

Progressive Parking Fines

Information Collected by Captain Gary Jenkins
Claremont Police Department
(909) 399-5418 / gjenkins@ci.claremont.ca.us
September, 2009

Mark DeRosia Chief of Police City of Delano mderosia@delano-ca.org	Do not use the progressive parking fines.
Cheryl Carpenter Support Services Supervisor Ceres Police Department 209-538-5716 Cheryl.Carpenter@ci.ceres.ca.us	<p>The parking citation fee schedule for the City of Ceres allows progressive fines for two sections. There is a three-tier section for parking of commercial vehicle trailers and for motor homes/recreational vehicles. The fines are \$50 for the first offense, \$200 for the second, and \$500 for the third. I believe it is in a rolling 12-month period.</p> <p>Another city nearby with progressive fines is the City of Newman. In their fee schedule, 72-hour time limit parking, parking for repairing/greasing a vehicle, and parking over 5 consecutive days all have progressive fines. You would have to check with Newman for more about these sections. Their chief there is Chief Adam McGill.</p>
David Swing Morgan Hill PD David.Swing@morganhill.ca.gov	Do not use the progressive parking fines.
Jim Beres Neighborhood Services Manager El Monte Police Department (626) 580-2082 jberes@elmontepd.org	Attached is a copy of our current schedule of parking penalties. These parking penalties were increased and effective as of July 1, 2009. The parking violations with progressive fines are noted in red. The parking violations with progressive fines are based on a 12 month calendar beginning with the issuance of the first citation. Feel free to contact me if you need any further information.
Tony de la Rangel Sergeant Special Operations Division El Segundo Police Department 348 Main Street, El Segundo, Ca 90245 310-524-2298	Do not use the progressive parking fines.
Mike Bagheri Pasadena mbagheri@cityofpasadena.net	Do not use the progressive parking fines.

Sergeant John Boren #3154 San Jose Police Department Office of the Chief Research and Development Unit 201 W. Mission Street San Jose, CA 95110 408-277-5200 (Office) 408-277-3198 (Fax) John.boren@sanjoseca.gov	Do not use the progressive parking fines.
Capt. Mark Fronterotta Inglewood PD mfronterotta@cityofinglewood.org	Do not use the progressive parking fines.
Lynne Taffert Traffic Services Santa Monica Police Dept. 310-458-2201, ext. 4754	Do not use the progressive parking fines.

NEW PARKING FINES EFFECTIVE JULY 1, 2009

Code Section(s)	General Description of Violation	PENALTY:
10.04.010 (3.8g)	Parking in City Lot 3am -5am.	\$55
10.04.010 (10.1)	Parked within Parkway	\$55
10.04.010(10.1)	No parking or stopping zone	\$55
10.04.010(10.3a)	Parked within divisional island	\$55
10.04.010(10.3c)	No parking zone-red curb	\$55
10.04.010(10.3d)	No parking area	\$55
10.04.010(10.3e)	Parked on Railroad Track	\$100
10.04.010(10.3f)	Parked – Creating Traffic Hazard	\$55
10.04.010(10.3g)	Parked – In Construction Zone	\$55
10.04.010(10.3h)	Parked – Safety Zone	\$55
10.04.010(10.3i)	Within 20’ of Marked Crosswalk	\$55
10.04.010(10.3j)	Within 20’ of Traffic Signal/Devise	\$55
10.04.010(10.4)	Vehicle Stored on Street – 72 Hours	\$55
10.04.010(10.5a)	Vehicle displayed “for sale” on City street	\$55
10.04.010(10.5b)	Vehicle displayed “for sale” on private lot	\$55
10.04.010(10.6)	Repairing/Greasing vehicle on street	\$55
10.04.010(10.7)	Washing vehicle on Street	\$55
10.04.010(10.8)	Parked adjacent to school	\$55
10.04.010(10.9)	Parked on narrow Street	\$55
10.04.010(10.10)	Parked on Grade	\$55
10.04.010(10.12)	Parked in designated zone	\$55
10.04.010 (10.13)	Commercial vehicle-display of warning devices	\$100
10.04.010(10.14)	Trailer/Semi-Trailer Parking (1 st Offense)	\$110
10.04.010 (10.14)	Trailer/Semi-Trailer Parking (2 nd Offense)	\$210
10.04.010(10.14)	Trailer/Semi-Trailer Parking (3 rd Offense +)	\$510

Code Section(s)	General Description of Violation	PENALTY:
10.04.010(11.0)	Green Zone – 20 Minute Parking	\$55
10.04.010(11.2)	1 Hour Parking	\$55
10.04.010(11.3)	2 Hour Parking	\$55
10.04.010(11.4)	Parking Parallel on One-way Street	\$55
10.04.010(11.5)	Diagonal Parking	\$55
10.04.010(11.6)	Parking within Marked Lines	\$55
10.04.010(11.7)	No Stopping or Parking	\$100
10.04.010(12.3)	Yellow Curb-Loading Zone	\$55
10.04.010(12.4)	White Curb- Loading Zone	\$55
10.04.010(12.5)	Parked in Alley	\$55
10.04.010(12.6)	Parked in Bus Zone	\$100
10.12.020(A)	Overweight Commercial Vehicle (1 st Offense)	\$110
10.12.020(A)	Overweight Commercial Vehicle (2 nd Offense)	\$210
10.12.020(A)	Overweight Commercial Vehicle (3 rd Offense +)	\$510
10.16.020	Street Sweeping	\$55
10.16.030	Vehicle Storage in Streets	\$100
10.16.060(A)	Parked in Fire Lane	\$65
10.16.070	Vehicle Parked for Sale of Merchandise	\$100
10.16.080(A)	Parked in Designated Space	\$55
10.16.080(B)	Blocking Designated Space	\$55
10.20.040	Handicapped Parking	\$335
10.24.020	Parked without Consent	\$55
10.28.080	Bicycle Parking	\$55
12.36.020	Illegally Parked Vehicle in City Lot	\$55
17.08.050(B)	Easement Parking	\$55
17.08.050(D)	Parked on Unpaved Surface	\$55
17.08.060(A)	Recreational Vehicle Parking	\$55
17.08.060(B)	Yard/Sidewalk Parking	\$55
17.08.060(D)	Commercial Vehicle on Residential Property	\$100
17.08.060(E)	Inoperable Vehicle in Public View	\$100

Code Section(s)	General Description of Violation	PENALTY:
CVC4000(a)(1)	Expired registration	\$55
CVC22500(a)	Parked with an intersection	\$55
CVC22500(b)	Parked on a crosswalk	\$55
CVC22500(c)	Parked in safety zone marked with red curb	\$55
CVC22500(d)	Parked within 15' of a fire station driveway	\$55
CVC22500(e)	Blocking public/private driveway	\$55
CVC22500(f)	Parked on a sidewalk	\$55
CVC22500(g)	Parked along excavation or construction	\$55
CVC22500(h)	Double parking	\$55
CVC22500(i)	Parking in Bus Zone	\$260
CVC22500(j)	Parked in tunnel	\$55
CVC22500(k)	Parked on bridge	\$55
CVC22500(l)	Blocking Disabled Access Ramp	\$290
CVC22502(a)	Parked in excess of 18" from the right curb	\$55
CVC22502(e)	Curb parking-one way street	\$55
CVC22507.8(a)	Disabled Parking – No Visible Placard/Plate (1 st Offense) (2 nd Offense) (3 rd Offense)	\$290 \$540 \$790
CVC22507.8(b)	Blocking handicapped Park (1 st Offense) (2 nd Offense) (3 rd Offense)	\$290 \$540 \$790
CVC22507.8(c)	Parking on Lines/Handicapped Stall (1 st Offense) (2 nd Offense) (3 rd Offense)	\$290 \$540 \$790
CVC22511.1	Parking in Zero-Emissions Vehicle Stall	\$110
CVC22522	Parking Near Sidewalk Access Ramp	\$290
CVC22514	Parked within 15' of a fire hydrant	\$55
CVC22526	Anti-Gridlock Act (1 st Offense) (2 nd Offense) (3 rd Offense)	\$110 \$210 \$260
CVC22951	Street/Alley Parking (1 st Offense) (2 nd Offense) (3 rd Offense)	\$110 \$210 \$260
CVC Catch-All:	All Other Parking-Related CVC Sections Not Otherwise Listed Above.	\$55

**Claremont City Council
Agenda Report**

TO: JEFFREY C. PARKER, CITY MANAGER

FROM: PAUL R. COOPER, CHIEF OF POLICE

DATE: SEPTEMBER 22, 2009

SUBJECT: PARKING FINES

SUMMARY

The State of California recently raised State and County taxes on parking citations by \$4.50 per citation. Our current parking fee structure has not been revised in recent memory. Many of our parking fines have not changed in over 25 years. The proposed ordinance seeks to:

- A. Establish a single, basic parking fine aligned with local area and county parking fines.
- B. Eliminate individual Claremont Municipal Code (CMC) references to specific parking fines.
- C. Establish a progressive parking fee structure to serve as a deterrent and promote compliance.

If the proposed ordinance is adopted, Staff recommends adoption of a resolution establishing a set parking fee, increasing the fee for handicapped violations, and establishing an administrative fee related to handicapped violations, which is attached hereto as Attachment 'B'. Prior to adopting the fee resolution, the City will conduct a duly noticed public hearing and receive oral and written testimony.

Staff Recommendation

Staff recommends that the City Council:

Introduce the ordinance amending CMC Sections 1.12.020, 10.32.060, and 10.32.065, ; waive further reading of the ordinance, place it on first reading, and refer it to the City Attorney for not less than five days.

ANALYSIS

Background

In 1994, parking violations were decriminalized by the State legislature and deemed to be administrative, with fines being set by individual agencies. CVC § 40200 authorizes cities to impose and collect civil fines and penalties for violations of any regulation pertaining to the standing or parking of a vehicle, provided such violations are not misdemeanors.

Parking Citation Tax Increase

Senate Bill 1407 (SB 1407) amended California Government Code § 70372(b) by raising parking citation taxes due to the State and County by \$4.50. The amended law became effective on January 1, 2009, but the statute did not specify a time within which adjustments to parking penalty schedules should be made. In order to compensate for this loss of revenue the City may increase its fine for parking penalties. Adjustments to the bail schedule to accommodate the fine increase should be made in a timely manner. The taxes, fees and costs currently paid from parking ticket fines collected are outlined in Attachment 'C'.

Parking Fine Structure

CMC § 1.12.020(B) establishes the maximum fine for infractions at \$100 for the first offense, \$200 for the second offense of the same provision within one year, and \$500 for each additional offense of the same provision within one year. The CMC defines the term "year" as any consecutive twelve-month period.

There are only two CMC parking violation sections that specify fine amounts. CMC § 10.32.060 (two-hour parking limitation) and CMC § 10.32.065 (three-hour parking limitation) both specify fines of \$20 for the first violation, \$40 for the second, and \$60 for subsequent violations within a one-year period. Claremont's parking fine structure is provided in Attachment 'D'.

The current parking fines are well below the average for cities within Los Angeles County. Claremont's \$20 fine for an overnight parking violation is 46% below the area average of \$37, and our average basic parking fine of \$28 is 35% below the area average of \$43. The local area agency parking fines are displayed in Attachment 'E'.

As can be seen by viewing our current parking fine structure (Attachment 'D'), there are multiple fine amounts depending on the particular violation. This leads to increased staff time, as issuers must determine the correct bail for the particular violation. Simplifying the bail structure by reducing the number of different fine amounts to as few fines as possible would improve the efficiency of parking citation issuance, and would provide a more standardized and consistent parking fine structure.

Subsequent Resolution

CVC § 40200 authorizes the City to impose and collect civil fines and penalties for violations of regulations pertaining to the standing or parking of a vehicle. Section 40203.5 requires the City to establish a schedule of parking penalties. Specifically, Section 40203.5 states:

"The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is

issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties”

The Los Angeles County Superior Court publishes annually a “Bail Schedule for Infractions and Misdemeanors”. Included in the bail schedule is a generic bail for unlisted infractions that involve vehicle operations (identified as ‘Category 2’; other categories address non-vehicle violations involving pedestrians, bicyclists, substance abuse, etc.). The current Unlisted Infraction for a Category 2 violation is \$35.¹

As Claremont is well below the average for cities within the County, Staff proposes a basic parking fine of \$35 for the first violation, two times the amount (\$70) for the second violation and three times the base amount (\$105) for subsequent violations within a one-year period for CMC and CVC violations, where applicable. Staff believes the progressive parking fee structure will serve as a deterrent and promote compliance with the CMC, however, Staff suggests adopting the progressive structure for all fines except for those associated with overnight parking, CMC Section 10.32.210. Increasing the current fines will allow the City to recoup revenue which would otherwise be lost due to SB 1407. The base parking fine would be established via resolution and may be amended via resolution.

CVC § 42001.13(a) establishes the fine parameters for certain handicapped violations (CVC 22507.8) as shown in the table below. The fine amounts for handicapped violations in Claremont are currently set at the minimums.

Handicapped Violations	Minimum Fine	Maximum Fine
First Offense	\$250	\$500
Second Offense	\$500	\$750
Third Offense	\$750	\$1,000

Staff recommends increasing the amount of fines for handicapped violations and establishing an administrative fee for processing certain handicapped violations. Staff recommends increasing the minimum handicapped parking fee to total the State’s minimum plus 30%. By increasing the fee 30%, the City’s parking fee would be \$325 (\$250 + \$75).

Additionally, per CVC § 40226, an issuing agency may, in lieu of collecting a fine for a citation for failure to display a disabled placard, charge an administrative fee not to exceed twenty-five dollars (\$25) to process cancellation of a citation in any case where the individual who received the citation can show proof that he or she had been issued a valid placard at the time the citation was received. This type of fee would help recover costs associated with issuing, reviewing, and canceling these types of citations.

After analyzing the amount of time it would take to administer such a cancellation, Staff has suggested a cost recovery formula (displayed in Attachment ‘F’) which would total a

¹ The State of California produces annually a “Uniform Bail and Penalty Schedules”. The State currently publishes a Category 2 violation fine, which is also \$35.

maximum rate of \$13.80.

In order to establish a progressive fee structure, establish a basic parking fine amount, increase the parking fine for certain handicapped violations and establish an administrative processing fee for certain violations, Staff has prepared the attached ordinance (Attachment 'A') to do the following: (1) add a subsection to section 1.12.020 to clarify that parking fines will be set via resolution; and (2) delete references to specific fines in Section 10.32.060 and 10.32.065. If the proposed ordinance is adopted, Staff will propose the attached resolution in order to: (1) set the basic civil parking fine amount for CMC and CVC violations, where applicable; (2) set certain handicapped parking fine amounts; and (3) establish an administrative cost recovery fee (Attachment 'B').

FINANCIAL REVIEW

If changes are not made to the CMC regarding parking fee amounts, Claremont would experience an approximate \$62,000 reduction in parking fine gross and net revenue due to the new law. If Claremont increases the parking fines by exactly \$4.50 each, Claremont would receive approximately the same revenue as in prior years. If Claremont aligns the basic parking fees with the County parking fee (currently \$35), 22 fines would increase an average of \$16 each, and four fines would decrease an average of \$14 each. The projected annual net revenue would increase from \$293,382 to \$403,982, an increase of \$110,600 or 38% (parking citation statistics provided in Attachment 'G').

By increasing the handicapped parking violation fee to the State minimum plus 30%, our parking fee would be \$325 (\$250 + \$75), which is the same as the area average. This would result in an approximate \$6.930 increase annually.

Additional revenue would be realized by implementing a progressive fee structure to every parking violation, except for overnight parking; a projected increase would be very labor intensive to calculate. It should be noted that an increase in parking fines could result in improved compliance, so parking citation revenue may not realize the full percentage of the fine increases if violations decrease.

LEGAL REVIEW

The City Attorney has reviewed and approved the proposed Ordinance.

CEQA REVIEW

The Community Development Director has determined that this matter is statutorily exempt pursuant to Section 15273 (a) of the California Environmental Quality Act (CEQA) Guidelines. CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies. Additionally, this matter is not a project which has the potential for causing a significant effect on the environment, pursuant to Section 15061(b)(3) of the Guidelines, because it

does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and concerns general policy and procedure making. The revisions to the parking citation fees are consistent with the above referenced CEQA sections. Therefore no additional environmental review is needed at this time.

COUNCIL COMMITTEE/COMMISSION RECOMMENDATION

The Police Commission reviewed the proposal during their meeting on September 3, 2009. The Police Commission supports staff's analysis and proposal.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, the City website, and the Claremont Public Library.

ALTERNATIVES TO STAFF RECOMMENDATION

In addition to the staff recommendation, there are the following alternatives:

1. Take no action and maintain current parking violation fee arrangement.
2. Request more information from staff.

Submitted by:

Prepared by:

Paul R. Cooper
Chief of Police

Gary Jenkins
Captain

Review by:

Adam Pirrie
Finance Manager

Attachments:

- A. Proposed ordinance amending Claremont Municipal Code Sections 1.12.020, 10.32.060, and 10.32.065).
- B. Draft resolution establishing a set parking fee, increasing the fee for handicapped violations, and establishing an administrative fee related to handicapped violations
- C. Taxes, fees and costs paid from parking ticket fines collected
- D. Claremont's parking fine structure
- E. Local agency parking fines
- F. Handicapped Violation Dismissal Administrative Fee Cost Recovery Formula
- G. Parking citation statistics

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING AND DELETING PORTIONS OF SECTION 1.12.020, 10.32.060 AND 10.32.065 OF THE CLAREMONT MUNICIPAL CODE TO CLARIFY AND ESTABLISH CIVIL PARKING FINES.

WHEREAS, California Vehicle Code Sections 40200 *et seq.* authorize cities to impose and collect civil fines and penalties for violations of any regulation pertaining to the standing or parking of a vehicle; and

WHEREAS, a schedule of parking penalties for parking violations sets the fines and penalties to be assessed to persons who violate provisions of the California Vehicle Code, or any local municipal ordinance pertaining to the standing or parking of a vehicle; and

WHEREAS, the City of Claremont ("City") desires to amend the Claremont Municipal Code to provide that parking violation fines and penalties will be set in a schedule by resolution, from time to time; and

WHEREAS, the City would like to implement such fines and penalties at a progressive rate, by increasing the amount of the fine per violation; and

WHEREAS, the City believes that a progressive rate schedule will serve as a deterrent and promote compliance with the Municipal Code and Vehicle Code, thereby increasing public safety; and

WHEREAS, the City would like to delete certain references to parking violation fines in the Municipal Code in order to simplify and improve the efficiency of parking citation issuance by reducing the number of different fine amounts; and

THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.12.020 of Chapter 1.12 of the Claremont Municipal Code is hereby deleted and amended to read as follows:

"1.12.020 Penalties for violations of the Municipal Code.

A. Misdemeanor--Penalty. Every violation of this code which is prosecuted as a misdemeanor shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

B. Infraction Penalty. Every violation of this code which is prosecuted as an infraction shall be punishable by a fine not exceeding one hundred dollars for the first offense, a fine not exceeding two hundred dollars for the second offense of the same provision within one year, and a fine not exceeding five hundred dollars for each additional offense of the same provision within one year.

C. Parking Penalty. Every violation of this code which involves the parking, standing or stopping of a vehicle shall be punishable by a civil penalty as established by the City through resolution. All penalties, with the exception of the overnight parking penalty in Section 10.32.210, shall increase at a progressive rate. The second offense, within one year, shall equal two times the amount of the penalty, as set by resolution, and all subsequent offenses, within one year, shall equal three times the amount of the penalty, as set by resolution.

As used in this section, the term "year" means any consecutive twelve-month period.

As used in this section, the term "offense" includes any violation of the code which is cited or charged and which does not result in:

1. An acquittal;
2. A finding of "not guilty";
3. A dismissal or charges by the city or the court."

SECTION 2. Section 10.32.060 of Chapter 10.32 of the Claremont Municipal Code is hereby amended to remove language establishing a civil fine amount to read in its entirety as follows:

"10.32.060 Two-hour parking limitation.

A. When authorized signs or curb markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle between the hours of nine a.m. and six p.m. of any day except Saturday and/or Sunday, as expressly stated on such sign or curb markings, for a period of time longer than two hours, except as hereinafter specified.

B. The city manager may issue permanent parking permits for the parking spaces directly abutting the city hall building, and may issue temporary parking permits for the parking lot north and west of the city hall building."

SECTION 3. Section 10.32.065 of Chapter 10.32 of the Claremont Municipal Code is hereby amended to remove language establishing a civil fine amount to read in its entirety as follows:

"10.32.065 Three-hour parking limitation.

A. When authorized signs or curb markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle between the hours of nine a.m. and six p.m. of any day except Saturday and/or Sunday, as expressly stated on such sign or curb markings, for a period of time longer than three hours, except as hereinafter specified.

B. The city manager may issue permanent parking permits for the parking spaces directly abutting the city hall building, and may issue temporary parking permits for the parking lot north and west of the city hall building.”

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 5. The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

PASSED, APPROVED, AND ADOPTED this __day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DRAFT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT,
AMENDING THE CIVIL PENALTY SCHEDULE FOR PARKING VIOLATIONS
OCCURRING WITHIN THE CITY OF CLAREMONT**

WHEREAS, California Vehicle Code Sections 40200 *et seq.* authorize cities to impose and collect civil fines and penalties for violations of any regulation pertaining to the standing or parking of a vehicle; and

WHEREAS, California Vehicle Code Section 40203.5 specifically requires cities to establish a schedule of penalties for parking violations; and

WHEREAS, a schedule of parking penalties for parking violations sets the fines and penalties to be assessed to persons who violate provisions of the California Vehicle Code, or any local municipal ordinance pertaining to the standing or parking of a vehicle; and

WHEREAS, California Government Code Section 70372(b) imposes a state court construction penalty on all municipal parking citations; and

WHEREAS, California Senate Bill 1407 increased the court construction penalty by \$3 from \$1.50 to \$4.50; and

WHEREAS, the City Council desires to amend the penalties by increasing the amounts due to the court construction penalty imposed on municipal parking citations by SB 1407; and

WHEREAS, the City desires to increase the fine for certain handicapped violations, pursuant to California Vehicle Code Section 22507.8; and

WHEREAS, the City desires to establish an administrative fee in order to cover costs associated with processing cancellation of citations for failure to display disabled placard cards, pursuant to California Vehicle Code Section 40226; and

WHEREAS, the notice of the proposed increase for parking fines and fees was published in a newspaper for ten (10) days pursuant to California Government Code Section 6062(a); and

WHEREAS, on [INSERT DATE] the City Council held a duly noticed public hearing, pursuant to California Government Code Section 66018(a), at which all

persons wishing to testify in connection with the permit fines were heard and all protests against the proposed parking fines and fees were considered; and

THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby adopts and approves the following schedule of penalties for stopping, standing and parking violations:

All City of Claremont Municipal Code stopping, standing and parking violations:	\$35
All California Vehicle Code violations for which the City may set fines, unless provided for otherwise:	\$35
Violations of California Vehicle Code 22507.8:	\$325

SECTION 2. The City Council hereby adopts and approves the following maximum administrative fee based on the formula established in Attachment A, which is attached hereto and incorporated herein by reference:

Administrative Fee to process cancellation of citation for failure to display a disabled placard per California Vehicle Code 40226:	\$13.80
---	---------

SECTION 3. Any previous resolution adopting a schedule of fines and penalties for violations pertaining to the standing or parking of vehicles is hereby repealed.

SECTION 4. The City Council hereby finds that this Resolution is statutorily exempt from the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to Section 15273 (a) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies. The revisions to the parking citation fees are consistent with the above referenced CEQA section. Additionally, the City Council finds that adoption of this Resolution is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

SECTION 5. If any section, sub-section, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have adopted the Resolution and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this __day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Taxes Paid to State or County on All Parking Citations

Previous Taxes	Current Taxes (SB 1407)	Description
\$1.50	\$2.50	County Criminal Justice Facilities Construction Fund
\$1.50	\$2.50	County Courthouse Construction Fund
N/A	\$3.00	State Immediate & Critical Needs Facilities Construction Fund
\$2.00	\$1.50	State Court Facilities Construction Fund
\$5.00	\$9.50	TOTAL
Other Costs on All Parking Citations		
\$1.25		Vendor Processing
Other Costs Depending on Violation and Payment Delinquency		
50% of Registration & Equipment Violations		State Fee
20% of Handicap Violations		County/State Handicap Linkage Fee
35% of Amount Collected		Vendor Fee for Out of State Collections
	\$3.00	DMV Hold for Delinquent Citations
	\$20.00	Hearing Officer Fee for Contested Citations

Parking Fines as of August, 2009

Code	Section	Description	Bail
CMC	10.32.020	No Stopping	\$25
CMC	10.32.030(B)	Temp No Parking Signs	\$30
CMC	10.32.040	Within Markings	\$25
CMC	10.32.050	30 Minute Parking	\$20
CMC	10.32.055	20 Minute Parking	\$20
CMC	10.32.060(C)	2 Hour Parking (1st Offense)	\$20*
CMC	10.32.060(D)	2 Hour Parking (2nd Offense)	\$40*
CMC	10.32.060(E)	2 Hour Parking (3rd Offense)	\$60*
CMC	10.32.065(C)	3 Hour Parking (1st Offense)	\$20*
CMC	10.32.065(D)	3 Hour Parking (2nd Offense)	\$40*
CMC	10.32.065(E)	3 Hour Parking (3rd Offense)	\$60*
CMC	10.32.070	Diagonal Parking	\$20
CMC	10.32.110	Within 15' Of Fire Hydrant	\$30
CMC	10.32.120	Designated Fire Lane	\$55
CMC	10.32.130	Posted No Parking	\$30
CMC	10.32.140	Stopping On Parkway	\$25
CMC	10.32.180	Comm Veh In Residential District (10kLbs)	\$60
CMC	10.32.210	1 Hour Parking	\$20
CMC	10.32.230	No Stopping (Times Posted)	\$25
CMC	10.32.280	City Parking Lot Restriction	\$25
CMC	10.32.290(1)	Permit Parking-Via Santa Catarina (1st Offense)	\$40
CMC	10.32.290(2)	Permit Parking-Via Santa Catarina (2nd Offense)	\$60
CMC	10.32.290(3)	Permit Parking-Via Santa Catarina (3rd Offense)	\$100
CMC	10.44.020(1)	Red Zone-No Stopping/Standing/Parking	\$25
CMC	10.44.020(4)	Green Zone-30 Min Parking	\$25
CMC	10.44.060	White Zone-Pass Load/Unload 3 min Max	\$25
CMC	10.44.070	Alley Parking	\$25
CMC	10.44.080	Yellow Zone-Loading/20 Min Max	\$25
CVC	22507.8	Handicapped (1st Offense)	\$250
CVC	22507.8	Handicapped (2nd Offense)	\$500
CVC	22507.8	Handicapped (3rd Offense)	\$750

* Designates Fine is Codified

Current Parking Fees of Local Cities

City	Overnight Parking	Average Basic Parking Fee	Handicapped
<i>Los Angeles County</i>			
<i>Claremont</i>	\$20	\$28	\$250
La Verne	\$30	\$45	\$330
San Dimas	\$30	\$40	\$330
Covina	\$40	\$40	\$340
Glendora	\$48	\$50	\$333
West Covina	N/A	\$50	\$350
Pomona	N/A	\$40	\$413
Local LA County Agency Average (Excluding Claremont)	\$37	\$44	\$349
<i>San Bernardino County</i>			
Chino	N/A	\$35	\$300
Montclair	N/A	\$40	\$275
Upland	N/A	\$50	\$250
Total Average (Excluding Claremont)	\$37	\$43	\$325

**Handicapped Violation Dismissal Administrative Fee
Cost Recovery Formula**

Cost Factors

Salary and Benefits *	Monthly Salary	Benefits %	Benefits Flat	Hourly Rate **
Lieutenant	\$10,236.00	70.00%	\$11,632.20	\$105.98
Records Clerk	\$3,281.00	29.80%	\$11,164.20	\$29.94

Notes:

* Based on step 20

** Benefited

Current factors determined July 1, 2009

Benefits % includes Medicare, WC, LTD, and PERS

Formula

Police Records Clerk's time		
	Contact subject at front counter, obtain documents, provide and review citation appeal form, arrange appeal with Watch Commander, process fee, produce and provide receipt, process citation disposition.	
	One Records Clerk x 10 min	\$5.00
Police Lieutenant's time		
	Review documents and appeal; approve/deny	
	One Police Lieutenant x 5 min.	\$8.80
MAXIMUM RATE		\$13.80

Parking Citation Statistics

Parking Citations Issued

Year	Written	Voided	Dismissed	With Bail Due
2007	12,731	538	39	12,154
2008	14,426	570	30	13,826

Gross Revenue

Year	Bail	Penalties	Voided	Dismissed	Total Due	Unpaid	Gross Revenue	% Paid
2007	\$278,102	\$182,780	\$17,386	\$1,217	\$442,279	\$81,646	\$360,633	82%
2008	\$355,291	\$199,143	\$37,795	\$1,275	\$515,364	\$117,312	\$398,052	77%

Net Revenue

Year	Gross Revenue	Vendor Processing	Supplies (Citations)	Taxes	DMV Charges (Holds)	Net Revenue
2007	\$360,634	\$19,203	\$4,436	\$43,552	\$5,724	\$287,719
2008	\$398,052	\$26,411	\$1,256	\$71,279	\$5,724	\$293,382

Initiated Delinquent Collection Process with our parking citation processing vendor
Increased efforts and attempts to collect delinquent payments.

Participation in the Interagency Intercept Collections program beginning with the 2010
process year, through the State Controller and the State Franchise Tax Board.