

DRAFT 11/3/2020 _



RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. 1002-20,
THE CITY'S FEES, RATES AND CHARGES RESOLUTION,
PERTAINING TO LATE PAYMENT PENALTIES FOR
NEIGHBORHOOD PRESERVATION AND FIRE
PREVENTION ADMINISTRATIVE CITATIONS, AND
LICENSING/PERMITTING NON COMPLIANCE
PENALTIES**

WHEREAS, the City Council of the City of Sunnyvale ("City") adopted Resolution No. 1002-20, the Master Fee Schedule, on June 23, 2020; and

WHEREAS, Neighborhood Preservation investigates complaints from the public primarily related to violations of the Sunnyvale Municipal Code and issues administrative citations only after repeated attempts at voluntary compliance have failed; and

WHEREAS, the current late payment penalty rate for administrative citations issued by Neighborhood Preservation is currently set at 10% by the Master Fee Schedule; and

WHEREAS, approximately ten years ago, Fire Prevention mirrored Neighborhood Preservation's administration citation process and therefore also imposes a late payment penalty rate of 10% per month; and

WHEREAS, the same late payment penalty of 10% per month is in place for Licensing/Permitting Non Compliance Penalties; and

WHEREAS, amending the Master Fee Schedule to reduce the late payment penalty rate from 10% to 1% for administrative citations issued by Neighborhood Preservation and Fire Prevention Code Violations and for Licensing/Permitting Non Compliance Penalties as set forth in Exhibit "A" would provide for more reasonable assessments moving forward.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 7.12, "Administrative Citations" of the Master Fee Schedule, is hereby adopted as set forth in Exhibit "A", attached hereto and incorporated herein.
2. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.
3. All other provisions of Resolution No. 1002-20 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT “A”
CITY OF SUNNYVALE
FISCAL YEAR 2020/21 SCHEDULE OF FEES
SECTION 7.12

	<u>Fiscal Year</u> <u>2020/21</u>	<u>Charge</u> <u>Code</u>	<u>FY 2020/21 SDP</u>	<u>FY 2020/21</u> <u>Charge Code</u>	<u>Object Level</u> <u>3 & 4</u>	<u>Title</u> <u>(Obj. Lvl. 3)</u>	<u>Title</u> <u>(Obj. Lvl. 4)</u>
<u>SECTION 7.12 ADMINISTRATIVE CITATIONS</u>							
All violations of the Sunnyvale Municipal Code enforced pursuant to Chapters 1.05 and 1.06 are governed by this schedule of fines:							
Neighborhood Preservation Code Violations:							
SMC Ch. 1.04							
	(1) First violation	\$100.00	480020	473.05 - Neighborhood Preservation	473050	1516	Neighborhood Pres. Code Violations
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	480020	473.05 - Neighborhood Preservation	473050	1516	Neighborhood Pres. Code Violations
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	480020	473.05 - Neighborhood Preservation	473050	1516	Neighborhood Pres. Code Violations
	Late Payments	1% per month	480020	473.05 - Neighborhood Preservation	473050	1516	Neighborhood Pres. Code Violations
Fire Code Violations:							
SMC Ch. 1.04							
	(1) First violation	\$100.00	479050	479.05 - Fire Prevention	479050	1517	Fire Code Violations
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	479050	479.05 - Fire Prevention	479050	1517	Fire Code Violations
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	479050	479.05 - Fire Prevention	479050	1517	Fire Code Violations
Reso. No. _____	Late Payments	1% per month	479050	479.05 - Fire Prevention	479050	1517	Fire Code Violations
Licensing/Permitting Code Violations							
SMC Ch. 1.04							
	(1) First violation	\$100.00	799583	477.04 - Grants, Licenses, and Permits	477040	1518	Licensing/Permitting Code Violations
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	799583	477.04 - Grants, Licenses, and Permits	477040	1518	Licensing/Permitting Code Violations
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	799583	477.04 - Grants, Licenses, and Permits	477040	1518	Licensing/Permitting Code Violations
Licensing/Permitting Non-Compliance Penalties							

Attachment 1
Page 4 of 4

BPC Article 4	Secondhand Dealers/Pawnbroker Permit - One Owner	<u>\$250.00</u>	477040	477.04 - Grants, Licenses, and Permits	477040	1371	-	2	Misc. DPS Permits & Services	Secondhand Dealer/Pawn Broker Permit
BPC Article 4	Firearms Sales	<u>\$250.00</u>	477040	477.04 - Grants, Licenses, and Permits	477040	1371	-	3	Misc. DPS Permits & Services	Firearm Sales Permit
SMC Ch. 5.28	Peddler/Solicitor	<u>\$250.00</u>	799583	477.04 - Grants, Licenses, and Permits	477040	2759			Misc. DPS Permits & Services	Peddler/Solicitor Permit
SMC Ch. 5.36	Taxicabs/Taxicab Drivers	<u>\$250.00</u>	477040	477.04 - Grants, Licenses, and Permits	477040	1370			Misc. DPS Permits & Services	
SMC Ch. 9.90	Alarms and Alarm Users	<u>\$250.00</u>	477040	477.04 - Grants, Licenses, and Permits	477040	2770			Misc. DPS Permits & Services	DPS Alarm Permit Fee
SMC Ch. 9.40	Adult Entertainment Establishments	<u>\$250.00</u>	799583	477.04 - Grants, Licenses, and Permits	477040	1373			Misc. DPS Permits & Services	Adult Entertainment Permits
SMC Ch. 9.41	Massage Establishments/Massage Therapists	<u>\$500.00</u>	477040	477.04 - Grants, Licenses, and Permits	477040	1371	-	7	Misc. DPS Permits & Services	Massage Establishments
Reso. No. _____	Late Payments	<u>1% per month</u>	799583	477.04 - Grants, Licenses, and Permits	477040	1518			Licensing/Permitting Code Violations	