

ORDINANCE NO. 2498 (N.C.S.)

**AN ORDINANCE ESTABLISHING PREFERENTIAL PARKING DISTRICTS
WITHIN THE CITY OF SALINAS**

WHEREAS, California Vehicle Code Section 22507 authorizes the City to prohibit or to restrict the stopping, standing, or parking of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, Vehicle Code Section 22507 further authorizes the City to designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which designation said residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or the resolution; and

WHEREAS, the City desires to establish a framework for the establishment of preferential parking districts within the City of Salinas.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Article XVII titled "Preferential Parking Districts" is hereby added to Chapter 20 of the Salinas City Code and shall read as follows:

20-214. Definitions. For purposes of this Article, the following words and phrases shall have the following meanings:

(a) "Dwelling Unit" or "Residence" shall mean a house, apartment, condominium, mobile home, or other type of residence, in conformance with the City's Zoning Code. Apartments, mobile homes, or other type of residence having numbers or letters assigned in addition to the street address shall be deemed a dwelling unit.

(b) "Guest" shall mean any person visiting a dwelling unit located in a preferential parking district.

(c) "Guest Permit" shall mean a permit issued by the City of Salinas to residents of preferential parking districts, limited to use by guests of the resident within the district to which it is issued.

(d) "Motor Vehicle" shall include any licensed automobile, truck, motor-home, recreational vehicle, trailer, motorcycles, or other motor-drive form of transportation.

(e) "Parking Permit" or "Preferential Parking Permit" shall mean any valid resident, guest, or daily parking permit issued by the City of Salinas.

(f) "Preferential Parking District" shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this Article.

(g) "Qualified Petition" shall mean a City of Salinas approved petition that represents at least fifty-one percent (51%) of the households or occupants on a block segment. Each household gets one vote whether owner or renter occupied.

(h) "Resident" shall mean a person who lives in a dwelling unit located in a preferential parking district.

20-215. Parking Privileges for Permit Holders.

Any motor vehicle properly displaying a valid preferential parking permit for a street within a preferential parking district may park on that street during the hours when parking on such street is prohibited to nonpermitted vehicles. Except as otherwise provided in this Article, all other motor vehicles parked within a preferential parking district shall be subject to the parking restrictions and penalties as provided in this Article. A preferential parking permit shall neither guarantee nor reserve to the holder thereof any particular on-street parking space. A permitted vehicle shall obey all other parking rules, regulations, and restrictions.

20-216. Designation of Preferential Parking Districts; Dissolution of Preferential Parking Districts.

(a) The City Council may, by resolution, and at its discretion or upon receipt of a petition signed by at least fifty-one percent of a residential area, designate that area or areas to be a preferential parking district.

(b) A preferential parking district shall be created only where the City Council has found that unrestricted parking creates a situation in which the streets cannot be used for parking by the residents or their guests and that such unrestricted parking substantially and unreasonably, regularly interferes with the use of 85% of the available public street parking, is the source of unreasonable noise, traffic hazards, environmental pollution, or of other interference with the residential environment and detrimentally affects the public welfare.

(c) Resident Requests to Add or Remove Program Areas. Residents of any residential area may petition the City of Salinas Department of Transportation and Engineering to add or to

remove areas from the City's preferential parking program. To add or remove an area, residents of the area must submit a general petition of interest representing at least fifty-one percent (51%) of the residences of the area support for a preferential parking program. Based on the petition the City will evaluate the City's ability to serve the area and may include a wider range of adjacent streets or street segments in the program area that represent potential spill over parking impacts. Residents of the proposed area will be notified of the proposed preferential parking program at least thirty (30) days prior to implementation. Residents of the proposed area will be given the opportunity to opt out of the preferential parking program during this notification period. When new preferential parking program areas are established, individual street segments may opt out of the permit parking restrictions by submitting a qualified petition to the Transportation and Engineering Department. Those street segments which opt out of the program area may not rejoin the program area for a period of two years once they have opted out of the area by petition.

(d) Resident Requests to Add or Remove Street Segments to an Existing Program Area. Residents may submit a qualified petition to request adding or removing a street segment to an existing program area. These petitions must be submitted to the Transportation and Engineering Department which will evaluate the City's ability to serve the area. Residents of the proposed street segment will be given at least thirty (30) days notice prior to implementation of the preferential parking program.

(e) Dissolution of Preferential Parking Districts. The designation process set forth in this Section shall be utilized by the City Council in determining whether to dissolve a preferential parking district.

20-217. Installation of Signs.

The preferential parking designation shall not apply to any specific street within the district until a sign giving adequate notice thereof has been installed on that street. The Transportation and Engineering Director will cause the installation of such signs on the streets in preferential parking districts, in an order and timing in his or her discretion according to sound traffic engineering principles, indicating that there is no parking between specified hours except for vehicles which display a valid preferential parking permit.

20-218. Establishment and Enforcement of Hours.

Preferential parking referenced in this Article shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council and established by resolution, based upon sound traffic engineering principles, traffic investigation, and surveys made, and shall be posted upon such streets. Nothing in this Article shall be construed as

permitting parking during times or hours or by type of vehicle otherwise prohibited in the City Code or by and provision of state law.

20-219. Exemptions.

(a) The vehicles listed in this section may park in a preferential parking district without a preferential parking permit: vehicles lawfully displaying a special identification license plate or placard issued to a disabled person; vehicles of disabled veterans, emergency vehicles and other vehicles explicitly exempted from observing parking regulations pursuant to applicable provisions of state law.

(b) Those streets or street segment(s) in front of schools and parks which, as determined by the City Engineer, are otherwise subject to parking restrictions that differ from those established for a preferential parking area.

20-220. Preferential Parking Permit—Application and Issuance.

(a) Parking permits for preferential parking districts shall be issued by the City Manager or his designee.

(b) The City shall make available preferential parking permit applications and shall issue permits upon proper application therefor. Each application and reapplication shall be on a form provided by the City and shall contain sufficient information to satisfy the City as to the identity the applicant including the address and daytime telephone number of the applicant; the applicant's registered ownership; the applicant's drivers license number; the license number, make, model, and year of the vehicle; proof of current vehicle insurance and current registration; and such other information as deemed necessary by the City. Permits shall be issued within thirty (30) days of the City's receipt of a complete and conforming application.

(c) Each application, reapplication, and renewal application shall be accompanied by the nonrefundable fees specified by resolution of the City Council.

(d) Parking permits shall not be issued to any person who has outstanding parking tickets.

(e) Parking permits become invalid and shall be returned to the City when the permit holder moves out of a preferential parking district.

20-221. Resident Parking Permits.

(a) The number of resident parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Resident parking permits are issued to the resident for the resident's vehicle. The resident parking permit is not transferable between vehicles. The resident permit is valid for one year after the date of issuance.

(b) Resident parking permits shall be affixed to the inside bottom left of the front windshield or hanging from the rear view mirror.

20-222. Guest Parking Permit—Annual.

(a) The number of annual guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Annual guest parking permits are transferable among the resident's guest vehicles. Residents who do not possess a driver's license and who do not otherwise qualify for the resident parking permit, may not purchase guest parking permits. Guest parking permits are to be used only by the resident's bona fide transient guests. The guest permit is valid for one year after the date of issuance.

(b) Annual guest parking permits shall be displayed by hanging the same from the rear view mirror.

20-223. Guest Parking Permit—Daily.

(a) The number of daily guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Daily guest permits are to be used by the resident's bona fide transient guests. Daily guest permits are valid only on the day for which it is issued and shall expire at 12:00 noon following the effective date of the permit.

(b) Daily guest parking permits shall be displayed by hanging the same from the rear view mirror.

20-224. Permit Content.

Each preferential parking permit shall state the street(s) on or preferential parking district in which it is valid, the expiration date, and any additional information required by the City.

20-225. Replacement Parking Permits.

The City may issue a duplicate or replacement resident or annual guest permit to any person who has qualified for and who has been issued a parking permit under the provisions of this Article. The permit holder must furnish proof that said permit has been lost or destroyed, including submittal of a police report, or the vehicle to which the original permit was affixed has been disposed of, for which new vehicle registration must be provided. The duplicate or replacement parking permit will be reissued at the standard cost of the original parking permit that it replaces. The cost of the duplicate or replacement permit will not be pro-rated. Permit holders shall report to the City a lost, stolen, or missing parking permit within five (5) days of loss, at which time that permit shall be cancelled and a new permit issued for a replacement fee.

20-226. Preferential Parking Permit Exemptions.

Vehicles readily identifiable as emergency or government vehicles shall be exempt from the parking restrictions of this Article. Vehicles readily identifiable as commercial, delivery, service, utility, or construction vehicles, while actually engaged in providing maintenance, repair, or service work to a residence in a program area, shall be exempt from the parking restrictions of this Article.

20-227. Preferential Parking Permit Revocation.

(a) The City Engineer, the Chief of Police, and their designees are authorized to revoke the parking permits of any person on any of the following grounds:

- (1) Ineligibility for a permit under the terms of this Article at the time of the application;
- (2) Ceasing to be eligible during the term of the permit;
- (3) Failing to comply with or violating any condition imposed on the issuance of a permit; or
- (4) Failing to comply with or violating any provision of this Article or any related law or regulation.

Upon written notification, the permit holder shall surrender such permit to the requesting authority. The permit shall be considered void on the fifth day after the date of notification. Failure to surrender a revoked parking permit when requested shall constitute a violation of this Article. Upon revocation, parking permit fees will not be refunded.

(b) Any person whose permit has been revoked shall not be issued a new permit without reapplication and establishing eligibility pursuant to this Article.

(c) The action of the City Engineer or the Chief of Police, or their designees, to revoke a parking permit may be appealed to the City Manager or his designee. Notice of such an appeal

shall be filed with the City Clerk within ten (10) days after the revocation. If such an appeal is timely filed, revocation shall be stayed until the City Manager or designee's decision is made. Upon failure of the permit holder to file such notice within the ten (10) day period, the action of the City Engineer or Chief of Police shall be final and conclusive. The hearing on the appeal shall be conducted pursuant to rules and procedures established by the City. The City Manager's determination shall be final the City's final and conclusive determination on the matter and shall be subject to review only as provided in the California Code of Civil Procedure. The failure of the permit holder to appeal as provided in this Section shall be considered an exhaustion of their administrative remedies.

20-228. Parking Permit Fees.

The parking permit fees for all City parking permit programs shall be established by resolution of the City Council. Separate rates may be established for different permit types and/or permit locations.

20-229. Permit Parking Penalty Provisions.

It is unlawful and a violation of this Article to do any of the following, which violations shall be subject to the civil parking penalties established by the City Council:

(a) Unless exempted by the provisions of this Article, no person shall stand or park a motor vehicle in any preferential parking district established pursuant to this Article in violation of any parking restrictions established pursuant to this Article. A violation of this Section shall constitute an infraction which shall be punishable by a fine established by resolution of the City Council.

(b) No person shall falsely represent himself as eligible for a parking permit or furnish false information to the City in an application for a preferential parking permit.

(c) No permit issued pursuant to this Article shall thereafter be assigned, transferred, or used for any consideration, monetary or otherwise.

(d) No person shall copy, produce or create a facsimile of or counterfeit a parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking permit.

(e) No person shall hold a valid parking permit and allow the use or the display of such permit on a motor vehicle other than that for which the permit was issued. Such conduct shall constitute an unlawful act both by the person who holds the valid parking permit and the person who displays the parking permit.

(f) No person shall alter or deface a parking permit or intentionally conceal an expiration date or otherwise attempt to present false information as true and genuine, on the face of a parking permit which is displayed in a vehicle parked on a City street.

(g) No person shall fail to display or improperly display a parking permit required and issued pursuant to this Article.

(h) It shall be the sole responsibility of the owner, operator, manager, or driver of a vehicle for which a parking permit has been issued to become familiar with the provisions for and limitations on the use of the parking permits and ignorance of these provisions and limitations shall not be claimed as a defense in any action brought for illegal or improper use of the parking permit and shall not be sufficient grounds to void any citation issued for any violation of this Article.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect thirty (30) days from and after its adoption.

SECTION 4. The City Clerk of the City of Salinas is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Salinas Californian, a newspaper of general circulation printed, published, and circulated in the City of Salinas and hereby designated for that purpose by the Council of Salinas:

“Article XVII is added to Chapter 20 of the Salinas City Code to establish preferential parking districts within the City of Salinas.”

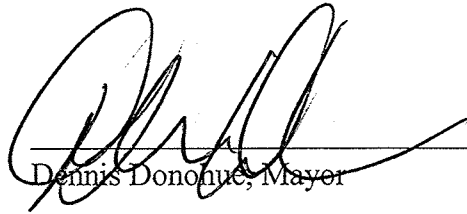
This ordinance was introduced and read on the 6th day of October 2009, and passed and adopted on the 1st day of December 2009, by the following vote:

AYES: Councilmembers Barnes, Barrera, De La Rosa, Lutes, Sanchez, Villegas, and Mayor Donohue

NOES: None

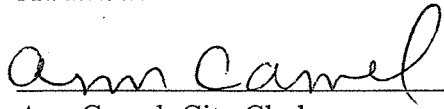
ABSTAIN: None

ABSENT: None



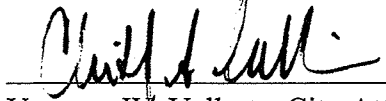
Dennis Donohue, Mayor

ATTEST:



Ann Camel, City Clerk

APPROVED AS TO FORM:



Vanessa W. Vallarta, City Attorney

By

Christopher A. Callihan, Sr. Deputy City Attorney