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RESOLUTION NUMBER R- 310019

DATE OF FINAL PASSAGE OCT 15 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING A CIVIL PENALTY FOR VIOLATIONS OF SECTION 86.0152 OF THE SAN DIEGO MUNICIPAL CODE, AND SECTIONS 4461 AND 4463 OF THE CALIFORNIA VEHICLE CODE, ALL RELATED TO PARKING AND THE MISUSE OF DISABLED PERSON PLACARDS AND LICENSE PLATES.

WHEREAS, Assembly Bill 144 (A.B. 144) allows local jurisdictions to enforce violations relating to misuse of disabled person placards and license plates as parking violations; and

WHEREAS, the San Diego City Council (City Council) is, contemporaneously with this resolution, considering adoption of Ordinance O-2016-16 (COR. COPY), which authorizes the enforcement and adjudication of misuse of disabled person placards and license plates as parking violations; and

WHEREAS, when local jurisdictions enforce misuse of disabled person placards and license plates as parking violations, A.B. 144 establishes a civil penalty of not less than \$250 and not more than \$1,000; and

WHEREAS, A.B. 144, codified at California Vehicle Code section 40203.6, requires an additional assessment equal to ten percent of, and in addition to, the civil penalty imposed for a parking violation resulting from misuse of disabled person placards and license plates; and

WHEREAS, the City may suspend the imposition of the penalty for a violation resulting from misuse of disabled person placards and license plates if the violator, at the time of the offense, possessed but failed to display a valid disabled person placard or license plate; and

WHEREAS, it is necessary for the City Council to establish a civil penalty for violations of misuse of disabled person placards and license plates; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the penalty for a violation of section 86.0152 of the San Diego Municipal Code will be seven hundred forty dollars (\$740.00), to be added to the Parking Citation Fee Schedule on file in the Office of the City Clerk, and subject to review and modification as the City Council deems appropriate.

BE IT FURTHER RESOLVED, that when a violation of subdivision (b), (c), or (d) of section 4461 of the California Vehicle Code, relating to misuse of disabled person placards and license plates, is enforced as a parking a violation, the penalty will be seven hundred forty dollars (\$740.00), to be added to the Parking Citation Fee Schedule on file in the Office of the City Clerk, and subject to review and modification as the City Council deems appropriate.

BE IT FURTHER RESOLVED, that when a violation of subdivision (c) of section 4463 of the California Vehicle Code, relating to misuse of a disabled person placard, is enforced as a parking violation, the penalty will be seven hundred forty dollars (\$740.00), to be added to the Parking Citation Fee Schedule on file in the Office of the City Clerk, and subject to review and modification as the City Council deems appropriate.

BE IT FURTHER RESOLVED, that in addition to any assessment levied pursuant to any other law, an additional assessment equal to ten percent of the penalty established by the City Council for a violation of section 86.0152 of the San Diego Municipal Code, or violations of sections 4461 and 4463 of the California Vehicle Code as parking violations, will be imposed,

and will be added to the Parking Citation Fee Schedule on file in the Office of the City Clerk,  
and subject to review and modification as the City Council deems appropriate.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Linda L. Peter  
Linda L. Peter  
Deputy City Attorney

LLP:amt  
September 25, 2015  
10/7/15 COR. COPY  
Or.Dept:Police  
Doc. No.: 1115399\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 10/6/2015.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 10/12/15  
(date)

[Signature]  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 06 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 15 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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