

October 18, 2005

Honorable Mayor and Members of  
The Hermosa Beach City Council

Regular meeting of  
October 25th, 2005

**PARKING ENFORCEMENT REPORT ON  
GRADUATED FINES FOR PARKING ON SIDEWALKS**

**RECOMMENDATION**

Staff recommends that Council provide direction to Staff on how to proceed.

**BACKGROUND**

At their regular meeting of September 13, 2005, the City Council received a written communication requesting a graduated increase in the fine amounts for repeated violations of Section 22500 (f) of the California Vehicle Code. Section 22500 (f) of the Vehicle Code states that it is illegal to park a motor vehicle on any portion of a sidewalk or to park a vehicle where the body of the vehicle extends over any portion of the sidewalk. The current fine for this violation is \$30.00. A total of 525 citations were issued to date for this violation in 2005.

**ANALYSIS**

Section 42001 of the Vehicle code allows for a graduated fine schedule for repeated violations of infractions of the Vehicle Code. Section 22500 (f) is one section that is eligible for a graduated fine schedule. Section 42001 of the Vehicle Code allows the following:

*First Offense – by a fine not exceeding one hundred dollars (\$100). The current fine is \$30.*

*For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding two hundred dollars (\$200).*

*For a third or any subsequent infraction occurring within one year of two or more prior infractions which resulted in convictions, a fine not exceeding two hundred fifty dollars (\$250).*

Therefore, if a violator received one citation for 22500 (f) and paid the current \$30 fine which would connote a conviction, a second violation occurring within one year could be fined up to \$200. Subsequent violations of this section within one year could entail a fine up to \$250. The Council can set the fine amounts and determine the number of citations required to graduate to the next fine level within the parameters established by 42001 VC.

After a careful review of the 525 citations issued for this code section to date in 2005 we found that the vast majority of repeat offenders received only two citations. This indicates that the current fine of \$30 is sufficient to achieve our enforcement goals. There were a small number of people who received between three and five citations and only two people who received more than six citations. This indicates that if we are going to consider a graduated fine schedule it would be appropriate to start charging the second tier fine commencing with the fifth citation and the third tier fine commencing with the sixth citation.

If the Council were to adopt a graduated fine schedule for Section 22500 (f) VC, the computer program that handles parking citations has the ability to track and identify repeated violators so the appropriate fine amount would be assessed at the time of payment.

If the Council were to adopt a graduated fine schedule for violations of Section 22500 (f) of the Vehicle Code, the Council would need to determine the fine amounts for the sixth violation and subsequent violations. If such fines were adopted, the City's bail schedule for parking violations would also need to be updated.

Respectfully submitted,

  
Thomas Eckert, Captain  
Hermosa Beach Police Department

  
Viki Copeland  
Finance Director

Concur:

  
Stephen Burrell  
City Manager