



Agenda Report

Fullerton City Council

MEETING DATE: MAY 19, 2020

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: ROBERT DUNN, CHIEF OF POLICE

SUBJECT: SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES

SUMMARY

Consideration of resolution establishing parking penalties for parking violations and late payment penalties.

RECOMMENDATION

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Public Safety.

FISCAL IMPACT

Revenue received from parking violations fluctuates annually depending on the number of violations. Revenue increases will be reflected as part of the Fiscal Year 2020-21 budget adoption.

BACKGROUND

Historically, the City has established parking penalties as part of the City's annual resolution establishing fees and charges for municipal services. Because penalties for parking citations are a penalty rather than a fee for providing a municipal service, Staff recommends that City Council adopt a separate resolution establishing civil penalties for parking violations and late payment penalties.

DISCUSSION

California Vehicle Code (CVC) Section 40200 provides that parking violations are subject to civil penalties, which shall be governed by the civil administrative procedures set forth in the CVC. CVC Section 40203.5(a) provides that 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. Section 40203.5(a) further provides that issuing agencies within the same county shall standardize parking penalties to the extent possible.

As outlined above, the City has historically established parking penalties for violations of the Fullerton Municipal Code (FMC) and CVC as part of the annual resolution establishing fees for municipal services. However, because parking penalties are a penalty for a violation rather than a fee for a service provided, Staff recommends establishing a separate resolution to establish parking penalties and late payment penalties.

The proposed schedule of penalties is set forth in Exhibit A of Attachment 1. The amounts for individual violations are the same as were established for the 2019-20 Fiscal Year, with the exception that any fee that was \$53 is increased to \$54 so that there are not penalties in the amount of \$53 and \$54. Staff has compared the City's parking penalty amounts against those of other jurisdictions in Orange County and determined that the amounts are consistent.

In addition to setting forth penalties for parking violations under the FMC and the CVC, the proposed schedule outlines late penalty amounts. A late payment penalty is applied if payment for a parking citation is not received within 30 days of the date the citation was issued. The City currently charges a \$28 late payment penalty regardless of the amount of the underlying parking penalty. This means that, whether an individual receives a citation with a fine of \$39 or a fine of \$125, if payment is not received within 30 days of citation issuance, the late payment penalty would be \$28. Staff believes that it would be more equitable to impose a late payment penalty of 50% of the base fine amount. The result would be that a person that receives a \$39 citation and does not pay within 30 days of citation issuance would be subject to a \$19 late payment penalty, while a person that receives a \$125 citation and does not pay within 30 days of issuance would be subject to a \$63 late payment penalty (penalties must be charged in whole dollar amounts and are therefore rounded to the next dollar).

The proposed resolution and schedule also provide for escalating penalties for repeat violations of the same provisions of the FMC or the CVC. At the discretion of the issuing officer, if a person has a subsequent violation of the same section of the FMC or the CVC, such person may be subject to a penalty equal to double the initial penalty for a

subsequent violation within one year of the first violation, and a penalty equal to triple the initial penalty for third and subsequent violations of the same section within two years of the first violation.

Finally, the proposed resolution provides that there will be a penalty of \$35 for any returned check, credit card, debit card or other electronic payment for non-sufficient funds.

Attachments:

- Attachment 1 – Draft Resolution No. 2020-XX
- Attachment 2 – Comparison of Fullerton 2019-20 Fines to 2020 Fines
- Attachment 3 – Comparison of Orange County Agencies' Fines