

ORDINANCE NO. 10-935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, REVISING THE OVERNIGHT PARKING PERMIT PROCESS AND FEE PROVISIONS OF PART 3 OF ARTICLE A OF CHAPTER 3 OF TITLE 3 OF THE TEMPLE CITY MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF TEMPLE CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Part 3 "Parking Restrictions" (sections 3320 through 3329 inclusive) of Article A of Chapter 3 of Title 3 of the Municipal Code of the City of Temple City is hereby amended to read as set forth in Attachment "A" to this Ordinance.

SECTION 2: The City Council hereby declares that, should any provision, section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance or any part thereof, be rendered or declared invalid or unconstitutional by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, such decision or action shall not affect the validity of the remaining section or portions of the Ordinance or part thereof. The City Council hereby declares that it would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words of this Ordinance irrespective of the fact that any one or more provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words may be declared invalid or unconstitutional.

SECTION 3: The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this 15th day of June 2010.

MAYOR

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

I, Mary Flandrick, City Clerk of the City of Temple City, hereby certify that the foregoing Ordinance No. 10-935 was introduced at the regular meeting of the City Council of the City of Temple City held on the 1st day of June 2010, and was duly passed, approved and adopted by said Council at the regular meeting held on June 15th, 2010 by the following vote:

AYES: Councilmember-Blum, Sternquist, Yu, Chavez, Vizcarra
NOES: Councilmember-None
ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

City Clerk

ATTACHMENT "A"

TITLE 3

CHAPTER 3

ARTICLE A. VEHICULAR TRAFFIC REGULATIONS

PART 3. PARKING RESTRICTIONS

3320. PROHIBITED PARKING PERIOD

No person shall stop, stand or park a vehicle, all forms of cycles and motorized scooters, and bicycles including similar devices moved exclusively by human power, on any street or in any City or Community Redevelopment Agency owned parking lot between the hours of 2:00 a.m. and 6:00 a.m. of any day, except as expressly provided in this part.

3321. EXCEPTIONS

The parking prohibition set forth in Section 3320 shall not apply to:

- A. Any street or parking lot for which the City Council has adopted a resolution permitting overnight parking for specified motor vehicles;
- B. Authorized emergency vehicles;
- C. Operable motor vehicles that are eligible for and have obtained an overnight parking permit in accordance with this part and that are properly displaying such valid overnight parking permit;
- D. Any vehicle properly displaying a valid disabled placard or disabled license plate permitted to park overnight under state law.

3322. OVERNIGHT PARKING PERMITS

- A. Authority to Issue.

The public safety officer or his/her designee, (hereinafter referred to as the "issuing officer") is authorized to review applications for and to issue overnight parking permits as provided in this part.

- B. Criteria.

Overnight parking permits provided for under this part may only be issued for a vehicle with a gross weight rating of under six thousand (6,000) pounds and not exceeding 20 feet in length. Recreational vehicles, boats, personal watercraft, trailers, all terrain vehicles, off-highway motor cycles and inoperable vehicles are not eligible for overnight parking permits under this part. Even though a motor vehicle may not qualify for an overnight parking permit under this part, the City may nevertheless issue an overnight parking permit for a motor vehicle owned by and issued to an employee of a federal, state, or local governmental agency for their use. The City may issue an overnight parking permit for a commercial passenger vehicle that is used by the registered owner for their personal business (i.e. an individually owned taxi cab), provided the motor vehicle meets the weight and length

requirements of this section and parking of the vehicle will not unreasonably impair parking for other permit holders.

C. Types of Overnight Parking Permits.

1. Annual Permit. An annual permit used in accordance with this part entitles the permittee to park an assigned vehicle on a specified street overnight for the duration of the permit. The duration of annual permits is one full calendar year or a remaining portion of a calendar year. Annual permits expire at 11:59 p.m. of the 31st day of December of the year for which such permits were issued, unless sooner revoked as provided in this part.
2. Monthly Permit. A monthly parking permit used in accordance with this part entitles the permittee to park an assigned vehicle on a specified street overnight for thirty (30) days following the date of permit issuance. The permit expires at 11:59 p.m. on the 30th day, unless sooner revoked as provided in this part.
3. Temporary Permit. A temporary parking permit may be purchased through a self-service parking permit vending machine located at City Hall or issued by the issuing officer for the fee established by resolution adopted by the City Council. Temporary permits expire at the date and time specified on the permit.

D. Reservation of safety and enforcement authority.

Issuance of a permit under this part only provides the holder with the privilege of parking on the assigned street overnight and does not except the holder for the motor vehicle from the City's enforcement of all other parking, traffic, and safety laws and requirements of the State of California and the City of Temple City. The City hereby reserves for itself the right to make, impose and enforce upon holders of valid overnight parking permits any new traffic, parking, and safety requirements as the City Council may from time to time adopt, or those that the City is required to impose and enforce under California law.

3323

ISSUANCE OF OVERNIGHT PARKING PERMITS

A. Application.

The registered owner of an eligible motor vehicle desiring an overnight parking permit (annual or monthly), or for the transfer of such permit, shall file a completed application, on the form furnished by the City, with the public safety officer or his/her designee. Each application shall set forth the following:

1. For the owner/applicant:
 - a. Owner's full name.
 - b. Copy of Owner's valid California Driver's License.
 - c. Owner's Temple City residence address.
 - d. Owner's telephone number.

2. For the vehicle being permitted and for each other vehicle registered to the owner at the property:
 - a. The license plate number.
 - b. The vehicle identification number (VIN).
 - c. The year, make, model, color and type of vehicle.
 - d. The gross vehicle weight rating.
 - e. Current California vehicle registration demonstrating that the vehicle is registered at the owner's residence.
 - f. Proof of California insurance.
3. A statement that off-street parking at the owner's residence is not available or obtainable.
4. A statement that no off-street parking at the owner's residence is used for any purpose other than parking of operable vehicles.
5. If a transfer is requested, the reason for the transfer and the required information for the vehicle to which the permit is to be transferred or the residence to which the vehicle will be parked near.
6. Whether the application is for an annual or monthly permit.
7. Such additional reasonable information as the public safety officer or his/her designee may require.
8. The owner shall sign the application under penalty of perjury declaring that all facts and statements in the application are true.

B. Review by Issuing Officer.

1. Review and Issuance. Upon the filing of a complete application for an overnight parking permit or the transfer of such permit, the issuing officer shall review the application and, within ten (10) business days of the filing, determine whether to issue the permit or deny the application. The issuing officer shall issue the requested overnight parking permit unless any one or more of the following facts is determined:
 - a. The issuing officer determines that the application is not complete or the information is incorrect or invalid.
 - b. The applicant is not the registered owner.
 - c. The vehicle does not have a valid California registration or proof of insurance. The issuing officer may issue not to exceed six (6) months parking permits to a vehicle with valid out-of-state vehicle registration and proof of insurance.

- d. The vehicle is not eligible for an overnight parking permit, as provided under this part.
 - e. Issuance of the permit would cause the number of overnight parking permits assigned to the residence to exceed the maximum allowable under this part.
 - f. An inspection of the on-site parking at the residence and on-street parking within the area concludes that on-site parking is or should be available at the residence; or the owner refused permission to grant access to the property for the purpose of the inspection.
 - g. The owner fails to pay the required overnight parking fee.
 - h. The vehicle has outstanding unpaid parking tickets.
2. Inspection. The issuing officer may require an inspection of the on-site parking at the residence and off-street parking within the area to determine whether the circumstances warrant issuance of an overnight parking permit. The inspection may include, but is not limited to, any parking stalls, garages, carports, driveways and other areas designated for vehicle parking.
3. Conditional Permit. Where the issuing officer requires an inspection of the on-site parking at a residence, or the issuing officer determines that verification of information contained in the application is needed, and the inspection or verification will require more than ten (10) business days to complete, then provided the application is complete and the owner pays the required fee, the issuing officer shall issue a conditional permit not to exceed thirty (30) days in duration.
4. Maximum number of permits. The maximum number of overnight parking permits issued relating to any residence shall be set by resolution adopted by the City Council.
5. Availability of on-site parking. The City will deem on-site parking to be available under the following circumstances:
- a. There is at least one open and available parking space located on the property, whether in a garage, carport, parking stall or other permitted on-site parking.
 - b. An otherwise open and available parking space is occupied by an inoperable vehicle, a vehicle without current valid registration, a recreational vehicle, a trailer, an all terrain vehicle, an off-highway motorcycle, boat or personal watercraft, or a commercial vehicle.
 - c. An otherwise open and available parking space is used for a purpose other than parking, for example the storage of furniture, goods, personal property or other materials.

- d. An otherwise open and available parking space has been unlawfully converted to a residential dwelling or other non-permitted use.

3324

OVERNIGHT PARKING PERMIT FEES

- A. Fee Established. There is hereby established a fee for issuance of an overnight parking permit by the City for an annual, monthly, temporary and conditional overnight parking permit, a fee for the transfer of such a permit, and a fee for the replacement of such a permit. The Council shall set, from time to time, the amount of the fees for annual, monthly, temporary, and conditional permits and for the transfer and replacement of such permits by resolution.
- B. Components of the Fee. The overnight parking fees established by this part shall include: (i) the City's administrative cost to administer the overnight parking permit program, including but not limited to, review and process applications, verify information in applications, inspect on-site parking at the residence and off-site parking available in the area, review and process denials, appeals, and revocations, and fuel and maintenance costs for inspection and enforcement vehicles; (ii) the City's administrative cost to enforce the overnight parking program; and (iii) the City's cost to repair and maintain streets burdened by overnight parking, including but not limited to, repair and maintenance of sidewalks, curbs, gutters, and pavement replacement and resurfacing. The City will, from time to time, commission a fee study to assess the costs and ensure the fee reflects the actual cost of the service provided.
- C. Payment of Fee. The applying owner shall pay the fee applicable to the permit applied for at the time the application is filed with the City. Applications will not be processed without payment of the appropriate fee.
- D. Proration of Fee. The issuing officer is hereby authorized to prorate the fee for annual overnight parking permits for each quarter of the calendar year (January 1st through December 31st) that shall have elapsed at the issuance of the permit, based on a schedule adopted by resolution of the City Council.
- E. Refund of Fee. The issuing officer is hereby authorized to refund a portion of the fee paid by an applicant in the event the issuing officer denies the permit. Only that portion of the fee attributable to enforcement and repair and maintenance shall be refunded. No portion of the fee shall be refunded in the event that the permit is lost, stolen, transferred, or revoked.

3325

DUTIES OF PERMIT HOLDER

- A. Display of Permits. The permit holder shall at all times display the overnight parking permit, as required under this section:
 - 1. Annual permits. All annual overnight parking permits shall be visibly placed on the outside of the rear (back) window in the lower left hand corner (driver's side), and the permit shall not be effective unless so placed.
 - 2. Monthly permits / Conditional permits. All monthly and/or conditional overnight parking permits shall be visibly placed face-up on the driver's side dashboard area of the vehicle, and the permit shall not be effective unless

so placed.

3. Temporary permits. All temporary overnight parking permits shall be visibly placed face-up on the driver's side dashboard area of the vehicle, and the permit shall not be effective unless so placed. Temporary overnight parking permits are not effective unless the vehicle license number or vehicle identification number (VIN) is clearly displayed, in ink, on the permit.
- B. Compliance with Laws. The permit holder shall at all times comply with all State and City of Temple City traffic, parking, and safety laws. Conviction or pleading guilty to a parking ticket or citation for a moving violation is grounds for revocation of the overnight parking permit.
- C. Change of Address. The permit holder shall inform the City of any change in his/her residence address. The overnight parking permit will not be valid for a new address, unless the owner applies for a transfer of the permit and the issuing officer approves the transfer, as provided in this part.

3326 REPLACEMENT OF PERMITS

If a permit holder loses, surrenders, or destroys an unexpired overnight parking permit, he/she may file an application, on a form furnished by the City, requesting a replacement permit. The issuing officer shall review the application and issue or deny a replacement permit as provided in Section 3323 of this part.

3327 TRANSFER OF PERMITS

Holders of annual or monthly overnight parking permits may apply to the City for transfer of that permit to another vehicle or, in the event the permit holder is moving to a residence within the City, to have the permit reassigned to a new parking area. The permit holder shall file an application, on a form furnished by the City. The issuing officer shall review the application and issue or deny a permit transfer as provided in Section 3323 of this part. Transfer shall not extend the expiration date of the permit. Upon transfer of the permit, the previous permit shall be of no further force and effect and the applicant shall be required to surrender the original permit or submit satisfactory evidence that the former permit has been destroyed or will no longer be used.

3328 REVOCATION OF PERMITS

- A. Permits subject to revocation. Overnight parking permits issued under this section are subject to revocation where the permit holder violates any of the duties of the permit holder established under Section 3325, a material misstatement of fact is discovered in the permit holder's application, the permit holder sells, transfers or attempts to sell or transfer the permit to another person or vehicle without complying with this part, or the permit holder otherwise improperly uses the permit or violates the requirements of this part.
- B. Revocation procedure. The issuing officer is hereby authorized to revoke overnight parking permits on the grounds stated above in this section. Before revoking a permit, the issuing officer shall provide written notice to the permit holder, at the address on file for the permit holder, at least ten (10) days prior to the holding of an administrative hearing before the issuing officer. The notice shall state the reason for the revocation and state that the permit holder shall be afforded an opportunity to appear at the hearing and present evidence as to why

the permit should not be revoked. The issuing officer shall make a decision within three (3) business days of the hearing and provide the permit holder with written notice of same. If the permit is revoked, such revocation shall become effective three (3) business days after the issuing officer mails the written determination to the permit holder.

- C. Appeal. A permit holder may appeal a decision of the issuing officer to the City's Public Safety Commission. An appeal before this body shall conform to such general appeal provisions as apply to this part.

3329

Reserved.