

ORDINANCE 27-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING CHAPTER 10.26 PREFERENTIAL PARKING ZONES TO ELK GROVE MUNICIPAL CODE TITLE 10 VEHICLES AND TRAFFIC

WHEREAS, the City has residential neighborhoods that have difficulty with parking near their homes; and

WHEREAS, outside influences such as businesses, schools and other parking generators create hardships for people living in these residential neighborhoods; and

WHEREAS, creation of Preferential Parking Zones will allow residents to park on streets where parking restrictions are in place to keep outside influences from parking in their neighborhood; and

WHEREAS, wherever these problems occur, residents can request that their block be established as a Preferential Parking Zone; and

WHEREAS, residents can obtain and display permits to exempt them from these parking restrictions.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose

The purpose of this ordinance is to amend the Elk Grove Municipal Code (EGMC) to provide for parking zones that restrict parking to those holding valid parking permits.

Section 2: Findings

General Plan Consistency

Finding: The proposed amendment to Elk Grove Municipal Code Title 10 "Vehicles and Traffic" is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The creation of Parking Zones will allow for a safe community, free from manmade and natural hazards.

Section 3: The Elk Grove Municipal Code is hereby amended to amend Section 10.04.110, add Section 10.08.125 (Definitions) and add Chapter 10.26 (Preferential Parking Zones) as set forth below.

Section 10.04.110 shall be amended to read as follows:

10.04.110 Civil penalty provisions.

Any person violating or failing to comply with the provisions of EGMC Sections 10.16.050(B); 10.24.010; 10.24.030; 10.24.040(C); 10.24.050; 10.24.060; 10.24.070(A), (B), (C), (D), (G) and (H); 10.24.080; 10.24.090(D); 10.24.100(B); 10.24.110; 10.24.120; 10.24.130; 10.24.140; 10.24.160; 10.24.170(B); 10.24.175; 10.24.180; 10.26.090, 10.28.030(B); 10.28.100; 10.28.110; 10.32.050; 10.32.060 and 10.36.020 shall be subject to civil penalties, fees, or charges, and procedures as set forth in the resolution adopted by the City Council pursuant to EGMC Section 10.04.100.

Section 10.08.125 shall be added to read as follows:

10.08.125 Preferential Parking Zone.

“Preferential parking zone” shall mean a residential area with streets and boundaries designated by the City Council wherein vehicles displaying a permit issued pursuant to this Chapter shall be exempt from parking restrictions established pursuant to this Chapter.

Chapter 10.26 shall be added to read as follows:

**Chapter 10.26
Preferential Parking Zones**

Sections:

10.26.010	Legislative Purpose
10.26.020	Establishment and Designation of Preferential Parking Zones
10.26.030	Annexation Criteria
10.26.040	Termination of Preferential Parking Zones
10.26.050	Issuance of Preferential Parking Permits
10.26.055	Limitations of Preferential Parking Permit
10.26.060	Prohibitions
10.26.070	Exemptions
10.26.080	Transfer and Expiration of Preferential Parking Permits
10.26.090	Penalty Provisions
10.26.100	Application of Regulations
10.26.110	Appeals

10.26.010 Legislative Purpose

Certain parking generators exist within the city, such as hospitals, schools, and large public office buildings, which attract nonresidents to residential areas to seek parking.

These generators cause a shortage of resident parking in such neighborhoods and residential areas. Residents are burdened by the parking of motor vehicles owned by nonresidents which compete for the available on-street parking spaces. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park near their homes. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. For reasons set forth in this chapter and pursuant to the authority of Vehicle Code Section 22507, a system of preferential resident parking is enacted for the City.

10.26.020 Establishment and Designation of Preferential Parking Zones

The City Council may adopt a resolution designating any residential area as a Preferential Parking Zone. The resolution shall state the boundaries of the area, applicable parking regulations, and any fees to be charged for permits.

10.26.030 Annexation Criteria

In determining whether a residential area may be designated as a new Preferential Parking Zone or annexed into an existing Preferential Parking Zone, the City Council shall take into account factors which include, but are not limited to:

- A. The extent that motor vehicles park in the residential area during the period proposed for parking regulations.
- B. The Director shall undertake voting surveys of the residences located in the areas proposed for designation or annexation to determine support or opposition to the proposed designation or annexation. A minimum of 75% of the residences surveyed (one vote per residence) must be in favor of the designation or annexation.
- C. After determining that at least 75% of the residences support the proposed new area or annexation to an existing Preferential Parking Zone and the Director makes a recommendation to support or not support the Preferential Parking Zone, the City Council shall have the authority to establish a new Preferential Parking Zone or annex the area into an existing Preferential Parking Zone.

10.26.040 Termination of Preferential Parking Zones

The City Council may terminate a Preferential Parking Zone upon receipt of a petition calling for termination which has been received and transmitted by the City Clerk, and which contains the signatures and corresponding printed names and addresses of persons representing at least 75% of the residences in the zone. The requested zone for termination must have been in place at least one year before consideration will be given to terminate. The City Council may also terminate a Preferential Parking Zone at any time without submission of a petition requesting termination, by resolution setting forth the reasons for such termination. Reasons may include, but are not limited to, changes in circumstances which led to the original establishment of the zone.

10.26.050 Issuance of Preferential Parking Permits

The Director or designee shall issue a Preferential Parking Permit upon submittal of a completed application, proof of vehicle registration of the vehicle to a residence in the Preferential Parking Zone, and payment of any fee as prescribed by resolution of the City Council. In cases where residence is temporary, a signed lease may be provided for proof of residency to obtain a new permit. The permit shall be displayed on the vehicle as directed by the Director or designee. Preferential Parking Permits shall be limited to one permit for each registered vehicle for each residence located adjacent to a street, or portion thereof, within a Preferential Parking Zone; and one guest permit for each residence. Preferential Parking Permits shall be valid for only the same block upon which the residence is located or in cases of corner locations, the permit shall be valid on the two contiguous blocks within the Preferential Parking Zone.

10.26.055 Limitations of Preferential Parking Permit

- A. The permits issued hereunder shall not invalidate any requirements found in the municipal code for the moving of recreational vehicles or trailers within a specified period of time.
- B. The permits issued hereunder shall not be valid in loading zones or areas where parking or stopping is prohibited as posted or painted on curbs.

10.26.060 Prohibitions

No vehicle shall be parked or stopped adjacent to any curb in a Preferential Parking Zone, unless such vehicle has a valid and current Preferential Parking Permit, or is otherwise exempt to the extent authorized by law.

10.26.070 Exemptions

The following vehicles are exempt from the parking restrictions imposed pursuant to this Chapter:

- (a) Vehicles in use for the construction or repair of any public utility (as defined in the California Public Utility Code Section 216(a);
- (b) Vehicles engaged in official government business;
- (c) Emergency vehicles;
- (d) Vehicles engaged in construction, repairs, or similar services on property within the Preferential Parking Zone that are found by the City to be executing one of these lawful purposes.

10.26.080 Transfer and Expiration of Preferential Parking Permits

The preferential parking permit may not be transferred between vehicles, except for the guest permit listed in EGMC 10.26.050. Each preferential parking permit shall expire upon change of residence and a new application must be filed by a new owner or resident.

10.26.090 Penalty Provisions

- A. It is a violation of this chapter, unless expressly provided to the contrary, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter. The violation shall be subject to fines established by resolution adopted by the City Council pursuant to Elk Grove Municipal Code 10.04.110.
- B. It is a violation of this chapter for a person to falsely represent him or herself as eligible for a Preferential Parking Permit or to furnish false information in order to obtain a permit. The violation shall be subject to fines established by resolution adopted by the City Council, pursuant Elk Grove Municipal Code 10.04.110. Preferential Parking Permit's issued pursuant to false information will be revoked by the Director.
- C. It is a violation of this chapter, unless expressly provided to the contrary, for a person holding a valid Preferential Parking Permit issued pursuant to this chapter, to permit the use or display of the permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of the chapter both by the person holding the valid Preferential Parking Permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued. The violation shall be subject to fines established by resolution adopted by City Council pursuant to Elk Grove Municipal Code 10.04.110.
- D. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a Preferential Parking Permit Zone. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. The violation shall be subject to fines established by resolution adopted by City Council pursuant to Elk Grove Municipal Code 10.04.110.

10.26.100 Application of Regulations

The provisions of this chapter imposing restrictions on parking, shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

10.26.110 Appeals

Any denial of a parking permit, levied fines or other provisions of this Chapter may be appealed in accordance with Section 1.11 of the Elk Grove Municipal Code.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

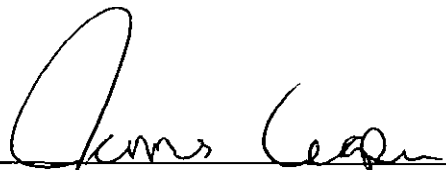
Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

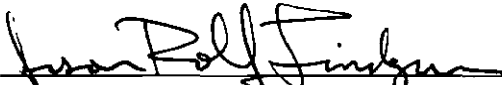
Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).


ORDINANCE: 27-2014
INTRODUCED: September 24, 2014
ADOPTED: October 8, 2014
EFFECTIVE: November 7, 2014



JAMES COOPER, VICE MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Dated: October 21, 2014

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 27-2014

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on September 24, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 8, 2014 by the following vote:

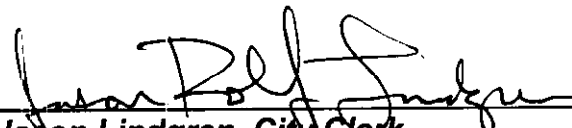
AYES : **COUNCILMEMBERS:** **Cooper, Detrick, Hume, Trigg**

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN: **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **Davis**

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California