

**RESOLUTION NO. 2021-59**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FREMONT AMENDING THE CIVIL PENALTIES SCHEDULE**

WHEREAS, Fremont Municipal Code Section 1.20.080 and California Government Code Section 36901 provides the authority for the City of Fremont to adopt civil penalties for violations of the Fremont Municipal Code; and

WHEREAS, Vehicle Code 40203.5 authorizes the governing body of the jurisdiction to establish a schedule of parking penalties for parking violations and late payment penalties and to the extent possible, issuing agencies within the same county shall standardize parking penalties. These parking penalties shall be collected as civil penalties; and

WHEREAS, the City Council adopted Ordinance 04-2021 on April 6, 2021, that repealed and replaced Fremont Municipal Code Chapter 9.25 Noise; and

WHEREAS, the replacement of Chapter 9.25 resulted in corresponding changes to the Civil Penalty Schedule adopted by Resolution 9416 and revised from time to time.

NOW, THEREFORE, based on the information set forth in the report to the City Council dated July 20, 2021, as well as any information submitted to or considered by the City Council during its deliberations on this matter, THE CITY COUNCIL OF THE CITY OF FREMONT RESOLVES AS FOLLOWS:

SECTION 1. The Civil Penalties Schedule, as set forth in Exhibit A, attached hereto and incorporated herein, is adopted.

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SECTION 2. This resolution shall be effective on the day adopted by City Council. On the effective date of this Resolution, all resolutions, which conflict with this Resolution, shall be repealed without further action by the Council.

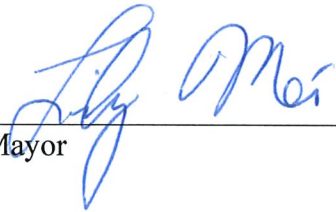
ADOPTED, July 20, 2021, by the City Council of the City of Fremont, by the following vote:

AYES: Mayor Mei; Vice Mayor Shao; Councilmembers Keng, Jones, Kassan, Salwan and Cox


NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sr. Deputy City Attorney

## EXHIBIT A

### CIVIL PENALTIES SCHEDULE

Civil penalties for violations of the obligations and prohibitions of each of the listed Titles, Chapters, Articles and Sections of the Fremont Municipal Code shall be as follows:

NOTE: A WARNING NOTICE IS REQUIRED FOR ALL ZONING, BUILDING, ELECTRICAL, OR OTHER SIMILAR STRUCTURAL VIOLATIONS UNLESS THE VIOLATION CREATES AN IMMEDIATE DANGER TO HEALTH AND SAFETY. THE SYMBOL ^ INDICATES CODE SECTIONS THAT ARE NOT DEEMED "ZONING" FOR THE PURPOSE OF WARNING NOTICES. NOTICE IS NOT REQUIRED FOR ANY ^ SECTIONS IN THIS SCHEDULE.

NOTE: THE SYMBOL "+" INDICATES POTENTIAL CORRECTABLE VIOLATIONS. WHEN PROOF OF CORRECTION OR COMPLIANCE IS CONFIRMED BY AN AUTHORIZED CITY OF FREMONT EMPLOYEE, CERTAIN "+" SECTION VIOLATIONS MAY BE ASSESSED A REDUCED PENALTY OF \$20.00, AT THE EMPLOYEE'S DISCRETION.

NOTE: THE SYMBOL \* INDICATES THIS PENALTY IS IN ADDITION TO THE PENALTY AND INTEREST MANDATED BY SECTION 3.10.330.

#### MUNICIPAL CODE SECTIONS

<u>CHAPTER/ARTICLE/SECTION</u>	<u>VIOLATION</u>	<u>PENALTY</u>			
		<u>CITATION #</u>	<u>1</u>	<u>2</u>	<u>3</u>
<b>TITLE 2. ADMINISTRATION AND FINANCE</b>					
<u>Chapter 2.40</u>	Prohibition on Former City Officials	\$100.	200.	500.	
<b>TITLE 3. REVENUE AND FINANCE</b>					
<u>Chapter 3.10</u>	Taxation	\$100.*	200.*	500.*	
<b>TITLE 5. BUSINESS, LICENSES AND REGULATIONS</b>					
<u>Chapter 5.05</u>	Business Taxes	\$100.	200.	500.	
<u>Chapter 5.10</u>	Adult-Oriented Business Permit	\$100.	200.	500.	
<u>Chapter 5.20</u>	Blinder Elements	\$100.	200.	500.	
<u>Chapter 5.35</u>	Commercial Solicitation and Peddlers	\$100.	200.	500.	

**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>			
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>
<b><u>Chapter 5.40</u></b>	<b>Controlled Sales</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 5.45</u></b>	<b>Entertainment Permits - Places of Entertainment</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 5.55</u></b>	<b>Firearms Dealers</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 5.65</u></b>	<b>Massage Establishments and Technicians</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 5.70</u></b>	<b>Private Patrols and Funeral Escorts</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 5.80</u></b>	<b>Public Transportation Vehicles</b>		<b>\$100.+</b>	<b>200.+</b>	<b>500.+</b>
<b><u>Chapter 5.85</u></b>	<b>Registration of Guests in Hotels, etc.</b>		<b>\$60.</b>	<b>120.</b>	<b>300.</b>
<b>TITLE 6. ANIMALS</b>					
<b><u>Chapter 6.10</u></b>	<b>Animal Ownership</b>		<b>\$60.</b>	<b>120.</b>	<b>300.</b>
<b><u>Chapter 6.20</u></b>	<b>Licensing and Vaccination</b>		<b>\$30.</b>	<b>60.</b>	<b>150.</b>
<b><u>Chapter 6.30</u></b>	<b>Impoundment</b>		<b>\$30.</b>	<b>60.</b>	<b>150.</b>
<b><u>Chapter 6.40</u></b>	<b>Animal Fancier's Permit</b>		<b>\$60.</b>	<b>120.</b>	<b>300.</b>
<b><u>Chapter 6.50</u></b>	<b>Prohibited Activities</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 6.60</u></b>	<b>Potentially Dangerous Dogs and Vicious Dogs</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>TITLE 8. HEALTH AND SAFETY</b>					
<b><u>Chapter 8.10</u></b>	<b>Nuisance Response</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.20</u></b>	<b>Dangerous Plants</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.25</u></b>	<b>Weed and Waste Abatement</b>		<b>\$100.+</b>	<b>200.+</b>	<b>500.+</b>

**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>			
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>
<b><u>Chapter 8.30</u></b>	<b>Regulation of Water Wells</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.35</u></b>	<b>Hazardous Materials Management</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.40</u></b>	<b>Solid Waste, Recyclables and Yard Waste Management</b>		<b>\$60.</b>	<b>120.</b>	<b>300.</b>
			<b><u>Except as noted below:</u></b>		
<b>Sec. 8.40.060</b>	<b>Maintenance of nuisance prohibited</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Sec. 8.40.170</b>	<b>Business/multifamily insufficient capacity</b>		<b>\$60.</b>	<b>120.</b>	<b>300.</b>
				<b><u>Per Unit</u></b>	
<b>Sec. 8.40.190</b>	<b>Trash enclosures shall conform to zoning regulations</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Sec. 8.40.200</b>	<b>Materials prohibited from disposal</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Sec. 8.40.210</b>	<b>Special procedures for disposal of motor oil, construction or demolition waste, household hazardous waste</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Article III.</b>	<b>Collection and Transportation</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Article IV.</b>	<b>Disposal of Garbage</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.45</u></b>	<b>Putrescible Waste and Keeping of Certain Animals Contributing thereto</b>		<b>\$100.+</b>	<b>200.+</b>	<b>500.+</b>
<b><u>Chapter 8.50</u></b>	<b>Food Establishments</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 8.55</u></b>	<b>Smoking Ordinance</b>		<b>\$100.*</b>	<b>200.*</b>	<b>500.*</b>
<b><u>Chapter 8.60</u></b>	<b>Neighborhood Preservation</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>TITLE 9. PUBLIC PEACE, MORALS AND WELFARE</b>					
<b><u>Chapter 9.05</u></b>	<b>Disorderly Conduct</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>

**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>			
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>
<b><u>Chapter 9.10</u></b>	<b>False Alarms</b>		<b>\$60.+</b>	<b>120.+</b>	<b>300.+</b>
			<b><u>Except as noted below:</u></b>		
<b>Sec. 9.10.120</b>	<b>Suspension and revocation of permit-Grounds</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 9.15</u></b>	<b>Firearms</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 9.25</u></b>	<b>Noise</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Sec. 9.35.060</b>	<b>Temporary street closure- Violation</b>	<b>\$500</b>	<b>750</b>	<b>1,000</b>	
<b><u>Chapter 9.45</u></b>	<b>Youth Protection</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 9.50</u></b>	<b>Miscellaneous Crimes</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
			<b><u>Except as noted below:</u></b>		
<b><u>Chapter 9.55</u></b>	<b>Mobile Home Space Rent Stabilization</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 9.60</u></b>	<b>Residential Rent Increase Dispute Resolution</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>

**TITLE 10. VEHICLES AND TRAFFIC**

<b><u>Chapter 10.05</u></b>	<b>Traffic regulations</b>		<b>\$75.</b>	<b>135.</b>	<b>315.</b>
			<b><u>Except as noted below:</u></b>		
<b>Article II.</b>	<b>Enforcement and Obedience to Traffic Regulations</b>		<b>\$103.</b>	<b>203.</b>	<b>503.</b>
<b>Sec. 10.05.380</b>	<b>Heavy Trucks Off Route</b>		<b>\$125.</b>	<b>185.</b>	<b>365.</b>
<b>Sec. 10.05.690(a)(5)</b>	<b>Parked in Blue Zone</b>		<b>\$311.+</b>	<b>311.+</b>	<b>311.+</b>
<b>Sec. 10.05.810</b>	<b>Truck Parking off Truck Route</b>		<b>\$125.</b>	<b>185.</b>	<b>365.</b>
<b>Sec. 10.05.820</b>	<b>Handicapped parking</b>		<b>\$311.+</b>	<b>311.+</b>	<b>311.+</b>
<b>Sec. 10.05.950</b>	<b>Parking permit required during restricted</b>		<b>\$ 82.</b>	<b>82.</b>	<b>82.</b>
<b>Article XII.</b>	<b>Trains</b>		<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b>Article XV.</b>	<b>On-Street Vehicle Sales</b>		<b>\$33.</b>	<b>63.</b>	<b>153.</b>

**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>		
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>
<b><u>Chapter 10.10</u></b>	<b>Bicycles</b>		<b>\$30. 60. 150.</b>	
<b><u>Chapter 10.15</u></b>	<b>Skates and Skateboards</b>		<b>\$30. 60. 150.</b>	
<b><u>Chapter 10.20</u></b>	<b>Trip Reduction and Travel Demand Management</b>		<b>\$250. 250. 250.</b>	

**TITLE 12. STREETS, SIDEWALKS AND PUBLIC PROPERTY**

<b><u>Chapter 12.15</u></b>	<b>Carrying of Signs and Banners at Public Events</b>		<b>\$100.+ 200.+ 500.+</b>
<b><u>Chapter 12.25</u></b>	<b>Special Events and Parades</b>		<b>\$100.+ 200.+ 500.+</b>
<b><u>Chapter 12.30</u></b>	<b>Maintenance of Street Trees and Sidewalks</b>		<b>\$100.+ 200.+ 500.+</b>

**TITLE 15. BUILDING AND CONSTRUCTION\***

<b><u>Chapter 15.10</u></b>	<b>Fremont Building Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.15</u></b>	<b>Fremont Mechanical Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.20</u></b>	<b>Fremont Plumbing Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.25</u></b>	<b>Fremont Electrical Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.30</u></b>	<b>Fremont Existing Building Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.35</u></b>	<b>Fire Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.40</u></b>	<b>Fremont Swimming Pool Spa and Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.45</u></b>	<b>Fremont Property Maintenance Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.47</u></b>	<b>Fremont Residential Building Code</b>		<b>\$130. 700. 1300.</b>
<b><u>Chapter 15.48</u></b>	<b>Fremont Green Building Code</b>		<b>\$130. 700. 1300.</b>

**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>		
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>
Chapter 15.49	Fremont Historical Building Code	\$130.	700.	1300.
Chapter 15.50	Building Security Code	\$100.	200.	500.
Chapter 15.55	House Numbering	\$60.	120.	300.
Chapter 15.70	Earthquake Hazard Reduction Requirements and Minimum Standards for Existing Unreinforced Masonry Buildings	\$130.	700.	1300.
Chapter 15.85	Placards	\$100.	200.	500.
Chapter 15.90	Demolition	\$100.	200.	500.
Chapter 15.95	Repair and Reconstruction	\$100.	200.	500.

For each additional violation of the same ordinance within two years of the first violation if the property is commercial property that has an existing building at the time of the violation and the owner failed to remove visible refuse or prohibit unauthorized use of the property. \$2,500.

*\*Adopted by Reso 2018-70*

**TITLE 17. SUBDIVISIONS**

<b><u>Chapter 17.45</u></b>	<b>Enforcement</b>	<b>\$100.</b>	<b>200.</b>	<b>500.</b>
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**TITLE 18. PLANNING AND ZONING**

Sec. 18.50.040	Performance standards	\$100.^	200.^	500.^
Sec. 18.175.310	Actions to relocate, demolish or destroy certain identified register/potential register resources that would otherwise require no city approval	\$100.^	200.^	500.^
Sec. 18.175.390	Historical resources	\$100.	200.	500.
<b><u>Chapter 18.183</u></b>	<b>Parking and Loading Area and Vehicle Storage</b>	<b>\$103.</b>	<b>203.</b>	<b>503.</b>



**MUNICIPAL CODE SECTIONS**

<b><u>CHAPTER/ARTICLE/SECTION</u></b>	<b><u>VIOLATION</u></b>	<b><u>PENALTY</u></b>		
		<b><u>CITATION #</u></b>	<b><u>1</u></b>	<b><u>2</u></b>
Sec. 18.183.150	Parking of certain vehicles prohibited	\$103.^	203.^	503.^
Sec. 18.183.180	Parking and storage of vehicles and equipment on one- and two-family lots and residential streets	\$103.^	203.^	503.^
<b><u>Chapter 18.190</u></b>	<b>Special Provisions Applying to Miscellaneous Uses</b>	<b>\$100.</b>	<b>200.</b>	<b>500.</b>
Sec. 18.190.160	Firearms dealers-Warehouse and storage of firearms	\$100.^	200.^	500.^
<b><u>Chapter 18.193</u></b>	<b>Signs</b>	<b>\$100.^</b>	<b>200.^</b>	<b>500.^</b>
<b><u>Chapter 18.200</u></b>	<b>Flood Damage Prevention</b>	<b>\$100.</b>	<b>200.</b>	<b>500.</b>
<b><u>Chapter 18.205</u></b>	<b>Grading, Erosion and Sediment Control</b>	<b>\$100.+</b>	<b>200.+</b>	<b>500.+</b>
<b><u>Chapter 18.210</u></b>	<b>Storm Water Management and Discharge Control</b>	<b>\$350.</b>	<b>750.</b>	<b>1,000.</b>
<b><u>Chapter 18.215</u></b>	<b>Tree Preservation</b>	<b>\$100.+</b>	<b>200.+</b>	<b>500.+</b>

**PARKING, STANDING, AND VEHICLE REGISTRATION**  
**VIOLATIONS CIVIL PENALTIES**

~ Minimum penalty set by state law or Judicial Council of California

<u>TITLE</u>	<u>VIOLATION</u>	<u>PENALTY</u>			
		<u>CITATION #</u>	<u>1</u>	<u>2</u>	<u>3</u>
Parking Private Roads	21107.5-.8		\$75.	135.	315.
Public Grounds	21113(a)		\$75.	135.	315.
Parking in Bike Lane	21209(a)		\$75.	135.	315.
No Stopping/Parking in Bike Lane	21211(b)		\$75.	135.	315.
Freeway Parking	21718		\$75.	135.	315.
Veh stopped & blocking Cross/Sidewalk	21970(a)		\$75.	135.	315.
Intersection	22500(a)		\$75.	135.	315.
Blocking Crosswalk	22500(b)		\$75.	135.	315.
Safety Zone	22500(c)		\$75.	135.	315.
Fire Station Driveway	22500(d)		\$75.	135.	315.
Blocking Driveway	22500(e)		\$75.	135.	315.
Sidewalk	22500(f)		\$75.	135.	315.
Excavation Site	22500(g)		\$75.	135.	315.
Double Parking	22500(h)		\$75.	135.	315.
Bus Zone Parking	22500(i)		\$283.~	283.~	283.~
Underpass	22500(j)		\$75.	135.	315.
Bridge Parking	22500(k)		\$75.	135.	315.
Wheel Chair Access	22500(l)		\$311.~	311.~	311.~
Fire Lane Parking	22500.1		\$75.	135.	315.

<u>TITLE</u>	<u>VIOLATION</u>	<u>PENALTY</u>			
		<u>CITATION #</u>	<u>1</u>	<u>2</u>	<u>3</u>
Parking from Curb	22502(a)		\$75.	135.	315.
Wrong Way Parking	22502(b)(2)		\$75.	135.	315.
Unincorporated Area Parking	22504(a)		\$75.	135.	315.
No Parking Posted on State Highway	22505(b)		\$75.	135.	315.
Handicapped Zone	22507.8(a-c)	\$311.~	311.~	311.~	
Fire Hydrant Parking	22514		\$75.	135.	315.
Unattended Vehicles	22515(a), (b)		\$75.	135.	315.
Persons Locked in Auto	22516		\$100.	200.	500.
Door Open to Traffic	22517		\$100.	200.	500.
Vending Near Freeway	22520.5		\$100.	200.	500.
Railroad Track	22521		\$75.	135.	315.
Handicapped Sidewalk Access Blocked	22522	\$311.~	311.~	311.~	
Abandonment	22523(a), (b)	\$311.~	311.~	311.~	
Blocking Intersection	22526(a), (b)		\$103.	203.	503.
Expired Tabs	22651(o)		\$75.	135.	315.
Vehicle with unlawful lamps	24003		\$75.	135.	315.
No Headlights	24400		\$75.	135.	315.
Modification of Vehicle Equip	26101		\$75.	135.	315.
Cracked Windshield	26700		\$75.	135.	315.
Windshield wipers required	26706(a)		\$75.	135.	315.
Tinted Windows	26708(a)		\$75.	135.	315.
No Rearview Mirror	26709(a)		\$75.	135.	315.

<u>TITLE</u>	<u>VIOLATION</u>	<u>PENALTY</u>			
		<u>CITATION #</u>	<u>1</u>	<u>2</u>	<u>3</u>
No Side Mirror	26709(b)		\$75.	135.	315.
Defective Windshield/Rear window	26710		\$75.	135.	315.
No Gas Cap	27155		\$75.	135.	315.
Bald Tire	27465(b)		\$75.	135.	315.
Fenders and Mudguards	27600		\$75.	135.	315.
No Bumpers	28071		\$75.	135.	315.
Expired Tags	4000(a)		\$75.	135.	315.
Registration Required	4000.4(a)		\$75.	135.	315.
CA Registration Required	4152.5		\$75.	135.	315.
Presentation of Evidence of Reg	4462(a)		\$75.	135.	315.
Reg presented for wrong vehicle	4462(b)		\$75.	135.	315.
Unlawful Act w/ Clean air sticker	4463(e)		\$75.	135.	315.
Altered Lic Plate Displayed on Vehicle	4464		\$75.	135.	315.
Display of License Plate	5200		\$75.	135.	315.
Position of License Plate	5201(a)		\$75.	135.	315.
Lic Plate Cover to not obstruct	5201(b)(2)		\$75.	135.	315.
Covered Plates	5201(e)		\$75.	135.	315.
Registration Tab on Plate #	5204(a)		\$75.	135.	315.