

RESOLUTION NO. 2141-07

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
ESTABLISHING NEW RECOMMENDED BAIL AMOUNTS FOR VIOLATIONS
OF THE WINDSOR TOWN CODE**

WHEREAS, under authority of the Windsor Town Code, the Town Council has established and the Town maintains a Recommended Bail Schedule for violations of the Municipal Code; and

WHEREAS, the current Town of Windsor Recommended Bail Schedules indicate that recommended bail amounts include all charges for penalties and assessments imposed by the County of Sonoma (“all inclusive” bail amounts); and

WHEREAS, the Town has been advised by the Sonoma County Superior Court Clerk that the court is converting its bail computation computer system and will no longer be able to process all inclusive bail amounts and is requiring all cities to submit Recommended Bail Schedules which recommend base fines only; and

WHEREAS, currently the Windsor bail schedules consist of four separate Resolutions which will, by this Resolution, be consolidated into one document and therefore facilitate use of the bail schedule by the Town Attorney’s office and the Clerk of the Criminal Division of Sonoma Superior Court; and,

WHEREAS, currently there are sections of the Windsor Municipal Code which are citable as offenses but for which there is no corresponding bail schedule and the attached Recommended Bail Schedule remedies that with the addition of the final “catch-all” section; and,

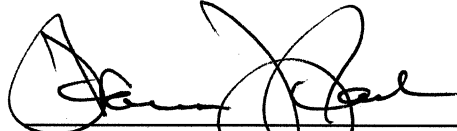
WHEREAS, the Town Council wishes to modify the Bail Schedule for the Town of Windsor to correspond to the new requirements of the Sonoma County Superior Court, facilitate use of the bail schedule by court and Town staff, and ensure that all violations of the Windsor Town Code have corresponding bail amounts.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Windsor that the revised recommended bail schedule, attached hereto as Exhibit A, is hereby approved; and

BE IT FURTHER RESOLVED that the Town Attorney is directed to send a certified copy of this Resolution to the Sonoma County Clerk’s office for approval by the Presiding Judge, which, upon approval, will be used by the Court in processing citations issued for violations of the Town of Windsor Code and Town of Windsor Ordinances.

PASSED, APPROVED AND ADOPTED this 19th day of September 2007 by the following vote:

AYES: COUNCILMEMBERS FUDGE, SALMON AND MAYOR PARKER
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBERS ALLEN AND GOBLE


WARIN J. PARKER, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit "A"

EXHIBIT "A"
TOWN OF WINDSOR
RECOMMENDED BAIL SCHEDULE

Legend: I = Infraction; M = Misdemeanor

The Town of Windsor Recommended Bail Schedule below is subject to the following conditions:

1.) Those offenses recommended as infractions are for first offenses only. Second and subsequent offenses (except parking violations) within a 1-year period should be treated as misdemeanors.

2.) Where the arresting officer finds that the nature of the offense exceeds reasonable bounds, he/she may cite any of the below offenses for a mandatory court appearance. In such case, it must be clearly stated on the original citation. The final determination shall rest with the Town Attorney's Office.

3.) All sections refer to the Town of Windsor Municipal Code.

<u>CATEGORY AND PENALTY</u>	<u>CODE SECTION</u>	<u>DESCRIPTION</u>	<u>VIOLATION</u>
			(1st // 2nd and Subsequent)

ALCOHOLIC BEVERAGES

M	3-2-100	Consumption of Alcoholic Beverages on Public Streets/Public Places	\$20.00 // \$55.00
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SOLICITORS AND PEDDLERS

I	3-3	Permits	\$1.00 // \$5.00
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ANIMAL REGULATIONS

I	3-4-500	Dog License Required	Proof of License and \$1.00 // \$5.00
I	3-4-535	Failure to Replace Lost License	Proof of License and \$1.00 // \$5.00
I	3-4-540	License Tag to be Worn by Dog	Proof of License and \$1.00 // \$5.00
I	3-4-545	Failure to Present License	Proof of License and \$1.00 // \$5.00
I	3-4-700	Commercial Kennel, Hobby Kennel, and Pet Shop License Required	Proof of License and \$5.00 // \$11.00

I	3-4-735	Failure of Commercial Kennel, Hobby Kennel, or Pet Shop to Display License	Proof of License and \$5.00 // \$11.00
I	3-4-750	Required Records for Commercial Kennels	\$5.00 // \$11.00
I	3-4-755	List of Animals Sold or Given Away	\$5.00 // \$11.00
I	3-4-800	Registration by Protection Dog Operator Required	Proof of Registration
I	3-4-900	Registration by Business Using Protection Dog Required	Proof of Registration
M	3-4-1000	Interference with Animal Control Officer	\$11.00 // \$30.00
M	3-4-1005	Removal of Animal in Custody of Animal Control Officer	\$5.00 // \$20.00
M	3-4-1010	Aid in Escape of Animal Sought for Custody	\$5.00 // \$20.00
I	3-4-1015	Refusal to Present Animal for Inspection	\$5.00 // \$11.00
M	3-4-1020	Abandonment of Dog or Cat	\$11.00 // \$20.00
I	3-4-1025	Dogs at Large	\$11.00 // \$20.00
M	3-4-1030	Livestock at Large	\$11.00 // \$30.00
M	3-4-1035	Exotic Animals at Large	\$11.00 // \$30.00
M	3-4-1040	Dogs Entering Property Whereon Sheep or Other Livestock are Kept	\$11.00 // \$20.00
M	3-4-1045	Interference with Quarantine	\$20.00 // \$55.00
I	3-4-1050	Staking of Animals	\$5.00 // \$11.00
I	3-4-1055	Animals Prohibited in Town Building	\$1.00 // \$5.00
I	3-4-1060	Selling Animals without a License	Proof of License and \$5.00 // \$11.00
I	3-4-1065	Maintenance of Exotic Animals without Proof of Proper Approvals	Proof of Approval and \$5.00 // \$11.00

I	3-4-1070	Dog Nuisances	\$5.00 // \$11.00
M	3-4-1075	Public Nuisances Prohibited	\$5.00 // \$20.00
I	3-4-1080	Injuring or Teasing a Police Dog	\$11.00 // \$20.00
M	3-4-1405	Violation Resulting in Death or Serious Injury to Livestock	\$20.00 // \$55.00

CEMETERY REGULATIONS

M	3-9-100 through 3-9-115	Defacing, Injuring, or Destroying Tombstone & Fence; Injuries to Trees, Flowers, Birds; Depositing Rubbish in Roadways/Driveways ; Loitering in Cemetery	\$5.00 // \$20.00
M	3-9-120	Entering Cemetery at Night; Riding Through Cemetery	\$11.00 // \$35.00

MISCELLANEOUS PROHIBITIONS

M	3-10-305	Tree Removal	Mandatory Appearance
I/M	3-10-600	Nudity Prohibited on Public Property and Private Property Open to Public View	\$20.00 // \$55.00
M	3-10-1000	Obstructing Passage	\$20.00 // \$55.00
M	3-10-1100	Public Urination, Defecation, and Exposure	\$20.00 // \$55.00
M	3-10-1600	Shooting, Hunting from or on Road or Highway	\$55.00 // \$95.00 plus payment for damage, if any
M	3-10-1700	Use of Small Arms Device on Public Lands	\$55.00 // \$95.00 plus payment for damage, if any
M	3-10-1715	Parent or Guardian Permits Violation of Article 17 (Allowing Youth to Possess Firearm)	\$20.00 // \$80.00 plus payment for damages caused, if any

M	3-10-1720	Restrictions on Use of Small Arms Device in Safety Zone	Mandatory Appearance
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REGULATING THE SALE OF TOBACCO AND SMOKING

M	3-11-120	Failure to Regulate Manner of Sale of Tobacco Products	\$20.00 // \$55.00 // \$135.00
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MOTOR VEHICLES, TRAFFIC, AND PARKING

M	4-1 through 4-3	Abandoned, Wrecked, Dismantled or Inoperative Vehicles; Off-Road Motor Vehicles; Enforcement of Vehicle Code at Community Centers	\$5.00 // \$20.00 // \$55.00
I	4-5-100	Unlawful Parking in No Parking Zone	\$1.00 // \$5.00
I	4-5-400	Parking a vehicle that is advertised "For Sale" on a public street	\$11.00 // \$35.00
I	4-5-600	Unlawful Parking of Commercial Vehicle	\$5.00 // \$11.00

PARKS AND RECREATION

I/M	5-1	Unlawful Conduct in Park: (Violating Posted Rules; Disturbance of Property; Unlawful Animals in Park; Hunting & Fishing; Fires, Firearms, Fireworks, Alcoholic Beverages, Abusive Language, Gambling, Nudity, Soliciting, Dumping of Rubbish)	\$11.00 // \$30.00
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I/M	5-2	Unlawful Use of Facilities: (Recreation in Undesignated Area; Unlawful Gatherings or Meetings; Curfew Violation; Presence after Closing; Peace and Quiet; Failure to Pay Fees; Unlawful Camping, Horseback Riding, Hitching, Hiking, Swimming, Boating, Landing of Aircraft, Use of Vehicles or Pedestrian, Bicycle, or Equestrian Ways of Unpermitted Overnight Camping)	\$11.00 // \$30.00
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SKATING PARK REGULATIONS

I (first violation; "M" for subsequent violation)	5-3-110	Failure to Wear Required Safety Equipment	\$5.00 // \$20.00 // \$65.00
I (first violation; "M" for subsequent violation)	5-3-120	Failure to abide by Park Rules and Regulations of Use	\$5.00 // \$20.00 // \$65.00

FIRE PREVENTION AND PROTECTION

M	6-1-300 to 350	Signs and Building Numbers	\$11.00 // \$30.00
M	6-1-400 to 420	Emergency Water Supply	\$11.00 // \$30.00
M	6-1-500 to 530	Fuel Modification	\$20.00 // \$55.00
M	6-1-700	Unlawful Sale, Use, or Discharge of Fireworks	\$11.00 // \$30.00
M	6-1-800	Unlawful Open Outdoor Fires	\$11.00 // \$30.00

BUILDING, HOUSING, AND RELATED CODES

I/M	7-1-100 through 7-1-820	Building, Housing, Plumbing, Electric, Mechanical, and Dangerous Building	\$55.00 // \$135.00
M	7-1-900	Violation of Stop Work Order	Mandatory Appearance

MOBILE HOME REGULATIONS

I/M	8-1-255	Retaliatory Acts	\$20.00 // \$55.00
I/M	8-1-315	Penalties and Remedies	\$20.00 // \$55.00
I/M	8-2-200	Violations	Mandatory Appearance

BRIDGES, DAMS, AND OTHER FACILITIES

M	10-4-105	Dangerous Activities Prohibited	\$11.00 // \$30.00
M	10-4-110	Violation of Posted Rules and Regulations	\$11.00 // \$30.00

SOLID WASTE MANAGEMENT

M	11-1-200	Littering	\$11.00 // \$30.00
M	11-1-205	Burning Refuse/Offensive Odor	\$11.00 // \$30.00
M	11-1-215	Unlawful Transport of Garbage	\$5.00 // \$20.00
M	11-1-300	Scavenging at Disposal Area	\$5.00 // \$20.00
M	11-1-305	Prohibition Against Disposing of Specific Recyclable Materials at any Disposal Area	\$5.00 // \$20.00
M	11-2-100 to 11-2-225	License to Collect, Haul, and Transport	\$20.00 // \$55.00

WATER

M	12-3-300	Unauthorized use of Town water	\$55.00 // \$135.00
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M	12-3-305	Illegal tampering with water meters	\$55.00 // \$135.00
I	12-3-361	Excessive water use or water waste	\$20.00
I	12-3-365	Inaccessible Water meter	\$20.00
M	12-4-105	Discharge of prohibited material into sewer system	\$55.00 // \$135.00
M	12-4-110	Illegal discharge of wastewater into sewer system	\$55.00 // \$135.00

BINGO

M	13-12	Bingo Operations, Permit Application and Regulations	\$11.00 // \$30.00
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CARD ROOMS

M	13-13	Card Room Operations; Permit Application and Regulations	\$11.00 // \$30.00
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DANCES AND DANCE HALLS

M	13-14	Dances and Dance Hall Operations	\$11.00 // \$30.00
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CIRCUSES AND ITINERANT SHOWS

M	13-15	Circuses and Itinerant Show Operations, Licensing, and Regulations	\$20.00 // \$55.00
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JUNK AND JUNK DEALERS

M	13-16	Junk and Junk Dealers, Licensing, and Regulations	\$20.00 // \$55.00
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OUTDOOR THEATERS

M	13-17	Public Nuisance	\$20.00//\$55.00
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HEALTH

M	13-18	Food Handling; Health Permits; Item Price Marking; Pool Permit	\$5.00 // \$20.00
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CIVIL DEFENSE AND DISASTER

M	13-19-330	Obstruction of Assistance/Enforce- mt. Or Unlawful Act During Disaster	\$135.00 // \$300.00
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ZONING ORDINANCE VIOLATIONS

I/M	27.06.020 through 27.20.030 (a) through (h)	Development and Land Use Approval Requirements // Residential, Commercial, Industrial Zoning Districts	Mandatory Appearance
I/M	27.26.030 through 27.34.150	Fences; Landscape Maintenance; Signage; Animal Keeping; Child Day Care Facilities; Drive-In and Drive-Through Facilities; Home Occupations; Guest Houses; Mobile Home Parks/On Single- Family Lots; Outdoor Storage	\$20.00 // Mandatory Appearance
I/M	27.34.170 through 27.34.200	Accessory Uses; Second Dwelling Units; Telecommunications Facilities	Mandatory Appearance
I/M	27.36.060	Tree Removal	Mandatory Appearance

ALL OTHER SECTIONS OF THE WINDSOR TOWN CODE

I	All other sections		\$20.00 // \$55.00
M	All other sections		\$20.00 // \$55.00