



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Traffic and Criminal Bail
Schedules and Update to
The Infraction List, SJMC
Section 1.08.020

DATE: August 7, 2014

RECOMMENDATION

- (a) Approve recommended changes to the City of San José Traffic and Criminal Bail Schedules and direct the City Attorney to submit the recommended changes in the Bail Schedules to the Superior Court Bail Committee.
- (b) Approve an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.

OUTCOME

The Bail Schedules will incorporate recent modifications made to the Municipal Code and recommended modifications to bail amounts made by City departments, as well as technical corrections consistent with prior Council approvals that are not currently reflected. The Infraction Ordinance will be updated to delete a Municipal Code section that has been repealed.

BACKGROUND

California Penal Code Section 1269b(d) requires each county superior court to prepare, adopt and revise a countywide schedule of bail for all misdemeanor and infraction offenses. The Santa Clara Superior Court has divided the Bail Schedule into two parts – the Recommended Schedule for Traffic Court and the Recommended Schedule for Criminal Court. The Bail Schedules contain a list of offenses, amounts of bail, whether a given violation is a misdemeanor or infraction, and some other related information. For violations for which no court appearance is required, a person may pay the bail amount if the person wishes to plead to the offense.

August 7, 2014

Subject: Bail Schedule

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- **Delete** Section 6.30.010 – Flower Vendors (section has been repealed)

PUBLIC OUTREACH

This memorandum and associated recommended Bail Schedules are posted on the City's website for the August 19, 2014 agenda.

COORDINATION

The requested modifications to the Bail Schedules and to Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code have been coordinated with the affected enforcing departments.

CEQA

Not a Project, File No. PP10-069(a), Organizational & Administrative Activities.

RICHARD DOYLE
City Attorney

By 

CARL B. MITCHELL
Senior Deputy City Attorney

cc: Ed Shikada

For questions, please contact Carl Mitchell, Senior Deputy City Attorney,
at (408) 535-1900.

Attachments

ATTACHMENT 1

**RECOMMENDED ADDITIONS, DELETIONS, MODIFICATIONS TO
TRAFFIC BAIL SCHEDULE**

SJMC Section	Subject Matter	Recommendation	Reason for Change
13.32.041	Removal of Unsuitable Trees	Add: Misdemeanor - \$100	Ordinance No. 29195 adopted 01/08/2013 – added §13.32.041 to Title 13
15.10.290B	Landscape Irrigation – time limit	Add: Misdemeanor – \$250	Ordinance No. 29243 adopted 04/30/2013 – amended §15.10.290 and Chapter 15.11 of Title 15 and §20.100.440 of Title 20
15.11.275	Certificate of Completion	Modify: Revise section number Misdemeanor - \$250	
20.100.440	Maintenance of Landscape	Add: Misdemeanor – \$250	
13.12.020	Parade Permit Required	Delete: Misdemeanor - \$100	Ordinance No. 29419 adopted 06/17/2014 – repealed Chapters 13.12, 13.16, 13.22, and §13.44.080
13.16.010	Permit Required for Temporary Street Closure	Delete: Infraction - 1 st offense - \$100 2 nd offense - \$200 3 rd offense - \$300	
13.16.100	Interference with a Permitted Park Use	Delete: Misdemeanor - \$250	
13.22.240	Interference with Permitted Event in Paseo/Plaza Prohibited	Delete: Misdemeanor - \$250	

SJMC Section	Subject Matter	Recommendation	Reason for Change
13.44.080	Entertain/Perform in Park Without a Permit Prohibited	Delete: Infraction - \$75	
11.90.060	Required Transportation Permit	Modify: Misdemeanor - \$25	Technical Correction not previously approved – incorrectly listed as an Infraction on Traffic Bail Schedule
25.12	Aircraft Operations and Air Traffic Rules – Compliance with Chapter	Modify: Misdemeanor - \$75	Technical Correction not previously approved – only §25.12.920 listed on Traffic Bail Schedule

ATTACHMENT 2

**RECOMMENDED ADDITIONS, DELETIONS, MODIFICATIONS TO
CRIMINAL BAIL SCHEDULE**

SJMC Section	Subject Matter	Recommendation	Reason for Change
9.10.455	<u>Solid Waste Management</u> Shared Solid Waste Containers – Permit Required	Add: Misdemeanor - \$250 + Court appearance	Ordinance No. 29070 adopted 05/22/2012 – amended §9.10.455 of Title 9 and added §§9.10.457 and 9.10.1395 to Title 9
9.10.457	Shared Solid Waste Containers – Commercial Premises Limitation	Add: Misdemeanor - \$500 + Court appearance	
9.10.1395	Recycling Containers Permitted	Add: Misdemeanor - \$500 + Court appearance	
20.80.1050	Payday Lending Establishments	Add: Misdemeanor - \$1,000 + Court appearance	Ordinance No. 29089 adopted 06/05/2012 – added Part 12.5 to Chapter 20.80 of Title 20
20.80.270	<u>Certified Farmers' Markets</u> Operational Requirements – General	Add: Misdemeanor - \$250 + Court appearance	Ordinance No. 29122 adopted 08/28/2012 – added Part 3.5 to Chapter 20.80 of Title 20
20.80.280	Locational Limitations	Add: Misdemeanor - \$250 + Court appearance	

SJMC Section	Subject Matter	Recommendation	Reason for Change
15.11.910	Landscape Documentation Package	<p>Modify: Revise section number</p> <p>Misdemeanor - \$750 + Court appearance</p>	Ordinance No. 29243 adopted 04/30/2013 – amended Chapter 15.11 of Title 15
9.08.1610	<p><u>Receiving Station Use Permit</u></p> <p>Record of Deliveries and Billing of Charges</p>	<p>Delete: Misdemeanor - \$1,000 + Court appearance</p>	Ordinance No. 29277 adopted 08/13/2013 – amended Part 9 of Chapter 9.08 of Title 9
9.08.1620	Charges – Payment Time – Delinquent When	<p>Delete: Misdemeanor - \$1,000 + Court appearance</p>	Sections do not contain charging provisions.
9.10.3110	Polystyrene Foam Disposable Food Service Ware Prohibited	<p>Add: Misdemeanor – 1st offense - \$500 2nd offense within 36 months - \$750 3rd or subsequent offense within 36 months - \$1,000 + Court appearance</p>	Ordinance No. 29298 adopted 09/10/2013 – added Part 17 to Chapter 9.10 of Title 9
20.50.100C	<p><u>Zoning Code – Industrial Zoning Districts: Allowed Uses and Permit Requirements</u></p> <p>Industrial Zoning Districts – Conditional Uses</p>	<p>Modify: Revise section number</p> <p>Misdemeanor - \$750 + Court appearance</p>	Ordinance No. 29312 adopted 10/01/2013 – amended §20.50.100 of Chapter 20.50 of Title 20

SJMC Section	Subject Matter	Recommendation	Reason for Change
<p>20.50.100D</p> <p>20.50.100E</p> <p>20.50.100H</p>	<p>Industrial Zoning Districts – Conditional Uses Requiring City Council Approval</p> <p>Industrial Zoning Districts – Special Uses</p> <p>Industrial Zoning Districts – Land Uses Not Permitted</p>	<p>Add: Misdemeanor - \$750 + Court appearance</p> <p>Modify: Revise section number</p> <p>Misdemeanor - \$750 + Court appearance</p> <p>Modify: Revise section number</p> <p>Misdemeanor - \$750 + Court appearance</p>	
<p>13.14.200</p> <p>13.14.240</p> <p>13.14.380</p>	<p><u>Community Special Events</u></p> <p>Permit Required</p> <p>Rules and Regulations – Compliance Required</p> <p>Interference with Event</p>	<p>Add: Misdemeanor - \$1,000 + Court appearance</p> <p>Add: Misdemeanor - \$1,000 + Court appearance</p> <p>Add: Misdemeanor - \$1,000 + Court appearance</p>	<p>Ordinance No. 29419 adopted 06/17/2014 – added Chapter 13.14, repealed Chapter 13.22, and amended Chapter 13.44 of Title 13</p>

SJMC Section	Subject Matter	Recommendation	Reason for Change
13.22.110	Restricted Use of Paseos and Plazas	Delete: Misdemeanor - \$500 + Court appearance	
13.44.072	Permit Conditions – Compliance Required	Add: Misdemeanor - \$1,000 + Court appearance	
20.80.760	<u>Medical Marijuana Collectives</u> Compliance Required	Add: Misdemeanor - \$1,000 + Court appearance	Ordinance No. 29420 adopted 06/17/2014 – added Part 9.75 to Chapter 20.80 of Title 20
20.80.775	Restrictions and Conditions	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.300	<u>Medical Marijuana</u> Registration Required	Add: Misdemeanor - \$1,000 + Court appearance	Ordinance No. 29421 adopted 06/17/2014 – added Chapter 6.88 to Title 6
6.88.310	Locations	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.320D	Registration Submittal - Ranking	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.360	Change in Location and Updated Registration Forms	Add: Misdemeanor - \$1,000 + Court appearance	

SJMC Section	Subject Matter	Recommendation	Reason for Change
6.88.400C	Operating Regulations and Conditions	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.410	Compliance with the Code	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.420	Security	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.430	Cultivation of Medical Marijuana	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.435	Off-Site Cultivation	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.440	Collective Operations	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.450	Owner, Manager and Membership Requirements	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.460	Dispensing and Packaging of Medical Marijuana	Add: Misdemeanor - \$1,000 + Court appearance	

SJMC Section	Subject Matter	Recommendation	Reason for Change
6.88.470	Public Safety and Safety of Location	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.480	Property Maintenance	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.490	Performance Standards	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.500	Maintenance of Records	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.600	Audits	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.700	Inspection and Enforcement	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.800	Existing Medical Marijuana Operations	Add: Misdemeanor - \$1,000 + Court appearance	
6.88.810	Compliance with this Chapter and State Law	Add: Misdemeanor - \$1,000 + Court appearance	

SJMC Section	Subject Matter	Recommendation	Reason for Change
6.88.840 6.88.900	Registration Nontransferable Requirements and Regulations	Add: Misdemeanor - \$1,000 + Court appearance Add: Misdemeanor - \$1,000 + Court appearance	
20.20.100C	Open Space and Agricultural Districts – Land Uses Not Permitted	Modify: Revise section number Misdemeanor - \$1,000 + Court appearance	Ordinance No. 27468 adopted 06/28/2005 – amended §20.20.100
10.32.115 10.33.010	Trigger Lock and Safety Notice Requirements Sale of Certain Guns Prohibited	Delete: Misdemeanor - \$1,000 + Court appearance Delete: Misdemeanor - \$1,000 + Court appearance	Ordinance No. 26672 adopted 06/25/2002 – repealed §10.32.115 and Chapter 10.33 of Title 10
13.32.140B	Destruction of Heritage Trees	Modify: Revise section number Misdemeanor - \$1,000 + Court appearance	Ordinance No. 26595 adopted 04/09/2002 – amended Chapter 13.32 of Title 13

SJMC Section	Subject Matter	Recommendation	Reason for Change
6.14.450A	Fence Requirements	Add: Misdemeanor - \$1,000 + Court appearance	Technical Correction not previously approved – Bail amount exceeds maximum limit for Traffic Bail Schedule; move to Criminal Bail Schedule
6.36.100	Restrictions on Handbill Distribution	Add: Misdemeanor - \$500 + Court appearance	Technical Correction not previously approved – Bail amount exceeds maximum limit for Traffic Bail Schedule; move to Criminal Bail Schedule