

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Garrett Toy, Town Manager 
Christopher Morin, Chief of Police

Date: May 1, 2013

Subject: Adopt Resolution No. 13-20 Increasing Parking Bail Amounts Consistent with Other Marin Agencies

RECOMMENDATION

Adopt Resolution No. 13 – 20 increasing the Town's bail schedule for parking violations to allow for standardized parking penalties throughout the Marin County (*pursuant to CVC 40203.5(a)*).

DISCUSSION

The Town of Fairfax is a member of the Marin County Parking Authority JPA. Through the JPA, the Marin County Sheriff's Office has recommended that all the members standardize their bail amounts. California Vehicle Code 40203.5 states that "*governing bodies of jurisdictions shall establish parking penalties for their areas, and where possible, those same penalties shall be standardized with other agencies in the county*". Upon review, it was found that the Town of Fairfax has an overall fine structure that is considerably lower than most agencies.

Twice in the last five years, the Town of Fairfax has had to increase parking penalties to accommodate State laws that take a portion of each paid citation. Currently, various state and local violation fees total \$17.40 per citation. This amount is included in the total fine. Even with the mandated increases made, Fairfax still has some of the lowest parking penalties in the County of Marin. The attached spread sheets show a comparison of the posted fines for the various Marin jurisdictions, and how much increase would be required to bring fines consistent with other agencies as outlined in California Vehicle Code 40203.5. Prior to the two previous penalty increases, (that only covered increases in the state fees), the last changes made to our parking bail schedule by resolution were posted over 15 years ago in January 1998.

The preferred target date to implement changes is July 1, 2013.

Unlike a fee for service, parking fines are avoidable. Motorists who comply with the vehicle code and town ordinances will not incur any costs associated with current or proposed increased parking fines.

FISCAL IMPACT

With an increase in parking bail, there will be an increase of revenue with each paid parking ticket. The amount of any increase however is fluid depending upon the amount and type of violations observed and ticketed. A two year average of parking fine revenue received by the Town was \$26,000. Staff estimates that parking fine revenues will increase by \$15,000 annually.

ATTACHMENTS

Resolution No. 13-
Resolution Exhibit A
Fines comparison with proposed increases
Fine averages spreadsheet

RESOLUTION NO. 13- 20

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
APPROVING CHANGES TO THE CURRENT PARKING BAIL SCHEDULE TO BE
CONSISTENT WITH OTHER MARIN AGENCIES**

WHEREAS, the Fairfax Police Department strives to provide fair and consistent parking enforcement in line with other law enforcement agencies in Marin County, and

WHEREAS, the Town of Fairfax has some of the lowest parking fines within the county, and

WHEREAS, currently \$17.40 of each citation is paid to the State of California, and

WHEREAS, California State law allows cities and towns to recover the amounts paid to the state by increasing parking fines, and

WHEREAS, increasing fines for specific parking violations can improve compliance by drivers, while increasing safety within our community, and

WHEREAS, the proposed revised Parking Bail Schedule attached as Exhibit A would be consistent with other local jurisdictions' fines,

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fairfax does hereby adopt the Parking Bail Schedule attached as Exhibit A to take effect July 1, 2013.

PASSED AND ADOPTED at a regular meeting of the Fairfax Town Council on the 1st day of May, 2013 by the following vote, to wit:

AYES:

NOES:

ABSENT:

JOHN REED, MAYOR

Attest:

Deputy Town Clerk

Proposed Uniformity
Parking Bail Schedule 2013

EXHIBIT A			
Ticket Codes	Offense	Fairfax Current	New Fee
4.2 UTO	Obey Traffic Control Device:	\$28.00	\$45.00
10.3 UTO	Red Zone	\$38.00	\$100.00
10.4 UTO	Parked Over 72 Hours	\$98.00	\$180.00
10.5 UTO	Parked for Sale (public display)	\$33.00	\$45.00
10.9(c) UTO	Less than 12 Foot Clearance	\$38.00	\$100.00
10.9(d) UTO	Commercial Vehicle in Residential Area	\$28.00	\$45.00
10.10 UTO	Failure to Curb/Block Wheels on 3% Grade	\$33.00	\$50.00
11.-11.3.1 UTO	Overtime Parking: 30 Min 1 2 3 4 HR	\$23.00	\$40.00
11.6 UTO	Parking Lot, Contrary to Signs/Markings	\$28.00	\$50.00
11.7 UTO	Posted No Parking: (fill in the blank)	\$33.00	\$53.00
11.8 UTO	No Parking Commercial Area 2AM/6AM	\$28.00	\$106.00
12.3/12.4 UTO	Loading Zone: Yellow/White	\$28.00	\$50.00
14.5 UTO	Metered Parking	\$23.00	\$45.00
21210 VC	Bicycle Blocking Sidewalk	\$23.00	\$45.00
21211 (b)VC	Parking in Bike Lane	\$28.00	\$113.00
21458 (a)(1)	Red Zone	\$38.00	\$100.00
21458 (a)(2)	Yellow Zone	\$28.00	\$50.00
21458 (a)(3)	White Zone	\$28.00	\$50.00
21458 (a)(4)	Green Zone	\$23.00	\$50.00
21458 (a)(5)	Blue Zone - Disabled Parking Only	\$283.00	\$335.00
22500.1 VC	Fire Lane	\$33.00	\$163.00
22500 (a) VC	In Intersection	\$28.00	\$68.00
22500 (b) VC	In Crosswalk	\$28.00	\$68.00
22500(c) VC	Parked in Safety/Red zone	\$38.00	\$100.00
22500 (d) VC	Parked in Fire Safety Zone	\$38.00	\$163.00
22500 (e) VC	In Front of Driveway	\$28.00	\$68.00
22500 (f) VC	On Sidewalk	\$28.00	\$68.00
22500 (g) VC	Obstructing Traffic	\$28.00	\$68.00
22500 (h) VC	Double Parked	\$28.00	\$68.00
22500 (i) VC	In Bus Stop	\$253.00	\$303.00
22500 (k)(1) VC	Blocking Wheelchair Access to Sidewalk	\$283.00	\$335.00
22502 (a) VC	18 Inches from Curb/Wrong Way	\$28.00	\$61.00
22502 (e) VC	Curb Parking - One Way Street	\$23.00	\$45.00
22507.8 (A) VC	Blue Zone - Disabled Parking Only	\$283.00	\$335.00
22507.8 (B) VC	Blocking Access to Disabled Parking	\$283.00	\$335.00
22507.8 (C) VC	Disabled Parking - Crosshatched area	\$283.00	\$335.00
22511.1(a) VC	EV - parked not charging	\$45.00	\$45.00
22511.1(b) VC	EV - Non EV parked in or blocking access to charger	\$100.00	\$100.00
22511.56 VC	Misuse of Disabled Placard	\$500.00	\$500.00
22514 VC	Within 15 Feet of Fire Hydrant	\$33.00	\$163.00
22515 VC	Unattended Vehicle with Motor Running	\$33.00	\$88.00
22516 VC	Unattended / Occupant unable to get out	\$28.00	\$122.00
22522 VC	Blocking Access Ramp	\$283.00	\$305.00
22523 VC	Abandoned Vehicle	\$273.00	\$270.00
22526 VC	Blocking intersection	\$100.00	\$100.00
40225 (C) VC	Mechanical Violation Reduced Fine	\$10.00	\$10.00
4000 (a) VC	Expired Registration	\$68.00	\$196.00
5200 CVC	Display of Plates, placement when 1 or 2 plates issued (missing plate)	\$68.00	\$114.00
5202 CVC	Period of Display, license plates shall be attached (and wrong plates attached)	\$68.00	\$114.00
5204 (a) VC	Expired Reg. Tabs (missing tabs)	\$68.00	\$114.00
10.040.050 FTC	Blocking Private Gate	\$23.00	\$45.00
10.08.060 FTC	No Parking on Private Property w/o Owner's Consent	\$28.00	\$45.00
10.12.010 FTC	Tow Away Zone	\$38.00	\$66.00
999999	all other parking violations	\$23.00	\$45.00
	UTC=Uniform Traffic Ordinance		
	FTC=Fairfax Town Code		
	VC or CVC=California Vehicle Code		
	VC Items in Italics, are codes which Fairfax currently does not have fines established for, but probably should have.		

Marin Parking Authority
 AVERAGE FINE COMPARISON

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.

			A	B	C	D	E
	CODE	DESCRIPTION	HIGH BAIL	PROPOSED NEW FEE	Average Fine	Fairfax	Variance (Col. B - Col. D)
CVC	4000(A)	Expired Registration / No Fees Paid	196	196	132	68	\$ 128
CVC	4457	Mutilated license plate	76	114	76		
CVC	4462(b)	Reg Presented for Wrong Vehicle	76	114	76		
CVC	4464	Altered License Plate	93	114	90		
CVC	5200	Missing License Plate	114	114	89		
CVC	5201	Obstructed plate	93	114	73		
CVC	5201.F	License plate cover	93	114	93		
CVC	5202	Wrong plates	93	114	93		
CVC	5204	Missing Registration Tabs	114	114	88	68	\$ 46
CVC	21113(A)	Illegally parked ON PUBLIC GROUNDS / Pos	60	60	34		
CVC	21210	Bicycle Blocking Sidewalk	35	40	29	23	\$ 17
CVC	21211(b)	Parked in Bicycle Lane	113	113	56	28	\$ 85
CVC	21458(A)	Red Zone	66	100	45	38	\$ 62
CVC	21458(A)(2)	Yellow Zone	50	50	31	28	\$ 22
CVC	21458(A)(3)	White Zone	50	50	31	28	\$ 22
CVC	21458(A)(4)	Green Zone	50	50	33	23	\$ 27
CVC	21458(A)(5)	Blue Zone - Disabled Parking Only	335	335	274	283	\$ 52
CVC	21718	Parked on Shoulder freeway	25	40	25		
CVC	22500.1	Fire Lane	163	163	97	33	\$ 130
CVC	22500(A)	Parked in Intersection	68	68	45	28	\$ 40
CVC	22500(K)	No Parking on Bridge	33	40	27		
CVC	22500(k)(1)	Blocking Wheelchair Access to Sidewalk	335	335	278		
CVC	22500(B)	Parked in Crosswalk	68	68	39	28	\$ 40
CVC	22500(C)	Parked in Safety / Red Zone	66	100	66		
CVC	22500(d)	Parked in Fire Safety Zone	150	163	78		
CVC	22500(E)	Blocking public/private Driveway	68	68	40	28	\$ 40
CVC	22500(F)	Parked on / Blocking Sidewalk	68	68	39	28	\$ 40
CVC	22500(G)	Obstructing Traffic	68	68	43	28	\$ 40
CVC	22500(H)	Double Parked	68	68	36	28	\$ 40
CVC	22500(I)	Parked in Bus Stop / Red Zone	303	303	216	253	\$ 50
CVC	22502(A)	Parallel Parking 18" from Curb	61	61	34	28	\$ 33
CVC	22502(B)	Parked facing wrong direction on street	61	61	35	28	\$ 33
CVC	22502(E)	Curb Parking / One Way Street	38	40	31	23	\$ 17
CVC	22505(A)	Restricted Highway Parking	36	40	36		
CVC	22505(B)	Parked in Posted No Parking	53	53	38	33	\$ 20
CVC	22507(a)	Preferential Parking / Posted Sign	45	40	30	23	\$ 17
CVC	22507.5(A)	Prohibited/Restricted Parking between 2AM-6A	106	106	67	28	\$ 78
CVC	22507.8(A)	Handicapped Parking	335	335	274	283	\$ 52
CVC	22507.8(B)	Blocking Handicap Access	335	335	274	283	\$ 52
CVC	22507.8(C)	Handicapped Parking - Crosshatched area	335	335	274	283	\$ 52
CVC	22511.1(a)	EV - EV parked not charging	27	40	27		
CVC	22511.1(b)	EV - Non EV parked in or blocking access to s	100	100	100		
CVC	22511.56	Misuse Disabled Placard	500	500	500		
CVC	22514	No Parking 15' of Fire Hydrant	156	163	58	33	\$ 130
CVC	22515	Unattended Vehicle Motor running	88	88	42	33	\$ 55
CVC	22516	Unattended / Occupnt unable to get out	122	122	118		
CVC	22518	Unon-commute vehicle in Park & Ride	27	40	27		
CVC	22520.5	Vending on/near Freeway	109	109	109		
CVC	22521	Parked on or near Railroad tracks	36	40	31		
CVC	22522	Parked near sidewalk access ramp	305	305	251	283	\$ 22
CVC	22523(A)	Abandoned vehicle on highway	288	288	237	273	\$ 15
CVC	22523(B)	Abandoned vehicle on private//public road	270	270	158	103	\$ 167
CVC	22526	Blocking intersection	68	100	52		
CVC	22951	Parking Lot -Street Parking	33	40	33		
CVC	23333	Stopped/parked in vehicle crossing	122	122	122		
CVC	40225(c)	MECHANICAL VIOLATION REDUCED FINE	10	10	10		
ALLIED AGENCY LOCAL CODE:							
UTO	4.2	Obey Traffic Control Device:	28	40	28	28	\$ 12
UTO	10.3	Red Zone	66	100	45	38	\$ 62
UTO	10.4	Parked Over 72 Hours	180	180	122	98	\$ 82
UTO	10.5	Parked for Sale (public display)	33	40	33	33	\$ 7

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	CODE	DESCRIPTION	HIGH BAIL	PROPOSEDN EW FEE	Average Fine	Fairfax	Variance (Col. B - Col. D)
UTO	10.9(c)	Less than 12 Foot Clearance	100	100	50	38	\$ 62
UTO	10.9(d)	Commercial Vehicle in Residential Area	28	40	28	28	\$ 12
UTO	10.10	Failure to Curb/Block Wheels on 3% Grade	50	50	40	33	\$ 17
UTO	11.-11.3.1	Overtime Parking 30 Minute	35	40	27	23	\$ 17
UTO	11.-11.3.1	Overtime Parking 2-hour	40	40	31	23	\$ 17
UTO	11.-11.3.1	Overtime Parking 3-hour	23	40	23	23	\$ 17
UTO	11.-11.3.1	Overtime Parking 4-hour	23	40	23	23	\$ 17
UTO	11.6	Parking Lot, Contrary to Signs/Markings	50	50	38	28	\$ 22
UTO	11.7	Posted No Parking: (fill in the blank)	53	53	38	33	\$ 20
UTO	11.8	No Parking Commercial Area 2AM/6AM	106	106	67	28	\$ 78
UTO	12.3/12.4	Loading Zone: Yellow/White	50	50	31	28	\$ 22
UTO	14.5	Metered Parking	50	45	35	23	\$ 22
FTC	10.040.050	Blocking private Gate	40	40	33	40	\$ -
FTC	10.08.060	No Parking on Private Property w/o Owner's C	28	40	28	28	\$ 12
FTC	10.12.010	Tow Away Zone	66	66	42	38	\$ 28