

ORDINANCE NO. 2997

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WHITTIER, CALIFORNIA, ESTABLISHING A
PREFERENTIAL PARKING PROGRAM

WHEREAS, California Vehicle Code Section 22507 provides that cities may establish preferential parking programs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 10 of the Whittier Municipal Code is hereby amended with the addition of Chapter 10.18 (Preferential Parking Program) as follows:

- 10.18.010 Definitions.
- 10.18.020 Establishment of Districts.
- 10.18.030 Issuance of permits.
- 10.18.040 Posting signs in preferential parking districts.
- 10.18.050 Exemption from parking restrictions.
- 10.18.060 Vehicles excepted from this chapter.
- 10.18.070 Application for and term of permit.
- 10.18.080 Prohibited activities.
- 10.18.090 Permit revocation.
- 10.18.100 Guest permits.
- 10.18.110 Dissolving a district.
- 10.18.120 Penalties.

10.18.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Residence" means a house, apartment, condominium, mobile home or other type of dwelling, in conformance with the city's zoning ordinance and related zoning maps, having an address assigned consistent with the house numbering maps maintained by the city. An apartment having numbers or letters assigned in addition to the street address shall be deemed to be a residence.
- (b) "Guest" means any person visiting or intending to visit, for any purpose, either a resident or merchant located in a preferential parking district.
- (c) "Merchant" means a person who, as proprietor, operates a commercial business involved in the retailing of goods or services within a preferential parking district.

(d) "Permit" means a permit issued to an individual to park in a preferential parking district in the city.

(e) "Preferential parking district" or "district" means certain streets or portions thereof, including residences and businesses adjacent thereto, designated by the resolution establishing the district, wherein vehicles displaying a valid permit applicable to that district shall be exempt from parking restrictions established pursuant to this chapter.

(f) "Resident" means a person who lives in a residence located in a preferential parking district.

10.18.020 Establishment of districts.

The city council may, by resolution, and at its discretion or upon receipt of a petition signed by no less than two-thirds of all property owners of record and/or lawful lessees of properties comprising all developed frontage of the street or streets proposed for designation, designate a street or portion thereof, together with residences and/or businesses adjacent thereto, as a preferential parking district. Any person signing such a petition may be required to provide satisfactory evidence that he or she satisfies the requirements of this section.

10.18.030 Issuance of permits.

(a) Permits shall be issued by the director of public works or his or her designee (herein in this chapter). Each permit issued shall remain property of the city at all times.

(b) The number of permits to be issued to any one residence or to any merchant's business establishment, including its employees, shall be determined by the number of residents and merchants, as well as the parking conditions within each district, and shall be set forth in the resolution establishing the district.

(c) Permits may be issued only to the following persons: residents, merchants, employees of merchants, or guests within specified districts.

10.18.040 Posting signs in preferential parking districts.

Upon the adoption by the city council of a resolution designating a preferential parking district and the specific parking regulations applicable thereto, the city manager shall cause signs to be erected in the district, indicating prominently thereon the parking restrictions and the fact that motor vehicles with valid permits shall be exempt therefrom.

10.18.050 Exemption from parking restrictions.

(a) A motor vehicle displaying a valid permit affixed to the vehicle's interior rear-view mirror, or displayed as otherwise directed by the director of public works, may park or be parked in the district for which the permit is issued without being subject to parking restrictions in this chapter or the resolution establishing the preferential parking district; provided, however, that nothing herein shall affect or excuse a violation of any other provision of this code, the California Vehicle Code, the Streets and Highway Code, or any other laws applicable to the parking of motor vehicles.

(b) A preferential parking permit shall not guarantee or reserve to the permittee an on-street parking space within any district.

10.18.060 Vehicles excepted from this chapter.

No person shall, without a permit, park any motor vehicle in a preferential parking district in violation of any parking restrictions set forth herein or in a resolution establishing a preferential parking district, excepting the following:

(a) Repair, maintenance, refuse, utility, fuel or delivery vehicles doing business in the district.

(b) Vehicles delivering life support and health commodities to residential areas or schools located in the preferential parking district.

(c) Police vehicles and other public safety or emergency vehicles operated by or under the authority of a governmental entity while engaged in the performance of official duties.

(d) Any other vehicle expressly authorized by law to park within the district, notwithstanding the provisions of this chapter.

10.18.070 Application for and term of permit.

(a) Each person desiring to obtain a permit shall submit an application on such form as may be provided by the city, together with the filing fee as established by resolution of the city council. No permit shall be issued unless the applicant is at least eighteen years of age, possesses a valid California driver's license, and is a resident or merchant within the district to be established. Residency shall be established by a valid driver's license or at least two utility bills. Permit issuance is subject to terms and conditions as may be set forth in this chapter or in the resolution establishing the district.

(b) Each permit shall be valid for the period set forth in the resolution establishing the district, and may be renewed in accordance with procedures set forth in that resolution

or in the manner provided for a new permit if no such procedures have been established.

10.18.080 Prohibited activities.

(a) Unless exempted by provisions of this chapter, no person shall park a motor vehicle in any preferential parking district in violation of any parking restrictions set forth in this chapter or resolution establishing a preferential parking district. A violation of subsections (b), (c), (d), or (e) of this section shall constitute an infraction.

(b) No person shall falsely represent himself/herself as eligible for a parking permit or furnish false information in an application for a permit.

(c) No permit issued pursuant to this chapter shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise. Only the person to whom a permit has been issued or his/her minor child with a valid California driver's license or learner's permit may use the permit. This section does not apply to guest permits, which are governed by Section 10.18.100.

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

(e) No person shall display a permit that has been revoked.

10.18.090 Permit revocation.

(a) The permit of any permittee who has violated the provisions of subsection (b), (c) or (d) of section 10.18.080 may be immediately revoked upon written notice by the city of the permit revocation. Upon notification of such revocation, the permittee shall, within fifteen business days of the date of such notice, either surrender the permit or file a written request with the city clerk for a hearing before the city manager or his or her designee.

(b) Any written request for a hearing must be received within said fifteen-day period to be considered timely, and upon receipt of a timely request, the revocation shall be stayed pending a final decision following the hearing

(c) A hearing shall be held by the city manager or designee, unless continued by agreement, no less than ten business days after the date notice of the hearing is mailed by first class mail, postage prepaid, to the permittee. At the hearing, any person may present evidence or argument as to whether the permit should be revoked.

(d) The city manager or designee, may give oral notice of the decision at the close of the hearing, or may send notice of the decision by mail to the permittee. The decision

shall be final. If the decision to revoke is sustained following the hearing, the permittee shall, within twenty-four hours, surrender the permit to the city clerk.

(e) Any revoked permit not timely surrendered shall immediately be deemed null and void, and of no force or effect.

(f) No permittee who has had a permit revoked may re-apply for another permit for twenty-four months following the effective date of the revocation.

10.18.100 Guest permits.

Any rules governing the issuance of guest permits shall be as set forth in the resolution establishing the district.

10.18.110 Dissolving a district.

The procedures set forth in Section 10.18.020 of this chapter shall be utilized by the city council in determining whether to dissolve a preferential parking district.

10.18.120 Penalties.

(a) It shall be unlawful for any person to violate any provision, or fail to comply with any of the requirements of subsections (b) through (e) of Section 10.18.080. Any person violating any said subsections or failing to comply with any of their requirements shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by: (a) a fine not exceeding one hundred dollars for a first violation; (b) a fine not exceeding two hundred dollars for a second violation within one year; or (c) a fine not exceeding five hundred dollars for each additional violation within one year.

(b) Civil Remedies Available. A violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance.

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more

sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 26th day of February 2013.



OWEN NEWCOMER, Mayor

ATTEST:



KATHRYN A. MARSHALL

City Clerk-Treasurer

CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 12th day of February 2013, and adopted at a regular meeting of the City Council of the City of Whittier on the 26th day of February 2013 by the following roll call vote:

AYES: F. Dutra C. Warner R.L. Henderson
 O. Newcomer
NOES: None
ABSENT: J.A. Vinatieri

WITNESS my hand and the official seal of the City of Whittier, California, this
24th day of March 2013.


KATHRYN A. MARSHALL
City Clerk-Treasurer

Published as required by law: March 12, 2013.