

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING RESOLUTION NO. 09-71, 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; AND INCORPORATING, RESTATING AND REPEALING HEREIN APPLICABLE PROVISIONS OF RESOLUTION NOS. 10-18 AND 11-38

WHEREAS, 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. City Council initially adopted Title 10 in 1964, with relatively few and minor amendments to Title 10 since its adoption;

WHEREAS, 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 were made. 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;

WHEREAS, 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;

WHEREAS, 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, amendments to the City of Commerce Municipal Code Traffic Bail Schedule, as well as the corresponding traffic and parking enforcement citation forms need to be made pursuant to, and consistent with, Title 10;

WHEREAS, the recommended fine amounts for new offenses included in the Commerce Municipal Code Traffic Bail Schedule as adopted by this Resolution are reasonable, consistent with average fine amounts already established within the City and in surrounding cities, and in compliance with the law;

WHEREAS, due to the imposition of fines, the City caused the issuance and publication of a 10-day prior notice of public hearing providing the public with access to a draft of this proposed Resolution enumerating the imposition of parking citation bail/fine amounts to be imposed. Said notice, published on February 7, 2020 in the *Los Cerritos Community News* also included the date, time and location of the public hearing duly held on February 18, 2020, at which time said bail/fine amounts were considered by City Council;

WHEREAS, the adoption of this 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, and as a result allow for the effective enforcement of same, as well as collection of fines for violations of said Ordinance, payable to the City of Commerce;

WHEREAS, Chapter 1.12 of the Municipal Code authorizes the City Council to also recommend the amount of bail, fine, or penalty to be imposed by a magistrate; and

WHEREAS, the City Council finds the recommended changes to the Commerce Municipal Code Traffic Bail Schedule included herein to be reasonable, within municipal parking enforcement standards, and in compliance with the law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. Recitals. City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct, and incorporates them herein as findings and as a substantive part of this Resolution

Section 2. Amendments to Commerce Municipal Code Traffic Bail Schedule. The City Council recommends adopting the following partial amendments to the bail schedule previously adopted by Section 1 of Resolution No. 09-71 as they specifically relate to the Commerce Municipal Code Traffic Bail Schedule, pursuant to, and consistent with, Title 10, "Vehicles, Traffic, and Parking," of the Commerce Municipal Code Section, as amended by Ordinance No. 706, as follows:

<u>SECTION</u>	<u>SUMMARY OF OFFENSE</u>	<u>BAIL / FINE</u>
CHAPTER 10.12 - APPLICATION AND ENFORCEMENT		

10.12.020	Unlawfully Directing Traffic	\$80.00
10.12.030	Failure to Comply with Lawful Traffic Order, Signal or Direction by a Law Enforcement or Authorized Officer	\$150.00
10.12.040	Disobedience of Traffic Code – General Penalty	\$80.00
10.12.050	Violation of Person Riding a Bicycle	\$50.00
10.12.060	Obstruction or Interference with a Law Enforcement or Authorized Officer Enforcing the Traffic Code	\$160.00
10.12.070	Public Employee Disobeying Traffic Regulation whose Activities do not Fall Under Section 10.12.080 (Exemptions)	\$80.00
<i>CHAPTER 10.20 - TRAFFIC CONTROL DEVICES AND TRAFFIC CONTROL SIGNALS</i>		
10.20.030	Violation of a Traffic Control Device, Signal, Marking, Barrier, or Barricade	\$80.00
10.20.090	Unauthorized Curb Painting	\$200.00
10.20.100	Placing Unapproved/Unauthorized Barrier, Barricade, or Sign on a Public Street	\$80.00
10.20.110	Disobeying, Removing, Tampering with, or Destroying a Lawful Barrier or Sign	\$80.00
10.20.110	Failure to Obtain a Permit When Installation of a Barrier or Sign is Authorized	\$80.00
<i>CHAPTER 10.36 - DRIVING REGULATIONS</i>		
10.36.010	Failure to Stop Before Exiting an Alley, Driveway, or Building	\$80.00
10.36.020	Driving Between Vehicles at a Funeral Procession, Parade, or other City-Approved Event	\$70.00
10.36.030	Clinging to a Moving Vehicle When Riding or Operating a Moving Device	\$70.00
10.36.040	Commercial Vehicle on a Private Driveway or Sidewalk without Owner's Permission	\$90.00
10.36.050	Riding or Driving onto a Sidewalk	\$80.00
10.36.060	Walking, Riding or Driving on Newly Made Pavement or Freshly Painted Markings	\$90.00
10.36.070	Unlawfully Riding or Driving onto or from a Limited Access Roadway	\$80.00
<i>CHAPTER 10.44 - STOPPING, STANDING, AND PARKING</i>		

10.44.020	Stopping, Standing or Parking in a Parkway	\$80.00
10.44.025	Unauthorized Parking in a Residential Front or Side Yard Setback Area	\$110.00
10.44.040(1)	Stopping, Standing or Parking in Violation of a Traffic Control Device, Signal, Marking, Barrier, Barricade or Colored Curb Marking Designating No Parking, Restricted Parking or No Stopping Areas	\$85.00
10.44.040(2)	Stopping, Standing or Parking in a Manner to Cause a Safety Hazard to Vehicular or Pedestrian Traffic	\$80.00
10.44.040(3)	Stopping, Standing or Parking Inside an Intersection or Crosswalk	\$90.00
10.44.040(4)	Stopping, Standing or Parking within 15 feet of an Emergency Vehicle Driveway	\$90.00
10.44.040(5)	Stopping, Standing or Parking within 15 feet of a Fire Hydrant	\$80.00
10.44.040(6)	Stopping, Standing or Parking in Front of a Public or Private Driveway	\$70.00
10.44.040(7)	Stopping, Standing or Parking on a Sidewalk, or In a Manner to Block Any Part of a Sidewalk	\$80.00
10.44.040(8)	Stopping, Standing or Parking on a Median Strip	\$80.00
10.44.040(9)	Stopping, Standing or Parking Over 18 Inches from a Curb Where Street Parking is Permitted	\$80.00
10.44.040(10)	Stopping, Standing or Parking to Obstruct or Block Lane(s) of Travel	\$80.00
10.44.040(11)	Parking Over 72 Consecutive Hours	\$120.00
10.44.040(12)	Parking on or Near a Railroad Track as to Hinder, Delay or Obstruct the Movement of a Railroad Car	\$100.00
10.44.040(13)	Parking within 25 feet of a Crosswalk or Intersection	\$80.00
10.44.040(14)	Parking within 20 feet of the Approach to any Traffic Control Device or Sign	\$80.00
10.44.040(15)	Stopping, Standing or Parking within an Alley or Narrow Street, Unless Allowed by the Traffic Code	\$80.00
10.44.040(16)	Unauthorized Parking within a Setback Area on Private Property	\$110.00
10.44.040(17)	Stopping, Standing or Parking within a Parkway	\$80.00

10.44.040(18)	Parking when Obstructing Street Sweeping, or When Parking Blocks Authorized Street Cleaning, Repair or Construction	\$60.00
10.44.040(19)	Parking within an Island or Median	\$80.00
10.44.050	Unauthorized Parking to Advertise or Display Vehicle for Sale	\$70.00
10.44.060	Constructing or Repairing a Vehicle on a Public Street	\$120.00
10.44.070	Washing or Polishing a Vehicle on a Public Street	\$120.00
10.44.080(b)	Prohibited Parking Adjacent to a School, in Violation of Official Sign	\$70.00
10.44.090(b)	Prohibited Stopping or Parking on a Narrow Street in Violation of Official Sign or Marking	\$80.00
10.44.100	Nuisance Caused by Motor Vehicles	\$80.00
10.44.110(b)	Violation of an Emergency or Temporary Traffic Control Device or Sign	\$70.00
10.44.120	Parking of Unattached Trailer or Semi-Trailer	\$100.00
10.44.130(a)	Restrictions on Oversized Vehicle Parking	\$100.00
10.44.140(a)	Parking a Semi-Trailer/Trailer, Bus, Mobile Home, Recreational Vehicle, or Commercial Truck for over 2 hours on a Public-Right-of-Way	\$80.00
10.44.140(b)	Parking a Semi-trailer/Trailer, Bus, Mobile Home, Recreational Vehicle, or Vehicle capable of carrying more than 1500 lbs. between 2:00 a.m. and 6:00 a.m. on a Public-Right-of-Way	\$80.00
10.44.140(c)	Unauthorized Parking of a Vehicle used for Dwelling Purposes on a Public-Right-of-Way	\$80.00
10.44.150	Stopping, Standing or Parking in Violation of Curb Color Markings	\$80.00
10.44.160(a)	No Parking Allowed Within Time Limitations and Restrictions	\$80.00
10.44.170(a)	Restrictions on One-Way Street Parking	\$80.00
10.44.180	Parking in Violation of Parking Space Marking Adjacent to Curbs (Including Parking Outside Parking Space Markings or Occupying More than One Parking Space)	\$80.00
10.44.190(a)	Restrictions on Overnight Parking (Prohibited Between 2:00 a.m. and 6:00 a.m.)	\$100.00

CHAPTER 10.48 – LOADING		
10.48.010	Parking in a Designated Disabled Parking Space Without Current and Valid Distinguishing License Plates or Placard	\$400.00
10.48.010 / Section 2.1 of Resolution No. 10-18	Failure to Properly Place or Display Current and Valid Distinguishing License Plates or Placards When Parking in a Designated Disabled Parking Space	\$55.00
10.48.020(e)	Unauthorized Stopping, Standing or Parking in a Loading Zone	\$80.00
10.48.030	Unauthorized Stopping, Standing or Parking in an Alley	\$80.00
10.48.040(c)	Stopping, Standing or Parking in a Bus Zone	\$138.00
CHAPTER 10.52 - OVERWEIGHT VEHICLE RESTRICTIONS		
10.52.010	Restrictions on Overweight Vehicles in Non-Through Passage Streets (exceeding 3 tons or 6,000 lbs.)	\$85.00
CHAPTER 10.56 – RAILWAYS		
10.56.010	Violations at a Railroad Crossing Gate, Barrier, or Barricade	\$85.00
10.56.020	Railway Train or Railway Car Unlawfully Blocking Travel through Railroad Crossings	\$85.00

Section 3. Incorporations, Restatements and/or Repeals. For purposes of cohesiveness concerning the City's Traffic Bail Schedule as it relates to provisions and/or offenses regulated by Title 10 of the Commerce Municipal Code, this Resolution hereby incorporates, restates and/or repeals as follows:

3.1 Incorporation and restatement of Section 2 of Resolution No. 09-71 and Section 2.1. of Resolution No. 10-18, as follows: Reduction of fee from \$400.00 to \$55.00, as noted hereinabove in Section 2, if a person is originally cited for parking on a designated disabled parking space, and the registered owner of the vehicle can thereafter prove he or she had a current and valid distinguishing license plate or placard but was not displayed at the time the parking citation was issued, pursuant to Section 2 of Resolution No. 09-71 and Section 2.1. of Resolution No. 10-18;

3.2 Repealing Section 3 of Resolution No. 11-38, as follows: Deletion of penalties for violations of former Commerce Municipal Code Sections 10.36.080 and 10.36.090 relating to bicycles, skateboards, scooters and similar contrivances, pursuant to Section 3 of Resolution No. 11-38, as said provisions were repealed on February 5, 2019 by the adoption of Ordinance No. 706, and therefore are also not reflected in Section 2 hereinabove; and

3.3 Repealing Section 4 of Resolution No. 09-71 as follows:

Explicitly repealing Section 4 of Resolution No. 09-71 as grounds therein for indicating that California Vehicle Code Sections 22507.5 and 22507.6 superseded Sections 10.52.010 and 10.52.020 concerning restrictions of vehicles exceeding a maximum gross weight to traverse the City's streets is legally misplaced. State law expressly authorizes cities to enact ordinances, such as the one enacted by the City, prohibiting the use of streets by vehicles exceeding a certain weight, which in this case the City determined to be that of exceeding a maximum gross weight limit of six thousand pounds. [See Vehicle Code § 35701(a); Commerce Municipal Code §§ 10.52.010 and 10.52.020]. Accordingly, the weight restrictions of six thousand pounds imposed by Commerce Municipal Code Section 10.52.010 and 10.52.020 remain valid and are expressly authorized by state law.

Section 4. Designation of Additional City Staff to Enforce Title 10.

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, City Council hereby authorizes the following additional trained City staff to have the authority to enforce Title 10, especially as it relates to the issuance of parking citations: Assistant City Manager, or his or her designee; Director of Public Works, or his or her designee; Code Enforcement Officers; and Animal Control Officers.

Section 5. Applicability. Except as provided herein, all other provisions of Resolution No. 09-71, as well as Resolution 10-18 and 11-38, shall remain in full force and effect. In the event of any conflicting provisions, the most restrictive provision shall apply.

Section 6. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Resolution are declared to be severable.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, THIS _____ day of _____, 2020.

John Soria, Mayor

ATTEST:

Lena Shumway, City Clerk