RESOLUTION NO.75681

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ADMINISTRATIVE CITATION SCHEDULE OF FINES FOR CERTAIN VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE IN ORDER TO ESTABLISH ADMINISTRATIVE FINES FOR VIOLATIONS RELATED TO LICENSING AND REGULATION OF ESTABLISHMENTS ENGAGED IN THE SALE OF TOBACCO AND TOBACCO-RELATED PRODUCTS, AND REPEALING RESOLUTION NO. 75065, TO BE EFFECTIVE JANUARY 1, 2011

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

SECTION 1. STANDARD FINE: Except as otherwise specifically set forth in Section 2 below, the administrative citation fine amount for a first violation of the San José Municipal Code shall be Twenty-Five and no/100 Dollars ($25.00).

SECTION 2. NON-STANDARD FINES: The administrative citation fine amounts set forth below are hereby established for violation(s) of the San José Municipal Code sections listed below:

Section	Offense	Administrative Citation Fine
4.50.050	Sale of untaxed cigarettes	$500.00
4.50.070	Cigarette distributor records and statements requirements	$250.00
4.50.080	Reporting and remitting requirements	$250.00
4.76.300.C	Transfer of business license	$100.00
4.76.310	Failure to carry or post a business license	$50.00
4.76.320	Failure to display vehicle I.D. sticker (Business license); no transfer.	$75.00
4.76.770	Failure to produce business license upon demand	$75.00
4.78.450	Disposal Facility Tax- Reporting Requirements	$500.00
4.78.470	Disposal Facility Tax - Records Requirements	$250.00
6.02.100	Posting and Exhibition of Permit or License.	$250.00
6.08.050	Owner's License – Requirements	$250.00
6.08.070	Exhibitor's License – Requirements	$250.00

Section	Offense	Administrative Citation Fine
6.08.090	Display of License Sticker	$250.00
6.08.130	Owner's Limitation	$250.00
6.08.150	Use Restrictions	$250.00
6.16.040	No profit, wage or salary permitted	$250.00
6.16.050	Permit – Required	$250.00
6.18.020	Permit required for business sales	$250.00
6.18.080	Display of going out of business sale permit	$250.00
6.24	Compliance with chapter – Christmas Tree Sales (any violation of Chapter)	$100.00
6.26.010	Carnival and circus permit required	$100.00
6.30.010	Flower vendor permit required	$100.00
6.36.020	Handbill distribution - Prohibited when	$100.00
6.36.030	Handbill distribution without license	$100.00
6.39.080	Ice Cream Truck Business Permit required	$500.00
6.39.090	Employee and Trainee License required.	$250.00
6.39.210	Violations of Operating Regulations and Permit Conditions	$500.00
6.39.330	Failure to obtain a Trainee Work License	$150.00
6.44.090	Massage Business Permit required	$1,000.00
6.44.100	Massage Ownership/ Management License required	$500.00
6.44.110	Massage Therapy License required	$500.00
6.44.200	Violations of Operating Regulations and Permit Conditions	$1,000.00
6.46.030	Mobilehome or trailer parking	$100.00
6.46.040	Use of trailers for living or sleeping quarters	$100.00
6.50	Compliance with chapter – Patrol services/security (any violation of Chapter)	$250.00
6.52	Pawnbrokers and Secondhand dealers - permit requirements (any violation of Chapter)	$750.00
6.54.110	Peddlers Permit required	$250.00
6.54.140	Approved Location Permit required	$250.00
6.54.210	ID Display requirements	$100.00
6.54.205	Hours of Business	$250.00
6.54.220	Noise Restrictions for Peddlers	$250.00
6.54.240	Peddler Parking Restrictions	$250.00
6.54.295	Arena Peddling Prohibition Zone	$250.00
6.56	Compliance with chapter – Public pool and billiard rooms (any violation of Chapter)	$250.00

Section	Offense	Administrative Citation Fine
6.58.020	Public Dancehalls - Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.58.150(C)	Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.58.160	Event Promoters, Record Retention And Security Provided By Event Promoter	$1,250.00
6.60.040	Public Entertainment Business Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $1,250.00 $2,500.00 $5,000.00
6.60.060	Ownership/Management License Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $1,250.00 $2,500.00 $5,000.00

Section	Offense	Administrative Citation Fine
6.60.200(C)	Violations of Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.60.220	Conditional Use or Planned Development Permit First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $1,250.00 $2,500.00 $5,000.00
6.60.230	Noise	$500.00
6.60.240	Security	$1,250.00
6.60.250	Waiting Lines	$500.00
6.60.260	Presence of Persons Under Twenty-one (21) Years of Age	$1,250.00
6.60.270	Occupancy Limit	$1,250.00
6.60.280	Reporting Requirements	$1,250.00
6.60.290	Public Nuisance Prohibited First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $1,250.00 $2,500.00 $5,000.00
6.60.295	Event Promoters, Record Retention And Security Hired By Event Promoters	$1,250.00
6.62.200(A)	Event Promoter Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $1,250.00 $2,500.00 $5,000.00

Section	Offense	Administrative Citation Fine
6.62.210(B) & (C)	Event Promoter Permit Exemption	$1,250.00
6.62.300(C)	Violations of Operating Regulations and Conditions Not Otherwise Enumerated First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.62.310	Posting of Permit	$500.00
6.62.320	Identification Card Requirements	$500.00
6.62.330	Event Promotion Contract Required	$1,250.00
6.62.340	Record Keeping Required	$1,250.00
6.62.350	Designated On-Site Representative	$1,250.00
6.62.360	Other Legal Duties	$1,250.00
6.62.370	Security and Management Functions	$1,250.00
6.62.380(D)	Rules And Regulations First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.62.390	Violations Of Operating Regulations and Conditions for Persons Operating Pursuant to Exemption Under Section 6.62.210 First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 $500.00 $1,000.00 $1,500.00
6.62.420	Permit Nontransferrable	$1,250.00
6.62.430(A)	Change of Name	$500.00
6.62.440(B)	Applying for a Permit Following a Revocation	$1,250.00
6.64	Compliance with chapter - Taxi and limousine permits (any violation of Chapter)	$250.00
6.64.280	Additional passengers in taxicab	$250.00
6.64.390	Failure to submit to inspection	$250.00

Section	Offense	Administrative Citation Fine
6.64.450	Insurance requirements – taxicabs	$250.00
6.66.040	Tow car business permit required	$500.00
6.66.070	Employment of tow car business assistants - permit required	$250.00
6.66.080	Tow car business assistants – permit required	$250.00
6.66.240	Removal from private property under possessory lien-Towing	$500.00
6.66.250	Display of required documents-Towing	$250.00
6.66.270	Removal of vehicles from private property - approval required-Towing	$500.00
6.66.290	Tow car business – charges	$500.00
6.66.300	Removal of vehicles from private property – Responsibility of tow car company.	$250.00
6.66.310	Keeper liens – drop charges – removal of vehicles (Towing)	$250.00
6.66.320	Recordkeeping requirements (Towing)	$500.00
6.66.330	Required Signs - (Towing)	$250.00
6.70	Compliance with chapter – Vending Machines (any violation of Chapter)	$500.00
6.74.020	Display and storage of spray paint & marker pens	$1,000.00
6.80	Compliance with chapter - Peep shows (any violation of Chapter)	$500.00
6.82.110	Compliance with chapter – Window tinting at beverage service businesses First violation Second violation (in same year) Third violation (in same year)	 $250.00 $500.00 $1,000.00
6.82.120	Window tint specifications First violation Second violation (in same year) Third violation (in same year)	 $250.00 $500.00 $1,000.00
6.86.230	Property Maintenance (Off-Sale Alcoholic Beverage Establishment) First Violation Second Violation (within same year) Third Violation (within same year)	 $250.00 $500.00 $1,000.00
6.86.240(A)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Preventing Public Nuisance Activities First Violation Second Violation (within same year) Third Violation (within same year)	 $500.00 $1,000.00 $2,500.00

Section	Offense	Administrative Citation Fine
6.86.240(B)	Performance Standards (Off-Sale Alcoholic Beverage Establishment)—Produce State Department of Alcoholic Beverage Control license	$250.00
6.86.240(C)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Compliance with Section 23790.5 of the California Business and Professions Code by establishments engaged in the concurrent sale of off-sale alcoholic beverages and motor vehicle fuel First Violation Second Violation (within same year) Third Violation (within same year)	 $250.00 $500.00 $1,000.00
6.87.200	Tobacco Retail License Required First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.210	Tobacco Retail License Exemption First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.300	Operating Regulations and Conditions First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.305	Lawful Business Operation First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.310	Posting of License	$100.00
6.87.330	Positive Identification Required	$2,500.00
6.87.340	Minimum Age for Persons Selling Tobacco Products and Paraphernalia	$2,500.00

Section	Offense	Administrative Citation Fine
6.87.350	Self-Service Displays Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.360A	False and Misleading Advertising Prohibited	$2,500.00
6.87.360 B	False and Misleading Advertising Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.370	Limits on Location of Tobacco Retailing First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.380	Other Legal Duties First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.390D	Rules and Regulations First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
6.87.410	License Nontransferable	$500.00
6.87.435B	Separate License First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00

Section	Offense	Administrative Citation Fine
6.87.445	Updated Information First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 $500.00 $750.00 $1,000.00
7.20.010	Proper and Adequate Care of Animals Requirement – Compliance with provisions of Chapter 7.20, Part 1 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.050	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.20.300(A)	Dangerous Animal Confinement Requirement	$1,000.00 With no escalation of fines for subsequent violations
7.20.300(B)	Diseased Animal Prohibited	$1,000.00 With no escalation of fines for subsequent violations
7.20.310	Dead Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.320	Chain Collar Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.500(A)	Vaccination Required of Dogs and Cats First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.20.510	Veterinarian Vaccination Certificate Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00

Section	Offense	Administrative Citation Fine
7.20.520(A)	License Required of Adult Cats and Dogs First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.570	Metal Tags of Adult Cats and Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.580	Presentation of Adult Cat or Dog License on Request First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.20.700	Sale of Cats or Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.20.710	Immunization of Cats and Dogs and Disclosure Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.20.730	Location of Sale Restrictions First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.20.740	Raffle of Animals Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.30.010	Potentially Dangerous Dog Behavior Prohibited	$500.00 With no escalation of fines for subsequent violations
7.30.500(A)	Special Dog Permit Required	$1,000.00 With no escalation of fines for subsequent violations
7.30.540	Special Dog Permit Tag	$500.00 With no escalation of fines for subsequent violations
7.30.590	Requirements for Notification	$500.00 With no escalation of fines for subsequent violations

Section	Offense	Administrative Citation Fine
7.30.900	Potentially Dangerous, Dangerous, Vicious Dog Maintenance Requirement - Compliance with provisions of Chapter 7.30, Part 9 unless a separate fine amount is expressly provided for a section within the same part	$500.00 With no escalation of fines for subsequent violations
7.40.010	Public Nuisance Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.020	Maximum Number of Dogs, Cats, or Litters Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.030	Animals Running at Large Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.040	Restraint of Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.050	Dogs in Posted Off-Leash Areas Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.060	Bites by Dangerous Animals – Civil Damages	$1,000.00 With no escalation of fines for subsequent violations
7.40.070	Animal Bites- Quarantine Requirement	$1,000.00 With no escalation of fines for subsequent violations
7.40.080	Abandoned Animals Prohibited	$500.00 With no escalation of fines for subsequent violations
7.40.090	Neglect of Animals in Vehicles Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00

Section	Offense	Administrative Citation Fine
7.40.100	Animals in City Buildings Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.110	Poisoning and Abusing Domestic Animals	$1,000.00 With no escalation of fines for subsequent violations
7.40.120	Ban on Feeding Wild Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.130(A)	Animal Traps Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.40.130(B)	Requirements for Use of Animal Traps Not Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.40.140	Trapping and Snaring of Wild Birds Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.010	Animal Event and Animal Facility Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $500.00 $750.00 $1,000.00
7.60.020	Animal Event and Animal Facility - Compliance with provisions of Chapter 7.60, Part 1 unless a separate fine amount is expressly provided for a section within the same part	$500.00 With no escalation of fines for subsequent violations
7.60.050(D)	Application for Permit - Maintain records of persons from whom animals are received and sold, traded, or given.	$100.00 With no escalation of fines for subsequent violations
7.60.120	Excessive Noise Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00

Section	Offense	Administrative Citation Fine
7.60.130	Conditions Relating to Animal Events and Animal Facilities First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.60.500	Wild Swarms of Bees Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.510	Beekeeping Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.520	Beekeeping - Compliance with provisions of Chapter 7.60, Part 5 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.700(A)	Small Animals and Livestock Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.705	Small Animals and Livestock - Compliance with provisions of Chapter 7.60, Part 7 unless a separate fine amount is expressly provided for a section within the same part	$100.00 With no escalation of fines for subsequent violations
7.60.750	Small Animals and Livestock Confinement Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00
7.60.775	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
7.60.820	Roosters Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $100.00 $200.00 $300.00

Section	Offense	Administrative Citation Fine
7.60.910(A)	Permit Required for Dangerous Animal	$500.00 With no escalation of fines for subsequent violations
7.60.910(D)	Dangerous Animal Sign Posting Required	$500.00 With no escalation of fines for subsequent violations
7.60.990(C)	Compliance with Dangerous Animal Hearing Decision Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 $250.00 $500.00 $750.00
9.08.1470	Regulations or procedures – noncompliance unlawful	$500.00
9.08.1480	Permit required - domestic septic tank cleaning	$250.00
9.08.1510	Bond required – domestic septic tank cleaning	$250.00
9.08.1530	Insurance required - domestic septic tank cleaning	$250.00
9.08.1550	Outside wastes prohibited	$250.00
9.08.1560	Source certification	$160.00
9.08.1580	Improper discharges designated	$250.00
9.08.1590	Sludge and certain solids prohibited	$250.00
9.08.1610	Record of deliveries and billing of charges	$160.00
9.08.1620	Fees and charges - domestic septic tanks	$160.00
9.10.400	Improper handling of solid waste	$500.00
9.10.410	Improper storage or accumulation of solid waste	$500.00 per occurrence
9.10.420	Placement of garbage in garbage containers required	$50.00
9.10.430	Garbage container requirements, location	$500.00 With no escalation of fines for subsequent violations
9.10.440	Placement of rubbish in rubbish containers required	$50.00
9.10.450	Rubbish container requirements, location	$500.00
9.10.510	Unauthorized placement of solid waste	$50.00
9.10.520	Weekly disposal of solid waste	$500.00 With no escalation of fines for subsequent violations
9.10.530	More frequent disposal of solid waste	$500.00 With no escalation of fines for subsequent violations
9.10.540	Dangerous accumulation prohibited	$100.00
9.10.550	Collection and transportation of solid waste	$500.00

Section	Offense	Administrative Citation Fine
9.10.560	Interference with collector prohibited	$50.00
9.10.570	Doing business without authorization	$500.00
9.10.590	Failure to maintain records, failure to make records available for audit and inspection	$1,000.00
9.10.800	Unauthorized disposal of solid waste	$1,000.00
9.10.1040	Set out of residential solid waste	$50.00 With no escalation of fines for subsequent violations
9.10.1050	Unauthorized garbage containers	$50.00 With no escalation of fines for subsequent violations
9.10.1060	Unauthorized recyclables containers	$50.00 With no escalation of fines for subsequent violations
9.10.1070	Unauthorized waste oil containers	$50.00 With no escalation of fines for subsequent violations
9.10.1080	Recyclable materials set out requirements	$50.00
9.10.1090	Debris boxes for residential rubbish requirements	$500.00
9.10.1100	Unauthorized placement of solid waste or solid waste containers	First Violation: Warning notice Second Violation in 12 months: $500.00 Third Violation in 12 months: $1,000.00
9.10.1110	Unauthorized use of solid waste containers	$50.00 With no escalation of fines for subsequent violations
9.10.1350	Garbage collection authorization required	$2,500.00
9.10.1360	Rubbish collection authorization required	$2,500.00
9.10.1410	Placement of solid waste containers	$100.00
9.10.1420	Requirements for labeling solid waste containers	$50.00 per day per container, cumulative
9.10.1430A	Collection outside prescribed hours	$2,500.00
9.10.1500 (except E)	Central business district solid waste requirements	$50.00
9.10.1500E	Collection in central business district outside prescribed hours	$2,500.00
9.10.1510	Transit mall zone solid waste requirements	$50.00
9.10.1520F	Collection in transit mall zone outside prescribed hours	$2,500.00

Section	Offense	Administrative Citation Fine
9.34.030	Mosquito abatement	$750.00
9.36.150	Health effect warnings: Spanish and Vietnamese	$50.00
9.44.010a	Smoking prohibited	First Violation: $250.00 Second Violation within one year period: $500.00 Third Violation within one year period: $1,000.00
9.44.010b	Allowing Smoking	First Violation: $250.00 Second Violation within one year period: $500.00 Third Violation within one year period: $1,000.00
9.45.020	Tobacco Vending Machines Prohibition	$500.00
9.50.030	Aerial release of pesticides	$500.00
9.52.030	Aerial release of pesticides	$500.00
9.54.010	Discing to vacant parcels that are over two (2) acres in size	$2,500.00
9.56.410	Polystyrene Foam Ban	$500.00
9.57.300	Real and Personal Property Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	 $250.00 $500.00 $1,000.00
9.57.310	Motor Vehicles, Boats and Trailers Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	 $250.00 $500.00 $1,000.00
9.60.300	Cart abandonment prohibited	$50.00
9.60.320	Unauthorized removal of carts prohibited First violation (in same year) Second violation (in same year) Third violation (in same year)	 $50.00 $100.00 $250.00
9.60.330	Compliance with abandoned cart prevention plan First violation (in same year) Second violation (in same year) Third violation (in same year)	 $50.00 $100.00 $250.00
10.04.010	Interception of police broadcasts	$500.00
10.08.010	Obstructing pedestrians on public ways	$500.00

Section	Offense	Administrative Citation Fine
10.08.020	Obstructing entrances to places of public assembly	$500.00
10.08.030	Impeding access to health care facilities	$1,000.00
10.09.010	Targeted residential picketing	$1,000.00
10.09.015	Picketing before or about a residential dwelling prohibited	$1,000.00
10.12.010	Drinking alcoholic beverages on street	$50.00
10.12.030	Nudity in public	$250.00
10.12.110	Public urination and defecation prohibited	$100.00
10.16.010	Disturbing the peace	$100.00
10.16.030	Loudspeakers projecting noise outside	$250.00
10.20.020	Damaging city or public property	$500.00
10.20.140	Trespass on private property	$250.00
10.20.150	Trespass on city property	$250.00
10.24.100	Solicitation of tow service at location of certain occurrences	$500.00
10.28.120	Youth Protection Curfew	$50.00
10.32.010	Discharge of firearms	$1,000.00
10.32.020	Restriction on weapons for persons under 18 yrs. Old	$1,000.00
10.32.140	Prohibition of bows and crossbows	$1,000.00
10.32.150	Weapons - Dart projectors	$1,000.00
10.38.010	Minors prohibited from premises: owner's responsibility (Paraphernalia)	$750.00
10.38.020	Minors excluded (Paraphernalia)	$750.00
10.38.030	Sale and display room (Paraphernalia)	$750.00
10.39.100	Marketing, importing, selling imitation drug paraphernalia	$1,000.00
10.42.140B*	False alarms Second false alarm within 12 months of initial false alarm Third false alarm within 12 months of initial false alarm Fourth and subsequent false alarms within 12 months of initial false alarm *To be effective July 31, 2009, pursuant to Resolution No. _____, adopted on 6-16-09	 $125.00 $200.00 $300.00
10.46.030	Failure of driver to obey lawful order to divert/ detour: First offense Second offense Third offense	 $50.00 $100.00 $500.00

Section	Offense	Administrative Citation Fine
11.14	Compliance with Chapter – Limitation on Hours of Construction in City Streets (any violation of chapter) First offense Second Offense (within 12-month period following first offense)	 $500.00 $1,000.00
11.32.070	Restrictions on use of county expressways	$50.00
11.34.010	Cruising prohibited: First offense Second offense Third offense	 $100.00 $150.00 $250.00
11.34.070	Cruising violation	$100.00
11.44.340	Improper use of meter – airport	$9.00
11.61.010	Prohibition on Police Escorts for Private Processions	$500.00
11.62.010	Permit required for private funeral escorts	$500.00
11.62.020	Authorized traffic direction	$250.00
11.62.090	Nontransferability of permits	$250.00
11.62.160	Private processions must obey all traffic laws	$250.00
11.64.020	Standing in roadway	$50.00
11.72.070	Change of address notice required	$6.00
11.72.100	Locking bicycle	$6.00
11.72.130	Permits for bicycle racks	$6.00
11.80.030	Operation of motorcycles on public property	$55.00
11.80.040	Landowners' permission required for operating motorcycle on private property	$50.00
11.96.070	Restricted streets - 5 tons	$100.00
11.96.080	Restricted streets - 7 tons	$100.00
13.12.020	Parade permit required	$250.00
13.16.010	Temporary street closure: Permit required	$250.00
13.18	Compliance with chapter-Newsrack regulations (any violation of Chapter)	$250.00
13.20.010	Display or storage on sidewalk	$100.00
13.20.030	Signs	$250.00
13.20.050	Painting numbers on curbs	$250.00
13.28.070	Permit required-Tree planting	$50.00
13.28.080	Interference with street crews or injuring trees prohibited	$500.00
13.28.110	Tree damage due to moving objects on public streets	$100.00
13.28.120	Permit required for use of public street trees for electrical lines	$100.00

Section	Offense	Administrative Citation Fine
13.28.130	Permit required:	
	Tree Pruning:	
	00.0 " - 6" dia.	$150.00
	over 6" – 12" dia.	$175.00
	over 12" – 18" dia.	$200.00
	over 18" – 24" dia.	$225.00
	over 24" dia.	$250.00
	Tree Removal:	
	00.0 " - 6" dia.	First Violation: $500.00 Second Violation within 3 years: $1,000.00 Third Violation within 3 years: $1,500.00
	over 6" – 12" dia.	First Violation: $750.00 Second Violation within 3 years: $1,500.00 Third Violation within 3 years: $2,500.00
	over 12" – 18" dia.	First Violation: $1,000.00 Second Violation within 3 years: $2,000.00 Third Violation within 3 years: $3,000.00
	over 18" – 24" dia.	First Violation: $1,500.00 Second Violation within 3 years: $3,000.00 Third Violation within 3 years: $4,500.00
	over 24" dia.	First Violation: $2,000.00 Second Violation within 3 years: $4,000.00 Third Violation within 3 years: $6,000.000
13.28.150	Sight obstructions-shrubs on private property	$75.00
13.28.190	Property owners required to maintain trees/shrubs / hedges	$75.00
13.28.350	Interference with enforcement of Chapter 13.28	$75.00

Section	Offense	Administrative Citation Fine
13.32.030 and 13.32.040	Tree removal permits required on private property	$1,000.00
13.32.090 and 13.32.140	Destruction of heritage trees	First Violation; $10,000.00 Second Violation within 3 years: $20,000.00 Third Violation within 3 years: $30,000.00
13.36.140	Compliance with Construction Impact Mitigation Ordinance or Plan (when required)	$5,000.00 per day
13.44.020	Failure to comply with rules at City park	$100.00
13.44.040	Special uses in parks - permit required	$250.00
13.44.050	Exclusive use of parks or facilities - permit required	$375.00
13.44.060	Unauthorized entry into restricted area in park	$500.00
13.44.080	Entertainment or performance in park without a permit	$100.00
13.44.090	Prohibited articles in park	$100.00
13.44.100	Vehicle regulations in City park	$75.00
13.44.110 (A-E)	Animals and pets in certain City parks	$150.00
13.44.110 (F)	Killing, injuring, etc. - animals in City parks	$500.00
13.44.120	Fire regulations in City park	$250.00
13.44.130	Smoking in restricted area of City Park	First violation: $100.00 Second Violation in same year: $200.00 Third Violation in same year: $500.00
13.44.140	Consumption of intoxicating beverage in City Park	$100.00
13.44.150	Amplified sound without permit in City Park	$100.00
13.44.160	Powered models where prohibited in City Park	$150.00
13.44.170	Golfing outside of designated area in City Park	$100.00
13.44.180	Conducting business in City Park without authorization	$250.00
13.44.190	Water pollution of any body of water in City Park	$1,000.00
13.44.200	Guns and dangerous instruments at park	$1,000.00
13.44.210	Disturbing the peace and refusing to leave the park	$150.00

Section	Offense	Administrative Citation Fine
13.44.220	Damage to park property	$500.00
13.44.230	Littering in City Park	$50.00
13.44.240	Entering or remaining after closing time of park	$100.00
13.44.250	Supervision of children	$100.00
13.44.260	Operation requirements of vessels	$100.00
15.10.200	Water waste prevention	$160.00
15.10.210	Repair of plumbing, sprinkler and irrigation systems	$160.00
15.10.220	Water run-off prohibited	$160.00
15.10.230	Restaurants, hotels, banquet and dining facilities	$160.00
15.10.240	Cleaning of structure/ surfaces	$160.00
15.10.250	Washing of vehicles	$160.00
15.10.255	Commercial car washes	$160.00
15.10.260	Building & construction	$160.00
15.10.270	Hydrants	$160.00
15.10.320	Restaurants	$160.00
15.10.325	Hotels, motels and other lodgings	$160.00
15.10.330	Public restrooms	$160.00
15.10.340	Cleaning of structures/ surfaces	$160.00
15.10.350	Operation of certain decorative fountains	$160.00
15.10.365	Hydrants	$160.00
15.10.370	Landscape irrigation	$160.00
15.10.400	Landscape documentation package	$500.00
15.10.410	Certification	$160.00
15.14.510	Limitations on Point of Discharge	$500.00
15.14.515	Discharge Into Storm Drain Prohibited	$500.00
15.14.520	Regulation of Trucked or Hauled Waste	$500.00
15.14.530	Protection From Accidental Discharge	$500.00
15.14.535	Pretreatment by Owner	$500.00
15.14.540	Monitoring Facilities	$500.00
15.14.545	Storm And Other Waters	$500.00
15.14.550	Obstructing or Injurious Substances	$500.00
15.14.555	Flammable or Explosive Substances	$500.00
15.14.560	Hot Substances	$500.00
15.14.565	Grease, Oils, Fats	$500.00
15.14.570	Solid or Viscous Matter	$500.00
15.14.575	Corrosive Matter 5.5 > pH > 2.0 2.0 ≥ Ph	 $500.00 $1,000.00
15.14.580	Toxic Gases, Vapors or Fumes	$500.00

Section	Offense	Administrative Citation Fine
15.14.585	Interfering Substances 2X < limit <10X 10X ≥ limit	 $500.00 $1,000.00
15.14.590	Prohibition on Use of Diluting Waters	$500.00
15.14.595	Suspended Solids; Dissolved Matter	$500.00
15.14.610	Noxious or Malodorous Matter	$500.00
15.14.615	Radioactive Matter	$500.00
15.14.620	Colored Matter	$500.00
15.14.625	Garbage	$500.00
15.14.630	Oil and Grease Removal Devices	$500.00
15.14.635	Screened Industrial Wastes	$500.00
15.14.640	Group 1 Dischargers – Approved Mass Audit Study Required	$500.00
15.14.645	Group 1 Dischargers - Mass Equivalent Concentration Limit	$500.00
15.14.650	Group 1 Dischargers - Process Flow Exceeding MECL Flow	$500.00
15.14.665	Group 2 Dischargers - Daily Maximum Average Concentration Limit	$500.00
15.14.670	Group 3 Dischargers - Best Management Practices	$500.00
15.14.680	Federal Pretreatment Regulations	$500.00
15.14.685	Falsification of Information	$500.00
15.14.695	Late Reporting (5-15 days late) Late Reporting (16-30 days late) Late Reporting (31-45 days late)	$100.00 $250.00 $500.00
15.14.725	Mandatory Wastewater Discharge Permits	$500.00
15.16.350	Sewer lateral permit required	$500.00
15.16.510	Sewer connection-permit required	$500.00
15.16.730	Treatment plant connection-permit required	$500.00
15.28.160	Cable TV franchise required	$1,000.00
15.28.210	Cable Franchise - Information Required	$500.00
15.28.370	Compliance With Council orders - Cable Franchisee	$500.00
15.28.410	Restricted use of cable system	$500.00
15.28.520	Operational Standards – cable TV	$500.00
15.28.530	Report requirements - Cable TV	$500.00
15.28.540	Map of installations - Cable TV	$500.00

Section	Offense	Administrative Citation Fine
15.28.550	Inspection of property and records - Cable Franchisee	$500.00
15.28.560	Installation and construction of Cable TV	$500.00
15.28.570	Undergrounding of facilities – cable TV	$500.00
15.28.580	Changes Required by public improvements - Cable TV	$500.00
15.28.590	Streets – Occupancy requirements generally - Cable TV	$500.00
15.28.600	Streets - Use restrictions – Cable TV Franchisee	$500.00
15.28.610	Restoration of Streets - Cable TV Franchisee	$500.00
15.28.620	Relocation of Facilities – Cable TV Franchisee	$500.00
15.28.630	Temporary Removal of Facilities - Cable TV Franchisee	$500.00
15.28.640	Removal of Abandoned Property - Cable TV Franchisee	$500.00
15.28.710	Franchisee Office for Maintenance Service	$500.00
15.28.730	Line Extension Charges	$500.00
15.28.740	Charges for Repair or Replacement - prohibited	$500.00
15.28.750	Limitation on denial of Cable TV service	$1,000.00
15.28.870	Franchise Fee – when payable	$500.00
15.28.880	Statement to Accompany Franchise Fee Payment	$500.00
15.28.900	Accounting and Recordkeeping Requirements	$500.00
15.28.950	Unauthorized connection with system prohibited cable TV	$500.00
15.28.960	Receiving signals without payment prohibited--cable TV	$500.00
15.28.970	Tampering with cable system prohibited	$500.00
15.36.160	Towing activities unlawful	$500.00
15.36.370	Towing: Compliance with Council orders	$250.00
15.36.480	Towing: Operational Standards	$250.00
15.36.490	Towing: Report requirements	$250.00
15.36.500	Towing: Inspection of Property and Records	$250.00
15.36.640	Minimum Requirements for Towing Applicants and Grantees	$250.00
15.36.650	Requirements and operation of adequate storage facility	$250.00
15.36.700	Records of Grantees: Towing	$250.00
15.36.710	Charges for Services: Towing	$250.00
15.36.870	Towing: Franchise Fee – when payable	$250.00
15.36.880	Towing: statement to accompany Franchise Fee payment	$250.00

Section	Offense	Administrative Citation Fine
15.36.900	Towing: Accounting and recordkeeping requirements	$250.00
15.38.080	Leasing permit required: solar devices	$250.00
16	Compliance with Title –Cardroom regulations (any violation of Title)	$1,000.00
17.02.050	Obstruction or interference with abatement work prohibited	$250.00
17.02.470	Compliance with Restriction from Use or Occupancy Notice	$250.00
17.10	Compliance with Chapter – Geologic Hazard (any violation of Chapter)	$1,000.00
17.12	Fire Code Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	 $500.00 $750.00 $1,000.00
17.12.400 (California Fire Code §1302.3)	False Alarms Nonresidential occupancy/residential over 4 units (R-1 greater than 4 units) and/or activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period Residential occupancy up to 4 units (R-3 and R-1 up to 4 units) except activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	 No fine No fine $350.00 $750.00 $1,000.00 No fine No fine $100.00 $150.00 $200.00

Section	Offense	Administrative Citation Fine
17.12.700 (California Fire Code §8001.3.1)	Failure to obtain permit to store, dispense, use or handle hazardous materials, or to install, repair, abandon, remove, temporarily or permanently close or substantially modify a hazardous materials storage facility or other regulated area. First violation Second violation within one-year period Third violation within one-year period	 $1,000.00 $1,500.00 $2,000.00
17.12.820	Failure to report a threatened release or unauthorized discharge of hazardous materials	$500.00
17.48.010	Compliance with chapter – signs, marquees and awnings	$250.00
17.68	Hazardous materials storage Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	 $500.00 $750.00 $1,000.00
17.68.310	Failure to submit timely updated Hazardous Materials Management Plan First violation Second violation within one-year period Third violation within one-year period	 $500.00 $750.00 $1,000.00
17.68.350	Failure to submit timely updated Hazardous Materials Management Inventory Statement First violation Second violation within one-year period Third violation within one-year period	 $500.00 $750.00 $1,000.00
17.72.030	Prohibition of blighted property First violation Second violation Third violation	 $250.00 $500.00 $1,000.00
17.72.300	Enforcement – compliance with chapter First violation Second violation (in same year) Third violation (in same year)	 $250.00 $500.00 $1,000.00
17.72.600	Parking on Unpaved Surfaces	$100.00
17.74.040.E	Identification procedures – Hazardous Buildings	$250.00
17.74.060	Engineering reports	$500.00
17.78.260	Compliance with Chapter – Toxic gasses	$1,000.00

Section	Offense	Administrative Citation Fine
17.80.040	Maintaining private property in unsafe condition	$500.00
20.30.430	Front setback – parking and storage prohibited	$50.00
20.40.500	Late night use and activity without a Conditional Use Permit First violation Second violation within one-year period Third violation within one-year period	 $250.00 $500.00 $1,000.00
20.100.310(A)	Development Permit Compliance Required (Violations of a Development Permit that are of a transient and intermittent nature and that directly and specifically involve the off-sale of alcoholic beverages) First violation Second violation (within 12 month period from date of previous violation) Subsequent violations (within 12 month period from date of previous violation) Permit Compliance Required (Violations involving property maintenance and performance standards) First violation Second violation within one-year period Third violation within one-year period	 $1,000.00 $2,500.00 $2,500.00 $250.00 $500.00 $1,000.00
20.100.450	Hours of Construction Within 500 Feet of a Residential Unit	$2,500.00
20.100.470	Compliance with NPDES Storm Water Permit, including BMP's, submittal of and compliance with Erosion Control Plan (if required)	$500 per event per day
20.100.480	Compliance with NPDES General Construction Activities Permit (including development, implementation and maintenance of SWPPP and filing of NOI); submittal of and compliance with Erosion Control Plan (if required); implementation and maintenance of BMP's or control measures Sites of 1-5 acres in size Sites greater than 5 acres in size	 $500 per event per day $2,500 per event per day
22.01.010	Authorization required to use Convention and Cultural facilities	$250.00
23.02.820	Compliance with title	$250.00
23.02.900	Construction and maintenance of signs	$250.00

Section	Offense	Administrative Citation Fine
23.02.1120	Portable signs at parking lots	$250.00
23.04.240	Signs in airport zone – temporary signs	$100.00
23.04.340	Signs in A, R and T-M districts-temporary signs	$100.00
23.04.610	Temporary signs	$100.00
23.04.730	Election signs on public property	$250.00
23.04.740	Election signs not authorized by owner or person in control of property	$150.00
23.04.750	Election signs in residential districts or on residential uses	$100.00
23.04.760	Time limit on display of election signs	$100.00
23.04.810	Private signs on public property	$350.00
23.04.830	Signs allowed on public property	$350.00
24.01.130	Compliance with Title – Building Codes	$1,000.00
25.06.010	Violation of airport rules and regulations	$100.00
25.06.300	Advertising without approval	$250.00
25.06.310	Animals at airport prohibited	$75.00
25.06.320	Entering restricted areas at airport	$1,000.00
25.06.340	Restrictions in operating motorized equipment	$75.00
25.06.360	Preservation of Property at the Airport	$500.00
25.06.370	Roads and walkways at airport restricted use	$250.00
25.06.380	Violation of sanitation requirements	$75.00
25.08.010	Commercial activities without authorization	$250.00
25.08.020	Operation at the Airport Without Authorization	$250.00
25.08.350	Services/delivery on airport apron-permit required	$250.00
25.08.500	On-Airport Car Rental Agencies	$250.00
25.08.510	Off-Airport Car Rental Agencies- permit requirements	$250.00
25.08.700	Ground Transport Providers – permit requirements.	$250.00
25.08.720	Ground transportation permit requirements	$75.00
25.08.730	Ground Transportation Providers – Restrictions and Requirements	$75.00
25.08.740	Circling Solicitation Prohibited (Ground Transportation Providers	$75.00
25.08.750	Operation by Taxicab Service Providers at the Airport Without Authorization	$250.00
25.08.900	Aircraft maintenance permit	$75.00
25.08.910	Airport maintenance insurance and other requirements	$75.00
25.08.920	Aircraft maintenance fees and deposit	$75.00
25.08.940	Flying club maintenance	$75.00

Section	Offense	Administrative Citation Fine
25.08.1100	Telephone line agreement required	$75.00
25.08.1110	Telephone line agreement terms	$75.00
25.08.1310	General aviation fees and charges	$75.00
25.08.1500	Other commercial activities permit or license required	$250.00
25.08.1520	Parking/storage G.A. aircraft permit/license required	$250.00
25.12.010 to 25.12.920	Aircraft operations and air traffic rules	$75.00
25.12.590	Cleaning with inflammable or volatile liquids	$1,000.00
25.12.600	Doping restrictions	$1,000.00
25.12.630	Open-flame operations	$1,000.00
25.12.640	Fire Hazard	$1,000.00
25.12.650	Improper storage inflammable material	$1,000.00
25.12.670	Waste oil storage and removal	$500.00
25.12.1200	Smoking near airport fuel facilities prohibited	$1,000.00
25.14.300	Flying club permit required	$75.00
25.14.310	Flying club nonprofit restriction	$75.00
25.14.320	Flying club – member classes	$75.00
25.14.330	Flying club-compensation	$75.00
25.14.340	Flying club - aircraft use by non-members	$75.00
25.14.350	Flying club - aircraft lessor	$75.00
25.14.360	Flying club – insurance	$75.00
25.14.400	Flying club - reporting requirements	$75.00
25.14.410	Flying club permit not assignable	$75.00

SECTION 3. Except as otherwise specifically set forth in Section 2 above, the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

SECTION 4. Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

SECTION 5. Any fine amount imposed pursuant to Chapter 1.15 of the San José Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San José Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, 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 per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

SECTION 6. The Administrative Citation Schedule of Fines set forth in this Resolution shall supersede the administrative fine amounts and other provisions set forth in Resolution No. 75065, adopted on June 23, 2009, which is hereby repealed, and shall be effective January 1, 2011.

ADOPTED this 14th day of December, 2010, by the following vote:

AYES: CAMPOS, CHU, CHIRCO, HERRERA, KALRA, LICCARDO, NGUYEN, PYLE; REED.

NOES: CONSTANT, OLIVERIO.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk