

2541310

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # 9:10 a.m. (d)

Urgent

Routine

AGENDA DATE April 27, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected by the Sheriff's Department

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department.

FISCAL IMPACT:

The Sheriff's Department currently collects penalties on a total of 48 different parking violations. The proposed penalty schedule reflects no change to 17 of the penalties, 4 new penalties, a decrease in 4 penalties, 14 penalties increase by \$5.00, 8 penalties increase between \$10.00-\$45.00 and the handicapped placard violation penalty increases by \$250. The average of all the proposed increases is \$11.00. In calendar year 2009 the Sheriff's Department processed approximately 1,700 parking citations. Based on the average penalty increase of \$11.00 applied to the 1,700 citations processed last year, the department estimates an increase of approximately \$18,700 annually in revenue.

BOARD ACTION AS FOLLOWS:

No. 2010-253

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE NO. C.S. 1076

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-L-9

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected by the Sheriff's Department

DISCUSSION:

In 1978, California Municipal Courts stopped setting penalty schedules for violations of county and municipal code parking regulations. The courts placed this authority with the local government. In 1993, AB 408 revised the procedures for processing and adjudicating parking law offenses. The bill required courts to transfer the processing of parking offenses to issuing agencies. Consequently, the parking violations have been removed from the Uniform Bail and Penalty Schedules. Parking violations essentially became an administrative action issued by local government.

Currently, the Sheriff's Department is vested with the responsibility of enforcing parking laws in the unincorporated areas of the County and the processing and collection of the parking penalties is handled through a contract for services with the City of Inglewood.

Historically the parking penalties have been updated by the Sheriff's Department Traffic Unit by conducting a survey of neighboring jurisdictions every few years. The Sheriff's Department surmises that the County has not increased the base penalty for parking violations for many years and recommends adopting the uniform parking penalty schedule as outlined in Exhibit A.

A survey of the neighboring jurisdictions was conducted in partnership with the City of Ceres. In addition the staff reviewed the State of California Judicial Council recommendations for parking violation penalties. The survey is attached as Exhibit B. In many cases, the penalties remain unchanged. There are 4 new penalties, a decrease in 4 penalties, 14 penalties increase by \$5.00, 8 penalties increase between \$10.00-\$45.00 and the handicapped placard violation penalty increases by \$250. The proposed penalty changes are designed to achieve some uniformity in the schedule.

FEE AUTHORITY:

General Authority

GC 54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

Parking Penalties

40200. (a) Any violation of any regulation that is not a misdemeanor governing the standing or parking of a vehicle under this code, under any federal statute or regulation, or under any

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Parking Penalties Schedule and Adjust Existing Parking Penalties Collected By the Sheriff's Department

FEE AUTHORITY (continued):

ordinance enacted by local authorities is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

40203. The notice of parking violation shall be accompanied by a written notice of the amount of the parking penalty due for that violation, the address of the person authorized to receive a deposit of the parking penalty, a statement in bold print that payments of the parking penalty for the parking violation may be sent through the mail, and instructions on obtaining information on the procedures to contest the notice of parking violation.

40203.5. (a) 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.

40203.5. (b) Parking penalties under this article shall be collected as civil penalties.

PUBLIC HEARING:

Pursuant to Government code section 54985, the County is required to hold a scheduled public hearing prior to levying a new charge or increasing an existing charge.

POLICY ISSUES:

An ordinance of the Board of Supervisor's is required to increase or establish those penalty charges. The Board must decide the potential impacts on the community and whether the request will assist the Sheriff's Department in meeting the Board's priority of ensuring a safe community and efficient government operations.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT INFORMATION:

Captain Tim David, Administrative Division, (209) 525-7014.

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A PARKING PENALTIES SCHEDULE
AND INCREASING EXISTING PARKING PENALTIES
COLLECTED BY THE SHERIFF'S DEPARTMENT**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Penalties to be collected by the Sheriff's Department are adopted and amended as set forth in the Sheriff's Department Parking Penalty Schedule attached hereto as Exhibit A and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2010, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A PARKING PENALTIES SCHEDULE
AND INCREASING EXISTING PARKING PENALTIES
COLLECTED BY THE SHERIFF'S DEPARTMENT**

APPROVED AS TO FORM:
JOHN P. DOERING
County Counsel

By W. Dean Wright
W. Dean Wright
Deputy County Counsel

EXHIBIT A

Stanislaus County Parking Penalties Schedule 2010

| Code | Description | Current Stan. County | Proposed Stan. County | Net Change | Percent Change |
|---------------------|----------------------------------|-------------------------|--------------------------|---------------|-------------------|
| Vehicle Code | | | | | |
| 4000A | Expired Registration | 76 | 100 | 24 | 32% |
| 4461B | Misuse of Handicapped Placard | 25 | 275 | 250 | 1000% |
| 4462A | Wrong Plate or Tab on Vehicle | | 65 | New | |
| 4462B | Reg Presented for Wrong Person | 76 | 70 | -6 | -8% |
| 4464 | Altered License Plate | | 100 | New | |
| 5200 | License Plate Missing | 25 | 35 | 10 | 40% |
| 5200.1 | Covering License Plate | 20 | 25 | 5 | 25% |
| 5201 | Plates Secure and Visible | | 35 | 35 | |
| 5202 | No Plate on Vehicle at All | 20 | 50 | 30 | 150% |
| 5204 | No Current Tabs on Street | 76 | 70 | -6 | -8% |
| 21113 | Parking Permit Required | 5 | 25 | 20 | 400% |
| 21113A | Public Grounds or Institutions | | 25 | New | |
| 21116A | Pkg./Drvg. on Levee/Canal Bank | 42 | 35 | -7 | -17% |
| 21458(A)(2) | Loading Zone (Yellow Curb) | 30 | 30 | 0 | 0% |
| 21461(a) | Failure to Obey Sign | 42 | 50 | 8 | 19% |
| 22500.1 | Fire Lane | 20 | 65 | 45 | 225% |
| 22500(A) | Within an Intersection | 20 | 25 | 5 | 25% |
| 22500(B) | On a Crosswalk | 20 | 25 | 5 | 25% |
| 22500(C) | Between a Safety Zone | 20 | 25 | 5 | 25% |
| 22500(D) | Within 15' of the Driveway | 20 | 25 | 5 | 25% |
| 22500(E) | Blocking Driveway | 20 | 25 | 5 | 25% |
| 22500(F) | On any Portion of a Sidewalk | 20 | 25 | 5 | 25% |
| 22500(G) | Alongside or Opposite any Street | 20 | 25 | 5 | 25% |
| 22500(H) | Double Parked | 20 | 25 | 5 | 25% |
| 22500(I) | Wheelchair Unloading Zone/Bus | 20 | 25 | 5 | 25% |
| 22500(J) | In a Tube or Tunnel | 20 | 25 | 5 | 25% |
| 22500(K) | Upon a Bridge | 20 | 25 | 5 | 25% |
| 22500(L) | Blocking Wheelchair Access | 275 | 275 | 0 | 0% |
| 22502(A) | Parked against Traffic | 30 | 30 | 0 | 0% |
| 22502(A)1 | 18" from Curb | 30 | 30 | 0 | 0% |
| 22504A | Parking on Highway | 30 | 30 | 0 | 0% |
| 22505B | State Highway Posted | 20 | 25 | 5 | 25% |
| 22507.8(A) | Handicapped Parking Only | 275 | 275 | 0 | 0% |
| 22507.8(B) | Obstruct, Block bar Access DP | 275 | 275 | 0 | 0% |
| 22514 | Not Parked 15' from Fire Hyd. | 30 | 30 | 0 | 0% |
| 22515(A) | Unattend Veh Engine Running | 20 | 25 | 5 | 25% |
| 22516 | Parking Locked Veh w/Occupant | 35 | 35 | 0 | 0% |
| 22517 | Veh Door opened on Traffic | 35 | 35 | 0 | 0% |
| 22521 | Park On/Within 7' of RR Tracks | 40 | 35 | -5 | -13% |
| 22523A/B | Vehicle Abandonment | 140 | 140 | 0 | 0% |
| 27155 | Fuel Tank Caps Required | 70 | 70 | 0 | 0% |
| County Code | | | | | |
| 11.08.030 | Red Curb (No Parking) | 50 | 50 | 0 | 0% |
| 11.08.030 | Time Limit (Green Curb) | 30 | 30 | 0 | 0% |
| 11.08.080 | Diagonal Parking Required | 5 | 25 | 20 | 400% |
| 11.08.090 | Commercial Vehicle, Trailer | 50 | 50 | 0 | 0% |
| 11.12.040 | Time Limit (White Curb) | 30 | 30 | 0 | 0% |
| 11.20.040 | Alley Parking | 25 | 25 | 0 | 0% |
| 11.36.020 | Selling vehicle from roadway | 20 | 30 | 10 | 50% |

Parking Penalty Survey

Exhibit B

| Code | Description | 2009 Jud. | | | | | | | | | | | Average | Current Stan. County | Proposed Stan. County | Net Change | Percent Change | |
|--------------|----------------------------------|-----------|--------|---------|---------|--------|---------|-----------|-----------|---------|-----------|-----|---------|----------------------|-----------------------|------------|----------------|--|
| | | Council | Ceres | Hughson | Modesto | Newman | Oakdale | Patterson | Riverbank | Turlock | Waterford | | | | | | | |
| Vehicle Code | | | | | | | | | | | | | | | | | | |
| 4000A | Expired Registration | 180/25 | 180/25 | 135 | 195 | 50 | 50 | 50 | 135 | 50 | 135 | 100 | 76 | 100 | 24 | 32% | | |
| 4461B | Misuse of Handicapped Placard | | 300 | | | | | 275 | | | | 288 | 25 | 275 | 250 | 1000% | | |
| 4462A | Wrong Plate or Tab on Vehicle | 102/25 | 102/25 | 76 | | | | | | | 50 | 63 | | 65 | New | | | |
| 4462B | Reg Presented for Wrong Person | | | 76 | | | | | | 50 | 50 | 69 | 76 | 70 | -6 | -8% | | |
| 4464 | Altered License Plate | 102/25 | 102/25 | | | | | 100 | | 76 | | 88 | | 100 | New | | | |
| 5200 | License Plate Missing | 102/25 | 102/25 | 35 | 113 | 25 | 20 | 20 | | 20 | 20 | 36 | 25 | 35 | 10 | 40% | | |
| 5200.1 | Covering License Plate | 102/25 | 102/25 | | | 25 | | | | | | 25 | 20 | 25 | 5 | 25% | | |
| 5201 | Plates Secure and Visible | 102/25 | 102/25 | 76 | | | | 20 | | 20 | | 39 | | 35 | 35 | | | |
| 5202 | No Plate on Vehicle at All | 102/25 | 102/25 | 76 | | | | | | 20 | | 48 | 20 | 50 | 30 | 150% | | |
| 5204 | No Current Tabs on Street | 102/25 | 102/25 | 76 | 113 | 50 | 20 | 20 | 76 | 25 | 10 | 49 | 76 | 70 | -6 | -8% | | |
| 21113 | Parking Permit Required | 138 | 138 | | | | | | | | | 138 | 5 | 25 | 20 | 400% | | |
| 21113A | Public Grounds or Institutions | | | | | 25 | 20 | 20 | | 20 | | 21 | | 25 | | | | |
| 21116A | Pkg./Drvg. on Levee/Canal Bank | | | | | | | 35 | | | | 35 | 42 | 35 | -7 | -17% | | |
| 21458(A)(2) | Loading Zone (Yellow Curb) | | 35 | 35 | 30 | 25 | 25 | 20 | 40 | 25 | | 29 | 30 | 30 | 0 | 0% | | |
| 21461(a) | Failure to Obey Sign | 138 | 138 | | | 35 | | 20 | 42 | 25 | 35 | 49 | 42 | 50 | 8 | 19% | | |
| 22500.1 | Fire Lane | 138 | 135 | 45 | | 25 | | 50 | | | | 64 | 20 | 65 | 45 | 225% | | |
| 22500(A) | Within an Intersection | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(B) | On a Crosswalk | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(C) | Between a Safety Zone | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(D) | Within 15' of the Driveway | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(E) | Blocking Driveway | | 30 | 35 | 30 | 25 | 20 | 20 | | 20 | 20 | 25 | 20 | 25 | 5 | 25% | | |
| 22500(F) | On any Portion of a Sidewalk | | 30 | 35 | | 25 | 20 | 20 | 20 | 20 | 20 | 24 | 20 | 25 | 5 | 25% | | |
| 22500(G) | Alongside or Opposite any Street | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(H) | Double Parked | | 30 | 35 | 30 | 25 | 20 | 20 | | 20 | 20 | 25 | 20 | 25 | 5 | 25% | | |
| 22500(I) | Wheelchair Unloading Zone/Bus | | | | | 25 | 20 | 20 | | 20 | | 21 | 20 | 25 | 5 | 25% | | |
| 22500(J) | In a Tube or Tunnel | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(K) | Upon a Bridge | | 30 | 35 | | 25 | 20 | 20 | | 20 | | 25 | 20 | 25 | 5 | 25% | | |
| 22500(L) | Blocking Wheelchair Access | | | 275 | | 275 | | 250 | | | | 267 | 275 | 275 | 0 | 0% | | |
| 22502(A) | Parked against Traffic | | 30 | 25 | 25 | 25 | | 20 | 20 | 20 | 20 | 23 | 30 | 30 | 0 | 0% | | |
| 22502(A)1 | 18" from Curb | | 30 | 35 | | | 20 | | | 20 | | 26 | 30 | 30 | 0 | 0% | | |
| 22504A | Parking on Highway | | | | | 25 | | 10 | | | | 18 | 30 | 30 | 0 | 0% | | |
| 22505B | State Highway Posted | | | | | 25 | | 20 | | | 35 | 27 | 20 | 25 | 5 | 25% | | |
| 22507.8(A) | Handicapped Parking Only | 900 | 300 | 275 | 305 | 275 | 275 | 275 | 275 | 250 | 250 | 276 | 275 | 275 | 0 | 0% | | |
| 22507.8(B) | Obstruct. Block bar Access DP | 900 | 300 | 275 | | | | 275 | | | | 283 | 275 | 275 | 0 | 0% | | |
| 22514 | Not Parked 15' from Fire Hyd. | | 35 | 35 | 40 | 25 | 20 | 20 | 30 | 30 | 20 | 28 | 30 | 30 | 0 | 0% | | |
| 22515(A) | Unattend Veh Engine Running | | 25 | | | 25 | | 20 | | 20 | 20 | 22 | 20 | 25 | 5 | 25% | | |
| 22516 | Parking Locked Veh w/Occupant | | | | | 25 | | 20 | | | 20 | 22 | 35 | 35 | 0 | 0% | | |
| 22517 | Veh Door opened on Traffic | | | | | | | 20 | | | | 20 | 35 | 35 | 0 | 0% | | |
| 22521 | Park On/Within 7' of RR Tracks | | 35 | | | | | 20 | | 50 | | 35 | 40 | 35 | -5 | -13% | | |
| 22523A/B | Vehicle Abandonment | 360 | 150 | 35 | | 100 | | 100 | | | | 96 | 140 | 140 | 0 | 0% | | |
| 27155 | Fuel Tank Caps Required | 102/25 | 102/25 | | | | | 20 | | | | 23 | 70 | 70 | 0 | 0% | | |
| County Code | | | | | | | | | | | | | | | | | | |
| 11.08.030 | Red Curb (No Parking) | | 45 | 45 | 30 | 25 | 40 | 20 | 50 | 50 | 20 | 36 | 50 | 50 | 0 | 0% | | |
| 11.08.030 | Time Limit (Green Curb) | | | | 30 | 25 | 25 | 20 | | | 20 | 24 | 30 | 30 | 0 | 0% | | |
| 11.08.080 | Diagonal Parking Required | | 30 | 35 | | 25 | 25 | 20 | 25 | | | 27 | 5 | 25 | 20 | 400% | | |
| 11.08.090 | Commercial Vehicle, Trailer | | 50 | 105 | 50 | | 50 | 50 | | 50 | 20 | 54 | 50 | 50 | 0 | 0% | | |
| 11.12.040 | Time Limit (White Curb) | | 30 | 35 | 30 | 25 | 25 | 20 | | 25 | | 27 | 30 | 30 | 0 | 0% | | |
| 11.20.040 | Alley Parking | | 35 | 35 | 30 | 25 | 25 | 20 | 25 | 25 | 20 | 27 | 25 | 25 | 0 | 0% | | |
| 11.36.020 | Selling vehicle from roadway | | 30 | 35 | | 25 | | | | | 20 | 28 | 20 | 30 | 10 | 50% | | |

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

May 05, 2010

**STANISLAUS COUNTY
NOTICE OF PROPOSED
ORDINANCES**

NOTICE IS HEREBY GIVEN that on May 18, 2010, at 6:30 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St, Modesto, CA, to consider waiving the second reading and the adoption of the following ordinances:

Ordinance C.S. 1074 amending existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA).

Ordinance C.S. 1075 amending existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA).

Ordinance C.S. 1076 adopting a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriffs Department (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1077 increasing existing fees collected by the Sheriffs Department for Carry Concealed Weapons Permits (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1087 increasing existing fees collected by the Sheriffs Department for Fingerprint Processing (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinances are available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: April 27, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates May 5, 2010

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

May 5th, 2010

(Signature)

Marie Dieckmann