

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO SUPERSEDE RESOLUTION NO. 6512 AND RESOLUTION NO. 6202 AND APPROVE AN UPDATED SCHEDULE OF PARKING PENALTIES AND REQUIREMENTS FOR PARKING EXAMINERS**

**WHEREAS**, state law, in California Vehicle Code (CVC) Section 40203.5, provides that the schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued; and

**WHEREAS**, the state law authorizes the City of Milpitas to recover administrative fees, process service fees, fees and collection costs related to civil debt collection, late payment penalties and other related charges; and

**WHEREAS**, the state law requires the City of Milpitas to include penalties and assessments imposed by the County of Santa Clara, including assessments for jail and courthouse construction, in accordance with Government Code Sections 76000 and 76101; and

**WHEREAS**, on January 1, 2009, Senate Bill 1407 increased the assessment amount from \$5.00 to \$9.50 that the County of Santa Clara collects for every parking offense where a parking penalty, fine, or forfeiture is imposed to fund construction of state court facilities, resulting in a higher percentage of the parking penalty remitted to the County of Santa Clara and in less funds remitted to the City of Milpitas.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas hereby establishes the parking penalties for parking violations, set forth in Exhibit "A," attached hereto and incorporated herein.
3. The civil penalties for parking and related violations as set forth in Exhibit "A" are, to the extent possible, consistent with the parking penalties levied by other agencies within the County of Santa Clara.
4. The Milpitas City Clerk shall be designated as the Parking Examiner and shall not conduct any appeal hearings pursuant to California Vehicle Code Section 40215 until he or she has received the required training.
5. The Parking Examiner is required by state law to receive a minimum of 20 hours of approved training. The Parking Examiner may apply up to 12 hours of relevant experience as a substitute for 12 hours of such training. In addition, up to 8 hours of the training requirement shall be fulfilled by the Parking Examiner by attending approved training in a 5-year period and the Parking Examiner will continue to fulfill this requirement by maintaining current training.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Robert Livengood, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**EXHIBIT "A"**

**CITY OF MILPITAS MUNICIPAL CODE AND  
CALIFORNIA VEHICLE CODE  
PARKING PENALTIES**

1. Milpitas Municipal Code (MMC) Parking Violations:

The penalty for the violation of any Milpitas Municipal Code parking section will be fifty dollars (\$50.00).

2. California Vehicle Code (CVC) Parking Violations:

The penalty for the violation of any California Vehicle Code parking section will be fifty dollars (\$50.00), except for those listed below:

- |   |                   |
|---|-------------------|
| 1. Section 22500 (i)<br>Parked in a Bus Zone  | Penalty: \$255.00 |
| 2. Section 22507.8 (a)<br>Parked in a Space for the Disabled  | Penalty: \$280.00 |
| 3. Section 22507.8 (b)<br>Block Access to a Space for the Disabled                                  | Penalty: \$280.00 |
| 4. Section 22507.8 (c)<br>Parked on Lines of, or on Crosshatched Areas by, a Space for the Disabled | Penalty: \$280.00 |
| 5. Section 22522<br>Blocking a Disabled Access Ramp   | Penalty: \$280.00 |
| 6. Section 22516<br>Person Locked in a Vehicle  | Penalty: \$105.00 |
| 7. Section 22523 (a)<br>Abandoned Vehicle on a Highway  | Penalty: \$105.00 |
| 8. Section 22523 (b)<br>Abandoned Vehicle on Public or Private Property                             | Penalty: \$105.00 |

3. The penalty for a parking violation of any Code not listed will be fifty dollars (\$50.00).

4. The administrative fee for any notice of parking violation dismissed in accordance to CVC Section 40226 is twenty-five dollars (\$25.00).

5. If the payment of the parking penalty is not received by the person authorized to receive a deposit of the parking penalty by the date established on the notice of parking violation, the late payment penalty will be twenty-five dollars (\$25.00).