



City of Grand Island

Tuesday, January 26, 2010

Council Session

Item G15

#2010-36 - Approving Waiver/Fine Schedule Revisions

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale Shotkoski, City Attorney
Meeting: January 26, 2010
Subject: Approving Waiver/Fine Schedule Revisions
Item #'s: G-15
Presenter(s): Dale Shotkoski, City Attorney

Background

The Court Administrator for the State of Nebraska periodically updates the fines that are assessed by waiver for traffic and non-traffic violations processed throughout the County Court system. The City has also amended part of the City Code and added new offenses such as the smoking ban.

Discussion

The schedule of fines for Grand Island code violations has not been updated since 2006. The proposed resolution updating the City waiver schedule will reconcile fines for City Code violations processed through the County Court System to make them more consistent with the State of Nebraska waiver schedules; correct changes in Section numbers; and add waiver fines for new code provisions.

Alternatives

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

1. Approve the revisions to the Waiver/Fine Schedule
2. Postpone these revisions until a future meeting.
3. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the revisions to the Waiver/Fine Schedule.

Sample Motion

Move to approve the resolution revising the City of Grand Island's Waiver/Fine Schedule.

CITY CODE VIOLATIONS - WAIVER SCHEDULE

Effective 3-1-2010

1-8	Failure to Appear.....	50.00
4-18	Drinking in Public	50.00 100.00
4-19	Alcohol in Park.....	50.00 100.00
5-7	Failure to Obtain Commercial Animal Establishment Permit	25.00
5-12	No Animal License.....	15.00
5-14	No Pet Shelter	25.00
5-17	Failure to Register Animal Enclosure.....	25.00
5-22	Cruelty to Animals.....	100.00
5-30	No Vaccination.....	15.00
5-34	Dog/Cat at Large	15.00
5-37	Dangerous Vicious Animal Off Owner's Property.....	100.00
5-38	Barking Dog Violation.....	25.00
6-3	No Bicycle Registration.....	25.00
6-13	Bicycle Light & Brakes	10.00
6-15	Riding Bicycle Wrong Side.....	10.00
8- 22 15	Failure to Obtain Permit	25.00
8-135	Failure to Obtain Permit	25.00
8-71	Illegal Occupancy of Building.....	25.00
8- 130 89	Building Code Violation	25.00
16-4	Unlawful Transportation of Dangerous Material.....	25.00
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	25.00
16-13	No Permit to Sell Fireworks.....	25.00
16-14	Improper Location for Sale of Fireworks.....	25.00
16-15	Unlawful Sale of Fireworks	50.00
16-16	Improper Fireworks Stand	25.00
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.....	25.00
16-21	Sky Rockets Prohibited.....	25.00
16-22	Discharge of Fireworks	50.00
17-3	Accumulation of Litter	50.00

17-148	No Garbage Receptacle.....	25.00
17-15	No Garbage Receptacle Non-residential.....	25.00
17-3325	Violation of Garbage Collection Time	25.00
17-459	Automobile parts at landfillJunked Vehicles.....	50.00
17-57	Inoperable/Unlicensed Vehicle.....	50.00
20-1	Disturbing the Peace - Noise	35.00
20-1	Disturbing the Peace - Fighting	75.00
20-2	Trespassing.....	50.00
20-3	Littering	50.00
20-4	Shoplifting Juvenile only	200.00To be Notified
20-5	Tampering with Meter	25.00
20-6	Theft of Services.....	50.00
20-7	Public Urination.....	25.00
20-8	Discharge Gun/BB Gun, etc.....	50.00
20-9	Juvenile Curfew.....	10.00
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
20-20	Minor in Possession of Tobacco.....	25.00To be Notified
22-13	No Valid Registration.....	25.00
22-14	No Plates.....	50.00
22-14	Fictitious Plates	50.00
22-16	No Operator's License.....	75.00
22-16	No Motorcycle License.....	75.00
22-17	No License on Person.....	25.00
22-19	Vehicle not equipped withImproper Use of Horn	25.00
22-20	No Red Tail Lights after Dark	10.00
22-21	Vehicle Head Lights	10.00
22-23	Failure to Dim	10.00
22-24	Defective Brakes.....	50.00
22-25	Rearview Mirror, etc.....	25.00
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	20.00
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 - <u>35+</u> mph over.....	200.00
	<u>36+ mph over.....</u>	<u>300.00</u>
	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 50.00
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 25.00
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
22-69	Riding Outside Vehicle	25.00
22-70	Driving on Sidewalk	25.00
22-71	Driving Over Newly-laid Pavement.....	100.00
22-82	Improper Use of Loading Zone	25.00
22-83	Improper Parking.....	10.00*
22-85	Unlawful Parking on Sidewalk	10.00*
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
22-104	Parking Ticket.....	10.00 to 25.00
24-3	Driving on Grass in Park.....	100.00
24-5	Park Curfew	10.00
28-1	Railroad Crossing Arms	100.00
36-50	Visibility Obstruction.....	25.00
60-6,267	Child Restraint Violation.....	25.00
60-6,279	No Motorcycle Helmet	50.00
60-6,270	Seatbelt Violation.....	25.00
39-4	Smoking in Public Place	
	First Offense	100.00
	Second Offense	200.00
	Third Offense.....	300.00
39-5	Allowing Smoking in Public Place	
	First Offense	100.00
	Second Offense	200.00
	Third Offense.....	300.00
	ALL OTHER VIOLATIONS.....	25.00

RESOLUTION 2010-36

WHEREAS, the Court Administrator for the State of Nebraska periodically updates the fines to be assessed by waiver for traffic and non-traffic violations processed through the county court system; and

WHEREAS, the Waiver/Fine Schedule has been modified to incorporate city code changes; and

WHEREAS, the Waiver/Fine Schedule attached hereto as Exhibit "A" sets out the fines to be assessed for various violations of the Grand Island City Code; and

WHEREAS, it is recommended that such Waiver/Fine Schedule be approved and adopted, and the City Attorney be authorized to file such Waiver/Fine Schedule with the Clerks of the County Court of Hall and Merrick County for use in prosecuting such violations of the Grand Island City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The Waiver/Fine Schedule attached hereto as Exhibit "A" is hereby approved and adopted.
2. The City Attorney is hereby authorized to file such Waiver/Fine Schedule with the Clerks of the County Court for Hall and Merrick County.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 26, 2010.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	□ _____
January 21, 2010	□ City Attorney