

**ORDINANCE NO. 25-18 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
ADDING CHAPTER 14.74 OF THE RICHMOND MUNICIPAL CODE ENTITLED  
“PARKING TICKET PAYMENT PLAN”**

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WHEREAS, the City has established rules and regulations governing parking; and

WHEREAS, the City has an established fines and fees schedule governing the issuance and collection of fines and fees relating to parking citations; and

WHEREAS, AB 503 provides guidance governing the criteria that a municipality must meet proper to filing an itemization of unpaid parking penalties and services fees with the Department of Motor Vehicles for collection with the registration of the vehicle pursuant to section 4760 of the California Vehicles Code; and

WHEREAS, AB 503 establishes guidance regarding criteria a municipality must meet prior to pursuing a civil judgment against a debtor for uncollected parking tickets; and

WHEREAS, the City recognizes that fairness and equity necessitate enacting policies that are not unduly harmful or punitive, especially for its most vulnerable citizens; and

WHEREAS, the City recognizes that adding the cost of parking citations to the cost of vehicle registration can lead to barriers to car registration; and,

NOW THEREFORE, the Richmond City Council does hereby ordain as follows:

**SECTION 1**

**Sections:**

**14.47.010 - Title.**

**14.47.020 - Purpose.**

**14.47.030 - Notice.**

**14.47.040 - Eligibility for Payment Plan – Indigency Determination.**

**14.47.050 - Applying for Indigency Determination.**

**14.47.060 – Payment Plan.**

**14.47.070 – Waiving Late Fees.**

**14.47.080 – Policies and Procedures.**

**14.47.010 - Title.**

This ordinance shall be known and may be cited as "Parking Ticket Payment Plan"

**14.47.020 – Purpose.**

The City seeks to create a formal process known as the “Parking Ticket Payment Plan” that establishes an equitable payment process for individuals who are issued parking tickets within the City. Individuals who are issued parking tickets shall have the opportunity to participate in a Parking Ticket Payment Plan prior to the City taking any action to withhold their vehicle registration through the Department of Motor Vehicles (“DMV”). Establishing such a process will decrease costs associated with collections and will prevent motorists from driving without a valid vehicle registration.

**14.47.030 – Notice.**

The Notice of Parking Violation shall include details regarding the Parking Ticket Payment Plan including the timeframe in which to apply and the person's right to request an indigency determination.

The City's website shall include the following:

- (I) The availability of an installment payment plan, and the timeframe in which to apply.
- (II) The person's right to request an eligibility determination and the timeframe in which he or she must apply.
- (III) Details regarding how the person can request an eligibility determination and what the determination will entail.
- (IV) Documents needed by the parking ticket processing agency to make an eligibility determination

**14.47.040 – Eligibility for Payment Plan – Indigency Determination.**

A person may qualify for a payment plan if one of the following conditions is met:

(a) A person meets the low income criteria based on the Housing and Urban Development (HUD) low income guidelines that is amended annually. Subject to the review and approval of the City, written proof of income includes two consecutive pay stubs that demonstrate that the individual constitutes low income as defined by HUD's low income guidelines.

(b) A person who provides written proof that he or she is receiving public benefits under one or more of the following programs as outlined in subdivision (a) of section 68632 of the Government Code, as amended:

- (1) Supplemental Security Income (SSI) and State Supplementary Payment (SSP) (Article 5 (commencing with Section 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).
- (2) California Work Opportunity and Responsibility to Kids Act (CalWORKs) (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code) or a federal Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program (Section 10553.25 of the Welfare and Institutions Code).
- (3) Supplemental Nutrition Assistance Program (Chapter 51 (commencing with Section 2011) of Title 7 of the United States Code) or the California Food Assistance Program (Chapter 10.1 (commencing with Section 18930) of Part 6 of Division 9 of the Welfare and Institutions Code).
- (4) County Relief, General Relief (GR), or General Assistance (GA) (Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code).
- (5) Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI) (Chapter 10.3 (commencing with Section 18937) of Part 6 of Division 9 of the Welfare and Institutions Code).
- (6) In-Home Supportive Services (IHSS) (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).
- (7) Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

(c) Subject to the review and approval of the City, written proof of public benefits as outlined in subsection (b) above includes an electronic benefits transfer card or other written proof of receipt of public benefits.

**14.47.50 - Applying for Indigency Determination**

(a) Applications for indigency determinations can be made for a period of 60 calendar days from the date of issuance of the notice of parking violation, or 10 days after the administrative hearing determination, whichever is later.

(b) The processing fee to participate in the payment plan shall be five (\$5) dollars or less for indigent individuals and twenty-five (\$25) dollars or less for all other individuals. The processing fee for an indigent individual may be added to the payment plan amount, at the discretion of the indigent owner.

**14.47.060 - Payment Plan**

(a) No parking penalties and service fees shall be filed with the DMV while an individual is complying with the terms of the payment plan. If an individual who has a DMV hold on registration becomes eligible and enrolls in the payment plan, the City will contact the DMV to remove the registration hold.

(b) Late fees and penalties for a parking citation shall be suspended while the individual is complying with the plan's terms. All late fees shall be waived once the payments made pursuant to the payment plan are complete.

(c) Payment of unpaid parking fines may be paid off in installments of no more than twenty-five dollars (\$25) per month for total amounts due that are three hundred (\$300) dollars or less. Unpaid parking fines and fees shall be paid off within 18 months. There shall be no prepayment penalty for paying off the balance prior to the payment period expiring.

**14.47.070 – Waiving Late Fees.**

All late fees and penalty assessments, exclusive of any state surcharges outlined in 70372, 76000 and 76000.3 of the Government Code, as amended, shall be suspended if an eligible individual (as defined in section 14.47.040 above) enrolls in the payment plan. Suspension of late fees and penalties may be reinstated if the individual falls out of compliance with the payment plan. If an individual violates the payment plan by failing to pay the full monthly installment, the individual has up to 45 calendar days from the date the plan becomes delinquent to resume payments before the City will file an itemization of unpaid parking penalties and service fees with the DMV. If the individual resumes compliance, the fines and fees will be suspended again.

**14.47.080 – Policies and Procedures.**

The Police Chief, or his or her designee, shall promulgate written policies regarding the Payment Plan that will be reviewed on an annual basis, including determinations of eligibility for the payment plan.

**SECTION 2**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 3**

This Ordinance shall be effective 30 days after passage and adoption. First introduced at a regular meeting of the City Council of the City of Richmond held on July 17, 2018, and finally passed and adopted at a regular meeting held on July 24, 2018, by the following vote:

YES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

**PAMELA CHRISTIAN**  
 CLERK OF THE CITY OF RICHMOND  
 (SEAL)

Approved:  
**TOM BUTT**  
 Mayor

Approved as to form:  
**BRUCE GOODMILLER**  
 City Attorney

State of California            }  
 County of Contra Costa        }        : ss.  
 City of Richmond                }

I certify that the foregoing is a true copy of **Ordinance No. 25-18 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 24, 2018.

  
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 Pamela Christian, City Clerk of the City of Richmond