



REF: 93-04-97.a

**DEPARTMENT OF
PUBLIC WORKS**

TRANSPORTATION DIVISION
PARKING

**CITY OF SACRAMENTO
CALIFORNIA**

June 7, 1993

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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

- SUBJECT:**
- Emergency ordinance amending Title 25 of the Sacramento City Code relating to penalties, fines, fees and related charges for parking, traffic, and related violations
 - Resolution to set parking fines, penalties, fees and charges

LOCATION AND DISTRICT: City, All Districts

RECOMMENDATION:

This report recommends that the City Council:

- Adopt the attached City ordinance to grant authority to set parking fines, late penalties, administrative fees, and other related charges.
- Adopt the attached resolution establishing parking fines, late penalties, administrative fees and other related charges.

CONTACT PERSON: Mark Morgan, Parking Administrator, 264-5354

FOR COUNCIL MEETING OF: June 15, 1993

SUMMARY:

Assembly Bill 408 past by the State Legislature in the 1992 session requires that the schedule of parking fines, penalties, and fees be established by the governing body of the jurisdiction where the notice of violation is issued. AB 408 becomes effective July 1, 1993. After this date the parking fines set by the court are no longer valid. The report recommends that the City Council amend Title 25 of the Sacramento City Code relating to penalties, fines, fees and related charges for parking, traffic and related violations. This is an emergency ordinance to take effect immediately. The attached resolution sets the parking fees.

BACKGROUND INFORMATION:

Parking citations are currently processed and collected by the County Municipal and Superior Court. The Court sets the parking fines and penalties. Recent State legislation, Assembly Bill 408, takes parking fines out of the courts and gives the responsibility for administering and collecting parking fines to cities and other agencies as soon as possible, but no later than January 1, 1994. Cities must establish a schedule of parking fines, penalties, and administrative fees effective July 1, 1993.

In accordance with AB 408:

- The City, County, and Court are required to enter into an agreement for the orderly transfer of parking citation processing to the City no later than January 1, 1994;
- The City is authorized to contract with a private company for the processing of parking citations;
- The responsibility for conducting administrative hearings for contested parking citations is transferred to the City; and
- Schedules for parking fines, penalties, and fees shall be established by the governing body of the jurisdiction where the notice of violation is issued effective July 1, 1993.

An amendment to the City ordinance is required for City Council authority to set the schedule of parking fines, penalties, and fees. The attached emergency ordinance grants that authority. The attached resolution sets the parking fines.

The attached resolution establishes the schedule of parking penalties, late payment penalties, and administrative fees. This schedule reflects an increase over the current bail amounts to contribute to the offset of the 2.2 million shortfall in the Parking Fund Budget for the 1993-1994 Fiscal Year. Further offsets to the Parking Fund shortfall will be discussed in a forthcoming separate report to the City Council. All fines are increased by \$2.00 except the fine for truck parking in residential neighborhoods which is increased from \$14 to \$75 to provide a reasonable deterrent to this violation.

FINANCIAL CONSIDERATIONS:

Under existing legislation, the County receives 21% of parking citation revenue and 100% of the notice fees, and \$5 for every citation collected is distributed to County and State funds. With the new legislation the City is entitled to all revenues from parking citations, except for the amount distributed to County and State Funds. Parking citation revenue is deposited to the City's General Fund.

It is estimated that there will be an annual increase of \$336,000 from parking citation fines with the recommended schedule of fines, penalties, and administrative charges.

Estimated annual citations written	240,000
Estimated collection rate	<u>70%</u>
Citations collected	166,000
Fine increase	\$2
Estimated revenue increase	\$336,000

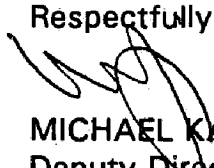
POLICY CONSIDERATIONS:

The current policy of increasing parking fines through request to the Municipal Court will change to a policy by direct action by the City Council.

MBE/WBE:

No goods and services are being purchased.


Respectfully submitted,


MICHAEL KASHIWAGI
Deputy Director of Public Works

RECOMMENDATION APPROVED:


DAVID R. MARTINEZ
Deputy City Manager

APPROVED:


JOHN E. MEDINA
Director of Public Works

JMM:ow

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION AMENDING THE CITY OF SACRAMENTO FEE AND CHARGE REPORT TO ESTABLISH THE SCHEDULE OF PARKING FINES, PENALTIES, AND ADMINISTRATIVE FEES PURSUANT TO SECTION 25 OF THE SACRAMENTO CITY CODE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City of Sacramento Fee and Charge Report is hereby amended to include the attached schedule of parking fines, late penalties, and administrative fees.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

1. Parking Fines

SACRAMENTO CITY CODE	DESCRIPTION	FINE
25.101	Posted No Parking	\$23
25.102	Prohibited Parking	\$23
25.103	No Parking Certain Hours	\$23
25.104	Repair or Sale Sign On Street	\$21
25.104A	Vehicle For Sale, Rent or Lease On Street	\$21
25.104B	Parking Prohibited, Signs Posted	\$29
25.105	Parkways	\$23
25.105A	Parkways	\$23
25.105B	Unlawful to Park a Vehicle Within a Parkway	\$17
25.106	Parked Next to Median	\$23
25.107A	Parked in Excess of 72 Hours	\$23
25.108	Keys in Ignition (Unattended and Engine Running)	\$23
25.109	Overtime (Posted Time Limits)	\$18
25.110	Removal of Chalk Marks	\$23
25.111	Trucks in Residential Area	\$75
25.112A	Red Curb or Bus Zone	\$23
25.112B	Yellow Zone	\$23
25.112C	Passenger Loading Zone (White)	\$23
25.112D	Green Zone -15 Minute Maximum	\$18
25.112E	Blue Zone - Disabled Plates Only	\$275
25.113	Temporary Construction Zones	\$23
25.115	Taxi Stand	\$23
25.116	Police Vehicles Only	\$23
25.117	Over Lines in Parking Space	\$23
25.119	Parking in Alleys	\$23
25.122	No Construction Permit	\$23

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25.123	No Permit for Community Center Signs	\$23
25.124	Angle Parking	\$23
25.126	Commercial Vehicle Parking	\$31
25.127A	Tour Bus Zones	\$17
25.127B	Tour Bus Zones	\$31
25.127C	Tour Bus Loading and Storage	\$31
25.137	Failure to Turn Handle	\$18
25.138	Meter Expired	\$18
25.139	Overtime (Meter Zone)	\$18
25.150	Parking on Private Property	\$23
25.150A	Parking on Private Property	\$23
25.150B	Parking on Private Property (Unimproved)	\$20
25.150C	Parking on Private Property	\$23
25.151	Parking on City Property	\$23
25.157	Failure to Pay Fees for Parking City Lot	\$23
25.159	Parking Contrary to Signs/Markings City Lot	\$23
25.182A	Residential Permit Parking	\$23
25.182D	Use of Visitor Permit for Commuter Parking	\$23
22400A	Vehicle Stopped-Impeding Flow of Traffic	\$23
22500	Parking in Violation of Officer or Control Device	\$23
22500.1	Parking in Posted Fire Lane	\$45
22500.1	Improper Parking in Wheelchair Access	\$250
22500A	Parking in Intersections	\$23
22500C	Parking Special Places	\$23
22500D	Parking Within 15 Feet of Fire Station Driveway	\$23
22500E	Parking Blocking a Driveway	\$23
22500F	Parking on Sidewalk	\$23
22500G	Parking Blocking Excavation	\$23
22500H	Parked Outside Designated Area or Double Parked	\$29

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22500I	Red Curb or Bus Zone	\$250
22500J	Parking in Tube or Tunnel	\$23
22500K	Parking Upon Bridge, Unless Posted to Permit	\$23
22500L	Parking Blocking Sidewalk Wheelchair Access	\$150
22502A	Parallel Parking	\$23
22502B	Vehicle Stopped/Parked in Opposite Direction of Traffic	\$23
22502C	Curb Parking-Commercial Vehicles Must Be Near Curb	\$23
22502D	Curb Parking-Public Utility Vehicles	\$23
22502E	Parallel Parking on Left on One-Way Streets	\$23
22504A	Unincorporated Area Parking	\$23
22505B	State Highway Parking Restricted Area	\$23
22507.8A	Blue Zone-Disabled Plates Only	\$23
22507.8C	Parked on Lines/Boundaries of Designated Disabled Parking Space	\$275
22511.8	Parking in Off-Street Handicap Spaces	\$275
22514	Parking Within 15 Feet of Fire Hydrants	\$100
22515	Unattended Vehicles	\$23
22517.1	Opening and Closing Doors When Unsafe-Parked	\$23
22520	Stopping On Freeway	\$23
22521	Parking Upon Or Near Railroad Track	\$23
22522	Parking Near Sidewalk Access Ramp	\$275
22523A	Abandoned Vehicle-Highway	\$100
22523A.1	Abandoned Vehicle-Highway-Parked	\$23
22523B	Abandoned Vehicle-Public Or Private Property	\$100
22523B.1	Abandoned Vehicle-Public Or Private Property-Parked	\$23
22526	Obstruct The Through Passage of Vehicles At An Intersection	\$50
22951	Street and Alley Parking By Parking Lot Operator	\$23

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2. Notice Fees \$ 5

Citations that are not paid within five days are sent a notice that failure to pay within the ten days will result in a penalty. A notice fee is added to the original parking fine.

3. Parking Citation Penalty 100%

Citations that are not paid in fifteen days from the date of issue are assessed a penalty of 100% of the original parking citation fine.

4. DMV Fees \$ 3

A fee is added to the original parking citation fine when a citation is sent to the Department of Motor Vehicles for the placement of a hold on the registration of the vehicle until all parking citations are paid.

5. Request for duplicate citation \$ 2

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING TITLE 25 OF THE SACRAMENTO CITY CODE RELATING TO PENALTIES, FINES, FEES AND RELATED CHARGES FOR PARKING, TRAFFIC AND RELATED VIOLATIONS, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY ORDINANCE, TO BECOME EFFECTIVE IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 25.16 is added to Title 25 of the Sacramento City Code, to read as follows:

Chapter 25.16. Penalties

25.16.501. Penalties, Fines, Fees and Related Charges for Parking, Traffic and Related Violations

(a) Intent.

It is the intention of the Sacramento City Council to exercise its full authority specified in California Vehicle Code Section 40203.5(a), by providing a procedure for establishment of a schedule of penalties for parking and related violations, late payment penalties, administrative fees, and other related charges for parking and related violations.

(b) Procedure for Establishment.

Subject to any limitations imposed by state law, the City Council shall, by resolution, establish penalties, fines, fees and related charges for parking and related violations, late payment violations, administrative fees and any other charge relating to the administration of the provisions of the California Vehicle Code specifying civil procedures for citation resolution, and booting and impounding of vehicles.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 2.

Title 25, Chapter 25.01, Section 25.07.107(c) is amended to read as follows:

25.07.107. Removal from street or immobilization of vehicles-when permitted; penalty.

- (c) Violation of any provision of this chapter shall be subject to a civil penalty specified in the resolution adopted by the city council pursuant to Section 25.16.501.

SECTION 3.

Title 25, Chapter 25.10, Section 25.10.182 is amended to read as follows:

25.10.182. Penalty Provisions.

- (a) It shall be a violation of this chapter, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle contrary to the parking regulations established pursuant hereto. Said violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 25.16.501;
- (b) It shall be unlawful and a violation of this chapter for a person to falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application therefor to the Transportation Division. Said violation shall be punishable by a fine not to exceed \$500 or by imprisonment for a period not exceeding six (6) months, or both;
- (c) It shall be a violation of this chapter, unless expressly provided to the contrary herein, for a person holding a valid parking permit issued pursuant to this chapter, to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of this chapter both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Said violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 25.16.501.

- (d) It shall be a violation of this chapter to use, or allow to be used, a visitor permit for commuter parking. Use of a visitor permit for commuter parking shall mean use of a visitor permit more than three (3) times in a three (3) month period more than two (2) city blocks from the address for which it is issued. Use of a visitor permit for commuter parking shall constitute a violation of this chapter both by the person to whom the visitor permit was issued and by the registered owner of the vehicle upon which the visitor permit is displayed. Said violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 25.16.501.
- (e) It shall be unlawful and a violation of this chapter for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. Upon conviction thereof, the person shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months, or both.

SECTION 4.

This ordinance is an emergency ordinance, to become effective immediately upon its adoption. The facts constituting the emergency are that under Chapter 1244, Statutes of 1992, as of July 1, 1993, parking and related violations are redesignated as civil matters instead of criminal matters, and that the civil penalties for violations must be established by the City Council, as the legislative body of the local agency which issues the notice of violation. Unless this ordinance becomes effective immediately, there will be no authority to adopt the required resolution establishing the civil penalties.

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

CITY CLERK

MAYOR

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

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SECTION 2.

Title 25, Chapter 25.01, Section 25.07.107(c) is amended to read as follows:

25.07.107. Removal from street or immobilization of vehicles when permitted; penalty.

- (c) ~~It shall be unlawful and a violation of this section for any person to drive or attempt to drive an immobilized vehicle, or to release or otherwise tamper with an immobilization device installed pursuant to this section. Violation of this section shall be an infraction, punishable as set forth in Section 1.01.070 of this code.~~ Violation of any provision of this chapter shall be subject to a civil penalty specified in the resolution adopted by the city council pursuant to Section 25.16.501.

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Title 25, Chapter 25.10, Section 25.10.182 is amended to read as follows:

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- (a) It shall be ~~unlawful and~~ a violation of this ~~article~~ chapter, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle contrary to the parking regulations established pursuant hereto. Said violation shall be ~~punishable by a fine not to exceed \$50 as established by the Municipal Court~~ subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 25.16.501;
- (b) It shall be unlawful and a violation of this ~~article~~ chapter for a person to falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application therefor to the ~~traffic engineering office~~ Transportation Division. Said violation shall be punishable by a fine not to exceed \$500 or by imprisonment for a period not exceeding six (6) months, or both;

- (c) It shall be ~~unlawful and~~ a violation of this ~~article chapter~~, unless expressly provided to the contrary herein, for a person holding a valid parking permit issued pursuant ~~hereto~~ to this chapter, to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute ~~an unlawful act and~~ a violation of this ~~article chapter~~ both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Said violation shall be ~~punishable by a fine not to exceed \$50 as established by the Municipal Court subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 25.16.501.~~
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- (e) It shall be unlawful and a violation of this ~~article chapter~~ for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. Upon conviction thereof, ~~a~~ the person shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months, or both.

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DATE ENACTED:

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MAYOR

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