

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. 75555, EFFECTIVE JANUARY 1, 2011**

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	252.50	12.50	265.00
11.16.120	Obedience to parking space Markings	27.50	12.50	40.00
11.32.010	Unattended motor vehicle-keys in ignition	32.50	12.50	45.00
11.36.050	Parking not to obstruct traffic	42.50	12.50	55.00
11.36.060	Parked in parkways prohibited	37.50	12.50	50.00
11.36.080	Prohibited to stop, stand or park vehicles where "No Parking"	42.50	12.50	55.00
11.36.100	Parked for certain purposes prohibited	62.50	12.50	75.00

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

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.110	Parking on hills, curbing wheels	32.50	12.50	45.00
11.36.130	No parking on narrow streets	32.50	12.50	45.00
11.36.140	Parked in alleys	32.50	12.50	45.00
11.36.150	Park on left-hand side of one-way street restricted	32.50	12.50	45.00
11.36.170	Parking at an angle	32.50	12.50	45.00
11.36.190	Parking prohibited where use of street necessary for cleaning, repair or construction of street or installation of underground facility	37.50	12.50	50.00
11.36.200	Parking prohibited where use of street authorized for other than normal flow of traffic	32.50	12.50	45.00
11.36.210	Violation of terms of permit for loading or unloading	32.50	12.50	45.00
11.36.220	Use of streets for storage of vehicles prohibited	72.50	12.50	85.00
11.36.232	Parking for disabled persons	297.50	12.50	310.00
11.36.235	Reserved for disabled persons	297.50	12.50	310.00
11.36.250	Parked in excess of posted time limit; Sunday & legal holidays excepted	27.50	12.50	40.00

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

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.260	Stopping, standing or parking vehicles on certain streets, or portions thereof, during all or certain hours	32.50	12.50	45.00
11.36.280	Parking in reserved areas	42.50	12.50	55.00
11.36.290	Commercial vehicle parked on residential street	72.50	12.50	85.00
11.36.300	Parking restrictions commercial vehicle	77.50	12.50	90.00
11.36.320	Parking Circle-Drive	27.50	12.50	40.00
11.36.330	City Hall frontage parking restriction	27.50	12.50	40.00
11.36.340	City employee parking lots-permits-use	32.50	12.50	45.00
11.36.430	City Hall alley-parking restrictions	27.50	12.50	40.00
11.36.470	Minnesota Avenue- off-street lot parking	17.50	12.50	30.00
11.40.350	Parked Out of Space – Metered	27.50	12.50	40.00
11.40.380	Expired/Unpaid Meter	27.50	12.50	40.00
11.40.390	Failure to operate meter, meter not fully activated	17.50	12.50	30.00
11.44.010	Failure to Pay at Lot	22.50	12.50	35.00

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

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.44.040	Storage lien off-street parking	22.50	12.50	35.00
11.44.045	Off-Street Parking Restrictions	32.50	12.50	45.00
11.44.100	Parking in marked spaces	17.50	12.50	30.00
11.44.120	Deposit of money in meter	22.50	12.50	35.00
11.44.130	Unlawful to park after time expired	22.50	12.50	35.00
11.44.140	Unlawful to extend time beyond limit	17.50	12.50	30.00
11.44.180	Leaving vehicle after receipt of meter violation	17.50	12.50	30.00
11.44.290	Deposit of money in meter-airport parking	22.50	12.50	35.00
11.44.300	Unlawful to park after time expired airport	22.50	12.50	35.00
11.48.300	Residential parking permit required	52.50	12.50	65.00
11.49.300	SJSU student parking area restrictions	27.50	12.50	40.00
11.52.320	Freight loading zone, use restriction	32.50	12.50	45.00
11.52.330	Freight loading zone, time restriction	32.50	12.50	45.00
11.52.570A	Special Freight Loading Zone permit required	32.50	12.50	45.00

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

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.52.570B	Violation of Special Freight Loading Zone permit – usage	32.50	12.50	45.00
11.54.030	Passenger loading zone, use restriction	32.50	12.50	45.00
11.54.040	Passenger loading zone, time restriction	32.50	12.50	45.00
11.98.060	Large Vehicle Parking	32.50	12.50	45.00
13.44.100	City Parks Regulations	77.50	12.50	90.00
25.06.350	Airport Parking Regulations	32.50	12.50	45.00

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CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
21211(b)	Parked in a bike path/lane	42.50	12.50	55.00
21113(a)	Parked in violation of Administrative Rules	27.50	12.50	40.00
22500(a)	Parked in an intersection	42.50	12.50	55.00
22500(b)	Parked blocking a crosswalk	42.50	12.50	55.00
22500(c)	Parked in a safety zone	42.50	12.50	55.00
22500(d)	Parked w/in 15' of a fire station driveway	42.50	12.50	55.00
22500(e)	Parked blocking a driveway	42.50	12.50	55.00
22500(f)	Parked on/blocking sidewalk	42.50	12.50	55.00

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CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
22500(g)	Parked obstructing traffic – beside excavation	42.50	12.50	55.00
22500(h)	Double parked	42.50	12.50	55.00
22500(i)	Parked in a bus zone	272.50	12.50	285.00
22500(j)	Parked in a tunnel	42.50	12.50	55.00
22500(k)	Parked on a bridge	42.50	12.50	55.00
22500(l)	Parked blocking a disabled sidewalk access	297.50	12.50	310.00
22500.1	Parked in a fire lane	52.50	12.50	65.00
22502	Parked the wrong way/over 18" from the curb	27.50	12.50	40.00
22507.8	Parked in space reserved for disabled	297.50	12.50	310.00
22514	Parked w/in 15' of a fire hydrant	52.50	12.50	65.00
22515	Unattended unset parking brake	32.50	12.50	45.00
22521	Parked w/in 7' of a railroad track	32.50	12.50	45.00
22522	Parked blocking a disabled sidewalk access	297.50	12.50	310.00
22526	Entering an occupied intersection	102.50	12.50	115.00

* 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 service 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. 75555, setting forth the Schedule of Parking Penalties, effective September 15, 2010, is hereby repealed.

Section 7. The provisions of this Resolution shall be operative commencing on January 1, 2011.

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