



San Bernardino County

Legislation Text

File #: 868, Agenda Item #: 33

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

August 20, 2019

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Resolution Establishing A Schedule Of Parking Penalties And Late Payment Penalties For Parking Violations

RECOMMENDATION(S)

Adopt a resolution establishing a schedule of parking penalties and late payment penalties for parking violations issued in the unincorporated areas of the County of San Bernardino.

(Presenter: Andy Wingert, Code Enforcement Chief, 387-8178)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Adoption of the resolution will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation to complete this action has been included in the Land Use Services Department (LUS) 2019-20 budget. Implementation of the resolution will generate an immaterial amount of revenue in the Code Enforcement Budget, although the objective of the penalties is to change behaviors.

BACKGROUND INFORMATION

During the winter of 2019, staff from multiple organizations undertook an effort to establish reasonable parking penalties in the County unincorporated areas. The problem arose from illegal, and often unsafe parking in mountain areas, related to snow play. The goal was to establish penalties comparable to those enforced by the City of Big Bear Lake. Land Use Services staff worked with County Counsel, the Sheriff's Department, the California Highway Patrol, the City of Big Bear Lake, and the US Forest Service to develop the schedule of parking penalties for violations and late payments in the proposed resolution. In the process, the following history came to light.

Effective July 1, 1993, the California Legislature removed parking tickets from the jurisdiction of the criminal courts and directed the administration of parking violations to local agencies, including cities, counties, districts, public colleges and universities. Prior to July 1, 1993, parking penalties were set by the court on the advice and recommendation of the local agency where the violation occurred. California Vehicle Code Section 40203.5 now requires: "the schedule of parking penalties for parking violations and late payment penalties be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties." The schedule of parking penalties for the unincorporated area of the County has remained unchanged since parking violations

were prosecuted in the courts, and it is unclear whether a comprehensive schedule of penalties has ever been adopted by the County.

On December 14, 1999 (Item No. 69), a recommendation was made to the Board of Supervisors (Board) to adopt a resolution establishing a schedule of parking penalties for fifty-nine (59) different standing and parking violations in accordance with California Vehicle Code Section 40203.5. The proposed schedule included both California Vehicle Code and County Code parking violations established by a committee composed of Board staff, County Counsel, Facilities Management, Transportation Division, the Sheriff's Department, and the California Highway Patrol. Action on the item was continued to December 21, 1999 (Item No. 75), when the Board adopted Resolution 99-290 establishing a schedule of parking penalties and late payment fees only for County Code Sections 52.0128 (prohibition of parking of commercial vehicles) and 52.0131 (prohibition of certain vehicles on highways). The action taken on December 21, 1999 omitted most of the penalties for various other parking violations from Resolution 99-290.

The proposed resolution would update, clarify, and broaden the schedule of parking penalties adopted by Resolution 99-290 to include various other standing and parking violations of the California Vehicle Code and County Code as previously proposed in 1999, with minor revisions. The proposed schedule of parking penalties would allow the County and the California Highway Patrol to enforce both state and local parking regulations in the unincorporated areas of the County. It would also have a deterrent effect, by raising the typical minimum penalty of \$13.00 to the proposed range from \$20.00 to a maximum of \$350.00, including late penalties. The proposed schedule was developed by comparison to penalties from the cities of San Bernardino, Big Bear Lake, Ontario, Fontana, Twentynine Palms, and the Town of Apple Valley. The penalties for illegal parking in snow areas mirror the penalties imposed by the City of Big Bear Lake.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles and Miles Kowalski Deputy County Counsel, 387-5455) on July 23, 2019; Sheriff/Coroner/Public Administrator (John Ades, Captain, 387-0640) on July 26, 2019; Public Works (Mazin Kasey, Chief Public Works Engineer, 387-7916) on July 25, 2019; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on August 1, 2019; County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 5, 2019.