

ORDINANCE NO. 1657(18)

**An Ordinance of the City of Lompoc
County of Santa Barbara, State of California,
Amending Sections 1.36.040 and 1.36.050 of the Lompoc Municipal Code
Relating to Administrative Fines for Violations of Certain Building,
Plumbing, Electrical, or Other Similar Structural,
Health and Safety, or Zoning Requirements
Resulting from Illegal Cannabis Cultivation**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. Lompoc Municipal Code section 1.36.040 is hereby amended by amending Subdivision B. and adding Subdivisions C. and D., thereto, to read as follows:

- B. Prior to an administrative citation being issued for a first offense pertaining to building, plumbing, electrical or other similar structure of zoning issues that do not create an immediate danger to health and safety, when a continuing violation is involved, the citing official shall provide the responsible person at least five days to correct or otherwise remedy the violation, unless, in the reasonable discretion of the citing official, more time is reasonably needed to otherwise correct the violation.
- C. Notwithstanding the foregoing and subject to D., below, the administrative fines that may be imposed pursuant to this Chapter for the violation of any building, plumbing, electrical, or other similar structural, health and safety, or zoning requirement, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis, shall be due and payable within 20 days after the receipt of the citation by the person being cited.
- D. Before a person is issued a citation pursuant to C., above, for a first offense, that person shall have the time provided in B., above, to correct or remedy the violation, if all of the following are true:
 - 1. A tenant is in possession of the property that is the subject of the administrative action,
 - 2. The subject rental property owner or agent can provide evidence the subject rental or lease agreement prohibits the cultivation of cannabis and
 - 3. The subject rental property owner or agent did not know the tenant being issued the administrative citation was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

SECTION 2. Lompoc Municipal Code section 1.36.050 is hereby amended in its entirety to read as follows:

1.36.050 Administrative Fine.

- A. For any violation of this Code for which there is no specific administrative penalty established in this Code or by separate resolution of the City Council, the fine shall be in the amount of \$25.00 for a first violation, \$100.00 for a second violation of the same provision of this Code occurring during the immediately following consecutive 12-month period and \$500.00 for each additional violation of the same provision of this Code occurring within the same consecutive 12-month period.
- B. Administrative fines assessed pursuant to an administrative citation are a debt owed to the City.
- C. For any violation of this Code subject to an administrative fine pursuant to Subdivisions 1.36.040 C. or D., the fine shall be in the amount of \$100 for a first violation, \$500 for a second violation of the same provision of this Code occurring during the immediately following consecutive 12-month period and \$1,000 for each additional violation of the same provision of this Code occurring within the same consecutive 12-month period.
- D. The administrative penalties established in Subdivisions A. and C. are hereby incorporated into the City's Master Fee Schedule and may be adjusted from time to time by resolution modifying the City's Master Fee Schedule.

SECTION 3. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

The foregoing Ordinance was introduced on December 4, 2018, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2018, by the following vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

_____, Mayor
City of Lompoc

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ATTEST:

Stacey Haddon, City Clerk
City of Lompoc