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RESOLUTION NO. 09-47

**A RESOLUTION OF THE ALBANY CITY COUNCIL AMENDING THE
MASTER FEE SCHEDULE TO INCLUDE FEES RELATED TO VIOLATIONS AND
CODE ENFORCEMENT**

WHEREAS, the City Council amends the Master Fee Schedule by resolution at least one time per year; and

WHEREAS, in 2003, the City Council amended the Albany Municipal Code to include Chapter 18, Administrative Nuisance Abatement Ordinance, and in 2008 amended Chapter 12 Building and Housing, to adopt the Uniform Code for the Abatement of Dangerous Buildings; and

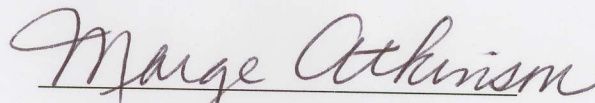
WHEREAS, fines for violating Planning and Zoning Code requirements, Nuisance Abatement, or Building & Housing Code violations is currently \$100 per violation per day ; and

WHEREAS, in certain cases, such fine does not provide sufficient incentive to correct violations; and

WHEREAS, to distinguish between violations of lesser or greater magnitude, and to dissuade violators from repeating such actions, the City Attorney has drafted a set of fines to address: 1) P&Z Code requirements, nuisance abatement, and Building & Housing Code violations; and 2) Violations cited in Chapter 1-11, Administrative Citation Ordinance, of the AMC which includes two tiers of fines.

NOW THEREFORE THE CITY COUNCIL DOES HEREBY RESOLVE that:

The Community Development "Violations/Code Enforcement" section of the Master Fee Schedule be amended per attached Exhibit A – Master Fee Schedule Amendment – Violations/Code Enforcement.



Marge Atkinson, Mayor

COMMUNITY DEVELOPMENT FEES	
CONSTRUCTION PERMITS & INSPECTIONS	
<p>b. Construction Permit</p> <ol style="list-style-type: none"> 1. Application fee; plus 2. Construction permit fees (based on valuation below); plus 3. Microfilm and code compliance <p>Use following to calculate construction valuation:</p> <ul style="list-style-type: none"> ▪ Value of work to \$25,000 ▪ Value of work between \$25,000 and \$50,000 ▪ Value of work between \$50,001 and \$250,000 ▪ Value of work over \$250,000 	<p>\$ 41.00 Min \$ 41.00 7% surcharge on permit fee only and not on application fee</p> <p>1.25% 1.00% 0.75% 0.50%</p>
<p>c. Plan Review:</p> <ul style="list-style-type: none"> ▪ Checked in-house ▪ Checked by consultant (initial submittal fee to be calculated by City staff) 	<p>AC /Min \$89.92 1Cost + 25%</p>
<p>d. Plan Review Revisions</p> <ul style="list-style-type: none"> ▪ Review of Revised plans previously approved (in-house) ▪ Review of Revised plans previously approved (consultant) 	<p>AC/Min. \$89.92 Cost + 25%</p>
VIOLATIONS / CODE ENFORCEMENT	
Issuance of Stop Work Order	\$89.92
Work without Required Permits	Double regular building permit fees
Violation of Planning & Zoning Code requirements, <u>nuisance abatement</u> , -or Building & Housing Code <u>requirements violations, not otherwise specified by ordinance or set forth herein.</u>	<p><u>Up to \$100 per violation, per day for first violation; (per department policy) \$250.00 per violation per day for second citation of same provision within a 24 consecutive month period; \$500.00 per violation, per day for third citation of same provision within a 24 consecutive month violation period.</u></p>

Violations cited pursuant to Chapter 1-11, et seq.

1. Tier One fines shall be imposed for Code violations other than those specifically listed below under Tier Two fines and shall be set as follows:

A. First Citation--Two hundred fifty dollars (\$250.00) for the first violation;

B. Second Citation--Five hundred dollars (\$500.00) for the second violation of the same provision of this Code within any 24-consecutive month period;

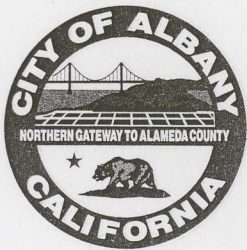
C. Third and Additional Citations--One thousand dollars (\$1,000.00) for the third and any additional violation of the same provision of this Code within any 24-month consecutive period.

2. Tier Two fines shall be imposed for the following Code violations only; Albany Municipal Code §12-6.1, the State Housing Code codified in the Health and Safety Code including section 17920.3 et al (substandard dwelling structures); and the Uniform Code of Abatement of Dangerous Buildings; which are adopted by reference in Section 12-6.1 of the Albany Municipal Code. Tier Two fines shall be set as follows:

A. First Citation--One thousand dollars (\$1,000.00) for the first violation;

B. Second Citation--Two thousand five hundred dollars (\$2,500.00) for the second violation of the same provision of this Code within any 24-consecutive month period;

C. Third and Additional Citations--Five thousand dollars (\$5,000.00) for the third and any additional violations of the same provision of this Code within any 24-consecutive month period.;



City of Albany

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FAX (510) 528-5797

CITY ATTORNEY

PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK

PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL

PH. (510) 528-5720
FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760
FAX (510) 524-9359

FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

FIRE & EMERGENCY MEDICAL SERVICES

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

RECREATION & COMMUNITY SERVICES

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

RESOLUTION NO. 09-47

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 19th day of October, 2009, by the following votes:

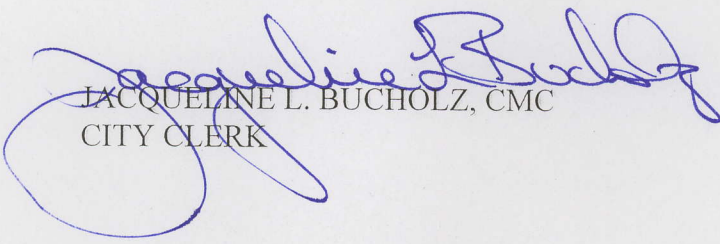
AYES: Council Members Javandel, Wile, Thomsen & Mayor Atkinson

NOES: None

ABSENT: Council Member Lieber

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 27th

day of October, 2009.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



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