

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF CITY OF SAN JOSE
SETTING FORTH THE SCHEDULE OF PARKING
PENALTIES AND LATE PAYMENT PENALTY FOR
PARKING VIOLATIONS AND REPEALING RESOLUTION
NO. 74985, EFFECTIVE SEPTEMBER 15, 2010**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. SCHEDULE OF PARKING PENALTIES

The following parking penalties are hereby established for violations of San José Municipal Code (SJMC) and California Vehicle Code (CVC) regulations:

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
6.46.030	Mobilehome or trailer parking	250.50	9.50	260.00
11.16.120	Obedience to parking space markings	25.50	9.50	35.00
11.32.010	Unattended motor vehicle-keys in ignition	30.50	9.50	40.00
11.36.050	Parking not to obstruct traffic	40.50	9.50	50.00
11.36.060	Parked in parkways prohibited	35.50	9.50	45.00
11.36.080	Prohibited to stop, stand or park vehicles where "No Parking"	40.50	9.50	50.00

* California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.100	Parked for certain purposes prohibited	60.50	9.50	70.00
11.36.110	Parking on hills, curbing wheels	30.50	9.50	40.00
11.36.130	No parking on narrow streets	30.50	9.50	40.00
11.36.140	Parked in alleys	31.50	9.50	41.00
11.36.150	Park on left-hand side of one-way street restricted	30.50	9.50	40.00
11.36.170	Parking at an angle	30.50	9.50	40.00
11.36.190	Parking prohibited where use of street necessary for cleaning, repair or construction of street or installation of underground facility	35.50	9.50	45.00
11.36.200	Parking prohibited where use of street authorized for other than normal flow of traffic	31.50	9.50	41.00
11.36.210	Violation of terms of permit for loading or unloading	30.50	9.50	40.00
11.36.220	Use of streets for storage of vehicles prohibited	70.50	9.50	80.00
11.36.232	Parked for disabled persons	295.50	9.50	305.00
11.36.235	Reserved for disabled parking	295.50	9.50	305.00

* California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.250	Parked in excess of posted time limit; Sunday & Legal Holidays excepted	28.50	9.50	38.00
11.36.260	Stopping, standing or parking vehicles on certain streets, or portions thereof, during all or certain hours	32.50	9.50	42.00
11.36.280	Parking in reserved areas	40.50	9.50	50.00
11.36.290	Commercial vehicle parked on residential street	70.50	9.50	80.00
11.36.300	Parking restrictions commercial vehicle	75.50	9.50	85.00
11.36.320	Parking Circle-Drive	25.50	9.50	35.00
11.36.330	City Hall frontage parking restriction	25.50	9.50	35.00
11.36.340	City employee parking lots-permits - use	31.50	9.50	41.00
11.36.430	City Hall alley - parking restrictions	25.50	9.50	35.00
11.36.470	Minnesota Avenue - off-street lot parking	18.50	9.50	28.00
11.40.350	Parked out of space – metered	25.50	9.50	35.00
11.40.380	Expired/unpaid meter	25.50	9.50	35.00

* California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.40.390	Failure to operate meter, meter not fully activated	15.50	9.50	25.00
11.44.010	Failure to pay at lot	20.50	9.50	30.00
11.44.040	Storage lien off-street parking	20.50	9.50	30.00
11.44.100	Parking in marked spaces	18.50	9.50	28.00
11.44.120	Deposit of money in meter	20.50	9.50	30.00
11.44.130	Unlawful to park after time expired	20.50	9.50	30.00
11.44.140	Unlawful to extend time beyond limit	15.50	9.50	25.00
11.44.180	Leaving vehicle after receipt of meter violation	18.50	9.50	28.00
11.44.290	Deposit of money in meter -- airport parking	20.50	9.50	30.00
11.44.300	Unlawful to park after time expired -- airport	20.50	9.50	30.00
11.48.300	Residential parking permit required	50.50	9.50	60.00
11.49.300	SJSU student parking area restrictions	26.50	9.50	36.00
11.52.320	Freight loading zone, use restriction	30.50	9.50	40.00

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SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.52.330	Freight loading zone, time restriction	30.50	9.50	40.00
11.52.570A	Special freight loading zone permit required	30.50	9.50	40.00
11.52.570B	Violation of special freight loading zone permit – usage	30.50	9.50	40.00
11.54.030	Passenger loading zone, use restriction	30.50	9.50	40.00
11.54.040	Passenger loading zone, time restriction	30.50	9.50	40.00
11.98.060	Large vehicle parking	30.50	9.50	40.00
13.44.100	City Parks regulations	75.50	9.50	85.00
25.06.350	Airport parking regulations	30.50	9.50	40.00

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CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
21211(b)	Parked in a bike path/lane	40.50	9.50	50.00
21113(a)	Parked in violation of administrative rules	28.50	9.50	38.00
22500(a)	Parked in an intersection	40.50	9.50	50.00
22500(b)	Parked blocking a crosswalk	40.50	9.50	50.00
22500(c)	Parked in a safety zone	40.50	9.50	50.00
22500(d)	Parked w/in 15' of a fire station driveway	40.50	9.50	50.00
22500(e)	Parked blocking a driveway	40.50	9.50	50.00
22500(f)	Parked on/blocking sidewalk	40.50	9.50	50.00
22500(g)	Parked obstructing traffic – beside excavation	40.50	9.50	50.00
22500(h)	Double parked	40.50	9.50	50.00
22500(i)	Parked in a bus zone	270.50	9.50	280.00

* California Government Code Sections 70372, 76000, 76100, 76101

CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
22500(j)	Parked in a tunnel	40.50	9.50	50.00
22500(k)	Parked on a bridge	40.50	9.50	50.00
22500(l)	Parked blocking a disabled sidewalk access	295.50	9.50	305.00
22500.1	Parked in a fire lane	50.50	9.50	60.00
22502	Parked the wrong way/over 18" from the curb	25.50	9.50	35.00
22507.8	Parked in space reserved for disabled	295.50	9.50	305.00
22514	Parked w/in 15' of a fire hydrant	50.50	9.50	60.00
22515	Unattended unset parking brake	30.50	9.50	40.00
22521	Parked w/in 7' of a railroad track	30.50	9.50	40.00
22522	Parked blocking a disabled sidewalk access	295.50	9.50	305.00
22526	Entering an occupied intersection	100.50	9.50	110.00

* California Government Code Sections 70372, 76000, 76100, 76101

Section 2. LATE PAYMENT PENALTIES

Late payment penalties shall be added to the Total Penalties as follows:

A one-time late payment penalty of thirty-five dollars (\$35.00) shall be added if the Total Penalty has not been paid within ten (10) days of the mailing of the notice of delinquency.

Section 3. DEPARTMENT OF MOTOR VEHICLES SERVICE FEE

A service fee for unpaid parking penalties shall be added to the Total Penalties as follows:

A one-time service fee of three dollars (\$3.00) shall be added if the Total Penalty has not been paid within forty (40) days of the notice of parking violation and a hold has been placed on the vehicle registration through the Department of Motor Vehicles.

Section 4. CREDIT CARD SERVICE FEE

A one-time service fee of three dollars (\$3.00) for parking penalties paid by credit card shall be added to the Total Penalties, which shall be collected by the City or by the City's Parking Citation Processing and Collection contractor, to defer the cost of processing and collecting credit card payments.

Section 5. FRANCHISE TAX BOARD COLLECTION FEE

A collection fee for unpaid parking penalties and associated late payment penalties shall be added to the Total Penalties as follows:

A one-time collection fee of thirty-five percent (35%) of the Total Penalties owed shall be added if the Total Penalties have not been paid prior to the mailing of the Franchise Tax Board Pre-Intercept Notice.

* California Government Code Sections 70372, 76000, 76100, 76101

Section 6. Resolution No. 74985, setting forth the Schedule of Parking Penalties, effective July 1, 2009, is hereby repealed.

Section 7. The provisions of this resolution shall be operative commencing September 15, 2010.

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

* California Government Code Sections 70372, 76000, 76100, 76101