

January 20, 2006

William W. Way, City Manager
City of California City
21000 Hacienda Blvd.
California City, CA 93505

RE: Vehicle Parking Ordinance

The enclosed ordinance incorporates the changes suggested by the council at first reading as follows:

1. Section 4-2.407: "greasing" and "grease" replaced by "servicing" and "service".
2. Section 4-2.410: "a" deleted between "on" and "such".
3. Section 4-2.413: subsection (b) deleted and following subsection renumbered.
4. Section 4-2.417(d): add "not to exceed forty-eight hours" at end of sentence.
5. Section 4-2.420(c)(3): change to read: "Form of Hearing. The person requesting the administrative review may request the appeal be conducted by mail."

Very truly yours,

LEMIEUX & O'NEILL


Wayne K. Lemieux

WKL/lms
Enclosure

ORDINANCE NO. 05-_____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CALIFORNIA CITY AMENDING
THE CALIFORNIA CITY MUNICIPAL CODE
AS IT RELATES TO ALL ASPECTS OF VEHICLE PARKING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA
CITY as follows:**

1. Purpose.

This ordinance amends the California City Municipal Code relating to vehicle parking, vehicles for sale, and parked vehicles for repair or servicing.

2. Amendment.

Article 4 (commencing with Sec. 4-2.401) of Chapter 2 of Title 4 of the California City Municipal Code is hereby amended and reenacted to read as follows:

"ARTICLE 4. PARKING

Sec. 4-2.401. Scope.

This article regulates parking of vehicles in this City.

Sec. 4-2.402. Application.

(a) This article does not prohibit the stopping, standing, or parking of vehicles when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(b) The provisions of this article imposing a time limit on standing or parking shall not relieve a person from the duty to observe other and more restrictive laws prohibiting or limiting the standing or parking of vehicles.

Sec. 4-2.403. No Stopping Zones, No Parking Areas, and Restricted Parking Areas: Maintenance: Obedience.

No operator of a vehicle shall stop, stand, or park such vehicle adjacent to a legible curb marking or sign in violation of this article.

Sec. 4-2.404. No Parking Areas: Designation.

No operator of a vehicle shall stop, stand, park, or leave such vehicle in the following places, except when necessary to avoid conflict with other traffic, or in

compliance with the direction of a police officer, or other authorized officer, or traffic sign or signal:

- (a) Within a divisional island;
- (b) On either side of a street between the projected property lines of a public walk, public steps, street, or thoroughfare terminating at such street;
- (c) Where the Traffic Engineer determines the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property;
- (d) In areas established by ordinance or resolution as a no parking area;
- (e) Upon, along, or across any railway track in such manner as to hinder, delay, or obstruct the movement of cars traveling upon such track;
- (f) Where the parking or stopping of vehicles would constitute a traffic hazard or endanger life or property;
- (g) Where the use of the street or highway is necessary for:
 - (1) the cleaning, repair, or construction of the street or highway;
 - (2) the installation of underground utilities;
 - (3) the use of the street or highway is authorized for a purpose other than the normal flow of traffic; and
 - (4) the use of the street or highway is necessary for the movement of equipment, articles, or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement. Signs giving notice of such parking restrictions shall be erected or placed at least twenty-four hours prior to the effective time of such restrictions;
- (h) Within twenty feet of a point on the curb immediately opposite the mid-block end of a safety zone; and
- (i) Within twenty feet of the approach to a traffic signal, boulevard stop sign, or official electric flashing device.

Sec. 4-2.405. Parking for More than Seventy-Two Hours.

No person who owns or has the possession, custody, or control of a vehicle shall park such vehicle upon a street, alley, public property, or public parking lot for more than seventy-two consecutive hours.

Sec. 4-2.406. Parking Vehicles for Sale.

(a) No person shall park a vehicle, trailer, or boat on a street, alley, public property, public parking lot, or private parking lot open to the public, for more than twenty-four consecutive hours, when a sign or placard on the vehicle indicates it is for sale, rental, or hire unless such street, alley, public property, public parking lot, or private parking lot open to the public is duly licensed and zoned to transact such business.

(b) No person shall operate or park a vehicle or trailer on a street, alley, public property, or public parking lot when the vehicle contains signs or placards in the window or windows of the vehicle unless the sign or placard does not exceed a seven-inch square and is located in the lower corner of the windshield farthest removed from the driver, or a seven-inch square in the lower corner of the rear window farthest removed from the driver, or a five-inch square in the lower corner of the windshield nearest the driver. This section does not prohibit an activity expressly permitted under Vehicle Code Section 26708.

Sec. 4-2.407. Parking Vehicles for Repairing or Servicing.

No person shall construct, or cause to be constructed, repair, or cause to be repaired, service, or cause to be serviced, or dismantle, or cause to be dismantled a vehicle on a public street, alley, public property, or public parking lot. Temporary emergency repairs may be made upon a public street.

Sec. 4-2.408. Parking Vehicles for Washing or Polishing for Charges.

No person shall clean or polish a vehicle on a public street when a charge is made for such service.

Sec. 4-2.409. Parking Adjacent to Schools: Signs.

No person shall park a vehicle when official signs are erected prohibiting parking adjacent to a school property.

Sec. 4-2.410. Parking on Narrow Streets: Signs.

No person shall park a vehicle on such street in violation of official signs or markings prohibiting parking which are erected upon narrow streets.

Sec. 4-2.411. Assemblages and Other Functions: Signs.

No person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs.

Sec. 4-2.412. One-Hour Parking.

No driver shall stop, stand, or park a vehicle between the hours of 9:00 a.m. and 6:00 p.m. except Sundays and holidays for longer than one hour in violation of authorized signs, parking meters, or curb markings.

Sec. 4-2.413. Parallel Parking on One-Way Streets.

(a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon a one-way street unless signs prohibit such stopping or standing.

(b) These parallel parking requirements shall not apply if a commercial vehicle is actually engaged in the process of loading or unloading freight or goods. Such vehicle may be backed up to the curb provided the vehicle does not extend beyond the center line of the street and does not block traffic.

Sec. 4-2.414. Diagonal Parking.

Diagonal parking is not permitted on streets.

Sec. 4-2.415. Parking Space Markings.

When such parking space markings are placed on the highway, no vehicle shall be stopped, left standing, or parked other than within a single space unless the size or shape of such vehicle makes compliance with the provisions of this section impossible.

Sec. 4-2.416. Alley Loading and Unloading.

No person shall stop, stand, or park a vehicle in any alley other than to load or unload persons or materials.

Sec. 4-2.417. Parking of Commercial Vehicles.

A person shall not park a commercial vehicle weighing more than ten thousand pounds unladen on a highway, alley or parcel of public property at any time in any residential zone, except for:

- (a) Necessary loading and unloading;
- (b) Performing a service activity on the adjacent lot or parcel of land;
- (c) Use in conjunction with a lawful commercial use on the adjacent lot or parcel of land; and

(d) During the construction of buildings or structures on the adjacent lot or parcel of land, not to exceed forty-eight hours.

Sec. 4-2.418. Parking of Trailers or Semi-Trailers.

A person shall not park a trailer or semi-trailer, regardless of weight upon a highway, street, alley, public way or public place unless the trailer or semi-trailer is attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, or public way or public place. This Section shall not apply to trailers or semi-trailers in the process of being loaded or unloaded.

Sec. 4-2.419. Administrative Review.

Under Vehicle Code Section 40215(b), the City shall establish a written procedure for administrative review to be conducted where a violator has requested an appeal of the issuance of a parking violation. This section implements the Vehicle Code.

Sec. 4-2.420. Administrative Review Procedures.

(a) Parking violations are a civil violation subject to a penalty pursuant to Vehicle Code Section 40200(a). A schedule of parking violation fines shall be adopted from time-to-time by the City Council by resolution.

(b) The Police Department shall be responsible for administrative reviews with respect to parking citations. The Department, under the direction of the City Manager, shall adopt specific administrative rules.

(c) The Administrative review shall include at least the following process:

- (1) *Initial Review.* A violator shall have a right to contest a notice of parking violation or a notice of delinquent parking violation. The Department shall conduct an initial investigation to determine whether the violation occurred or that the registered owner was not responsible for the violation.
- (2) *Administrative Review Process.* If the Department determines a violation occurred or the registered owner was responsible for the violation, the person cited may request administrative review.
- (3) *Form of Hearing.* The person requesting the administrative review may request the appeal be conducted by mail.
- (4) *Hearing Officer.* The City Manager shall appoint a hearing officer with appropriate qualifications, training and objectivity to conduct an impartial Hearing.
- (5) *Required Evidence.* The City shall not be required to produce any evidence other than the notice of parking violation or copy thereof together with information received from the Department of Motor Vehicles identifying the registered owner of the vehicle."

3. Other.

Except as provided herein, the California City Municipal Code is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on _____, 2006, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

(SEAL)