

## **RESOLUTION NO. 20-022 C.S.**

### **A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY ADOPTING AN ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE**

WHEREAS, on April 6, 1999, the City Council adopted Ordinance No. 3252 C.S., known as the Administrative Remedies Ordinance. One of the purposes of this ordinance was to establish an administrative citation process for civil enforcement of City Code violations; and

WHEREAS, on June 15, 1999, the City Council adopted Resolution 99-115, which established a schedule of administrative citation fines for violations of the City Code. The schedule has been amended on several occasions since its adoption;

WHEREAS, on December 3, 2019, the Council adopted Ordinance No. C.S., pertaining to sidewalk vending. The fine amounts related to this new ordinance are listed in §§32-3.02, 32-3.07, and 32-3.08 of the attached Administrative Citation Fine Schedule;

WHEREAS, the existing fine schedule indicates that for violations of any City Code section not specifically listed in the above schedule, the administrative citation fine for first-time violations shall be One Hundred Dollars (\$100.00). The attached Administration Citation Fine Schedule has been revised to list fines for first-time violations that are either above or below the default amount of \$100;

WHEREAS, the provisions of the schedule dealing with progressive fines for subsequent violations of the same code section have also been amended to reflect the \$1,000.00 cap on fines and penalties established by state law (Govt. Code §36901);

WHEREAS, Vehicle Code section 40203.5 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. The most recent amendments to the parking violations penalty schedule was in 2010 with the adoption of Resolution 10-158. The increases in the attached schedule reflect the \$12.50 mandated surcharge that is paid to the State of California and are consistent with regional standards in accordance with Vehicle Code section 40203.5(a); and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical

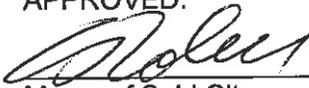
change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that it approves and adopts the Administrative Citation and Parking Violation Fine Schedule attached hereto as Exhibit A. All prior Resolutions adopting or amending the Administrative Citation Fine Schedule and Parking Penalty schedule that are inconsistent herewith are hereby repealed. This Resolution is effective immediately with the exception of the parking penalties under Chapter 20, Motor Vehicles and Traffic, and the penalties for Vehicle Code parking citations, which shall become effective on June 1, 2020.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 3rd day of March, 2020, by the following vote:

AYES:	4	COUNCILMEMBERS:	Albert, Haffa, Smith, Roberson
NOES:	1	COUNCILMEMBERS:	Williamson
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

  
\_\_\_\_\_  
Mayor of Said City

ATTEST:

  
\_\_\_\_\_  
City Clerk thereof

**ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE**      EXHIBIT A

CITY CODE SECTION	TITLE	FINE AMOUNT
	<b>Chapter 6. Animals and Fowl</b>	
6-2	Fowl running at large	\$ 75.00
6-3	Grazing/staking animal in public places	\$ 75.00
6-4	Restrictions on keeping animals generally	\$ 75.00
6-6	Restrictions on keeping domestic fowl	\$ 75.00
6-8	Sale, display of chicks, rabbits, ducklings, etc.	\$ 75.00
6-9	Games with animals	\$ 75.00
6-9.1	Feeding of wildlife	\$ 50.00
6-23	License not on dog	\$ 75.00
6-28	Vicious dog	\$ 500.00
	<b>Chapter 9. Building Regulations</b>	
9-1 thru 9-2	Violation of any adopted Uniform Code or City amendment thereto	\$ 500.00
9-18 thru 9-66	Violation of building regulations	\$ 500.00
	<b>Chapter 10. Cementerio El Encinal</b>	
10-4	Violation of cemetery rules and regulations	\$ 50.00
	<b>Chapter 13. Fire Protection</b>	
13-0.1 thru 13-1	Penalties for Violations	\$ 500.00
13-4	Prohibition of Fireworks	\$ 1,000.00
13-6.1	Discharge of hazardous substance	\$ 500.00
	<b>Chapter 14. Garbage and Refuse</b>	
14-5	Unauthorized collection of recyclables	\$ 50.00
14-16	Prohibited Disposable Food Service Ware	\$ 200.00
14-17	Additional Obligations	\$ 200.00
14-21(a)	Retail bag regulations (not Special Event)	\$ 200.00
14-24(c)	Special Event for 1-200 persons	\$ 200.00
	Special Event for 201-400 persons	\$ 400.00
	Special Event for 401-600 persons	\$ 600.00
	Special Event for 601 or more persons	\$ 1,000.00
	<b>Chapter 17. Harbor and Marina</b>	
17-5	Disposing of Refuge or other matter	\$ 250.00
17-14	Tampering with or damaging other vessel	\$ 250.00
17-18	Sale or delivery of fish	\$ 150.00
17-22	Use of wharves for storing of goods	\$ 150.00
17-27	Parking and loading restrictions	\$ 500.00
17-30	Diving prohibited from Wharf 2	\$ 250.00
17-41	Anchoring vessel inside mooring area or Fairway Channel	\$ 50.00
17-42	Transient berthing or mooring	\$ 50.00
17-45	Parking in designated stalls	\$ 35.00
17-46	Use of "Vehicle with Trailer" stall	\$ 35.00
17-47	Use of dock	\$ 25.00
17-48	Prohibition of commercial activity	\$ 250.00

## ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE

CITY CODE SECTION	TITLE	FINE AMOUNT
	<b>Chapter 20. Motor Vehicles and Traffic</b>	
20-6	Unauthorized barriers	\$ 73.00
20-22	Interference/obstruction of officers (tire-chalk removal)	\$ 98.00
20-37(a)(4), (b)	Blue curb - Disabled parking	\$ 350.00
20-37(a)(1), (b)	Parking or stopping in violation of curb markings (red)	\$ 125.00
20-37(a)(2), (b)	Parking or stopping in violation of curb markings (yellow)	\$ 48.00
20-37(a)(3), (b)	Parking or stopping in violation of curb markings (white)	\$ 48.00
20-37(a)(3), (b), 20-88(d)	Parking or stopping in violation of curb markings (mail box drop)	\$ 48.00
20-46	Obedience to barriers, signs erected by City or public utility	\$ 123.00
20-48.4	Alvarado Street Mall - vehicle regulations	\$ 125.00
20-59	Restrictions on use of truck routes	\$ 260.00
20-59.1	Parking of trucks restricted	\$ 273.00
20-66	No Parking Zone	\$ 125.00
20-67(f)	Parking in Roadway	\$ 125.00
20-68	Blocking Parkway Path	\$ 73.00
20-71	Failure to Curb Wheels	\$ 123.00
20-72	72 Hour Parking	\$ 123.00
20-74.2	Mobile Food Vending Vehicles - Required Permits and Licenses	\$ 250.00
20-74.3	Mobile Food Vending Vehicles - Regulations	\$ 250.00
20-77	24-minute zones	\$ 48.00
20-78	12-minute zones	\$ 48.00
20-79	1-hour zones	\$ 48.00
20-79.1	90-minute zones	\$ 48.00
20-80	2-hour zones	\$ 48.00
20-80.1	Three Hour Zone	\$ 48.00
20-80.2	Four Hour Zone	\$ 48.00
20-81.3	Parking in Permit Spaces/Misuse of Permit	\$ 125.00
20-85.3	No Overnight Parking - Fairgrounds Road	\$ 125.00
20-85.4	No Overnight Parking - Sand Dunes Drive	\$ 125.00
20-85.5	Regulation of Overnight Parking	\$ 125.00
20-48.4	Regulation of Vehicles - Alvarado Street Mall	\$ 125.00
20-185	Prohibition on Sale of Vehicles	\$ 48.00
20-84	Obedience to parking space markings - streets	\$ 48.00
20-86.2	Private lot - unauthorized parking	\$ 58.00
20-86.5	Parking of semi-trailers prohibited	\$ 123.00
20-86.6	Commercial vehicle double parking (Cannery Row)	\$ 123.00
20-88(d)	Use of loading and passenger zones	\$ 48.00
20-89	Unauthorized use of loading zone	\$ 48.00
20-90	Unauthorized use of passenger loading zone	\$ 48.00
20-95	Obedience to parking space markings - metered lots	\$ 48.00
20-99	Parking meter violation	\$ 48.00
20-102	Permit parking spaces	\$ 48.00
20-108	Vehicles to be parked in designated stalls	\$ 48.00
20-112	Head-in Parking Only	\$ 48.00
20-112.1	Moving vehicles within lots to avoid time limits	\$ 48.00

## ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE

CITY CODE SECTION	TITLE	FINE AMOUNT
20-112.2	Payment of prescribed parking fee required	\$ 48.00
20-166	Failure or refusal to remove abandoned vehicle	\$ 500.00
20-180	Parking of vehicles or trailers exceeding 20 feet in length and 6 feet 6 inches in height between 2:00 am and 6:00 am	\$ 250.00
20-185	Prohibition on Sale of Vehicles	\$ 48.00
California Vehicle Code Section	TITLE	FINE AMOUNT
22500(a)	Parked in Intersection	\$ 48.00
22500(b)	Parked on Crosswalk	\$ 48.00
22500(e)	Blocking Driveway	\$ 48.00
22500(f)	Parking on Sidewalk	\$ 48.00
22500(h)	Double Parking	\$ 48.00
22500(i)	Bus Parking	\$ 125.00
22500(l)	Parked in Curb Cut	\$ 350.00
22500.1	Fire Lane	\$ 157.00
22502(a)	Parking Over 18" From Curb or Class IV Bikeways	\$ 48.00
22502(b)(2)	Parked Against Traffic	\$ 48.00
22507.8	Disabled Parking - Private Lot	\$ 350.00
22514	Fire Hydrant	\$ 125.00
22515(a)	Failure to Set Parking Brake	\$ 48.00
22517	Unsafe Opening of Door	\$ 48.00
22522	Obstruct Disabled Access - Ramp	\$ 350.00
CITY CODE SECTION	TITLE	FINE AMOUNT
	<b>Chapter 22. Miscellaneous Offenses</b>	
22-4	Aggressive Solicitation and Prohibited Solicitations	\$ 50.00
22-6(a)	Curfew violation - by minor	\$ 25.00
22-6(b)	Curfew violation - responsibility of parent	\$ 50.00
22-9	Fire alarm systems - tampering with	\$ 500.00
22-9.1	Fire alarm - permit required	\$ 250.00
22-11	Gambling	\$ 500.00
22-12	Bicycles, roller skates, skateboards prohibited in certain areas	\$ 50.00
22-13	Reckless operation of bicycles, skateboards, skates on Rec Trail	\$ 50.00
22-14	Skateboards prohibited between Wharf 1 and Mty/PG limit	\$ 50.00
22-18	Noise - disturbing the peace	\$ 50.00
22-21	Weapons and firearms - certain acts prohibited	\$ 500.00
22-22	Switchblade knives - sale	\$ 500.00
22-23	Discharge of firearms	\$ 500.00
22-24	Nude conduct	\$ 250.00
22-26	Loitering in parking facilities	\$ 50.00
22-29	Smoking in public places	\$ 250.00
22-31.2	Certification required - massage therapist and massage practitioner	\$ 250.00
22-31.3	Massage Establishment - Permit Required	\$ 500.00
22-31.13	Massage Establishment - General Operating Requirements	\$ 500.00
22-32	Second-hand dealers	\$ 250.00

## ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE

CITY CODE SECTION	TITLE	FINE AMOUNT
22-33	Public restrooms - changing clothes, scuba equipment	\$ 50.00
22-34	Escort service	\$ 500.00
22-35.2	Graffiti Declared a Nuisance and Prohibited	\$ 250.00
	<b>Chapter 23. Parks and Lakes</b>	
23-3	Regulations in all recreation areas	\$ 50.00
23-5	Park closing hours	\$ 50.00
23-6	Flying remote control models	\$ 50.00
23-7	Solicitation in Scholze Park	\$ 50.00
23-8	Dogs in parks	\$ 50.00
23-8.5	Other animals in recreation areas	\$ 50.00
23-11	Golf prohibited	\$ 50.00
23-12	Group activities	\$ 50.00
23-22	Swimming	\$ 50.00
23-23	Boating	\$ 50.00
23-24	Fishing	\$ 50.00
23-25	Feeding of Birds and Animals	\$ 50.00
	<b>Chapter 31.5. Storm Water Management</b>	
31.5-12 thru 31.5-21	Discharge Prohibitions	\$ 500.00
	<b>Chapter 32. Streets, Sidewalks and Public Property</b>	
32-1	Discharging lighted cigarettes and other harmful items	\$ 250.00
32-3	Transacting private business on public property	\$ 250.00
32-3.02(a)	Sidewalk vending - permit required	See FN1
32-3.07	Sidewalk vending - general regulations	See FN2
32-3.08	Sidewalk vending - specific regulations	See FN3
	<b>Chapter 36. Taxicabs and Other Vehicles For Hire</b>	
36-23	Owner's permit - required	\$ 250.00
36-27	Driver's permit - required	\$ 250.00
	<b>Chapter 37. Preservation of Trees and Shrubs</b>	
37-3	Cutting, pruning or removal of trees on public property - permit required	\$ 1,000.00
37-8	Removal or damaging of trees on private property	\$ 1,000.00
	<b>Chapter 38. Zoning Ordinance</b>	
38-26(G)	R districts - Home occupations	\$ 250.00
38-26(L)	Commercial Vehicle in Residential Zone	\$ 113.00
38-26(O)	R districts and PC zone - Short term rentals	\$ 1,000.00
38-28(B)	C-1 zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-29(B)	C-2 zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-30(B)	C-3 zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-31(B)	C-O zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-32(B)	CR zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-40(B)	I-R zone - use not classified is prohibited (short term rentals)	\$ 1,000.00
38-111(E)	Combustibles and explosives	\$ 500.00

## ADMINISTRATIVE CITATION AND PARKING VIOLATION FINE SCHEDULE

CITY CODE SECTION	TITLE	FINE AMOUNT
38-111(G)	Hazardous and extremely hazardous materials	\$ 500.00

**Fine Amount Not Specified:** For administrative citation violations of any City Code section not specifically listed in the above schedule, the administrative citation fine for first-time violations shall be One Hundred Dollars (\$100.00). This does not apply to Chapter 20 Parking violation citations or Vehicle Code violation citations.

**Fine for Second Violation:** The administrative citation fine amount for a second violation of the same Monterey City Code section by the same person within a thirty-six (36) month period shall be equal to one hundred fifty percent (150%) of the fine amount listed in the above fine schedule and any amendments thereto. In no event, however, shall this increased fine amount exceed One Thousand Dollars (\$1,000) for any single citation. This does not apply where Footnotes 1-3, below, are applicable, to Chapter 20 Parking violation citations, or Vehicle Code violation citations.

**Fine for Third and Subsequent Violation:** The administrative citation fine amount for a third and any subsequent violations of the same Monterey City Code section by the same person within a thirty-six (36) month period shall be equal to two hundred percent (200%) of the fine amount listed in the above fine schedule and any amendments thereto. In no event, however, shall this increased fine amount exceed One Thousand Dollars (\$1,000) for any single citation. This does not apply where Footnotes 1-3, below, are applicable, to Chapter 20 Parking violation citations, or Vehicle Code violation citations.

**Delinquent Payments/Interest Rate:** Any administrative citation fine imposed pursuant to Monterey City Code section 1-9.2 and this fine schedule shall be deemed delinquent if not paid within thirty days from the date of issuance of the administrative citation, as provided for in MCC section 1-9.4. The delinquency penalty shall be equal to ten percent (10%) of the fine amount, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent (0.5%) per month, pro rata, of the total unpaid fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

**Footnotes (Sidewalk Vending):**

- FN1:           \$250 (first violation)  
                   \$500 (second violation within one year of first violation)  
                   \$1,000 (three or more violations within one year of the first violation)  
                   NOTE: the fine is not to exceed the amount set forth in Government Code section 51039(a)(3), as may be amended. Upon proof of a valid permit, the fine is reduced to the corresponding fines for Sections 32-3.07 and 32-3.08.
- FN2:           \$100 (first violation)  
                   \$200 (second violation within one year of first violation)  
                   \$500 (three or more violations within one year of the first violation)  
                   NOTE: the fine is not to exceed the amount set forth in Government Code section 51039, as may be amended.
- FN3:           \$100 (first violation)  
                   \$200 (second violation within one year of first violation)  
                   \$500 (three or more violations within one year of the first violation)  
                   NOTE: the fine is not to exceed the amount set forth in Government Code section 51039, as may be amended.