



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: December 8, 2015

TO: Ordinance Committee

FROM: Engineering Division, Public Works Department

SUBJECT: Ordinance To Prohibit Parking Over 72 Hours And Parking Of Inoperable Vehicles In City Owned Parking Lots

RECOMMENDATION:

That the Ordinance Committee forward to Council for introduction An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.44 of the Municipal Code by Revising Sections 10.44.152, Regulation of Parking Upon Municipally Owned and/or Operated Parking Lots, and Establishing Section 10.44.153, Penalties for Vehicle Parking over 72 Hours, or Parking of Inoperable Vehicles Upon Municipally Owned Parking Lots.

DISCUSSION:

The City's Municipal Code addresses the regulation of parking in municipally owned and/or operated parking lots. Currently, there is no established regulation against parking within these parking lots for a period of more than seventy-two (72) consecutive hours. In addition, there is no regulation against leaving inoperable vehicles in these parking lots. Municipally owned parking lots are not intended for long-term storage of vehicles, nor are they intended for the storage of inoperable vehicles.

Therefore, staff recommends that Section 10.44.152 of the Santa Barbara Municipal Code be amended to prohibit parking for longer than 72 hours, unless a special permit is issued by the Public Works Director, and that 10.44.152 be amended to prohibit parking of inoperable vehicles.

Staff also recommends that Section 10.44.153 be established to define the penalties for these new prohibitions.

ATTACHMENT: Proposed Ordinance

PREPARED BY: Derrick Bailey, Supervising Transportation Engineer/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

**ORDINANCE COMMITTEE DISCUSSION DRAFT __/__/__
SHOWING CHANGES FROM THE CURRENT CODE
NEW PROVISIONS SHOWN IN UNDERLINE**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 10.44 OF THE MUNICIPAL CODE BY REVISING SECTIONS 10.44.152, REGULATION OF PARKING UPON MUNICIPALLY OWNED AND/OR OPERATED PARKING LOTS, AND ESTABLISHING SECTION 10.44.153, PENALTIES FOR VEHICLE PARKING OVER 72 HOURS, OR PARKING OF INOPERABLE VEHICLES UPON MUNICIPALLY OWNED PARKING LOTS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.44 of the Santa Barbara Municipal Code is revised to read as follows:

10.44.151 Regulation of Traffic Upon Municipally Owned and/or Operated Parking Lots.

Whenever the Transportation Engineer shall determine the necessity of regulations governing the operation and parking of vehicles upon or the exclusion of vehicles from parking lots owned, operated or controlled by the City, the Transportation Engineer shall have the power and authority to erect signs or otherwise mark such lots to indicate such regulations; and when signs or markings authorized by the provisions hereof are in place giving notice thereof, no person shall operate, stand or park any vehicle upon such parking lot contrary to such regulations or directions of such signs or markings.

Any person parking a motor vehicle in violation of a curb marking or sign restricting parking to vehicles displaying a distinguishing license plate or placards issued to disabled persons pursuant to the Vehicle Code shall be punished by a fine of not less than twenty-five dollars (\$25.00). (Ord. 4759, 1992; Ord. 3913 §1, 1977; Ord. 3199 §2, 1967.)

10.44.152 Regulation of Parking Upon Municipally Owned and/or Operated Parking Lots.

- (a) No person shall park a motor vehicle in a municipally owned and/or operated parking lot and fail to pay the parking fee established by resolution and posted for the use of said lot. Said fee shall be paid no later than time of departure from the lot, except that a person departing a lot with no parking attendant present shall deposit said fee or mail said fee in accordance with the instructions on the

- envelope securely attached to the vehicle by the parking attendant before his departure from the lot; said fee to be mailed or delivered within three (3) days.
- (b) It shall be unlawful for any person to use or permit or cause to be used a monthly parking permit by a person not authorized in the permit agreement.
 - (c) Any person removing a vehicle from the lot and re-entering a lot for the sole purpose of avoiding payment of parking fees shall pay a parking fee as if said vehicle had not departed the lot.
 - (d) It shall be unlawful to present a subsequent, counterfeit, or other substitute evidence of entry into any municipally owned and/or operated parking lot for the purpose of reducing or avoiding the parking fee established for the use of said lot.
 - (e) —In an action for violation of this section, proof that a person was the registered owner of a motor vehicle at the time the vehicle was parked unattended in a municipally owned and/or operated lot is prima facie evidence that the registered owner was the person who parked the vehicle. The registered owner shall be given written notice of the violation and an opportunity to respond as provided in Section 40202 of the Vehicle Code of the State of California as it exists today and may be amended in the future.
 - (f) In addition to the penalties provided for violation of this code, the use of a municipally owned and/or operated parking lot in violation of this Municipal Code, the regulations established by the Transportation Engineer, or the applicable fee requirements, shall be subject to use fees that are twice the fees for proper use.
 - (g) The Transportation Engineer shall make provision to mark, chalk, photograph, record or otherwise identify such use of municipally owned and/or operated parking lots as may be required for the reasonable enforcement of this Chapter. (Ord. 5061, 1998; Ord. 4760, 1992; Ord. 3864, 1976.)
 - (h) No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in excess of a period of seventy-two (72) consecutive hours in a municipally owned parking lot.(i) Notwithstanding (h), the Public Works Director may issue a permit allowing for parking in excess of seventy-two (72) consecutive hours in a municipally owned parking lot.
 - (i) No person shall park, ~~or~~ stand, or permit to remain for a longer period than two (2) hours in any municipally owned parking lot, any motor vehicle which is wrecked or incapable of operating under its own power.

SECTION 2. Chapter 10.44.153 is being added to the Santa Barbara Municipal Code to read as follows:

10.44.153 Penalties for Vehicle Parking Over 72 Hours in Parking Lots, ~~r~~ Or The Parking of Inoperable Vehicles

A. PENALTIES FOR VEHICLE PARKING OVER 72 HOURS, OR PARKING OF INOPERABLE VEHICLES, UPON MUNICIPALLY OWNED PARKING LOTS. In the event a vehicle is parked, stopped or left standing in any of the municipally owned parking lots, except as permitted per Section 10.44.152 (h), in excess of a period of seventy-two (72) consecutive hours, or that the vehicle is inoperable per Section

10.44.152 (j), the vehicle may be cited and the vehicle may be removed from the municipally owned parking lots by any member of the Police Department authorized by the Chief of Police in the manner and consistent with the requirements of the California Vehicle Code.