



CITY COUNCIL AGENDA REPORT

MEETING DATE: November 16, 2010

ITEM NUMBER: VII-3

SUBJECT: RESOLUTION AMENDING PARKING FINES

DATE: November 16, 2010

FROM: CITY ATTORNEY'S OFFICE

PRESENTATION BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

FOR FURTHER INFORMATION CONTACT: KIMBERLY HALL BARLOW, 714-754-5399

RECOMMENDATION:

Adopt the resolution amending the City's fine schedule for parking violations attached hereto as Attachment 1.

BACKGROUND:

During the 2010 legislative year, the California State Legislature enacted a bill which requires the City to collect new or increased penalty fees on behalf of the State and the County. The attached resolution would amend the City's Parking Fine Schedule to add the State surcharge.

ANALYSIS:

The enactment of Senate Bill 857, adopting Government Code § 76000.3, requires that the City remit a \$3.00 penalty for every parking offense where a parking penalty, fine, or forfeiture is imposed, to be deposited in the Trial Court Trust Fund. This represents a \$3.00 increase over the penalties which were to be collected and remitted under former legislative enactments.

This additional penalty is a pass-through to the County and State. If the parking violation penalties are not increased, the City would still need to remit the additional amounts, thereby incurring loss of City revenue.

ALTERNATIVES CONSIDERED:

City Council could choose not to make the recommended change.

RESOLUTION NO. 10-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE CITY'S FEE SCHEDULE AS TO PENALTIES FOR PARKING VIOLATIONS

~~THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY~~
RESOLVE AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa has heretofore established schedules of rates, fees, and charges for parking violations issued by the City, including, but not limited to, rates, fees, and charges for violations of Street Sweeping, Red Zone, No Parking Anytime, 72-Hour Time Zone, Alley, and Loading Zone parking restrictions; and

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Costa Mesa is authorized to adopt and implement rates, fees, and charges for parking violations; and

WHEREAS, during the 2010 legislative year, the California State Legislature enacted a bill (Senate Bill 857) which requires the City to collect an additional parking penalty on behalf of the State in the amount of \$3.00; and

WHEREAS, the current adjusted parking penalty schedule is shown on Exhibit "A", attached and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa, California, does hereby adopt the adjusted schedule of penalties for parking violations and authorize that this resolution shall take effect and be in full force immediately.

PASSED AND ADOPTED this _____ day of November, 2010.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 3rd day of March 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 16th day of November 2010.

City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa

EXHIBIT A

CITY OF COSTA MESA PARKING

CODE	VIOLATION DESCRIPTION	AMOUNT NOTICE	1 ST PENALTY	2 ND PENALTY
10-1085 (D1)2	TRUCK PARKED OVERNIGHT	\$262.50 +22 DAYS		N+29 DAYS + \$15.00
10-1085 (D1)3	TRUCK PARKED OVERNIGHT	\$512.50 +22 DAYS		N+29 DAYS + \$15.00
10-155 CMMC	OBSTRUCTING INTERSECTION	\$43.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-182 CMMC	PROHIB PARKING: PARKWAYS	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184 CMMC	PROHIB PARKING: NO PARKING AREA	\$46.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184A CMMC	PROHIB PARKING: WITHIN DIVISIONAL ISLAND	\$35.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184B CMMC	PROHIB PARKING: PROPERTY LINES	\$35.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184C CMMC	POSTED NO PARKING ANYTIME	\$48.50 +22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184D CMMC	POSTED STREET SWEEP OR RESTRICTED	\$46.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184D CMMC	POSTED STREET SWEEP OR RESTRICTED PAKG	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184F CMMC	PROHIB PARKING: TRAFFIC HAZARD	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184G CMMC	USE PROHIB PARKING: SPECIAL	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-184J CMMC	PROHIB PARKING: MID-BLOCK SAFETY ZONE	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185-A4	UNATTACHED	\$112.50 + 22	N + 15 DAYS	N+29 DAYS +

CMMC	TRLR ON STREET	DAYS	+ \$5.00	\$15.00
10-185-D1 CMMC	USING STREET FOR STORAGE	\$262.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185-D1 CMMC	USING STREET FOR STORAGE	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185-D1 CMMC	USING STREET FOR STORAGE	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-1851D CMMC	USING STREET FOR STORAGE	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185A CMMC	USING STREET FOR STORAGE	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185B CMMC	PARKING EXCESS 72 HOURS	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185D1 CMMC	USING STREET FOR STORAGE	\$512.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185E CMMC	PARKING OFF TRUCK ROUTES	\$114.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185F CMMC	TRUCK PARKED OVERNIGHT	\$262.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185G CMMC	NO TRUCK PARKING IN EXCESS OF 3 HOURS	\$114.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-185H CMMC	HEAVY TRUCK ON PUBLIC ST MORE THAN 3 HOURS	\$113.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-191 CMMC	PARKING ON GRADE	\$29.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-193 CMMC	EMERGENCY PARKING SIGNS	\$29.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-196 CMMC	NO PARKING: PLACENTIA FIRE STATION	\$29.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-199 CMMC	FAILURE DISPLAY HANDICAPPED PKG PLACARD	\$48.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-207A CMMC	24 MINUTE PARKING	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-208 CMMC	PARKING TIME RESTRICTION – 1 HR	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-208A CMMC	ONE HOUR PARKING 7 AM – 6 PM	\$43.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-208B CMMC	PARKING LIMITED TO 1	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

	HOUR			
10-209 CMMC	RESTRICTED PARKING: 2 HRS	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-209A CMMC	2 HOUR PARKING – 7AM – 6 PM	\$43.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-209B CMMC	RESTRICTED PARKING: 2 HRS	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-211 CMMC	ANGLE PARKING	\$30.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-212 CMMC	PARKING SPACE MARKINGS	\$30.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-212B CMMC	NOT WITHIN A SINGLE SPACE	\$30.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-213 CMMC	NO STOPPING ZONES	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-215 CMMC	POSTED NO PARKING	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-221 CMMC	SPECIAL PERMIT REQUIRED	\$114.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-221 CMMC	SPECIAL PERMIT REQUIRED	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-221 CMMC	SPECIAL PERMIT REQUIRED	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-223A CMMC	CIVIC CENTER EMPLOYEE PERMIT REQUIRED	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226 CMMC	CURB MARKINGS	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226A CMMC	CURB MARKINGS RED	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226B CMMC	CURB MARKINGS RED CURB MARKINGS YELLOW	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226C CMMC	CURB MARKINGS YELLOW	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226C CMMC	CURB MARKINGS WHITE	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-226D CMMC	RED/YELLOW/ WHITE CURB	\$47.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

10-227 CMMC	LOADING/ UNLOADING	\$41.50 + 22 DAY	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-228 CMMC	LOADING/ UNLOADING YELLOW ZONE	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-230 CMMC	PARKING IN ALLEY	\$50.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-248E CMMC	PARKING OFF TRUCK ROUTE	114.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-285(d)(1)	NO STORAGE ON STREET FOR TRAILER	\$112.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
10-216 CMMC	NO CITY PERMIT DISPLAY	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-23 CMMC	PARKED AFTER DARK	\$62.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-24 CMMC	PARKED AFTER DARK	\$54.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-25 CMMC	VEHICLE PARKING	\$53.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-25A CMMC	PROHIBITED PARKING: PARK LAWNS	\$53.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-25B CMMC	VEHICLE PARKING: ON RIGHT SIDE OF STREET	\$53.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
12-26 CMMC	PROHIB NIGHT PKG: PARK LAWNS	\$53.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
13-548 CMMC	VEHICLE PARKED ON LAWN	\$87.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113(A4) CVC	STAFF LOT NO PKG	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4A CVC	COSTA MESA HS: PARK WITHIN SPACE	\$20.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4B CVC	COSTA MESA HS: BACKED INTO SPACE	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4C CVC	COSTA MESA HS: STAFF/VISITOR PERMIT ONLY	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4D CVC	COSTA MESA HS: PERMIT REQUIRED	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

21113-4E CVC	COSTA MESA HS: RED ZONE	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4F CVC	COSTA MESA HS: VISITOR PGK PERMIT REQUIRED	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-4G CVC	COSTA MESA HS: CONSTRUCTION ZONE	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-5A CVC	ESTANCIA HS: PARK WITHIN SPACE	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-5B CVC	ESTANCIA HS: BACKED INTO SPACE	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-5C CVC	ESTANCIA HS: STAFF/VISITOR PERMIT ONLY	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-5D CVC	ESTANCIA HS: PERMIT REQUIRED	\$33.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21114-5E CVC	ESTANCIA HS: RED ZONE	\$28.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113-5G CVC	ESTANCIA HS: CONSTRUCTION ZONE	\$23.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21113a CVC	PARKED IN FACULTY PARKING	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21209 CVC	BICYCLE LANE	\$52.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21211B CVC	OBSTRUCTION OF BIKE LANE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21458A CVC	CURB MARKINGS: RED	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
21458E CVC	CURB MARKINGS: BLUE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 CVC	PROHIBITED PARKING	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500.1 CVC	PROHIBITED PARK/STOP: FIRE LANE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 A CVC	PROHIB PARK/STOP INTERSECTION	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500B CVC	PROHIB PARK/STOP CROSSWALK	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

22500C CVC	PROHIB PARK/STOP SAFETY ZONE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 D CVC	PROHIB PARK/STOP 15' OF FIRE STATION	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 E CVC	PROHIB PARK/STOP DRIVEWAY	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 F CVC	PROHIB PARK/STOP: SIDEWALK	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 G CVC	PROHIB PARK/STOP: OBSTRUCTING TRAFFIC	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 H CVC	PROHIB PARK/STOP DOUBLE PARKED	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 I CVC	PROHIB PARK/STOP: WHEELCHAIR ACCESS	\$267.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 J CVC	PROHIB PARK/STOP: TUBE OR TUNNEL	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 K CVC	PROHIB PARK/STOP BRIDGE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22500 L CVC	PROHIB PARK/STOP: WHEELCHAIR ACCESS	\$267.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22502A CVC	EXCESS 18" FROM CURB/FACING WRONG WAY	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22502B CVC	CURB PARKING: COMMERCIAL VEHICLE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22505 CVC	OVERSIZE VEHICLE	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22505A CVC	VEHICLE OVER 6' HIGH PROHIBITED	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22505B CVC	PARKING ON STATE HIGHWAY	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

	PROHIBITED			
22507.8A CVC	HANDICAP PARKING	\$292.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22507.8B CVC	BLOCKING HANDICAP SPACE	\$292.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22507.8C CVC	ENCROACHING ON HANDICAP SPACE	\$292.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22514 CVC	WITHIN 15 FT OF FIRE HYDRANT	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22515 CVC	UNATTENDED VEH.	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22516 CVC	LOCKED VEHICLE	\$52.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22521 CVC	PROHIB PARK/STOP: ON/NEAR RAILROAD TRACK	\$42.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22522 CVC	PARKING NEAR SIDEWALK ACCESS RAMP	\$292.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22522A CVC	WITHIN 3' OF SIDEWALK ACCESS RAMP	\$292.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22523 A CVC	ABANDONED VEHICLE	\$117.50 + 2 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22523B CVC	ABANDONED VEHICLE PRIVATE PROPERTY	\$287.50 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
22651 CVC	REMOVAL OF VEHICLE	\$40.00 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00
OCCO 6-4-605	TOW AWAY ZONE	\$40.00 + 22 DAYS	N + 15 DAYS + \$5.00	N+29 DAYS + \$15.00

*Includes the following penalties mandated by California Government Code:
\$4.50 – State Court Facilities Construction Fund § 70372(b)
\$2.50 – Courthouse Construction Fund § 76000 and § 76100
\$2.50 - Criminal Justice Facilities Construction Fund § 76000, and § 76101
\$3.00 – Trial Court Trust Fund § 7600.3