

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept.: City Manager
Subject: ADJUSTMENT OF FINES FOR
COMMERCIAL AND OTHER LARGE
VEHICLE PARKING VIOLATIONS

From: Joseph M. Polisar
Dept.: Police Department
Date: January 27, 2009

OBJECTIVE

For the City Council to adopt a resolution adjusting and confirming the fines for certain commercial and other large vehicle parking violations under Title 9 and Title 10 of the Garden Grove Municipal Code.

BACKGROUND

As was discussed at the January 13, 2009 City Council meeting, there is an ongoing problem with commercial vehicles parking on private property in violation of the Garden Grove Municipal Code ("GGMC") regulations. Some commercial vehicle drivers believe that it is more economical to pay the City fine than to expend the gas needed to move their vehicles to a location where they may legally park or to pay to park on a legally authorized lot. As a result, a number of commercial vehicles have been illegally parking in residential zones or on commercial property. Currently, the fines established through Resolution 7631-93 for these violations are \$39.00 and there is no current provision for increased fines for subsequent violations.

DISCUSSION

A. Title 9: Commercial Vehicle Regulations – Parking on Private Property

Title 9 of GGMC establishes certain vehicle parking prohibitions, including prohibitions on parking commercial vehicles on private property. Section 9.16.240(L) provides that commercial vehicles shall not be parked or stored in residential zones or on properties used for residential purposes, except while making normal deliveries or providing services to the residential property. Section 9.16.240(M) generally provides that no commercial vehicle, trailer, recreational vehicle, camper, camper shell or vessel shall be parked on any property zoned commercial, industrial, open space, specific plan or PUD except while patronizing the business or using the services on the property.

The penalties for violations of Title 9 of GGMC are set forth in Section 1.04.010. Section 1.04.010 establishes that the fines for infractions such as these violations shall be as set forth in Government Code section 36900. This Government Code section provides that every violation determined to be an infraction is punishable by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for the second violation within one year of the original violation, and a fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the original violation.

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The Police Department recommends that the City Council rescind the \$39.00 fine previously established through Resolution 7631-93 for these violations and establish the fines in accordance with Government Code section 36900.

B. Title 10: Vehicle Regulations – Parking of Commercial and Other Large Vehicles in the Public Right-of-Way

Separate from the issue regarding parking of commercial vehicles on private property, the Police Department has determined that fines for parking commercial or other large vehicles in the public right-of-way should be adjusted.

Chapter 56 of Title 10 of the Garden Grove Municipal Code prohibits the stopping, standing, or parking of vehicles within the City under certain circumstances. Specifically, in order to improve traffic flow and safety, and to preserve available parking within the City, the Garden Grove Municipal Code, Title 10, Chapter 56, sub-sections 110(a) – (c) provides that (a) with limited exceptions (i.e. deliveries and emergencies), no vehicle with a width of 80 inches or more shall park on certain smaller sized streets; (b) no person shall park a trailer on any street for longer than 24 hours; and (c) no person shall park any commercial vehicle greater than 80 inches on any street or highway, except when servicing the adjacent property.

Resolution 7631-93 currently provides for fines for these violations ranging from \$39.00 to \$79.00. The Police Department is recommending that each of these fines be adjusted to \$100.00 to deter the illegal parking of these types of vehicles.

FINANCIAL IMPACT

Fines imposed and collected are deposited into the General Fund.

COMMUNITY VISION

Ensure that disruptions to businesses and residential areas caused by commercial vehicles are minimized.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached resolution to adjust and confirm the fines for violations of GGMC sections 9.16.240(L) and (M) and 10.56.110(a)-(c) as set forth in this report.



JOSEPH M. POLISAR
Police Chief

Recommended for Approval



Matthew Fertal
City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA ADJUSTING AND CONFIRMING FINES FOR COMMERCIAL AND OTHER LARGE VEHICLE PARKING VIOLATIONS

WHEREAS, the City Council of the City of Garden Grove finds and determines that commercial and other large vehicles parking in violation of City regulations disrupt both residential communities and commercial operations in the City; and

WHEREAS, as the City Council seeks to adjust and confirm fines for violation of Subsections (L) and (M) of Section 240 of Chapter 16 of Title 9 of the Garden Grove Municipal Code; and

WHEREAS, the City Council seeks to adjust the fines for violation of Subsections (a), (b) and (c) of Section 110 of Chapter 56 of Title 10 of the Garden Grove Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES AS FOLLOWS:

Section 1:

The City Council of the City of Garden Grove hereby adopts and confirms the fine for violation of Subsection (L) of Section 240 of Chapter 16 of Title 9 of the Garden Grove Municipal Code as follows. For the first violation, the fine shall be one hundred dollars (\$100). For a second violation of this subsection within one year, the fine shall be two hundred dollars (\$200). For each additional violation of this subsection within one year of the original violation, the fine shall be five hundred dollars (\$500).

Section 2:

The City Council of the City of Garden Grove hereby adjusts and confirms the fine for violation of Subsection (M) of Section 240 of Chapter 16 of Title 9 of the Garden Grove Municipal Code as follows. For the first violation, the fine shall be one hundred dollars (\$100). For a second violation of this subsection within one year, the fine shall be two hundred dollars (\$200). For each additional violation of this subsection within one year of the original violation, the fine shall be five hundred dollars (\$500).

Section 3:

The City Council of the City of Garden Grove hereby adjusts the fine for violations of Subsections (a), (b) and (c) of Section 110 of Chapter 56 of Title 10 of the Garden Grove Municipal Code to one hundred dollars (\$100) for each violation of each subsection.

Section 4:

Resolution No. 7631-93 is hereby rescinded to the extent it conflicts with this Resolution and to that extent only.