanors is time and labor intensive and minimally effective in quickly gaining compliance. The City’s existing administrative citation procedure provides a way to incentivize compliance using a monetary fine. The City may elect to address violations, misdemeanors or infractions, through the administrative citation process. Section 1.10.010 of the HBMC states that the use of administrative citations does not prevent the City from using other methods of enforcement or abatement, including prosecution or arrest for misdemeanors.

At its January 23, 2024 meeting, City Council adopted a resolution updating the administrative citation fines for most violations. Some frequently observed violations, such as parks and playground rules, and storage of trash bins are not currently listed, thereby impairing the City’s ability to pursue administrative remedies. Staff presents this discussion and potential violations to add to the list of violations subject to administrative citation provisions.

Past Board, Commission, and Council Actions

| Meeting Date | Description |
|---------------------|---|
| August 14, 2007 | City Council adopts administrative citation provisions in the Municipal Code. |
| October 9, 2007 | City Council adopts Resolution No. 07-6569 establishing a tiered approach for administrative citation fines. |
| June 14, 2016 | City Council adopts Resolution 16-7033 establishing fines for Short Term Vacation Rentals and Social Host Ordinance |
| October 26, 2021 | City Council adopts Ordinance 21-1439 pertaining to dogs running unleashed on City property and City Parks and Resolution 21-7297 establishing administrative fines for violations. |
| March 14, 2023 | City Council adopts Ordinance adding provisions of Title 15 (Building Code) and Chapter 8.24 (Noise Regulations) to list of violations subject to Administrative Citations. |
| September 12, 2023 | City Council adopts ordinance allowing cannabis delivery and resolution establishing administrative fines for violations. |
| January 23, 2024 | City Council adopts resolution updating the administrative citation fines for most violations. |

Discussion:

Staff requests City Council consider addition of the following violations to HBMC Section 1.10.040, Administrative Citations and Penalties, as a violation subject to an administrative citation that the City can enforce administratively.

Chapter 8.12-Solid Waste Collection and Disposal

The Community Development Department frequently receives complaints about storage of trash containers after trash pick-up day or on a regular basis. Staff currently responds to such complaints by identifying the responsible party and providing education and warnings that trash containers must be properly stored. However, the only current methods of enforcement are “cease and desist” letters or prosecution. The use of administrative citations process would be a more effective way of pursuing compliance.

Chapter 12.30-Special Events on Public Property

The Community Resources Department oversees regulations and permits for special events on public property. Due to the dynamic nature of special events, violations can range from unpermitted events, unlicensed vendors, operation out of compliance with permits, etc. The administrative citation process would provide a way of quickly gaining compliance should violations occur.

Section 12.28.030-Permit requirement for outdoor fitness classes in city parks and on the beach.

The Community Resources Department oversees permits for conducting outdoor fitness classes in City parks and on the beach. The department regularly receives complaints from members of the public stating that instructors are conducting unpermitted classes in City parks or on the beach. Furthermore, instructors change locations frequently and incur repeated violations. The administrative citation process would provide a way to issue a citation and fine to instructors conducting unpermitted classes, while also tracking repeat violations for subsequent citations and fines.

Chapter 1.06-Custody and Use of the City Seal, Logo, and City Insignia

The City revised its branding and identification program in 2022, regulating the use of the City seal, logo, and insignia. For an outside entity to use the City's proprietary items on products, the City must approve a licensing agreement. City staff observed numerous uses of City branding on products for sale, without City permission. The City currently issues "cease and desist" letters to attempt to gain compliance. Adding administrative citations as an enforcement effort would also provide a compliance tool.

In reviewing the existing violations, staff observed an error in the HBMC related to the social host ordinance violation. The HBMC currently references Section 9.28.030 as a violation; however, the section only lists definitions relating to social host liability for parties with underage drinking. Definitions, in and of themselves, are not enforceable or a violation. Staff proposes to change the HBMC reference to encompass all parties on private property so that violations of this chapter would be subject to administrative citation provisions, as follows:

~~Section 9.28.030, Social host liability for parties at which underage drinking occurs;~~
Chapter 9.28, Parties, Events and Gatherings on Private Property

The complete redlined changes to HBMC Section 1.10.040 are included with the draft ordinance in **Attachment 1**.

Fines

At its January 23, 2024 meeting, City Council revised the administrative citation fines for most violations changing the base fine to \$250 for a first violation, \$500 for a second violation, and \$1,000 for third and subsequent violations. Staff proposes that said fines apply to the new violations added to the list of violations subject to administrative citation.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element

Goal 2. The community is active and engaged in decision-making processes

Policy:

- **2.6 Responsive to Community Needs.** Continue to be responsive to community needs.

Goal 7. Community sustainability and health are a priority in policy and decision-making.

Policy:

- **7.6 Livability Principles.** Amend or update policies that may run counter to livability principles.

Environmental Determination:

Pursuant to the California Environmental Quality Act Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that the activity contemplated by this ordinance may have a significant effect on the environment.

Fiscal Impact:

There may be a slight positive fiscal impact resulting from the recommended change through reductions in staff time in follow-up with non-complying properties, coordination with the City's legal counsel, and prosecution efforts. The City's administrative citation procedures already exist for other purposes and no additional modifications are needed.

Attachments:

1. Draft Ordinance 24-XXX (includes redlined changes)
2. Link to August 14, 2007 City Council Staff Report
3. Link to October 9, 2007 City Council Staff Report
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8. Link to January 23, 2024 City Council Staff Report

Respectfully Submitted by: Carrie Tai, AICP, Community Development Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager