

RD:CPA:KML  
10/23/2019

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ADMINISTRATIVE CITATION SCHEDULE OF FINES FOR CERTAIN VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE IN ORDER TO ESTABLISH ADMINISTRATIVE FINES FOR VIOLATIONS OF CHAPTER 17.23 OF TITLE 17 OF THE SAN JOSE MUNICIPAL CODE RELATED TO THE APARTMENT RENT ORDINANCE, TENANT PROTECTION ORDINANCE, AND ELLIS ACT ORDINANCE; AND REPEALING RESOLUTION NO. 79292**

**BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1. STANDARD FINE:** Except as otherwise specifically set forth in Section 2 below, the administrative citation fine amount for a first violation of the San José Municipal Code shall be Twenty-Five and no/100 Dollars (\$25.00).

**SECTION 2. NON-STANDARD FINES:** The administrative citation fine amounts set forth below are hereby established for violation(s) of the San José Municipal Code sections listed below:

<b><u>Section</u></b>	<b><u>Offense</u></b>	<b><u>Administrative Citation Fine</u></b>
4.50.050	Sale of untaxed cigarettes	\$500.00
4.50.070	Cigarette distributor records and statements requirements	\$250.00
4.50.080	Reporting and remitting requirements	\$250.00
4.76.300(C)	Transfer of business license	\$100.00
4.76.310	Failure to carry or post a business license	\$50.00
4.76.320	Failure to display vehicle I.D. sticker (Business license); no transfer.	\$75.00
4.76.770	Failure to produce business license upon demand	\$75.00
4.78.450	Disposal Facility Tax- Reporting Requirements	\$500.00
4.78.470	Disposal Facility Tax - Records Requirements	\$250.00

17.12.400 (California Fire Code §1302.3)	False Alarms Nonresidential occupancy/residential over 4 units (R-1 greater than 4 units) and/or activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	No fine No fine \$350.00 \$750.00 \$1,000.00
	Residential occupancy up to 4 units (R-3 and R-1 up to 4 units) except activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	No fine No fine \$100.00 \$150.00 \$200.00
17.12.700 (California Fire Code §8001.3.1)	Failure to obtain permit to store, dispense, use or handle hazardous materials, or to install, repair, abandon, remove, temporarily or permanently close or substantially modify a hazardous materials storage facility or other regulated area. First violation Second violation within one-year period Third violation within one-year period	\$1,000.00 \$1,500.00 \$2,000.00
<u>17.23.050(A)</u>	<u>Notice of Apartment Rent Ordinance to Tenant Households – Posting Notice on Building</u> Note: Fine is levied per Property	<u>\$500.00</u>
<u>17.23.050(B)</u>	<u>Notice of Apartment Rent Ordinance to Tenant Households – Written Notice Prior to Lease</u>	<u>\$500.00</u>
<u>17.23.060</u>	<u>Limit on Electronic Payment</u>	<u>\$500.00</u>
<u>17.23.300(A)</u>	<u>Initial Rent and Vacancy Decontrol – Valid Decontrol</u>	<u>\$5,000.00</u>
<u>17.23.310(A, B)</u>	<u>Limits on Rent Increases – Annual Rent Increase Limit</u>	<u>\$5,000.00</u>
<u>17.23.310(C)</u>	<u>Limits on Rent Increases – Rent Increase Frequency Limit</u>	<u>\$5,000.00</u>
<u>17.23.520(B)</u>	<u>Waivers – Attempt to Waive Tenant Rights</u>	<u>\$5,000.00</u>
<u>17.23.560(A)</u>	<u>Disclosure to Purchasers of Real Property</u> Note: Fine is levied per Property	<u>\$5,000.00</u>

<u>17.23.600(B)</u>	<u>Notices of Termination of Tenancy – Mandatory Notice to City</u>	<u>\$500.00</u>
<u>17.23.600(C)</u>	<u>Notices of Termination of Tenancy – Notice of Re-Rental to the City</u>	<u>\$500.00</u>
<u>17.23.705</u>	<u>Tenant Buyout</u>	<u>\$5,000.00</u>
<u>17.23.900(A)</u>	<u>Rent Registry – Failure to Register – Registration</u>	<u>\$500.00</u>
<u>17.23.900(B)</u>	<u>Rent Registry – Failure to Register – Copy of Registration to Tenant</u>	<u>\$500.00</u>
<u>17.23.900(E)</u>	<u>Rent Registry – Failure to Register – Collusion</u>	<u>\$5,000.00</u>
<u>17.23.900(F)</u>	<u>Rent Registry – Failure to Register</u>	<u>\$500.00</u>
<u>17.23.1130(B)</u>	<u>Copies of Forms – Failure to provide forms to tenants</u>	<u>\$500.00</u>
<u>17.23.1130(C)</u>	<u>New Tenants During the Withdrawal Process – Failure to provide withdrawal notice to the new tenants</u>	<u>\$10,000.00</u>
<u>17.23.1130(E)</u>	<u>Notices of Tenants Right to Extend Tenancy – Failure to provide notice of right to extend</u>	<u>\$10,000.00</u>
<u>17.23.1130(F)</u>	<u>Withdrawal of less than an entire building –</u>	<u>\$10,000.00</u>
<u>17.23.1130(H)</u>	<u>Non-Rent Stabilized Properties – Failure to meet requirements to withdraw</u>	<u>\$10,000.00</u>
<u>17.23.1140(A)</u>	<u>Notices of Intent to Withdraw – Service on Tenants</u>	<u>\$10,000.00</u>
<u>17.23.1140(B)</u>	<u>Notices of Intent to Withdraw – Service on City</u>	<u>\$10,000.00</u>
<u>17.23.1140(C)</u>	<u>Notices of Intent to Withdraw – Contents</u>	<u>\$10,000.00</u>
<u>17.23.1145</u>	<u>Recording of Memorandum – Failing to record with the County Clerk’s Office Note: Fine is levied per Property</u>	<u>\$10,000.00</u>
<u>17.23.1150(A)</u>	<u>Relocation Assistance – Failing to pay to a tenant household</u>	<u>\$10,000.00</u>
<u>17.23.1150(B)</u>	<u>Relocation Assistance – Depositing Relocation Benefits in Escrow Account</u>	<u>\$10,000.00</u>
<u>17.23.1150(C)</u>	<u>Relocation Assistance – Failing to pay entire relocation assistance entitled to tenant household</u>	<u>\$10,000.00</u>
<u>17.23.1150(E)</u>	<u>Relocation Assistance – Relocation Specialist Services</u>	<u>\$10,000.00</u>
<u>17.23.1151(A)</u>	<u>Voluntary Alternative Relocation</u>	<u>\$10,000.00</u>
<u>17.23.1151(C)</u>	<u>Voluntary Alternative Relocation – Failing to pay relocation benefits if alternative housing not accepted</u>	<u>\$10,000.00</u>
<u>17.23.1160(A)</u>	<u>One Hundred Twenty (120) Day Notice Required to Tenant Household</u>	<u>\$10,000.00</u>

<u>17.23.1160(B)</u>	<u>Provide Notice of Right to Extend Tenancy up to One Year</u>	<u>\$10,000.00</u>
<u>17.23.1160(C)</u>	<u>Effective date of withdrawal; extension of tenancy</u>	<u>\$10,000.00</u>
<u>17.23.1180(A)</u>	<u>Right to Return Offered to Former Tenant Households</u>	<u>\$5,000.00</u>
<u>17.23.1180(B)</u>	<u>Re-Control of New-Construction</u>	<u>\$5,000.00</u>
<u>17.23.1180(C)</u>	<u>Affordable Housing Requirement</u>	<u>\$5,000.00</u>
<u>17.23.1240(A)</u>	<u>Just Cause Required in Notice</u>	<u>\$5,000.00</u>
<u>17.23.1240(C)</u>	<u>Just Cause Protections – notice of rights</u>	<u>\$5,000.00</u>
<u>17.23.1240(D)</u>	<u>Termination Notice Statement</u>	<u>\$5,000.00</u>
<u>17.23.1250(B)</u>	<u>Just Cause Termination – Relocation Assistance</u>	<u>\$5,000.00</u>
<u>17.23.1260(D)</u>	<u>Notice of Termination to the Tenant and City</u>	<u>\$500.00</u>
<u>17.23.1260(E)</u>	<u>Summons and Complaint Sent to the Tenant and City</u>	<u>\$1,000.00</u>
17.48.010	Compliance with chapter – signs, marquees and awnings	\$250.00
17.68	Hazardous materials storage Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	  \$500.00 \$750.00 \$1,000.00
17.68.310	Failure to submit timely updated Hazardous Materials Management Plan First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.68.350	Failure to submit timely updated Hazardous Materials Management Inventory Statement First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.72.030	Prohibition of blighted property First violation Second violation Third violation	 \$250.00 \$500.00 \$1,000.00
17.72.300	Enforcement – compliance with chapter First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00

25.08.920	Aircraft maintenance fees and deposit	\$75.00
25.08.940	Flying club maintenance	\$75.00
25.08.1100	Telephone line agreement required	\$75.00
25.08.1110	Telephone line agreement terms	\$75.00
25.08.1310	General aviation fees and charges	\$75.00
25.08.1500	Other commercial activities permit or license required	\$250.00
25.08.1520	Parking/storage G.A. aircraft permit/license required	\$250.00
25.12.010 to 25.12.920	Aircraft operations and air traffic rules	\$75.00
25.12.590	Cleaning with inflammable or volatile liquids	\$1,000.00
25.12.600	Doping restrictions	\$1,000.00
25.12.630	Open-flame operations	\$1,000.00
25.12.640	Fire Hazard	\$1,000.00
25.12.650	Improper storage inflammable material	\$1,000.00
25.12.670	Waste oil storage and removal	\$500.00
25.12.1200	Smoking near airport fuel facilities prohibited	\$1,000.00
25.14.300	Flying club permit required	\$75.00
25.14.310	Flying club nonprofit restriction	\$75.00
25.14.320	Flying club – member classes	\$75.00
25.14.330	Flying club-compensation	\$75.00
25.14.340	Flying club - aircraft use by non-members	\$75.00
25.14.350	Flying club - aircraft lessor	\$75.00
25.14.360	Flying club – insurance	\$75.00
25.14.400	Flying club - reporting requirements	\$75.00
25.14.410	Flying club permit not assignable	\$75.00

**SECTION 3.** Except as otherwise specifically set forth in Section 2 above, the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

**SECTION 4.** Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty

percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

**SECTION 5.** Any fine amount imposed pursuant to Chapter 1.15 of the San José Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San José Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

**SECTION 6.** The administrative fines relating to Section 10.42.140(B) will take effect on January 1, 2020. All other administrative fines set forth in this Resolution shall supersede the administrative fine amounts and other provisions set forth in Resolution No. 79292, adopted on November 5, 2019, which is hereby repealed, immediately upon approval of this Resolution by the City Council.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk