

DRAFT 11/12/2021 AMA

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. 1060-21,
THE CITY'S FEES, RATES AND CHARGES RESOLUTION,
TO AMEND SECTION 7.12 (ADMINISTRATIVE
CITATIONS) TO ADD FINES RELATING TO
EXHIBITIONS AND SPEED CONTESTS**

WHEREAS, the City Council of the City of Sunnyvale (“City”) adopted Resolution No. 1060-21, the Master Fee Schedule, on June 15, 2021; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services; and

WHEREAS, illegal street racing and sideshows are a problem which endangers innocent bystanders, law enforcement, participants, and spectators, and are becoming increasingly more violent; and

WHEREAS, the negative impact of sideshows on the community has been substantial, and there have been reports of hit and run collisions, vehicles failing to yield to officers who attempt to initiate lawful stops, and a strong-armed robbery of a resident at a sideshow event; and

WHEREAS, the response required by public safety officers at these sideshows is taxing on Sunnyvale Department of Public Safety resources, and mutual aid from neighboring jurisdictions is frequently unavailable as they may have concurrent sideshows in their cities; and

WHEREAS, due to the increase and intensity of these events this year in Sunnyvale and the Bay Area, SDPS is seeking additional enforcement tools such as a new ordinance to deter and penalize spectators and promoters of sideshows, which shall include the imposition of fines for violations of the ordinance; and

WHEREAS, the City desires to amend Section 7.12, “Administrative Citations” of the Master Fee Schedule in order to add fines for spectators and promoters of sideshows as set forth in Exhibit “A.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AS FOLLOWS:**

1. Section 7.12, “Administrative Citations” of the Master Fee Schedule, is hereby adopted as set forth in Exhibit "A", attached hereto and incorporated herein.

2. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.

3. All other provisions of Resolution No. 1060-21 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

SECTION 7.12 ADMINISTRATIVE CITATIONS

All violations of the Sunnyvale Municipal Code enforced pursuant to Chapters 1.05 and 1.06 are governed by this schedule of fines:

		<u>Fiscal Year</u> <u>2021/22</u>	<u>Oracle</u> <u>Fund</u>	<u>Oracle</u> <u>Program</u>	<u>Natural</u> <u>Account</u>	<u>Natural Account</u> <u>Title</u>
Neighborhood Preservation Code Violations:						
SMC Ch. 1.04	(1) First violation	\$100.00	1001	12301	431053	Administrative Citations
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	1001	12301	431053	Administrative Citations
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	1001	12301	431053	Administrative Citations
Reso. No. 1029-20	Late Payments	<u>1% per month</u>	1001	12301	431053	Administrative Citations
Fire Code Violations:						
SMC Ch. 1.04	(1) First violation	\$100.00	1001	12903	431054	Fire Code Violation Fines
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	1001	12903	431054	Fire Code Violation Fines
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	1001	12903	431054	Fire Code Violation Fines
Reso. No. 1029-20	Late Payments	<u>1% per month</u>	1001	12903	431054	Fire Code Violation Fines
Licensing/Permitting Code Violations						
SMC Ch. 1.04	(1) First violation	\$100.00	1001	12704	431059	Other Code Violation Fines
SMC Ch. 1.05	(2) Second violation occurring within 12 months of the most recent citation date.	\$200.00	1001	12704	431059	Other Code Violation Fines
	(3) Third violation occurring within 12 months of the most recent citation date.	\$500.00	1001	12704	431059	Other Code Violation Fines
Licensing/Permitting Non-Compliance Penalties						
BPC Article 4	Secondhand Dealers/Pawnbroker Permit - One Owner	\$250.00	1001	12704	430655	Secondhand Dealer/Pawnbroker Permits
BPC Article 4	Firearms Sales	\$250.00	1001	12704	430682	Firearm Sales Permits
SMC Ch. 5.28	Peddler/Solicitor	\$250.00	1001	12704	432129	Other Public Safety Fees
SMC Ch. 5.36	Taxicabs/Taxicab Drivers	\$250.00	1001	12704	430653	Taxi Driver and Vehicle Permits
SMC Ch. 9.90	Alarms and Alarm Users	\$250.00	1001	12704	432129	Other Public Safety Fees
SMC Ch. 9.40	Adult Entertainment Establishments	\$250.00	1001	12704	430651	Adult Entertainment Permits
SMC Ch. 9.41	Massage Establishments/Massage Therapists	\$500.00	1001	12704	430652	Massage Establishment Permits
Reso. No. 1029-20	Late Payments	<u>1% per month</u>	1001	12704	431059	Other Code Violation Fines
Other Code Violations						
SMC Ch. 10/62	Sideshow Events (per incident, per person)					
	Spectators	\$500.00	1001	12102	431059	Other Code Violation Fines
	Promoters	\$750.00	1001	12102	431059	Other Code Violation Fines