



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: **PUBLIC HEARING** - Consideration and Approval of a Resolution of the City Council of the City of Commerce Adopting Amendments to the Commerce Municipal Code Traffic Bail Schedule, as it Specifically Relates to Regulations of Title 10, "Vehicles, Traffic and Parking," of the Commerce Municipal Code

MEETING DATE: February 18, 2020

RECOMMENDATION:

Consideration and Approval of a Resolution of the City Council of the City of Commerce, Amending Resolution No. 09-71 to Adopt Amendments to the Commerce Municipal Code Traffic Bail Schedule, as it Specifically Relates to Regulations of Title 10, "Vehicles, Traffic and Parking," of the Commerce Municipal Code.

BACKGROUND:

Title 10, formerly titled "Vehicles and Traffic," of the City of Commerce ("City") Municipal Code ("Code") (hereinafter, "Title 10") was adopted by the City to regulate the orderly operation and interaction of motor vehicles, bicycles, pedestrians and others upon public right of ways within the City's jurisdiction. Title 10 includes definitions, regulations, standards and enforcement mechanisms to achieve this goal. The City Council initially adopted Title 10 in 1964, with relatively few and minor amendments to Title 10 since its adoption.

To ensure Title 10 was up to date and consistent with state law, industry standards, and the City's policies, practices, and current needs relating to traffic and parking enforcement on the City's public right of ways, extensive and comprehensive amendments to Title 10 drafted for the City Council's consideration. Specifically, on February 5, 2019, the City Council approved and adopted Ordinance No. 706, revising Title 10, "Vehicles, Traffic, and Parking," to be consistent with state law, city practices, industry standards, and to promote internal consistencies within said Title, and within the overall Commerce Municipal Code.

California Vehicle Code Section 40200 et. seq., establishes a system of administrative adjudication wherein stopping, standing or parking vehicle violations are subject to a civil fine/penalty, payable to a local jurisdiction. In 1992, the State legislature determined that parking, standing and stopping offenses should be decriminalized and be subject to an

administrative fine instead of being adjudicated in courts and be subject to criminal fines. Newly amended Section 10.44.015 of Title 10 is consistent with said state law, authorizing the City of Commerce to issue parking citations.

The City's Traffic Bail Schedule, as adopted by Resolution 09-71, enumerates parking offenses, and designates the bail/fine/penalty amount for each offense as a result of committing a parking or traffic violation.

As a result of the municipal code amendments to Title 10, for City Council's consideration today are amendments to the City of Commerce Municipal Code Traffic Bail Schedule, as well as the corresponding traffic and parking enforcement citations need to be made pursuant to, and consistent with, Title 10.

ANALYSIS:

Amendments to Title 10 included adopting new provisions and regulations, as well as deleting provisions and regulations. These amendments not only resulted in substantive changes to Title 10, but also resulted in new chapters and code section numbers and/or renumbering of prior chapters and code section numbers within Title 10. Accordingly, the proposed Resolution includes making partial amendments to Resolution 09-71 to specifically reflect new code sections numbers assigned to parking offenses, amending the title or summary of violations, and in the case of newly enacted parking regulations, including said offenses in the attached Resolution, as well as imposing a penalty/fine amount.

Section 2 of the proposed Resolution includes a comprehensive list of all possible violations of Title 10:

- (1) Existing Offenses with Same Fines. In cases where the offense remained the same, but corrections of section numbers or the name of violations were made, the fine amount remains the same as originally designated in Resolution 09-71. For ease in distinguishing same in the attached Resolution, these will be highlighted in **YELLOW**.
- (2) New Offenses with New Fines. In cases where newly enacted offenses as adopted in Title 10 are now enumerated in the proposed Resolution, a review of similar and/or average fine amounts in the City were taken into account when imposing a corresponding fine amount. Additionally, the recommended fines for newly enacted offenses were calculated according to, and supported by, data gathered from six (6) surrounding South-Eastern Los Angeles cities—namely the cities of Bellflower, Cerritos, Huntington Park, Lynwood, Pico Rivera, and Norwalk—and are consistent with the average penalties for the same or similar traffic or parking violations in the area. Accordingly, the recommended fine amounts for new offenses included in the Commerce Municipal Code Traffic Bail Schedule included in the attached Resolution are reasonable, consistent with average fine amounts already established within the City and in surrounding cities, and in compliance with the law. For ease in distinguishing new offenses with assigned new fines in the attached Resolution, these will be highlighted in **GREEN**.

Pursuant to Sections 10.08.010 and 10.44.015, the City Manager has the authority to designate additional trained City staff with the authority to enforce Title 10, including the issuance of parking citations, pursuant to a duly adopted resolution approved by City Council. Currently, the City's law enforcement agency (i.e., Sheriff's Department), Public Safety Officers, and Community Services Officers have said authority. Accordingly, the attached Resolution also proposes to designate additional trained City staff to have said enforcement authority under Section 4.

The proposed Resolution, in an attempt to be internally cohesive and consistent in relation to parking and traffic offenses as regulated by Title 10 of the Commerce Municipal Code, also proposes incorporation or restatements, or repealing, of provisions of Resolution Nos. 10-18 and 11-38 related to terms and policies as they relate to regulations of Title 10.

Due to the imposition of fines, the City caused the issuance and publication of a 10-day prior notice providing the public access to a draft of the proposed Resolution enumerating the imposition of parking citation bail/fine amounts to be imposed. Said notice also included the date, time and location of this public hearing at which time said bail/fine amounts are being considered.

Lastly, also attached is a proposed amended traffic and parking citation form, also reflecting amended code section numbers and summaries/titles of parking offenses, as well as newly enacted parking and traffic offenses most encountered in the field. Said changes are consistent with Title 10, as well as the proposed attached Resolution amending the City's municipal code traffic penalty schedule.

Personnel from City's Executive Management, Public Safety, Public Works, and Code Enforcement had the opportunity to review the proposed Resolution and provide substantive feedback, and the attached documents reflect same.

FISCAL IMPACT:

While it is the City's goal to deter members of the public from committing parking or traffic offenses by imposing a fine to said offenses, it is reasonably foreseeable that revenue will be generated as a result of enforcing Title 10 in a more comprehensive manner through the issuance of parking citations.

CONCLUSION:

The adoption of the Resolution to be consistent with amendments to Title 10, will promote safe, orderly, and clean conditions to the City's public right of ways, and promote and preserve a safe and free flow of pedestrian and vehicular traffic in the City's public right of ways within its jurisdiction. The attached Resolution will amend the certain sections of the Commerce Municipal Code Traffic Bail Schedule in accordance with Ordinance No. 706, which will allow for the effective enforcement of same, as well as collection of fines for violations of said Ordinance, payable to the City of Commerce.

ALTERNATIVES:

1. Approve staff's recommendation;

2. Make amendments to staff's recommendation;
3. Decline staff's recommendation;
4. Provide alternative and/or further direction.

Prepared by: Norma Copado, Assistant City Attorney
Approved as to form: Noel Tapia, City Attorney
Respectfully submitted: Vilko Domic, Assistant City Manager
Recommended by: Edgar P. Cisneros, City Manager

ATTACHMENTS:

[Proposed] Resolution

[Proposed] Parking Citation Form