

## **ORDINANCE NO. 1427**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE RELATING TO PREFERENTIAL PARKING RESTRICTIONS**

#### **TITLE III—PUBLIC SAFETY CHAPTER 2—TRAFFIC REGULATIONS**

The City Council of the City of Arcata does ordain as follows:

Section 1: Title III—Public Safety, Chapter 2—Traffic Regulations, Section 3511 of the Arcata Municipal Code is hereby repealed.

Section 2: Article 16—Preferential Permit Parking, is hereby added to Title III—Public Safety, Chapter 2—Traffic Regulation, of the Arcata Municipal Code as follows:

#### **ARTICLE 16—PREFERENTIAL PERMIT PARKING**

##### **SEC. 3745. Findings and Purpose.**

The City Council finds as follows:

(a) Long-term motor vehicle parking in certain areas and neighborhoods of the City by persons who do not live in the immediate area, and who are not visiting or conducting business with persons who live in the immediate area, causes serious and adverse impacts to such areas and neighborhoods by making parking unavailable for neighborhood use.

(b) Restricting parking by nonresidents would protect these impacted areas and neighborhoods and provide an opportunity for local residents, and those who are visiting or conducting business with local residents, to park near their homes.

(c) Vehicle Code Section 22507 authorizes the City to establish a system of preferential resident parking to address these concerns.

##### **SEC. 3746. Definitions.**

As used in this Article, the following terms shall have the following definitions:

(a) “Motor Vehicle” includes an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds gross weight.

(b) “Residential Area” means a contiguous or nearly contiguous area that contains dwelling units and which contains public streets and highways.

(c) “Preferential Parking Area” means a Residential Area designated as provided for in this Article in which Motor Vehicles displaying a valid Preferential Permit shall be exempt from parking regulations established pursuant to this Article.

(d) “Preferential Permit,” or “Permit” means a permit issued pursuant to the authority of this Article for the purpose of parking in a Preferential Parking Area.

#### **SEC. 3747. Implementation and Enforcement of Preferential Parking Areas.**

The Chief of Police shall administer and enforce the Preferential Parking program in accordance with applicable state and local law, and procedures established by resolution of the City Council which shall establish criteria for Preferential Parking Area designation and Preferential Permit eligibility.

#### **SEC. 3748. Designation, Modification or Elimination of a Preferential Parking Area**

The process for designating an area as a Preferential Parking Area may be initiated by a City of Arcata resident living within an area being proposed for designation as a Preferential Parking Area or by motion of the City Council, and shall be reviewed and processed by the Chief of Police. Designation of a Preferential Parking Area shall occur through City Council resolution which shall state the boundaries of the Preferential Parking Area and parking regulations and fees, if any, specifically applicable to such Area. Modification or elimination of an existing Preferential Parking Area may be requested by any person residing within a Preferential Parking Area or by motion of the City Council.

#### **SEC. 3749. Notice of Hearing**

Action taken by the City Council to designate, modify or eliminate a Preferential Parking Area, shall be taken after a noticed hearing in which notice is given to affected persons including but not limited to property owners and households within the Preferential Parking Area or proposed Preferential Parking Area, as well as property owners and households within two blocks of any street abutting such Preferential Parking Area. All affected property owners shall be notified by mailing to the address stated on the last equalized assessment roll. All affected non-property owner households shall be noticed in a manner that provides the greatest likelihood of being reached, as determined by the Chief of Police, including but not limited to mailing, hand delivery, publication, public service announcement, or posting of notices. The notice shall contain a description of the Preferential Parking Area proposed for designation, modification, or elimination, proposed City Council action, and the date, time and location of the hearing. In the event the number of occupants and property owners within a Preferential Parking Area proposed for designation, modification or elimination is greater than 1,000, the Chief of Police may alternatively provide notice to the affected property owners and households in a manner designed to notify the maximum number of people possible within the affected area, including but not limited to publication of notice, public service announcements, and posting of notices.

## **SEC. 3750. Administration of Preferential Permits.**

(a) The Chief of Police shall administer the Preferential Permit program including the issuance of Preferential Permits and collection of all fees. The Chief of Police may revoke any Preferential Permit for cause including but not limited to the following:

1. False representation as eligible for a Preferential Permit or otherwise furnishing false information in order to obtain a permit.
2. Permitting the use or display of a Preferential Permit on a Motor Vehicle other than that for which the Permit is issued.
3. The use of a Preferential Permit: (1) more than three city blocks from the address for which it is issued; or (2) for the purpose of parking to go to one's place of employment or educational institution.
4. The copying, producing or otherwise creating of a facsimile or counterfeit Permit in order to evade parking regulations applicable in a Preferential Parking Area.
5. The selling, transferring, or exchanging of any Permit, or attempt to do so.

(b) No Preferential Permit will be issued to any applicant until that applicant has paid all of his or her outstanding City of Arcata parking citations, if any, including all civil penalties and related fees.

(c) A Preferential Permit shall not guarantee or reserve to the holder an on-street parking space within the designated Preferential Parking Area.

(d) Any decision by the Chief of Police to deny, not renew or revoke a Preferential Permit may be appealed to the City Manager, in writing, within ten (10) days of such determination.

## **SEC. 3751. Effect of Permit.**

A Motor Vehicle displaying a valid Preferential Permit may lawfully park in the Preferential Parking Area for which the Permit has been issued subject to regulations established for that Preferential Parking Area. The issuance of a Preferential Permit shall not exempt the Motor Vehicle from parking restrictions or prohibitions established pursuant to authority other than this Article.

## **SEC. 3752. Duration of permit.**

Except as otherwise provided, a Preferential Permit shall be valid for no more than one year, or as long as the permit holder continues to reside in the household for which the Permit was issued, or until the Preferential Parking Area for which the Permit was issued is dissolved,

whichever period of time is less. Permits may be renewed upon reapplication in the manner specified by the Chief of Police.

**SEC. 3753. Permit fees.**

Fees for a Preferential Permit shall be established by resolution of the City Council.

**SEC. 3754. Prohibition on parking within designated Preferential Parking Areas, Exemptions.**

When signs or markings giving adequate notice thereof have been placed, no person shall stop, stand or park a vehicle on any street within an area designated as a Preferential Parking Area, on the days and during the hours established for that Preferential Parking Area except:

- (a) A Motor Vehicle lawfully displaying a Preferential Permit in accordance with this Article;
- (b) A vehicle owned or operated by a utility provider or servicer, whether privately or publicly owned, when used in the course of business occurring in the Preferential Parking Area.
- (c) A vehicle that is under the control of a person providing services to real property located in a designated Preferential Parking Area, including but not limited to a delivery vehicle.
- (d) A vehicle owned or operated by a governmental agency when used in the course of official government business.
- (e) An emergency vehicle, including but not limited to an ambulance, fire engine or police vehicle.
- (f) A vehicle registered to or used by disabled persons when such vehicle displays a distinguishing license plate or placard issued by the California Department of Motor Vehicles.

**SEC. 3755. Additional Prohibitions.**

- (a) When signs or markings giving adequate notice of Preferential Parking restrictions within a Preferential Parking Area have been placed, it shall be unlawful for any person to stop, stand or park a Motor Vehicle on any street within an area designated as a Preferential Parking Area on the days and during the hours applicable to that Preferential Parking Area as established by resolution of the City Council except:

- 1. A Motor Vehicle owned or operated by a utility provider or servicer whether privately or publicly owned, when used in the course of business.
  - 2. A Motor Vehicle under the control of a person providing services to property located within a designated Preferential Parking Area, including but not limited to a delivery vehicle.

3. A Motor Vehicle owned or operated by a governmental agency when used in the course of official government business.

4. An emergency vehicle, including but not limited to an ambulance, fire engine or police vehicle.

5. A Motor Vehicle registered to or used by disabled persons when such Motor Vehicle displays a distinguishing license plate or placard issued by the California Department of Motor Vehicles.

(b) It shall be unlawful for any person to falsely represent himself/herself as eligible for a Preferential Permit or to furnish false information in an application for a Preferential Permit.

(c) It shall be unlawful for any person holding a Preferential Permit to allow the use or display of such permit on a Motor Vehicle other than the Motor Vehicle for which the Preferential Parking Permit was issued.

(d) It shall be unlawful for any person to copy, produce or otherwise bring into existence a facsimile or counterfeit Preferential Permit.

(e) It shall be unlawful for any person to knowingly use or display a facsimile or counterfeit Preferential Permit.

(f) It shall be unlawful for any person to buy, sell or use a Preferential Permit in violation of rules and procedures adopted by the City Council.

## **SEC. 3756. Penalties.**

(a) Any violation of this Article shall be deemed an infraction and subject to the penalties set forth in Section 1200 of this Code.

(b) Any violation of this Chapter shall be cause for denial, nonrenewal or revocation of any Preferential Permit.

**Section 3: Severability.** If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 4:** This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: January 16, 2013

ATTEST:

/s/ Randal J. Mendosa  
City Clerk, City of Arcata

APPROVED:

/s/ Shane Brinton  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1427**, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 16<sup>th</sup> day of January, 2013, by the following vote:

AYES: **BRINTON, WHEETLEY, ORNELAS, STILLMAN, WINKLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Randal J. Mendosa  
City Clerk, City of Arcata