

CITY OF GARDEN GROVE

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	Thomas F. Nixon	
Dept:	City Manager	Dept:	City Attorney	
Subject:	ADJUSTMENT OF CALIFORNIA VEHICLE CODE AND GARDEN GROVE MUNICIPAL CODE PARKING FINES TO REFLECT INCREASED SURCHARGE IMPOSED BY THE STATE OF CALIFORNIA		Date:	February 26, 2013

OBJECTIVE

During the 2010 legislative year, the California Legislature enacted Senate Bill No. 857 ("SB 857"), which added Government Code section 76000.3. Section 76000.3 requires cities to transfer to the State three dollars (\$3.00) for all parking offenses in which a penalty, fine or forfeiture is imposed, whether the offense is for a violation of the California Vehicle Code or a city's municipal code. This penalty is transmitted to the State Treasurer for deposit in the Trial Court Trust Fund, which funds courthouse construction. Staff requests that the City Council adjust the fines for all City-enforced California Vehicle Code and Garden Grove Municipal Code parking violations to account for the state-mandated \$3.00 penalty.

BACKGROUND/DISCUSSION

California Vehicle Code sections 40200 et seq. authorize and govern the City's assessment and administration of parking violations. State Legislation enacted in 1993 altered how parking violations were treated, subjecting them to civil administrative procedures and civil fines pursuant to California Vehicle Code sections 40200 et seq. in lieu of treating them as criminal infractions. Thus, violations of local and state parking laws that are not misdemeanors are subject to only civil fines and are governed by this state-mandated civil administrative process. Pursuant to California Vehicle Code section 40203.5, the City Council is authorized to establish an updated schedule of penalties for parking violations and late payment penalties.

The State of California has previously imposed such surcharges in the past such as when the State Legislature adopted SB 425 in 2007 and SB 1407 in 2008. SB 425 and SB 1407 amended subdivision (b) of section 70372 of the Government Code, and authorized an additional \$4.50 from each parking violation to be set aside for court construction purposes. In response to this surcharge, the City Council adopted Resolution No. 8884-09 on April 28, 2009. Resolution No. 8884-09 increased the City's fines for parking violations to offset the surcharge imposed by the State.

SB 857 added Government Code section 76000.3, which provides for an added penalty of \$3.00 to be collected by the City and paid to the State for each parking offense where a parking penalty, fine, or forfeiture is imposed for parking offenses

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that constitute a violation of the California Vehicle Code or Garden Grove Municipal Code.

The funds are ultimately deposited in the Trial Court Trust Fund to fund court construction. Initially, the City Council elected not to raise the parking offense penalty a second time. Now, however, budget requirements necessitate adjusting the penalties again.

In order for the City to collect this State-mandated penalty, the schedule of monetary penalties for parking violations and late payment penalties must be revised. The proposed parking violation penalty schedule adds the \$3.00 penalty to each parking citation issued in the City. Because the added penalty is imposed for violations of the law and is a regulatory fine, the penalty is not considered to be a tax and, thus, does not require voter approval. The \$3.00 penalty applies even though the City processes its own parking citations, although pursuant to Vehicle Code section 40230 appeals of final City administrative decisions can be appealed to the Superior Court.

Accordingly, it is recommended that the City Council adopt the attached Resolution, which would increase the current regulatory fines for all parking violations by \$3.00 to account for the increased added penalty imposed by the State Legislature pursuant to SB 857. Pursuant to Government Code section 6062a, a notice of this hearing and the updated schedule of penalties was published in a newspaper of general circulation and made available to the public for at least ten days prior to the hearing.

FINANCIAL IMPACT

The proposed action is revenue neutral, offsetting surcharges imposed by the State on parking fines.

RECOMMENDATION

It is recommended that the City Council:

- Find that this public hearing was noticed pursuant to Government Code section 6062a, and that the updated schedule of penalties was made available to the public for at least ten days preceding the Public Hearing; and
- Adopt the attached Resolution establishing an increase of \$3.00 per violation on all California Vehicle Code and Garden Grove Municipal Code parking violations for which the City establishes the fine amounts as a State Pass-Through Fee effective immediately.

Thomas F. Nixon (KB)

THOMAS F. NIXON
City Attorney

Attachment: Proposed Resolution

Approved for Agenda Listing

Matthew Fertal

Matthew Fertal
City Manager

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADJUSTING THE MONETARY PENALTY FOR VIOLATION OF CALIFORNIA VEHICLE
CODE AND GARDEN GROVE MUNICIPAL CODE PARKING REGULATIONS FOR WHICH
THE CITY ESTABLISHES THE FINE AMOUNTS

WHEREAS, during the 2010 legislative year, the California State Legislature enacted Senate Bill No. 857 ("SB 857"), which added Government Code Section 76000.3;

WHEREAS, Government Code Section 76000.3 requires the City to pay to the State an added penalty of three dollars (\$3.00) for each parking offense where a fine, penalty or forfeiture is imposed by the City;

WHEREAS, all funds collected as a result of the added penalty are transferred to the State Treasurer and deposited in the Trial Court Trust Fund for court construction purposes;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on February 26, 2013, and all interested persons were given an opportunity to be heard; and

WHEREAS, in adopting this Resolution the City Council of the City of Garden Grove is revising its monetary penalties for California Vehicle Code and Garden Grove Municipal Code parking violations, for which the City establishes the fine amounts, as required by state law.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve as follows:

SECTION 1. The monetary penalty for all California Vehicle Code and Garden Grove Municipal Code parking violations, for which the City establishes the fine amount, shall be increased by the amount of \$3.00 over the presently existing fines to reflect the additional \$3.00 penalty imposed by SB 857 and Government Code Section 76000.3.

SECTION 2. City staff shall be directed to update the City's schedule of penalties for parking violations and late payment penalties for City Municipal Code and California Vehicle Code parking violations that are enforced by the City in a manner that is consistent with this Resolution.

SECTION 3. The parking violation penalty schedule hereby adopted is not subject to the California Environmental Quality Act ("CEQA") pursuant to Title 14, California Code of Regulations, Sections 15060(c)(2) and 15060(c)(3).

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
0840140L	9.08.40.140(L)	Commercial Vehicle Parking/Storage in Residential Zone	\$105	\$28	\$108
0840140P	9.08.40.140 (P)	Vehicle as Living Quarters Prohibited-Residential	\$84	\$28	\$87
0840170B	9.08.40.170(B2)	Parking on Unpaved Surface-Residence	\$44	\$28	\$47
1028070B	10.28.070(B)GGMC	Obedience to Barriers and Signs	\$44	\$28	\$47
1040050	10.40.050 GGMC	Repair/Grease Vehicle on Public Street	\$105	\$28	\$108
1040060A	10.40.060 (A)	Removal Parked Vehicle-Primary Purpose Advertising	\$44	\$28	\$47
1056020	10.56.020 GGMC	No Parking Anytime	\$44	\$28	\$47
1056030	10.56.030 GGMC	Stopping/Standing/Parking Prohibited-Sign/Red Curb	\$44	\$28	\$47
10560302	10.56.030(2)GGMC	No Parking Any Time	\$44	\$28	\$47
10560305	10.56.030(5)GGMC	Parking/Stopping-Area Causing Hazard	\$44	\$28	\$47
10560306	10.56.030 (6) MC	No Parking Anytime	\$44	\$28	\$47
1056030E	10.56.030 E GMC	Parking Trailer on Street/Vision Obscured	\$65	\$28	\$68
10560401	10.56.030(1)GGMC	Stopping/Standing/Parking within Parkway	\$44	\$28	\$47
10560605	10.56.060(5)GGMC	Stopped/Standing/Parked Over Time Limit	\$44	\$28	\$47
1056060A	10.56.060 A GGMC	Stopping/Standing/Parking More Than 20 Minutes	\$44	\$28	\$47
1056060B	10.56.060(B)GGMC	Stopping/Standing/Parking More Than 1 Hour	\$44	\$28	\$47

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
1056060C	10.56.060(C)GGMC	Stopping/Standing/Parking More Than 2 Hours	\$44	\$28	\$47
1056060D	10.56.060(D)GGMC	Other Specified Time Parking	\$44	\$28	\$47
1056070D	10.56.070(D)GGMC	Parallel Parked Commercial Vehicle Blocking Traffic	\$72	\$28	\$75
1056080B	10.56.080(B)GGMC	Failure Contain Vehicle Marked Space	\$44	\$28	\$47
1056090B	10.56.090(B)GGMC	Failure Contain Vehicle Marked Space	\$44	\$28	\$47
1056100	10.56.100 GGMC	Parking In Excess Of 72 Hours	\$44	\$28	\$47
10561101	10.56.110A1 GGMC	Parking Trailer In Dark On Narrow Street	\$105	\$28	\$108
10561102	10.56.110A2 GGMC	Parking Trailer In Dark Narrow Painted Lane Line	\$105	\$28	\$108
1056110A	1056110 (A) GGMC	Wide Vehicle (80") Parking At Night	\$105	\$28	\$108
1056110B	10.56.110(B)GGMC	Parking Trailer Excess Of 72 Hours	\$105	\$28	\$108
1056110C	10.56.110(C)GGMC	Parking Commercial Vehicle Greater 80" Wide	\$105	\$28	\$108
1056120B	10.56.120(B)GGMC	Parking On City Property Where Prohibited	\$44	\$28	\$47
1056130	10.56.130 GGMC	Posted No Parking Public Property	\$44	\$28	\$47
1056130B	10.56.130(B)GGMC	No Parking-Public Property	\$44	\$28	\$47
1056135B	10.56.135(B)GGMC	Disobeying Authorized Street Signs	\$44	\$28	\$47
1056140	10.56.140 GGMC	Parking To Advertise	\$59	\$28	\$62

Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
1056150	10.56.150 GGMC	No Parking Alley	\$44	\$28	\$47
1056160	10.56.160 GGMC	Stopping/Standing/Parking On Highway	\$44	\$28	\$47
1056170	10.56.170 GGMC	Parking Within Intersection	\$44	\$28	\$47

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

1056180	10.56.180 GGMC	Vehicle As Living Quarters Prohibited	\$84	\$28	\$87
1056200	10.56.200 GGMC	Street Sweeping	\$48	\$28	\$51
1056210	10.56.210 GGMC	Permit Parking	\$26	\$28	\$29
1060030	10.60.030 GGMC	Stopping/Standing/Parking Violation Curb Marks	\$44	\$28	\$47
10600305	10.60.030(5)GGMC	Stopping/Standing/Parking Violation Curb Mark	\$44	\$28	\$47
1240170L	9.12.40.170(L)	Commercial Vehicle Parking/Stored In Residential Zone	\$105	\$28	\$108
1240170P	9.12.40.170(P)	Vehicle As Living Quarters Prohibited- Commercial	\$84	\$28	\$87
1240200B	9.12.40.200(B2)	Parked Unpaved Surface-R2/R3 Zone	\$44	\$28	\$47
1640140L	9.16.40.140(L)	Commercial/Recreational In Commercial Zone	\$105	\$28	\$108
1640140O	9.16.40.140(O)	Vehicle As Living Quarters Prohibited- Individual	\$84	\$28	\$87
1640170B	9.16.40.170(B2)	Parked Unpaved Surface Commercial/Industrial	\$44	\$28	\$47
21113A	21113 (A) CVC	No Parking Public Grounds	\$39	\$28	\$42
21209	21209 CVC	Obstructing Bicycle Lane	\$44	\$28	\$47
21211B	21211 (B) CVC	Park In Bicycle Lane	\$30	\$28	\$33
21458A	21458 (A) CVC	Stopping/Standing/Parking Painted Curb	\$44	\$28	\$47
Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
21458D	21458 (D) CVC	Stopping/Standing/Park Painted Curb Local Ordinance	\$44	\$28	\$47
21461A	21461 (A) CVC	Fail To Obey Traffic Control Device	\$55	\$28	\$58
22500	22500 CVC	No Stopping/Standing/Parking	\$39	\$28	\$42
225001	22500.1 CVC	No Parking - Fire Lane	\$61	\$28	\$64
22500A	22500 (A) CVC	Parking within Intersection	\$39	\$28	\$42
22500B	22500 (B) CVC	Parking On A Crosswalk	\$39	\$28	\$42

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

22500C	22500 (C) CVC	Parking At Red Curb	\$39	\$28	\$42
22500D	22500 (D) CVC	2/I 15' Driveway Entrance Fire Station	\$39	\$28	\$42
22500E	22500 (E) CVC	Front Public/Private Driveway	\$39	\$28	\$42
22500F	22500 (F) CVC	Parking On A Sidewalk	\$39	\$28	\$42
22500G	22500 (G) CVC	Parking Obstructing Traffic	\$39	\$28	\$42
22500H	22500 (H) CVC	Double Parking	\$39	\$28	\$42
22500I	22500 (I) CVC	Parking Loading/Unloading Zone	\$255	\$28	\$258
22500J	22500 (J) CVC	Parking In A Tube Or Tunnel	\$39	\$28	\$42
22500K	22500 (K) CVC	Parking On A Bridge	\$39	\$28	\$42
22500L	22500 (L) CVC	No Parking - Wheelchair Access	\$280	\$28	\$283
22502	22502 CVC	Curb Parking	\$39	\$28	\$42
22502A	22502 (A) CVC	Parallel within 18" Of Curb	\$39	\$28	\$42
22502E	22502 (E) CVC	Parking On Curb	\$39	\$28	\$42
22504A	22504 (A) CVC	Unincorporated Parking	\$39	\$28	\$42
22505A	22505 (A) CVC	State Highway Signs	\$39	\$28	\$42
22505B	22505 (B) CVC	State Highway Parking	\$39	\$28	\$42
225078	22507.8 (A) CVC	Parked In Disabled Space	\$280	\$28	\$283
225078A	22507.8 (A) CVC	Handicapped Zone	\$280	\$28	\$283
225078B	22507.8 (B) CVC	Obstructing Handicapped Stall	\$280	\$28	\$283
225078C2	22507.8(C)(2)CVC	Handicap Zone	\$280	\$28	\$283
22514	22514 CVC	Parking within 15' Of Fire Hydrant	\$39	\$28	\$42
Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
22514A	22514 (A) CVC	Parking within 15' Of Fire Hydrant	\$39	\$28	\$42
22515	22515 CVC	Unattended Vehicle	\$39	\$28	\$42
22515A	22515 (A) CVC	Unattended Vehicle-without setting Brakes or with motor running	\$39	\$28	\$42
22516	22516 CVC	Unattended Locked Vehicle-Person Inside	\$39	\$28	\$42
22517	22517 CVC	Open Door On Moving Side	\$39	\$28	\$42
22519	22519 CVC	Regulation Of Off-Street Parking	\$39	\$28	\$42
22520	22520 CVC	Stopped On Freeway	\$39	\$28	\$42
22521	22521 CVC	Parking Upon Or Near Railroad	\$39	\$28	\$42

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

22522	22522 CVC	Parking within 3' Of Sidewalk	\$280	\$28	\$283
22523A	22523 (A) CVC	Abandoned Vehicle	\$105	\$28	\$108
24252A	24252 (A) CVC	Lighting Equipment	\$30	\$28	\$33
24600E	24600 (E) CVC	Broken Tail Light	\$39	\$28	\$42
26706A	26706 (A) CVC	Windshield Wiper	\$30	\$28	\$33
267085C	267085 (C) CVC	Tinted Material within the Vehicle	\$30	\$28	\$33
26708A	26708 (A) CVC	Within-\$10_with/Correction Object/Mat On Window-\$10 With Correction	\$30	\$28	\$33
26709A	26709 (A) CVC	Rear View Mirror	\$30	\$28	\$33
26710	26710 CVC	Defective Window	\$30	\$28	\$33
26710A	26710 (A) CVC	Defective Windshield/Rear Wind	\$30	\$28	\$33
27153	27153 CVC	Excessive Smoke	\$30	\$28	\$33
27155	27155 CVC	No Fuel Tank Cap \$10 With Correction	\$30	\$28	\$33
27465B	27465 (B) CVC	Bald Tires Used	\$30	\$28	\$33
28071	28071 CVC	Front/Rear Bumper Required	\$30	\$28	\$33
4000A	4000 (A) CVC	Expired Registration-\$10 With Proof On Time	\$65	\$28	\$68
Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
41525	41525 CVC	20 Days To Registration Foreign Vehicle	\$60	\$28	\$63
4454A	4454 (A) CVC	Copy Of Registration	\$60	\$28	\$63
4457	4457 CVC	Lost, Stolen, Illegible Plates	\$30	\$28	\$33
4462B	4462 (B) CVC	Unlawful Use Of Registration	\$60	\$28	\$63
463	463 CVC	Parking definition excludes temporary parking: load/unload	\$30	\$28	\$33
5200	5200 CVC	Display Plates-\$10 With Proof On Time	\$30	\$28	\$33
5201	5201 CVC	Plates Securely Fastened	\$30	\$28	\$33
5202	5202 CVC	License Plate shall be Attached	\$30	\$28	\$33
5204	5204 CVC	License Tags Improperly Displayed/Not Valid	\$65	\$28	\$68

UPDATED SCHEDULE OF PARKING VIOLATION PENALTIES

5204A	5204 (A) CVC	License Tags Improperly Displayed/Not Valid	\$65	\$28	\$68
5900A	5900 (A) CVC	Ownership Transfer within 10 Days	\$60	\$28	\$63
916240D	9.16.240(D) GGMC	Parking For Sale Prohibited	\$44	\$28	\$47
916240J	9.16.240 J GGMC	Parked On Fully Paved Surface	\$44	\$28	\$47
916240L	9.16.240(L) GGMC	Commercial Vehicle Parked/Stored Residential Area	\$105	\$28	\$108
916240M	9.16.240(M) GGMC	Commercial Vehicle/Camper/Trailer	\$105	\$28	\$108
916240N	9.16.240 N GGMC	Commercial Space Vehicle/Camper/Trailer For Sale On Street	\$44	\$28	\$47
916240O	9.16.240 O GGMC	No Repair/Grease/Service On Street	\$44	\$28	\$47
916240P	9.16.240(P) GGMC	Use Camper/Trailer/Mobile Home As Residential	\$44	\$28	\$47

Code	Section	Description	Current Fee	Current Delinquent Fee	Proposed Fee
916270B2	9.16.270 B2 GGMC	Parking On Unpaved Surface	\$44	\$28	\$47
92039	9.20.39 GGMC	Commercial Vehicle Parking/Stored Prohibited	\$44	\$28	\$47
92176C	9.21.76C GGMC	Parking On An Unpaved Surface Prohibited	\$44	\$28	\$47
92176D	92176 (D) GGMC	Parking On An Unpaved Surface Prohibited	\$44	\$28	\$47
92179	9.21.79 GGMC	Display Of Vehicle For Sale Prohibited	\$44	\$28	\$47
924020E	9.24.020(E)GGMC	Vehicle As Living Quarters - Prohibited	\$44	\$28	\$47