



City of Grand Island

Tuesday, March 25, 2014

Council Session (Corrected)

Item I-6

**#2014-72 - Consideration of Approving the Waiver Fine Schedule
for City Code Violations**

Staff Contact: Stacy Nonhof, Assistant City Attorney

Council Agenda Memo

From: Stacy R. Nonhof, Assistant City Attorney
Meeting: March 25, 2014
Subject: City Code Violations – Waiver Schedule
Item #'s: I-6
Presenter(s): Stacy R. Nonhof, Assistant City Attorney

Background

The City of Grand Island last updated the City Code Violations – Waiver Schedule in 2010. While working on changes to Chapter 5 of City Code, reference was made to the current Waiver Schedule. During this review, numerous deficiencies were noted. It was determined at that time that changes needed to be made to the Schedule.

Discussion

The proposed changes to the City Code Violations – Waiver Schedule are not limited to just Chapter 5 violations. During discussions with Community Service Officers it was noted that violations they cite residents for are not currently listed on the Schedule. This causes problems with the Hall County Court as they rely on the Schedule to have the correct violations and correct fines in the Justice program. (Justice Program contains the electronic version of the schedule contents.) Any changes to the Schedule are submitted to Hall County Court for input into Justice.

The Grand Island Police Department is currently working on transitioning from paper citations to electronic citations. As part of that transition, it is imperative that the correct fines and Code violations are on the Schedule. This Schedule will ultimately be submitted to the Nebraska Crime Commission for implementation into the eTracs system. Clarification on Code violations has been requested by the Nebraska Crime Commission that the proposed Waiver Schedule will provide.

During discussions with the Animal Advisory Board in regards to changes to Chapter 5 of the Code, the amount of fines was discussed. This proposed Waiver Schedule reflects the desire of the Animal Advisory Board to increase the amount of fines for Code violations. The goal of the increased fines is to convince animal owners that it is in their best interest and the best interest of their pet to be a responsible pet owner.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve Resolution 2014-72 amending the City Code Violations – Waiver Schedule as reflected in Exhibit “A”.

Sample Motion

Move to approve Resolution 2014-72.

RESOLUTION 2014-72

WHEREAS, the City Code Violations – Waiver Schedule was last updated in 2010;
and

WHEREAS, the Animal Advisory Board has recommended changes for fines pursuant to violations of Chapter 5 of City Code; and

WHEREAS, a review of the 2010 Waiver Schedule showed that violations of City Code were absent; and

WHEREAS, the Waiver Schedule is submitted to the Hall County Court for input into the Justice program; and

WHEREAS, the Waiver Schedule will be submitted to the Nebraska Crime Commission for input into the eTracs program of electronic citations; and

WHEREAS, it is necessary to amend such Waiver Schedule to modify fines for violations of City Code, as identified on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, it would be beneficial to the City of Grand Island to implement the amendments to the Waiver Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the 2010 City Code Violations – Waiver Schedule be modified and the changes incorporated as identified on Exhibit "A" City Code Violations – Waiver Schedule.

Adopted by the City Council of the City of Grand Island, Nebraska, March 25, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 21, 2014	☐ City Attorney

EXHIBIT A

CITY CODE VIOLATIONS - WAIVER SCHEDULE
Effective 3-26-2014

1-8	Failure to Appear	50.00
4-18	Drinking in Public.....	50.00
4-19	Alcohol in Park	50.00
<u>4-20</u>	<u>Minors Not Permitted After 9 P.M.</u>	<u>50.00</u>
<u>5-5</u>	<u>Interference With Animal Control Officer.....</u>	<u>50.00</u>
5-7	Failure to Obtain Commercial Animal Establishment Permit	150.00
<u>5-7.1</u>	<u>Selling Animals On City or Private Property.....</u>	<u>50.00</u>
5-12	No Animal License	50.00
5-14	No Pet Shelter	50.00
<u>5-15</u>	<u>Enclosure/Restraint Violation.....</u>	<u>50.00</u>
5-17	Failure to Register Animal Enclosure.....	50.00
<u>5-18</u>	<u>Number of Animals.....</u>	<u>50.00</u>
<u>5-21</u>	<u>Food, Water, Health Care, Grooming.....</u>	<u>50.00</u>
5-22	Cruelty to Animals	250.00
5-30	No Vaccination	50.00
5-34	Dog/Cat at Large	
	<u>First Offense.....</u>	<u>25.00</u>
	<u>Second Offense</u>	<u>75.00</u>
	<u>Third Offense</u>	<u>150.00</u>
	<u>Fourth Offense</u>	<u>Subject to Nuisance Owner Status</u>
<u>5-36</u>	<u>Dangerous/Potentially Dangerous Enclosure Violation.....</u>	<u>100.00</u>
<u>5-36.1</u>	<u>Dangerous/Potentially Dangerous Spay/Neuter Microchip</u>	<u>100.00</u>
5-37	<u>Dangerous/Potentially Dangerous Animal Off Owner's Property</u>	<u>250.00</u>
5-38	Barking Dog Violation	
	<u>First Offense.....</u>	<u>25.00</u>
	<u>Second Offense</u>	<u>100.00</u>
<u>5-40</u>	<u>No Wild Animal License</u>	<u>50.00</u>
<u>5-46</u>	<u>Nuisance Owner.....</u>	<u>100.00</u>
8-22	Failure to Obtain Permit.....	25.00
8-135	Failure to Obtain Permit.....	25.00
8-130	Building Code Violation	25.00
16-4	Unlawful Transportation of Dangerous Material.....	50.00
16-6	Tampering with Fire Alarm System.....	50.00
16-7	Unlawful Duplication of Fire Alarm System Key	25.00
16-8	False Fire Alarm.....	50.00
16-9	Unlawful Storage of Combustible Material	25.00
16-10	Improper Disposal of Combustible Material	25.00
16-11	Open Burning Violation.....	100.00

16-12	Unauthorized Use of Fireworks	<u>50.00</u>
16-13	No Permit to Sell Fireworks	<u>100.00</u>
16-15	Unlawful Sale of Fireworks	<u>100.00</u>
16-16	Improper Fireworks Stand	<u>50.00</u>
16-17	Sale of Fireworks by Underage Individual	50.00
16-18	Discharge of Fireworks Where Sold Prohibited	25.00
16-19	Throwing Explosives Prohibited.....	<u>50.00</u>
16-22	Discharge of Fireworks.....	<u>50.00</u>
17-3	Accumulation of Litter.....	50.00
<u>17-4</u>	<u>Litter and Offensive Substances</u>	<u>50.00</u>
17-14	No Garbage Receptacle.....	25.00
17-15	No Garbage Receptacle Non-residential.....	25.00
<u>17-20</u>	<u>Tree Limbs and Branches.....</u>	<u>50.00</u>
17-33	Violation of Garbage Collection Time.....	25.00
17-45	Automobile parts at landfill	50.00
17-57	Inoperable/Unlicensed Vehicle	50.00
<u>17-66</u>	<u>Graffiti.....</u>	<u>50.00</u>
20-1	Disturbing the Peace	
	<u>Noise</u>	<u>50.00</u>
	<u>Fighting</u>	<u>75.00</u>
	<u>Offensive Action</u>	<u>50.00</u>
20-1	Disturbing the Peace – Fighting	75.00
20-2	Trespassing	50.00
20-3	Littering.....	50.00
20-4	Shoplifting.....	
	<u>First Offense.....</u>	<u>250.00</u>
	<u>Second Offense</u>	<u>500.00</u>
20-5	Tampering with Meter	<u>50.00</u>
20-6	Theft of Services	50.00
20-7	Public Urination	<u>50.00</u>
20-8	Discharge Gun/BB Gun, etc.....	50.00
20-9	Juvenile Curfew	<u>25.00</u>
20-10	No Horses on City Streets.....	25.00
20-11	Obstruction of Public Right-of-Way.....	25.00
20-12	Obstruction of Public Easement.....	25.00
20-16	Skateboards Prohibited	25.00
<u>20-17</u>	<u>Disorderly House</u>	<u>50.00</u>
<u>20-18</u>	<u>Failure to Disperse</u>	<u>50.00</u>
<u>20-19</u>	<u>Volume Control</u>	<u>50.00</u>
20-20	Minor in Possession of Tobacco	25.00
22-13	No Valid Registration	25.00
22-14	No Plates	50.00
22-14	Fictitious Plates.....	50.00
22-16	No Operator's <u>Motorcycle</u> License.....	75.00
22-16	No Motoreyele License	75.00

22-17	No License on Person	25.00
<u>22-18</u>	<u>Operator's License Acts Prohibited</u>	<u>50.00</u>
22-19	Vehicle not equipped with Horn	25.00
22-20	No Red Tail Lights after Dark	10.00
22-21	Vehicle Head Lights.....	10.00
<u>22-22</u>	<u>Headlights; Motorcycles</u>	<u>10.00</u>
22-23	Failure to Dim	10.00
22-24	Defective Brakes	50.00
22-25	Rearview Mirror, etc <u>Vehicle Equipment</u>	25.00
<u>22-26</u>	<u>Projecting Loads</u>	<u>25.00</u>
22-28	Traffic Sign/Signal.....	75.00
22-28	Wrong Way on a One Way	25.00
22-30	Defacing Traffic Signs or Signals	25.00
22-31	Leaving Scene of Personal Injury Accident	150.00
22-32	Leaving Scene of Property Damage Accident	100.00
22-33	ROW Intersections.....	25.00
22-34	Fail to Yield - Left Turn.....	25.00
22-35	Failure to Yield - ROW Private Road/Drive.....	25.00
22-36	ROW Curb	25.00
22-37	Stop Sign Violation/Failure to Yield	75.00
22-38	Failure to Yield - Yield Sign.....	25.00
22-39	Failure to Yield - Emergency Vehicle.....	100.00
22-43	Illegal U-Turn	25.00
22-44	Improper Left Turn	25.00
22-45	Unlawful Turning or Stopping/ <u>Failure to Signal</u>	<u>25.00</u>
22-46	Left of Center	25.00
22-47	Improper Pass.....	25.00
22-48	Improper Passing on Right.....	25.00
22-50	Unlawful Passing on Left.....	25.00
22-51	Speeding	
	Too Fast for Conditions	100.00
	In Excess of Posted Speed	10.00
	1 - 5 mph over	10.00
	6 - 10 mph over.....	25.00
	11 - 15 mph over	75.00
	16 - 20 mph over	125.00
	21 - 35 mph over	200.00
	36+ mph over	300.00
	Speeding in Construction Zone (same limits as above) FINES ARE DOUBLE	
	Speeding in School Zone (same limits as above) FINES ARE DOUBLE	
22-52	Racing on Streets	50.00
22-53	Careless Driving.....	100.00
22-54	Reckless Driving.....	75.00
22-55	Willful Reckless Driving	100.00
22-56	Failure to Remove Debris from Street	100.00
22-57	Following Too Close to Emergency Vehicles	50.00
22-58	Driving over Fire Hose	25.00
22-59	Spilling Contents of Vehicle.....	100.00

22-60	Unlawful Use of Toy Vehicles.....	25.00
22-62	Overloaded Front Seat	50.00
22-63	Soliciting Rides	25.00
22-64	Impeding Traffic	10.00
22-65	Following too Closely.....	50.00
22-66	Unsafe Backing	25.00
22-67	Avoiding Traffic Signal	25.00
<u>22-68</u>	<u>Clinging to Motor Vehicle</u>	<u>25.00</u>
22-69	Riding Outside Vehicle.....	25.00
22-70	Driving on Sidewalk	25.00
22-71	Driving Over Newly-laid Pavement.....	100.00
<u>22-73</u>	<u>Off Designated Truck Route</u>	<u>25.00</u>
<u>22-76.1</u>	<u>Engine Braking</u>	<u>25.00</u>
22-82	Improper Use of Loading Zone.....	25.00
22-83	Improper Parking	10.00*
<u>22-84</u>	<u>Vending Vehicle Improper Parking</u>	<u>10.00*</u>
22-85	Unlawful Parking on Sidewalk	10.00*
<u>22-86</u>	<u>Unlawful Parking Near Intersections</u>	<u>10.00*</u>
22-87	Obstruction of Private Driveway	10.00*
22-88	Unlawful Parking near Fire Hydrant.....	10.00*
22-92	Unlawful Truck Parking in Residential District	25.00*
	*Waiverable fine amount if failed to pay initial police tag fine within 5 days	
22-131	Handicapped Parking	
	First Offense.....	100.00
	Second Offense [within a 1-year period]	200.00
	Third Offense [within a 1-year period]	300.00
24-3	Driving on Grass in Park.....	100.00
24-5	Park Curfew	<u>25.00</u>
28-1	Railroad Crossing Arms.....	100.00
36-50	Visibility Obstruction.....	25.00
39-4	Smoking in Public Place	
	First Offense.....	100.00
	Second Offense	200.00
	Third Offense	<u>500.00</u>
39-5	Allowing Smoking in Public Place	
	First Offense.....	100.00
	Second Offense	200.00
	Third Offense	<u>500.00</u>
	ALL OTHER VIOLATIONS.....	25.00