

**CITY COUNCIL AGENDA ITEM
NEW BUSINESS
CITY MANAGER STAFF REPORT**

Date: July 6, 2010

Subject: Ordinance Amending the City Code to Establish Certain Penalties and Charges by Resolution and Repealing Section 1-8

Summary

The attached ordinance, if adopted, would amend Sections 20-8, 20-9 and 12B-5 of the City Code to allow certain penalties and charges to be established by City Council Resolution. The ordinance would also repeal Section 1-8 of the City Code relating to requiring prisoners to labor on public works.

This is the second reading of the proposed ordinance.

Discussion

Sections 20-8 and 20-9 of the City Code currently provide for penalties and charges for late water service payments and the disconnection of water services, respectively. The dollar amounts for the penalties and charges have not been updated in several years, and City Staff recommend that they be revised. Rather than codify new penalty and charge amounts in the City Code, the attached ordinance, if adopted, would allow the City Council to establish the relevant penalties and charges by resolution. This will save the city administrative time and effort when future amendments to the penalty and charge amounts are warranted.

Similarly, Section 12B-5(c) provides specific dollar amounts related to penalties for violation of Chapter 12-B. The attached ordinance, if adopted, would allow the City Council to establish the relevant penalties by resolution – again saving future administrative time and effort.

Finally, the attached ordinance would rescind Section 1-8 of the City Code, which currently authorizes the Chief of Police to require certain prisoners to "labor on the public grounds, streets, alleys parks and works of the City...at one dollar per day" until fines for violation of the City Code are paid in full. Section 1-8 was adopted by Ordinance No. 5 several decades ago, and Staff believes it is no longer necessary or useful. Staff recommends that Section 1-8 be repealed and the section number reserved for future enactment(s).

Recommendation:

That the City Council adopt the attached Ordinance Amending Sections 20-8, 20-9 and 12B-5(c) of the City Code Authorizing Certain Penalties and Charges to be Established by Resolution and Repealing Section 1-8.

ORDINANCE NO. 457

**AN ORDINANCE OF THE CITY OF COLUSA
AMENDING SECTIONS 20-8, 20-9 AND 12B-5(c) OF THE CITY CODE
AUTHORIZING CERTAIN PENALTIES AND CHARGES TO BE ESTABLISHED
BY RESOLUTION AND REPEALING SECTION 1-8**

The City Council of the City of Colusa does ordain as follows:

SECTION 1. Amendment to Chapter 20, Section 20-8

Chapter 20, "Water," Section 20-8 "Same - When Payable; Penalty for Delinquent Payment" is hereby amended to read as follows:

"Sec. 20-8. When payable; penalty for delinquent payment.

All water rates and charges for water furnished by the city shall be due and payable monthly, at the office of the director of finance, on or before the tenth day of each month as specified on city billing statements. The City Council shall establish penalties and charges for delinquent payments under this chapter by resolution.

SECTION 2. Amendment to Chapter 20, Section 20-9

Chapter 20, "Water," Section 20-9 "Disconnection of Service for Failure to Pay Water Charges" is hereby amended to read as follows:

"Sec. 20-9. Disconnection of service for failure to pay water charges.

In the event that any monthly sum or charge for water furnished by the city under this chapter shall become due and owing to the city and remain unpaid for one month or more from the time the same fell due, the city may, through its officers, agents or servants, shut off the water from the premises occupied by the person from whom the charges remain outstanding, and water service shall not be reinstated until all sums due or owing shall be paid in full. The city council shall establish water disconnection and reinstatement charges by resolution.

In the event that more than one family or water user is occupying or utilizing any structure for which there is only one water connection, tap or meter for the structure, such water connection, tap or meter may in all cases be shut off from the structure as provided in this section where any portion of the charges due for water furnished for the occupants of the structure, or any of them, remains unpaid one month or more from the time the same fell due as specified in this chapter."

SECTION 3. Amendment to Chapter 12B, Section 5(c).

Chapter 12B, "Nuisances," Section 5 "Penalties," subsection (c) is hereby amended to read as follows:

"(c) Any person convicted of an infraction pursuant to this chapter may be punished by a fine in an amount established by resolution of the city council. A third (or subsequent) violation of this chapter by the same person within a twelve-month period may be

charged and prosecuted as a misdemeanor, even if such violation would otherwise be described as an infraction.”

SECTION 4. Repeal of Chapter 1, Section 8.

Chapter 1, “General Provisions,” Section 8, “Requiring Prisoners to Labor on Public Works,” is hereby repealed and amended to read as follows:

“Sec. 1-8. Reserved.

[Reserved]”

SECTION 5. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 6. Effective Date

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and/or posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on June 15, 2010, and was passed and adopted at a regular meeting of the City Council held on July 6, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donna Critchfield, Mayor

ATTEST:

Shelly Kittle, City Clerk