



Agenda Date: 11/15/2005
Agenda Placement: 8A
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Robert Paul, Attorney III , 253-6113
SUBJECT: First reading of Ordinance amending penalties for infractions and animal violations.

RECOMMENDATION

County Counsel requests a first reading and intention to adopt an ordinance to amend the Napa County Code by amending the criminal violation and penalty section of Chapter 1.20 relating to Violations of Local Building and Safety Codes, adding a new section and amending a section of Chapter 6.04 relating to diseased and vicious animals and penalties imposed for Animal Control violations, and amending the criminal sanctions imposed for a violation of Chapter 6.16 (Dangerous Animals).

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

(CONTINUED FROM OCTOBER 18, 2005)

EXECUTIVE SUMMARY

The proposed action implements prior Board direction to County Counsel to increase penalties associated with building and safety code violations as permitted under recently amended Government Code section 25132, and to amend certain code sections pertaining to animal control violations as requested by the District Attorney and Department of Environmental Management.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	There is no additional revenue expenditure coming from County funds, rather the increase in certain penalties imposed/collected for infraction violations may result in a slight increase of County revenue.
Is it Mandatory or Discretionary?	Discretionary

Discretionary Justification: The increase in certain penalties imposed/collected for infraction violations may result in a slight increase of County revenue.

Is the general fund affected? Yes

Future fiscal impact: A potential slight increase in revenues from enhanced infraction penalties

Consequences if not approved: Potential penalty revenue would stay unchanged.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In a recent presentation to the Board concerning the County's enforcement activities pertaining to zoning and building code violations, the Director of Conservation, Development, and Planning noted that Government Code section 25132 has been amended to allow an increase in penalties for infractions to \$500 for a second violation and \$1,000 for a third and continuing violation relating to building and safety code violations. The ordinance will implement these allowed higher penalties, as was directed by the Board.

The ordinance also makes changes recommended in a recent presentation to the Board by the District Attorney's Office and Department of Environmental Management that allows flexibility in charging specified animal control violations under the Code as either an infraction or a misdemeanor, in the discretion of the enforcement officer. It further makes a technical addition to Code Section 6.04.250 (C) to comport with State law. This addition authorizes an animal control officer to take custody of an animal that now bites a domestic animal, in addition to a person or livestock.

The Public Hearing held on October 18, 2005 was continued to this date to allow the Public Defender to consult with the District Attorney's office on the proposed amendments to the animal control violations. After consultation, the Public Defender indicated the proposed amendments are acceptable and no changes have been made from the previous version. A representative of the District Attorney's office will be present at the hearing to answer any questions.

SUPPORTING DOCUMENTS

- A . Tracked Ordinance
- B . Clean Ordinance

CEO Recommendation: Approve

Reviewed By: Lynn Perez