

Ordinance Amending Stockton Municipal Code Title 1 and Establishing a Hardship Waiver

City Council Meeting

March 4, 2025

Item 16.2

Background

- ▶ Stockton Municipal Code (SMC), specifically Title 1, Chapter 1.08, Section 1.08.010A, currently defines violations as misdemeanors unless explicitly stated as infractions in the code or by State Law.
 - ▶ Has led to discrepancies between the SMC and the California Government Code (GOV 36900)
- ▶ GOV 36900 mandates a "Hardship Waiver" process, enabling individuals to request a reduction in fines if they can demonstrate that full payment would impose an undue financial burden
- ▶ SMC 1.32.050, which addresses fines for administrative citations, does not differentiate between infractions and misdemeanors

Present Situation - Proposed Amendments

- ▶ Amendment Title 1, Chapter 1.08, Section 1.08.010
- ▶ Amendment to Title 1, Chapter 1.32, Section 1.32.050
- ▶ Amendment to Title 9, Chapter 9.64, Section 9.64.090

Proposed Fees

- ▶ Violations of a codified State or Municipal Non-Building or Non-Safety Code Infraction (§ 1.08.010(B))
 - ▶ First Offense \$100
 - ▶ Second Offense \$200
 - ▶ Third/Subsequent Offense \$500
- ▶ Violations of a codified State or Municipal Building or Safety Code Infraction (§ 1.08.010(C))
 - ▶ First Offense \$ 130
 - ▶ Second Offense \$ 700
 - ▶ Third/Subsequent Offense \$1,300

Proposed Fees Cont'd

- ▶ Commercial property owners who fail to remove visible refuse or prohibit unauthorized use of the property within two years of a prior violation of the same offense (§ 1.08.010(C)4)
 - ▶ \$2,500

Recommendation

- ▶ Adopt an Ordinance amending Title 1, Chapter 1.08, Section 1.08.010, to update the Municipal Code to reflect the current limits of allowable fines for certain violations of the Code considered to be infractions, and ensure compliance with State Law by requiring the City to establish a program for qualifying persons the ability to request a reduction of fines resulting from violations of infractions through a 'Hardship Waiver Request' process
- ▶ Amend Title 1, Chapter 1.32, Section 1.32.050 to clarify that fines for violations considered to be infractions shall be levied in accordance with Title 1, Chapter 1.08

Recommendation Cont'd

- ▶ Amend Title 9, Chapter 9.64, Section 9.64.090 to correct an inconsistency for the allowed height of barbed wire (a violation codified as an infraction) within separate Chapters/Sections of the Municipal Code
- ▶ Adopt a Resolution approving an amendment to Fiscal Year 2024-25 Fee Schedule relating to Infraction Violations
- ▶ Authorize the City Manager, or designee, to take all appropriate and necessary actions to carry out the purpose and intent of the ordinance and resolution