

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO: Honorable City Council**

**FROM: Ron Nelson, Captain** 

**DATE: June 2, 2010 (CC Meeting of 6/16/10)**

**SUBJECT: Consider Resolution Rescinding Resolution 98-1492 and Establishing a New Bail Schedule for Violations of the Moorpark Municipal Traffic Code, Which Apply to Vehicle Parking Violations**

**SUMMARY**

For consideration is a resolution rescinding the bail schedule established by the City Council in July 1998 regarding the Municipal Traffic Code relative to vehicle parking, and establishing a new bail schedule. All penalties for violations of the City of Moorpark's (City) code related to parking violations have been \$40, with the exception of unlawful parking in spaces designated for disabled persons, which has been \$280. The new proposed schedule sets the fines at \$55, and \$320 for disabled persons parking violations, with a proposed effective date of July 1, 2010.

**DISCUSSION**

In 1984, the City of Moorpark adopted its own municipal code sections addressing parking violations, pursuant to Vehicle Code Sections 22507. Use of the Municipal Code sections allow Moorpark Police and other City employees authorized to enforce the Municipal Code to cite parking violators using the Moorpark Municipal Traffic Code rather than the California Vehicle Code. Because the Municipal Code is cited, the City has retained the majority of fines collected for parking violations.

The last update to the City's bail schedule was made in 1998, Resolution 98-1492. Since that time, the fines for all parking violations, with the exception of violations related to unlawful parking in disabled persons parking stalls, have been set at \$40. The fine related to the blocking of, or unlawful parking in, spaces designated for disabled persons has been \$280, which was set in 1993.

Pursuant to Government Code Sections 76000(b), 76100 and 76101 adopted in 1991, the City was to impose a \$5.00 surcharge per parking citation to the County/State. This was not implemented and the City is obligated to remit such fees for a three-year period (FY 2009/10, FY 2008/09, and FY 2007/08) pursuant to applicable law. This is estimated to be about \$45,000. This required payment and another payment pursuant to California Senate Bill SB 1407 (SB1407) referenced below will be presented for City Council consideration in a separate report at a future City Council meeting.

Effective July 1, 2009, SB1407 requires local municipalities that collect parking citation fines to remit an additional \$4.50 to the County/State for fines collected from every parking citation. This brings the total County and State fees to \$9.50 for every parking citation fine collected by the City. Below is a breakdown of the fees that are required to be paid to the County and State, along with the related Government Code Sections that require the fees to be paid:

DESCRIPTION	AMOUNT	CODE SECTIONS
County/State Courthouse Construction Fund	\$2.50	GC 76100, GC 76000(b)
County/State Criminal Justice Facilities Construction Fund	\$2.50	GC 76101, GC 76000(b)
State Court Facilities Construction Fund (SB 1407)	\$1.50	GC 70372(b)
State Critical Needs Facilities Construction Fund (SB 1407)	\$3.00	GC 70372(b)
Total	\$9.50	

The parking fine amounts for several surrounding cities in Ventura County are compared below:

	Parking	Handicapped
Camarillo	\$35	\$280
Fillmore	\$35	\$250
Oxnard*	\$45-\$100	\$350
Simi Valley**	\$40-\$80	\$320
Thousand Oaks**	\$45	\$380
Ventura*	\$40-\$72	\$358

\* Oxnard, Ventura – Fines reflect a different amount based on the specific violation cited.

\*\* Simi Valley – Fines were revised in June 2009 and reflect a different fine amount based on the specific violation cited.

\*\*\* Thousand Oaks – Fines were revised in July 2009.

In an effort to keep up with current fine amounts being levied by surrounding cities, and in order to comply with the \$9.50 State and County surcharge requirements on parking citation fines, it is recommended that parking fines be increased from \$40 to \$55, and that the parking violations related to disabled persons parking stalls be increased from \$280 to \$320. See revised bail schedule as indicated in Exhibit "A" of the Draft Resolution.

### **FISCAL IMPACT**

The City of Moorpark collected fines associated with 3,513 parking citations during calendar year 2009. Assuming 2010 sees a similar amount of fines collected, the City will owe about \$16,000 to the County/State for all parking fines collected in 2010 pursuant to SB1407. If the parking citation bail schedule were updated as reflected in Exhibit "A," most of the increased fine amounts generated would be used to cover the required County/State fees. The City would see an increase of \$5.00 per parking citation, for a total estimated increase in revenue of about \$17,565.

### **STAFF RECOMMENDATION**

Adopt Resolution No. 2010-\_\_\_\_\_, rescinding the bail schedule established by the City Council Resolution #98-1492 regarding the Municipal Traffic Code relative to vehicle parking, and establishing a new bail schedule as reflected in Exhibit "A."

Attachments: Draft Resolution

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 98-1492 AND ESTABLISHING A NEW BAIL SCHEDULE FOR VIOLATIONS OF THE MOORPARK MUNICIPAL TRAFFIC CODE RELATED TO VEHICLE PARKING

WHEREAS, The City of Moorpark desires to increase bail amounts for parking violations in the City of Moorpark to be more reflective of bail amounts applied in the cities surrounding Moorpark; and

WHEREAS, establishing increased bail amounts for parking violations in the City of Moorpark will assist the City in paying required fees for each citation to the County/State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES RESOLVE AS FOLLOWS:

SECTION 1. Resolution No. 98-1492 is hereby rescinded effective July 1, 2010.

SECTION 2. That all infractions of the Moorpark Municipal Traffic Code which apply to vehicle parking, as listed in Exhibit "A" be subject to payment of a bail amount as specified therein.

SECTION 3. That all infractions of the Moorpark Municipal Traffic Code which apply to vehicle parking, as listed in Exhibit "A" which are not paid to the City of Moorpark within 14 days of the mailing of the notice of parking violation, shall be subject to a ten dollar late charge, in addition to the established bail amount referred to in Exhibit "A."

SECTION 4. This resolution shall be effective and operative July 1, 2010.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of June, 2010.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit "A"

## EXHIBIT "A"

Municipal Code Section	Description	Bail Amount
10.04.150	Parallel parking over 18" from the Curb	\$55.00
10.04.160	Angle parking only zone	\$55.00
10.04.170	Time limit parking zones	\$55.00
10.04.180	Block, park, or stop in a "Disabled Person" space	\$320.00
10.04.190	Prohibited parking:	
	(a) Within an intersection	\$55.00
	(b) On a crosswalk (Except for a bus)	\$55.00
	(c) Within a safety zone	\$55.00
	(d) Within 15' from a fire station entrance or exit	\$55.00
	(e) Unattended vehicle within 15' of a fire hydrant	\$55.00
	(f) In front of a private or public driveway	\$55.00
	(g) On a sidewalk	\$55.00
	(h) Obstructing a construction zone	\$55.00
	(i) Double parking	\$55.00
	(j) No parking zone, red curb, or signs prohibiting	\$55.00
	(k) Traffic hazard	\$55.00
	(l) Across parallel parking stall lines	\$55.00
	(m) Beyond parking stall causing hazard	\$55.00
	(n) In a bus loading zone	\$55.00
	(o) On a bridge	\$55.00
	(p) Block sidewalk curb cutout for a wheelchair access	\$55.00
10.04.200	Prohibited or restricted parking	\$55.00
10.04.205	Oversized vehicle in prohibited location	\$55.00
10.04.210	Parking on a hill over 3% grade without turning wheels	\$55.00
10.04.220	72 hour parking limit	\$55.00
10.04.225	Overnight parking in a commercial zone	\$55.00
10.04.227	Living in a vehicle	\$55.00

10.04.240	(a)	Commercial vending near schools	\$55.00
	(c)	Commercial vendor with noise making device near school	\$55.00
10.04.250		Parking or stopping in a loading zone	\$55.00
10.04.260		Parking or stopping in a passenger loading zone	\$55.00
10.04.300		Commercial vehicle parking in residential area	\$55.00