

Fines and Penalties - Municipal Code Violations

Administrative penalties for most violations of the Municipal Code fall under one of four tiers:

- Tier one violations - fifty dollars (\$50);
- Tier two violations - one hundred dollars (\$100);
- Tier three violations - two hundred fifty dollars (\$250);
- Tier four violations - five hundred dollars (\$500);

A list of Municipal Code violations and their assigned tier can be found on the following pages.

Additional Municipal Code violations and assigned penalties that are not part of the tiered structure can be found on the pages following the tier four violations list.

Administrative penalties for violation of the City of Capitola Municipal Code shall be set forth as the below schedule except:

The administrative penalties for all violations of the Municipal Code not specifically set forth in the below schedule shall be as follows in accordance with Municipal Code Section 4.04.010:

- one hundred dollars (\$100) for first violation;
- two hundred dollars (\$200) for second violation within a period of one year;
- five hundred dollars (\$500) for each additional violation of the same ordinance within a period of one year.

The administrative penalty for all violations classified as misdemeanors in the Municipal Code shall be as follows in accordance with Municipal Code Section 1.01.090:

- five hundred dollars (\$500) for each misdemeanor

Tier One Infractions - \$50.00 Fine	
<u>Code Section</u>	<u>Violation Description</u>
5.08.230A	Valid taxicab owner's permit required
5.08.230B	Valid taxicab owner's driver's permit required
5.12.020	Valid cardroom owner/dealer permit required
5.12.040	Use of house players prohibited
5.12.050	Alcoholic beverages prohibited
5.12.060	Loitering prohibited
5.12.080	Valid cardroom license required
5.12.140	Minors in cardrooms prohibited
5.16.040	Allowing minor at bingo game
5.16.150	Serving alcohol at bingo game
5.16.180	Conducting bingo game without permit
5.16.280	Bingo permit posting required
6.08.120	Failure or refusal to state true name/evidence of rabies vaccination/license
6.12.030	Vicious/dangerous animals
6.14.040	Vaccination required
6.14.130	Number of female dogs kept in one place
6.14.200	Dogs in public places - prohibited locations
6.14.215	Failure of owner to pick up after dog defecating
6.14.380	Animals dogs defecating in public prohibited
6.14.310	Dogs at large prohibited
6.14.320	Leash required for dogs off premises
6.14.380	Animals defecating on public/private property prohibited
6.14.390	Animal noise nuisance
6.14.420	Prohibition of livestock or wild animals to be at large
6.14.590	Duty to report animal bites required
6.16.040	Care of feral cats prohibited without signed statement
6.18.070	Keeping diseased animals prohibited
6.18.100	Placement of dead animals in public places prohibited
6.18.120	Willful injury to wildlife prohibited
6.20.040	Releasing waterfowl/pigeons in restricted area prohibited
6.24.010	Feeding wild rodents and vermin prohibited
8.04.020	Accumulation of refuse - public/private property
8.04.060	Accumulation of garbage in public
8.04.068	Mandatory garbage service
8.04.070	Garbage containers out of public view on non-collection days
8.38.050	Prohibition of smoking in indoor public places
8.38.060	Prohibition of smoking in outdoor public places
8.38.070	Prohibition of smoking in certain places
8.38.090	Smoking policy in places of employment requirement
8.38.120	Postings of signs
8.38.130A	Requesting and examining identification to establish purchaser's age required
8.38.130B	Selling tobacco products near schools or public libraries prohibited

<u>Code Section</u>	<u>Violation Description</u>
8.38.150	Failure to comply with smoking regulations/smoking in prohibited areas
8.40.130A	Failure to comply with safe drug and sharps disposal program requirements
9.32.020	Consuming intoxicating liquors in public place, way or school grounds
9.32.030	Containers prohibited on street, park, school grounds, beach
9.40.010	Unauthorized display of signs on public streets, paths or rights of way prohibited
9.44.060	Unlawful distribution of drug paraphernalia
9.48.020	Camping prohibited
9.52.010	Unenclosed storage in residential zones prohibited
10.04.030	Persons other than officials not to direct traffic
10.04.080	Public employees to obey traffic regulations
10.28.010	Driving through funeral procession
10.28.020	Clinging to moving vehicles
10.28.030	Commercial vehicles using private driveways
10.28.040	Riding or driving on sidewalk
10.28.050	New pavement markings
10.28.060	Limited access
10.28.070	Restrictions on use of freeways
10.28.080	Obedience to barriers and signs
10.28.090	Obstructing intersection or crosswalk
10.28.100	Traffic barriers
10.28.110	Funeral zone violation
10.32.020	Pedestrians must use crosswalks business district
10.32.030C	Remaining on medians prohibited
10.32.030D	Entering a roundabout is prohibited
10.32.030E	Subsequent offense within 6 months
10.36.020	Stopping or standing in parkways
10.36.090	Repairing vehicle on public street
10.36.100	Charging for car wash on public street
10.36.110	Parking adjacent to schools
10.36.120	Parking on narrow street: on or between white lines
10.36.130	Parking on grades: wheels not curbed
10.36.140	Peddler and vendor parking
10.36.140B	Vendor license required
10.36.150	Emergency parking signs
10.36.160	Disabled commercial vehicles: warning signals
10.36.170A	Red zone
10.36.170B	Yellow zone
10.36.170C	Passenger zone white curb
10.36.170D	Green curb - 24 minutes
10.36.210	Parallel parking 18 inches from curb: one-way streets
10.36.220	Diagonal parking
10.36.230	Parked out of space
10.36.240	No stopping zones
10.36.250	Taxicab stands

<u>Code Section</u>	<u>Violation Description</u>
10.36.270	Heavy vehicles - use of streets
10.36.280	Heavy vehicles - parking
10.36.360	Stopping or standing or parking in alleys
10.36.380	Parking restrictions city-controlled off-street parking
10.48.010	Truck routes
10.48.020	Advertising vehicles with sound amplifying loudspeaker
10.48.040	Commercial vehicles prohibited from streets
10.56.010	Maximum vehicle length
12.44.010	Prohibition limiting boats on Capitola beach during working hours
12.48.010	Dogs prohibited on wharf
12.48.020	Diving and jumping from wharf prohibited
12.48.030	Tying boats to wharf prohibited
12.48.040	Overhead casting from wharf prohibited
12.48.060	Burning on wharf prohibited
12.48.070	Trespassing on wharf while closed prohibited
12.48.090	Water skiing/jet skiing, Capitola beach
12.48.110	Power boat, Capitola beach
12.48.120	30-minute floating dock limit
12.48.130	Private volleyball nets on beach prohibited during the summer period
12.48.140	Glass containers and alcoholic beverage containers larger than one gallon prohibited on public beach
12.52.010	Skateboarding is prohibited in (nearly all) Esplanade / Capitola Village area
12.52.010A	Skateboarding prohibited on sidewalks or curbs
12.52.010B	Skateboarding prohibited - Esplanade Park / restrooms
12.52.010C	Skateboarding prohibited - Pacific Cove Mobilehome park and Pacific Cove parking lot
12.52.010D	Skateboarding prohibited - sidewalks of certain streets located in Capitola Village
12.52.010E	Skateboarding prohibited - sidewalks of certain streets located in Capitola Village
12.52.020	Skateboarding prohibited in any areas not included in section 12.52.010 if one or more signs is posted prohibiting skateboarding
12.52.030A	Skateboarding - stop at all stop signs / red lights
12.52.030B	Skateboarding - yield to vehicles at yield signs
12.52.030C	Skateboarding - yield to pedestrians at crosswalks
12.52.030D	Skateboarding - do not impede traffic or interfere with the flow of vehicular traffic
12.52.030E	Skateboarding - yield to approaching vehicles when entering any roadway
12.52.030F	Skateboarding - do not be towed by a motor vehicle of any speed or a bicycle at any unsafe speed
12.52.030G	Skateboarding - yield bicycle lanes to bicycles
12.52.030H	Skateboarding - do not travel into path of a close vehicle constituting an immediate hazard
12.52.030I	Skateboarding with due care at a safe speed violation
12.52.040	When skateboarding on sidewalks that are not prohibited, skateboarders must yield to all pedestrians and proceed with care when near pedestrians
15.12.010	Illegal use of mobile home

Tier Two Infractions - \$100.00 Fine

<u>Code Section</u>	<u>Violation Description</u>
5.06.030	Peddling or soliciting without a business license is prohibited
5.06.040	Peddling, soliciting, or canvassing upon premises where "no solicitors" are indicated is prohibited
5.06.050	Peddling, soliciting, or canvassing outside of designated hours are prohibited
5.14.040	Failure to register security alarm system
5.24.020	Entertainment permit required
5.24.090	Entertainment permits - violation of permit conditions
5.40.020	Vending machine sales of tobacco products are prohibited
6.08.020	Interference with Poundmaster
6.14.330	Safety of animals in motor vehicles required
6.14.340	Safety of animals in parked vehicles required
6.14.400	Dogs threatening or injuring persons prohibited
6.14.410	Domesticated animal killing or injuring other domesticated animals
6.14.430	Prohibition against dogs threatening or injuring wild game or livestock
6.14.440	Dogs threatening or injuring persons prohibited
6.14.445	Possession of wild animal species prohibited
6.14.455	Use of steel-jawed leg-hold traps prohibited
6.16.030	Mandatory spaying/neutering
6.18.060	Permit for wild animals required
6.20.020	Feeding waterfowl/pigeons in restricted area prohibited
6.20.030	Selling waterfowl/pigeons prohibited
8.04.040	Accumulation of commercial garbage
8.04.050	Place, deposit, keep, bury any garbage on, in, or under any premises
8.04.110	Burning prohibited
8.04.120	Unauthorized use of dumpster
8.06.035	Recycling required
8.06.050	Recyclable waste material - unauthorized collection
8.12.010	Food establishments- permit required
8.12.070	Food handler – permit required
8.14.010	Unit pricing of commodities required
8.20.010	Power boats prohibited on Soquel Creek
8.24.030	Water well permit required
8.46.030	Boat mooring
8.64.060	Any violation of orders or directives for water sports and equipment is prohibited
9.04.030	Public nudity
9.12.010	Noise prohibited, 10pm to 8am
9.12.015A	Mechanical sweepers, parking lot vacuum machines, and leaf blowers on non-residential private property prohibited between 11pm to 7am
9.12.015B	Mechanical sweepers, parking lot vacuum machines, and leaf blowers on residential private property prohibited weekdays between 5 pm and 8 am and weekends between 4pm and 10am

<u>Code Section</u>	<u>Violation Description</u>
9.12.015C	Leaf blowers in excess of 65 DBA prohibited
9.12.015D	Unlawful to cause leaves or debris from leaf blower operations to be blown or deposited on other property
9.12.040	Amplified sound without a permit
9.12.070	Sound amplification permits - violation of permit conditions
9.28.010	No vehicles on beach
9.28.020	Illegal camping on beach
9.28.030	No open fires on beaches
9.28.040	Unlawful sales on beaches
9.30.020	Violation of surf school regulations
10.04.040	Obedience to police or other authorized officers
10.04.070	Obstruction or interference/erased chalk marks
10.36.065	Parking meter tampering prohibited
12.04.020	Permits are required to construct curbs, gutters and sidewalks
12.08.010	Permit to open, excavate or trench in public street required
12.40.170	Unlawful use of public parks
12.48.050	Unauthorized vehicles prohibited on wharf
12.56.090	Encroachment without permit
12.56.090	Installing private improvements or obstructions in any public right-of-way is prohibited, barring the specified exceptions
13.02.090	Failure to comply with plumbing fixture retrofit requirements is prohibited
15.04.020	Building code violations
17.60.010	Erecting fence without a permit
17.74.040	Accessory structure without a permit
17.80.030	Permit required for sign
17.80.060	Sign prohibited violation
17.80.060	Central village sign violation
17.80.110	Temporary sign violation
17.80.150	Permanent sign violation
17.96.020	Animal offensive or endanger to neighbors
17.96.020	Number of animals allowed in single-family dwelling
17.96.020	Number of animals allowed in apartment or mobile home
17.96.020C	Chickens kept in non-permitted space
17.96.020D	Honeybees kept in non-permitted space
17.96.020E	Prohibited animal(s)
17.104.040	Dish antennae prohibited
17.124.080	Failure to obtain conditional use permit

Tier Three Infractions - \$250.00 Fine

<u>Code Section</u>	<u>Violation Description</u>
1.40.020	Campaign contribution limitations violation
5.40.030	Vending machine sales of tobacco products are allowed only if machines are token operated
5.40.040	Vendor-assisted sale of tobacco products is required
8.04.080	Hauling of trash by any person, firm, or corporation besides those designated by the city to be exceptions is prohibited.
8.04.100	Collection- interference prohibited
8.60.050	Displaying aerosol spray paint containers and marker pens in any area accessible to the public without employee assistance is prohibited.
8.68.010	Any transferring of ownership of a firearm without an effective trigger lock and printed material advising safe storage practices is prohibited
9.20.010	Discharging firearms
9.22.050	Any display or transfer of ownership of a firearm on the Saturday night specials list is prohibited
15.14.010	Transporting a mobile home across public streets/alleys without a permit is prohibited
15.14.020	Application to transport a mobile home, filed 3 days prior to anticipated transportation is required
15.14.030	Mobile home: a fifty-dollar permit fee is required
15.14.040	Allowing a mobile home to stand on a public street/alley for more than 12 hours is prohibited
17.104.040	Wireless communication facilities are prohibited within 500 feet of specified zoning districts (family residence, schools, parks and open space, public facilities, etc.) And within 3,000 feet of coastline

Tier Four Infractions - \$500.00 Fine

<u>Code Section</u>	<u>Violation Description</u>
5.20.020	Operating kennel or pet shop without permit
5.32.030	Firearms license required
8.08.100A	Willfully obstructing, hindering or delaying emergency response during declared emergency
8.08.100B	Violating any rule or regulation during declared emergency or disaster
8.08.100C	Unauthorized wearing or displaying of emergency identification during declared emergency or disaster
8.40.140H	Knowing and willful failure to comply with safe drug and sharps disposal program requirements
8.60.020	Graffiti Prohibited
9.20.015	Possession of firearms on city property or public property in the vicinity of a school prohibited
9.24.010	Unlawful sale of fireworks
9.24.020	Unlawful discharge of fireworks
13.04.050	Public sewage connection required for buildings intended for human habitation
13.16.070	Unlawful discharge to storm drain system

Misc Infraction Penalties

Code Section	Violation Description	Base Bail
4.04.010	Violation or failure to comply with code provisions: (misdemeanors & infractions)	
	1st Offense	\$100
	2nd Offense	\$200
	3rd Offense	\$500
5.14.090	False alarm fines:	
	Three (3) or four (4) false alarms in any calendar year	\$100
	Five (5) false alarms in any calendar year	\$150
	Six (6) or more false alarms in any calendar year	\$200
5.36.030	Retail cannabis license required for all commercial cannabis activity – medicinal and adult use	\$1,000
5.38.090	Tobacco Retailer License Violations	
	First offense	\$100
	Second offense	\$200
	Third offense	\$400
	Fourth offense and subsequent	\$800
5.38.020	Tobacco Retailer License Violations	
	First offense	\$100
	Second offense	\$200
	Third offense	\$400
	Fourth offense and subsequent	\$800
6.14.010	Dog license required	\$30
6.14.020	Display dog license required	\$25
8.04.140	Solid Waste & Edible Food Recovery requirements	
	First offense	\$100
	Second offense	\$200
	Third offense	\$500
8.07.070	Reduction of single-use plastic and paper carryout bags	
	1st Offense (30 days or more after first warning)	\$100
	2nd Offense (60 days or more after first warning)	\$200
	3rd Offense (90 days or more after first warning)	\$500
8.36.030	Prohibited food service ware:	
	1st Offense	\$100
	2nd Offense	\$200
	3rd/Future Offense	\$300
8.36.035	Prohibited retail sales of polystyrene foam products:	
	1st Offense	\$100
	2nd Offense	\$200
	3rd/Future Offense	\$300
8.36.040	Required biodegradable and compostable disposable food service ware:	

	1st Offense	\$100
	2nd Offense	\$200
	3rd/Future Offense	\$300
9.08.010	Unlawful operation of tattoo business	\$500
9.10.010	Remaining on business property after requested to leave	
	1st Offense	\$100
	2nd Offense	\$250
	3rd Offense	\$500
9.12.030	Noise violations	\$100
9.20.020	Unlawful possession or discharge of a firearm	\$300
9.30.030	Operation of surf school without a permit:	
	1st Offense	\$50
	2nd Offense	\$100
	3rd Offense	\$250
9.34.010	Public urination / defecation prohibited	\$50
9.61.040	Cannabis processing and cultivation prohibited	\$1,000
10.36.010	Parking permit required	\$65
10.36.040	No parking areas as posted	\$65
10.36.045	Expired meter zone	\$65
10.36.060	City hall parking lot use: one-hour and permit parking	\$65
10.36.070	Storage of vehicle on street +72 hours:	
	1st Offense	\$75
	2nd Offense	\$100
	3rd Offense	\$150
10.36.070A	Parking a vehicle on a street or alley for more than 72 consecutive hours is prohibited	\$65
10.36.070B	Storage of commercial vehicle on public street:	
	1st Offense	\$50
	2nd Offense	\$100
10.36.180	Parking of tall vehicles within 100 ft of an intersection:	
	1st Offense	\$50
	2nd Offense	\$100
10.36.195	No parking weekends and holidays without permit	\$65
10.36.290	Parking restrictions authorized: two-hour parking	\$65
10.44.030	Personal transportation device (PTD) prohibited on sidewalks	\$30
10.44.040	Operating on Riverview path from Macdonald to Stockton prohibited	\$100
10.44.060	Parking in public right of way prohibited	\$100
10.44.070	Unlawful parking	\$50
10.44.080	Unauthorized racing and/or trick riding	\$100
10.44.090	PTD / bike rack permit required	\$48
10.44.100	Valid pedicab owner's permit required	\$40
10.44.120	Bicycle license plate or serial number destruction	\$100

12.12.110	Permits are required for any work done to a heritage tree, disregarding maintenance trimming	\$250 / \$1,000
12.12.120	Any destruction visited upon any public tree, or destruction to a private tree that could subsequently harm a public tree without first obtaining a permit is prohibited	\$250 / \$1,000
12.12.130	Failure to protect or maintain trees on construction/demolition sites is a violation	\$250 / \$1,000
12.12.160	Cutting or removal of trees in the city without a tree removal permit is prohibited	\$250 / \$1,000
12.12.270	Violation of community tree / forest management ordinance	Tree replacement value
12.32.050	Unlawful driveway construction	\$250
12.42.010	Depot hill bluff - prohibition against grading, disturbing, erecting any structure, mining or extracting materials:	
	1st offense in a 12-month period	\$100
	2nd offense in a 12-month period	\$200
	3rd offense in a 12-month period	\$500
12.54.040	Unlawful use of skateboard park	
	1st Offense in a 12-month period	\$30
	2nd Offense in a 12-month period	\$50
	3rd Offense in a 12-month period	\$75
12.58.030	Entering or remaining on posted property without written permission of city manager	
	1st Offense in a 12-month period	\$100
	2nd Offense in a 12-month period	\$200
	3rd Offense in a 12-month period	\$500
12.60.010	Trespass on public transit facilities	\$100 / \$500
12.64.070	Display or sale of merchandise prohibited	\$50
12.64.080	Violations of the Sidewalk Vending Program	
	1st Offense in a 12-month period	\$100
	2nd Offense in a 12-month period	\$200
	3rd Offense in a 12-month period	\$500
13.06.080	State Video Service Franchisee breaches of customer service or consumer protection standards not remedied within 30 days of notice	
	1st offense in a 12-mont period (not to exceed \$1,500 per violation)	\$500 / day
	2nd offense in a 12-month period (not to exceed \$3,000 per violation)	\$1000 / day
	3rd or further offense in a 12-month period (not to exceed \$7,500 for each violation)	\$2500 / day
13.16.180	Violation or failure to comply with storm water pollution prevention and protection ordinance may be subject to enforcement actions outlined in Title 4	
	1st Offense	\$100
	2nd Offense	\$200
	3rd Offense	\$500

17.96.170	Outdoor dining in public right-of-way	
	First offense	\$100
	Second offense	\$200
	Third offense	\$500