



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Joel Hockman, Director of Public Safety

SUBJECT: Consideration and possible action to introduce Ordinance No. 13XX - An Ordinance amending the Bellflower Municipal Code ("BMC") by adding Chapter 10.10 entitled "Preferential Parking Permits"; Chapter 10.12 entitled "Parking Restrictions"; and repealing § 10.12.010 captioned "Parking Vehicles for Sale or Rent"; § 12.36 captioned "Parking of Trailers on Public Streets"; § 12.38 captioned "Parking of Recreational Vehicles on Public Streets."

DATE: April 25, 2016

EXECUTIVE SUMMARY

An ordinance amending the Bellflower Municipal Code ("BMC") by adding chapter 10.10 entitled "preferential parking permits"; chapter 10.12 entitled "parking restrictions"; and repealing § 10.12.010 captioned "parking vehicles for sale or rent"; § 12.36 captioned "parking of trailers on public streets"; and § 12.38 captioned "parking of recreational vehicles on public streets."

RECOMMENDATION TO CITY COUNCIL

- 1) Read by title only, waive further reading, and introduce Ordinance No. 13XX amending various sections of the Bellflower Municipal Code ("BMC") regulating vehicle parking;
- 2) Schedule second reading and adoption for May 9, 2016 (at that time, resolutions establishing preferred parking permit zones will also be considered); or
- 3) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There will be some cost associated with the codification of the draft ordinance. Moreover, depending on the penalty amounts established by the City Council for violations of the BMC, fine monies received from parking citations will generally remain stable.

CEQA

The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to vehicle parking regulations; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. The Ordinance is proposed, in part, for protection of the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (*see specifically* CEQA Guidelines § 15378(b)(2, 5)).

DISCUSSION

The proposed ordinance would amend several sections of the BMC’s parking regulations. Each of these amendments is described below.

- “For Sale” regulations (BMC § 10.12.010)

BMC § 10.12.010 states:

“10.12.010 Parking Vehicles for Sale or Rent.

No person shall park any vehicle or cause any vehicle to be parked on any highway for the purpose of displaying such vehicle or equipment on such vehicle for either sale or rent. A vehicle will be presumed to be parked for the aforementioned purpose when it:

A. Displays signs advertising that purpose; and

B. Is parked in the same location for a period of three (3) or more hours, except when such vehicles are parked within three hundred (300) feet of its registered owner’s or authorized operator’s residence or place of employment.”

Several court cases have severely restricted the City’s ability to regulate the content of signs. A California court first examined prohibitions on cars displaying “for sale” signs in 1978.¹ There, the court found a prohibition substantially similar to that of BMC § 10.12.010 to be unconstitutional; other types of regulations, such as a time limit on parking in certain locations, could better implement the city’s concerns regarding vehicles that were offered for sale. Last summer, the United States Supreme Court further restricted a city’s ability to regulate the content of signs.² Because of these decisions, the City stopped issuing citations for violations of BMC § 10.12.010; removing this section from the BMC will ensure that the City avoids any inadvertent enforcement of that parking restriction.

¹ *People v. Moon* (1978) 89 Cal.App.3d Supp. 1, 5.

² *Reed v. Town of Gilbert* (2015) 135 S.Ct. 2218.

➤ Parking Permits (new BMC Chapter 10.10)

Vehicle Code § 22507 allows local agencies to adopt preferential parking privileges:

“Local authorities may, by ordinance or resolution, prohibit or restrict the ... parking ... of vehicles ... on certain streets or highways, or portions thereof, during all or certain hours of the day. *The ordinance or resolution may include a designation of 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 the residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or resolution....* [T]he ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program.”³

The draft ordinance would add a new BMC Chapter 10.10 to clarify the means by which preferential parking zones may be created and the City may issue permits. Among other things, the new Chapter 10.10 would allow the City Council to create preferential permit zones by adopting a resolution. To ensure preservation of existing permit zones, draft resolutions accompany the draft resolution for adoption. Among other things, enacting these new regulations would allow the City Council to determine its own fine amounts – via a separately adopted bail schedule – rather than rely upon the LACC fine amounts.

➤ Miscellaneous regulations (street sweeping; timed parking; exceptions)

Several new BMC sections will regulate street sweeping; ensure the City can enforce time limits imposed upon parking in certain locations; and establish certain exceptions to such parking restrictions. Such exceptions include emergency vehicles and those vehicles displaying handicapped license plates or placards. As with all traffic citations, appeals of parking citations are regulated by Vehicle Code §§ 40215, *et seq.*

The draft ordinance would also reorganize sections of the BMC related to traffic and parking, making it easier for the public to find the relevant regulations.

ATTACHMENTS

Ordinance No. 13XX 4

³ Vehicle Code § 22507(a); emphasis added.

CITY OF BELLFLOWER

ORDINANCE NO. 13XX

AN ORDINANCE AMENDING THE BELLFLOWER MUNICIPAL CODE (“BMC”) BY ADDING CHAPTER 10.10 ENTITLED “PREFERENTIAL PARKING PERMITS”; CHAPTER 10.12 ENTITLED “PARKING RESTRICTIONS”; AND REPEALING § 10.12.010 CAPTIONED “PARKING VEHICLES FOR SALE OR RENT”; § 12.36 CAPTIONED “PARKING OF TRAILERS ON PUBLIC STREETS”; § 12.38 CAPTIONED “PARKING OF RECREATIONAL VEHICLES ON PUBLIC STREETS.”

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. BMC § 10.04.020, captioned “Adoption by Reference,” is amended to read as follows:

“10.04.020 Adoption by Reference; Title 15 of Los Angeles County Code.

Except as otherwise provided, There is hereby adopted as the Traffic Ordinance of the City of Bellflower, except as hereafter amended, pursuant to Government Code § 50022.9, Title 15 of the Los Angeles County Code as amended and in effect as of November 10, 2015 November 2, 1999 is adopted as the Traffic Ordinance of the City of Bellflower. A violation of the Traffic Ordinance is punishable pursuant to Chapter 1.08 of this Code.”

SECTION 2. BMC § 10.04.040, captioned “Amendments,” is amended to read as follows:

“10.04.040 Amendments.

Title 15 as adopted in Section 10.04.020 is amended to read as follows:

- A. Sections 15.16.010 and 15.16.020 are hereby repealed. The following provisions of Title 15 are deleted: Chapter 15.12 relating to enforcement; Chapter 15.16 relating to the Highway Safety Commission; Chapter 15.44 relating to Housing Authority traffic regulations; Chapter 15.60 relating to temporary road closures; Section 15.64.420 relating to taxicab stands; Section 15.64.430 relating to taxicab stands; Section 15.64.440 relating to taxicab stands; Section 15.78.020 relating to penalties for vehicular cruising; Section 15.88.130 relating to penalties for parade violations; Section 15.92.040 relating to penalties for roads under construction; Section 15.96.050 relating to penalties for operation of vehicles on county grounds and Chapter 15.100 relating to Mt. Wilson Trail.
- B. Whenever in Title 15 reference is made to the unincorporated area of the County of Los Angeles, such area includes ~~shall be deemed to include~~ in its true geographical location the area of the City of Bellflower.

- C. Whenever in Title 15 the words “Board” or “Commission” are used, they shall be deemed to refer to the City Council of the City of Bellflower or other body as established by applicable law for resolution of the City Council of the City of Bellflower.
- D. Whenever in Title 15 the words “Board” or “Commissioner” or “Director of Public Works” are used they shall be deemed to refer to the City Manager of the City of Bellflower or designee.
- E. Whenever in Title 15 the words “Highway Patrol” are used, they shall be deemed to include the Los Angeles County Sheriff’s Department and other law enforcement agencies of the City of Bellflower.
- F. ~~Sections 15.64.050 and 15.64.055 are hereby amended from “more than six thousand (6,000) pounds” to “more than ten thousand (10,000) pounds.”~~
- G. ~~Section 15.64.100(b) is hereby amended to add “nor shall it apply to any trailer for which a permit has been issued in accordance with Chapter 12.36 of this Code” at the end of the section.~~
- H. ~~Section 15.24.040 is hereby amended to delete Paragraphs A, B and C and insert the following:~~
- ~~1. ~~Sonrisa Street between the intersections thereof with Rosecrans Avenue and Gerritos Avenue.~~~~
 - ~~2. ~~Plunkett Street between the intersections thereof with Woodruff Avenue and Ibbetson Avenue.~~~~
 - ~~3. ~~Tremont Lane from the intersection thereof with Chicago Avenue and the eastern terminus of Tremont Lane.~~~~
- I. ~~Section 15.64.271 relating to parking in yards is hereby amended as follows:~~

~~A person shall not park any vehicle in the front yard, corner side yard or any additional area of a lot or parcel of land situated between the public right-of-way and any residence or accessory building or structure located therein, except that the parking of non-commercial vehicles is permitted in a driveway, except this chapter shall not be deemed to prohibit the infrequent temporary parking of any non-commercial vehicles in the aforementioned yards: (1) from 7:00 p.m. the day before posted street cleaning to 7:00 p.m. the day of posted street cleaning time hours; (2) for the purpose of loading and unloading passengers; or (3) washing or maintenance of vehicles; nor shall it be deemed to prohibit the infrequent temporary parking of any vehicle in the aforementioned yards: (1) making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on the lot on which it is parked; or (2) for the purpose of delivering materials to be used in the actual and bona fide~~

~~repair, alteration, remodeling or construction of any building or structure upon such residential lot except that non-commercial vehicles may be parked in the aforementioned yards from 7:00 p.m. the day before posted street cleaning to 7:00 p.m. the day of posted street cleaning time hours.~~

~~J. The following provisions of Title 15 are hereby deleted: Chapter 15.12 relating to enforcement, Chapter 15.16 relating to the Highway Safety Commission, Chapter 15.44 relating to Housing Authority traffic regulations, Chapter 15.60 relating to temporary road closures, Section 15.64.420 relating to taxicab stands, Section 15.64.430 relating to taxicab stands, Section 15.64.440 relating to taxicab stands, Section 15.78.020 relating to penalties for vehicular cruising, Section 15.88.130 relating to penalties for parade violations, Section 15.92.040 relating to penalties for roads under construction, Section 15.96.050 relating to penalties for operation of vehicles on county grounds and Chapter 15.100 relating to Mt. Wilson Trail.~~

~~F.K.~~ Whenever in Chapter 15.88 the word "Sheriff" is used it shall be deemed to refer to the City Manager of the City of Bellflower or designee.

~~G.L.~~ In Section 15.88.040, change "...not less than fifteen (15) days before..." to read "...not less than five (5) working days before..."

~~H.M.~~ In Section 15.88.040(A), add the following:

13. Agreement, in a form approved by the City Attorney, to indemnify and hold harmless the City for any liability resulting from the actions of parade participants and their officers, agents and employees.
14. Agreement to reimburse the City for its direct costs for traffic control and street and other cleaning as they directly pertain to the parade participants.
15. No insurance ~~will be~~ is required, except that any vehicle participating in the parade will be required to have the minimum insurance required by State law.

~~I.N.~~ In Section 15.88.050, change "...shall within ten (10) days..." to read "...shall will within two (2) working days..."

~~J.O.~~ In Section 15.88.080, change "...shall mail within ten (10) days after the date on which the application is filed a notice of his/her action..." to read "...shall will immediately notify the applicant via telephone, e-mail or facsimile transmission, to be followed by written notice mailed not later than the next working day, of his/her action..."

~~K.P.~~ Section 15.88.100, Notification to officers and utilities affected by parade, running event, or bicycle event, is amended as follows:

- A. Not Used.

- B. Upon approval of a permit, the sheriff ~~shall be~~ is responsible for notifying the directors of all appropriate City departments, ~~the Los Angeles County forester and fire warden and fire chief, and the Los Angeles County director of public health services, as well as~~ and all public utilities to be affected by the proposed parade, running event, or bicycle event.

~~Q. Section 15.64.130 is hereby amended as follows:~~

~~Alleys—Parking Limits. An operator shall not park or stop in any alley for any purpose other than the loading or unloading of passengers or materials, or both. Such operator shall not stop for the loading or unloading of: (1) passengers for more than three (3) minutes; and (2) for materials for more than twenty (20) minutes at any time; provided, that the parking limit for the loading or unloading of materials shall be no more than sixty (60) minutes in any alley located within Town Center (TC) District Area 1.”~~

SECTION 3. BMC § 10.12.010, captioned “Parking Vehicles for Sale or Rent,” is repealed in its entirety.

SECTION 4. BMC § 12.36, captioned “Parking of Trailers on Public Streets,” and BMC chapter 12.38, captioned “Parking of Recreational Vehicles on Public Streets,” are repealed in their entirety.

SECTION 5. BMC § 10.12.020, currently captioned “Restricted Parking on City-Controlled Properties,” is amended to read as follows:

“10.12.020 Restricted Parking on City-Controlled Parking Lots and Other Properties.

- A. It is unlawful for any person to ~~No person shall~~ park or leave standing, or permit to be parked or left standing, any vehicle at any time on or in any parking lot or other property owned or controlled by the City; provided that a sign or markings giving notice of such prohibition ~~have been~~ is installed and maintained on the lot or property.
- B. It is unlawful for any person to ~~No person shall~~ park or leave standing, or permit to be parked or left standing, any vehicle at any time on or in any parking lot or other property owned or controlled by the City, except in accordance with a sign or markings installed and maintained on the lot or property indicating the time and where parking is permitted.
- C. The City Manager, or designee, ~~is hereby~~ authorized to cause to be installed and maintained, on all City-owned or City-controlled parking lots or property, signs or markings, 1) stating ~~no person shall~~ it is unlawful for

any person to park, leave standing, or permit to be parked or left standing, any vehicle contrary to the directions of the signs or markings; 2) reserving areas or individual stalls on a parking lot, if any; and 3) indicating the times the lot or property is open for parking, if any.

- D. A vehicle parked in violation of any sign or markings described in Subsection (A) or (B) of this section may be removed by the Sheriff's Department or the Director of Public Safety and his or her designees, after it remains parked in violation of this section for a period of 72 hours, provided, that the A vehicle may only be towed if the lot, stall, area, or property where the vehicle is parked has a sign or marking containing the words, "VEHICLES MAY BE TOWED," or substantially similar language, and the Sheriff's Department's phone number. A vehicle parked in violation of this section may be removed immediately if it is parked in a manner that prevents the movement of a legally parked vehicle.
- E. Use of City parking lots is restricted. Such spaces and areas will be used exclusively for the temporary parking of passenger automobiles or light trucks not exceeding one ton in capacity except as otherwise permitted under Chapter 10.10 of this Code. It is unlawful for any person to use or be located upon any portion of a City-owned or City-controlled parking lot designed for vehicular travel, unless 1) that person is lawfully parking a vehicle, going to or from a lawfully parked vehicle, or otherwise conducting an activity allowed by law or, 2) as a result of an emergency.
- F. The City Council may designate the hours a City-owned or City-controlled parking lot is open, and no person shall use or be upon such It is unlawful for any person to be present upon a lot when such lot is not open, unless otherwise permitted per chapter 10.10 of this Code.
- G. Whenever the term "City" is used within this section, it shall be deemed to the term includes within its meaning the Redevelopment Agency of the City of Bellflower ("Agency") and Parking District No. 1 ("District"); and whenever "City Council" is used it shall be deemed to includes the governing body of the Agency or District, as applicable."

SECTION 6. A new chapter 10.10 titled "Preferential Parking Permits," consisting of § 10.10.010-§10.10.220, is added to the BMC to read as follows:

"CHAPTER 10.10: PARKING PERMITS

- 10.10.010. Purpose.**
- 10.10.020. Definitions.**
- 10.10.030. Application of regulations.**
- 10.10.040. Appeals.**
- 10.10.050. Parking Prohibited; Exceptions.**
- 10.10.060. Additional Prohibitions.**

- 10.10.070. Parking Permits – Application.**
- 10.10.080. Fees.**
- 10.10.090. Issuing Permits.**
- 10.10.100. Duration.**
- 10.10.110. Permit Denial.**
- 10.10.120. Permit Form.**
- 10.10.130. Display.**
- 10.10.140. Notice.**
- 10.10.150. Designation of Specified Areas.**
- 10.10.160. Designation Process.**
- 10.10.170. Dissolution Process.**
- 10.10.180. Designated Permit Parking Areas.**
- 10.10.190. Permits.**
- 10.10.200. Public Parking Lot Permits.**
- 10.10.210. Administrative Policies and Procedures.**

10.10.010. Purpose.

This chapter is adopted pursuant to the city’s police powers and Vehicle Code § 22507, and any successor statute or regulation, in order to allow permit parking in specified areas within the city’s jurisdiction.

10.10.020. Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

“Dwelling unit” means any self-contained house, apartment, stock cooperative, or condominium occupied solely for residential purposes.

“Parking Permit Area” means any area specially designated by resolution as a residential or business parking district.

“Director of Public Safety” means the City Manager, Director of Public Safety, or their designees.

“Resident” means any person who lives in a dwelling unit located in a specified area.

“Specified area” means locations within the city’s jurisdiction designated by city council resolution as permit parking areas.

“Visitor” means a person visiting residents living in a dwelling unit in a specified area.

10.10.030. Application of regulations.

The time limitations on standing or parking in this code will not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or this code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

10.10.040. Appeals.

Every person who is issued a notice of parking violation pursuant to this chapter may request review of that notice under Vehicle Code §§ 40215, *et seq.*

10.10.050. Parking Prohibited; Exceptions.

- A. Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any vehicle on any street or structure in a parking permit area.
- B. Exceptions. This section does not apply:
 - 1. To any person holding a valid vehicle parking permit issued pursuant to this chapter;
 - 2. To any person holding a valid handicap permit issued pursuant to applicable law;
 - 3. To the following vehicles, provided that the vehicle operators are actively working or on-duty:
 - a. Vehicles with exempt “E” plates;
 - b. Vehicles bearing United States government plates;
 - c. Utility company vehicles displaying warning devices;
 - d. Commercial vehicles engaged in work that requires the vehicle to be parked in a particular location;
 - e. Contractors providing service to a property located in a specified area;
 - f. Vehicles engaged in the performance of services contracted by the City; or
 - g. Any public emergency vehicle.

10.10.060. Additional Prohibitions.

- A. It is unlawful for any person to falsely represent themselves as eligible for a parking permit under this chapter or to furnish false information in an application for a parking permit.
- B. It is unlawful for any person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit.
- C. It is unlawful for any person to knowingly use or display a facsimile or counterfeit parking permit, with intent to evade prohibitions or limitations on parking in a specified area.

10.10.070. Parking Permits – Application.

Every person seeking a parking permit must file an application with the Director of Public Safety containing the following:

- A. The name, address and phone number of the registered owner and applicant of the designated vehicle;
- B. The license number, make and model of the designated vehicle;
- C. Additional information the Director of Public Safety may reasonably require; and
- D. The applicant must sign an application under penalty of perjury.

10.10.080. Fees.

Applicants for permits issued pursuant to this chapter will pay to the city a fee equal to the sum of money sufficient to reimburse the city for all expenses incurred by it in connection with processing permit applications, along with any other costs that are reasonable and necessary to ensure their effectiveness. The amount of such fees will be established periodically by City Council resolution.

Where an annual permit is purchased after June 30, the permit holder need only pay 50% of the regular fee for the annual permit.

Current fees are listed in the Comprehensive User Fee schedule, which is available at the City Clerk's office.

10.10.090. Issuing Permits.

- A. The Director of Public Safety must issue a permit if:
 - 1. The application was completed in accordance with this chapter; and

2. There are no grounds for denying the permit.

B. Use of any permit issued pursuant to this chapter will conform to the general permit conditions of this chapter.

10.10.100. Duration.

A parking permit is valid for one calendar year. Upon expiration, the applicant may apply for and be granted additional parking permits if the applicant still qualifies under the conditions set forth herein.

10.10.110. Permit Denial.

A permit must be denied if the Director of Public Safety finds that:

- A. The applicant is not a bona fide city resident;
- B. The proposed location is not in a specified location;
- C. Information submitted by the applicant is materially false; or
- D. The number of permits issued exceed the number allowed by this chapter.

10.10.120. Permit Form.

Permits issued pursuant to this chapter will be in a form prescribed by the City and include the permit number, the letter of the permit parking district, and the expiration date.

10.10.130. Display.

All permits will be hung from the rear view mirror of the vehicle to which it relates so that it is clearly visible from the exterior of the vehicle.

10.10.140. Notice.

Signs giving reasonable notice of the prohibitions contained in this section will be erected within the specified areas as required by the Vehicle Code.

10.10.150. Designation of Specified Areas.

The City Council may designate specified areas by resolution upon making the following findings:

- A. Vehicles owned or operated by persons who are not residents substantially and regularly interfere with the use of the majority of available public street or alley parking spaces in the proposed specified area by adjacent residents;
- B. Interference by such vehicles occurs in the proposed specified area at regular and significant daily or weekly intervals;
- C. Such vehicles cause or are the source of unreasonable noise, traffic hazards, environmental pollution, or devaluation of real property in the area of the proposed specified area; and
- D. There is shortage of reasonably available and convenient residential related parking spaces within the proposed specified area.

10.10.160. Designation Process.

- A. A specified area may be requested through a petition signed by residents living in at least 66% of the dwelling units of the proposed specified area and the Director of Public Safety verifies that the petition contains signatures from a sufficient number of qualified persons. Alternatively, a specified area may be requested by order of the City Council without a petition. Once the request has been made by the resident petition process or by order of the City Council, the Director of Public Safety must undertake such surveys or studies as are deemed necessary to determine whether the area should be designated a specified area and must report his findings to the City Council.
- B. Before residents may present a petition, they must notify all affected residents and provide the Director of Public Safety with sufficient evidence to demonstrate that all affected residents have been notified.

10.10.170. Dissolution Process.

Proceedings to dissolve a specified area must be initiated upon receipt and verification of a petition signed by residents living in 66% of the dwelling units within the specified area or upon adoption of a resolution by the city council. A dissolution must be accomplished by city council resolution.

10.10.180. Previously Established Specified Areas.

Specified Areas established before the effective date of this chapter, as established by city council resolution, will continue in effect unless subsequently modified or dissolved in accordance with this chapter.

10.10.190. Permits.

- A. The Director of Public Safety must issue permits for preferential parking and the Finance Director must collect all fees.
- B. Permit applicants must present proof that they reside in a dwelling unit in a specified area.
- C. Applicants requesting more than four permits for a dwelling unit may be granted additional permits by the Director of Public Safety upon showing that there are more than four vehicles registered at the dwelling unit, and that sufficient off-street parking is not available to the applicant, and that to deny such additional permits would constitute a hardship.
- D. Parking permits issued pursuant to this chapter will remain in effect for a period of one year or fraction thereof, and may be renewed for a period of one year, as long as the permit holder continues to reside in the dwelling unit, or until the specified area for which the permit was issued is dissolved, whichever period of time is less.
- E. Residents may also receive temporary residential parking permits for use by their guests at no cost. Temporary permits will be issued to residents upon application to the Director of Public Safety. A resident may obtain permits for any of the following holidays: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, President's Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day. In addition, a resident may obtain permits for three non-holiday days per year.
- F. Use of a temporary permit may not exceed 24 hours. A maximum of 15 temporary residential parking permits may be used per day for each dwelling unit. Each such permit must have the date, street name, and name of the person approving the permit.
- G. A parking permit does not guarantee or reserve to the holder thereof an on-street parking space within the designated specified area.
- H. Each permit issued pursuant to this chapter is subject to each and every condition and restriction set forth in this chapter and as further provided by resolution establishing the specified area for which it was issued. Such a permit cannot be construed to be a permit for, or approval of, any violation of any provision of this code or any other applicable law.

10.10.200. Public Parking Lot Permits.

- A. A person may apply for a commercial permit authorizing a vehicle to remain parked in a City-owned or City-controlled parking lot during periods when the lot is designated as closed pursuant to section 10.12.020(E) of this Code. The Director of Public Safety is responsible for issuing permits and the Finance Director is responsible for collecting any permit fees.
- B. Applicants must present proof that they own, or are employed by, a business located within 300 feet of the City-owned or City-controlled parking lot and that denial of parking would constitute a hardship. In deciding whether to grant or deny a permit, the Director of Public Safety may consider the distance between the parking lot and the location where the applicant is employed, the degree of hardship an applicant would experience if a permit was denied, and the number of permits previously issued for the parking lot.
- C. Parking permits issued pursuant to this chapter will remain in effect for a period of one year or fraction thereof, and may be renewed for a period of one year. If an applicant wishes to renew a permit, he or she must demonstrate that the conditions which formed the basis for the decision to grant a parking permit have not substantially changed.
- D. A parking permit does not guarantee or reserve to the holder a space within the designated the City-owned or City-controlled parking lot.
- E. Each permit issued pursuant to this chapter is subject to each and every condition and restriction set forth in this chapter and as further provided by resolution establishing the specified area for which it was issued. Such a permit cannot be construed to be a permit for, or approval of, any violation of any provision of this code or any other applicable law.

10.10.210. Administrative Policies and Procedures.

The Director of Public Safety is authorized to promulgate administrative policies and procedures to implement this chapter including, without limitation, posting signs on streets designated as specified areas. These rules must be submitted to and approved by the City Council.”

SECTION 7. A new Section 10.12.030 is added to the BMC to read as follows:

“10.12.030 Street Sweeping.

- A. The public works director, or designee, is authorized to determine whether street conditions in a given location require parking restrictions to facilitate street sweeping operations. If the public works director, or designee, determines that such restrictions are necessary, the public works director,

or designee, may cause proper signs to be erected upon the side of any street to prohibit parking during certain hours for purposes of allowing street sweeping.

- B. It is unlawful for any person to park a vehicle in any such location in violation of posted parking restrictions.
- C. Alley parking is permitted on street sweeping days where streets subject to street sweeping are adjoining or adjacent to the alley.
- D. Front yard parking is permitted between 7:00 p.m. on the day before street sweeping and 7:00 p.m. on the day of street sweeping, where the vehicle is parked on property adjoining or adjacent to the street which is subject to street sweeping.
- E. Street sweeping parking restrictions will not be enforced unless a vehicle is parked in violation of this section at the time that the street sweeper passes the vehicle.
- F. Street sweeping parking restrictions will not be enforced on the following holidays: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, President's Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day.
- G. The following vehicles are exempt from the restrictions of this section, provided that the vehicle operators are actively working or on-duty:
 - 1. Vehicles with exempt "E" plates;
 - 2. Vehicles bearing United States government plates;
 - 3. Utility company vehicles displaying warning devices;
 - 4. Commercial vehicles engaged in work that requires the vehicle to be parked in a particular location;
 - 5. Contractors providing service to a property located in a specified area;
 - 6. Vehicles engaged in the performance of services contracted by the City; or
 - 7. Any public emergency vehicle."

SECTION 8. A new Section 10.12.040 is added to the BMC to read as follows:

“10.12.040 Time Limitations.

- A. It is unlawful for any person to park any vehicle, or cause any vehicle to be parked, on any highway or public parking lot owned or controlled by the City beyond the time limit officially posted or marked by the City for that space.
- B. The following persons are able to park for unlimited periods of time in areas where time limits are posted or marked by the City:
 - 1. Any person holding a valid handicap permit issued pursuant to applicable law; or
 - 2. Commercial vehicles engaged in work that requires the vehicle to be parked in a particular location.”

SECTION 9. A new Section 10.12.050 is added to the BMC to read as follows:

“10.12.050 Parking in Front Yard.

- H. Except as otherwise provided, it is unlawful for a person to park any vehicle, or cause any vehicle to be parked, in the front yard, corner side yard or any additional area of a lot or parcel of land situated between the public right-of-way and any residence or accessory building or structure located therein, except that the parking of non-commercial vehicles is permitted in a driveway.
- I. Front yard parking is permitted between 7:00 p.m. on the day before street sweeping and 7:00 p.m. on the day of street sweeping, where the vehicle is parked on property adjoining or adjacent to the street which is subject to street sweeping.
- J. Temporary and infrequent front yard parking is permissible if the vehicle is being actively involved in the following: (1) loading and unloading passengers, (2) washing or maintaining vehicles, (3) making pickups or deliveries of goods, wares, or merchandise to the building located on the lot where the vehicle is parked, or (4) delivering materials to be used in the repair, alteration, remodeling or construction of any building located on the lot where the vehicle is parked. A vehicle is not “actively involved” in a task when it is left unattended for five minutes or longer.
- K. Commercial vehicles engaged in work that requires the vehicle to be parked in a particular location are exempt from the restrictions of this section.”

SECTION 10. A new Section 10.12.060 is added to the BMC to read as follows:

“10.12.060 Parking in Alleys.

- A. Unless otherwise provided in this chapter, it is unlawful to park or stop in any alley for any purpose other than the loading or unloading of passengers or materials, or both.
- B. A vehicle operator may not park or stop in an alley in order to load or unload passengers for more than three minutes.
- C. A vehicle operator may not park or stop in an alley in order to load or unload materials for more than twenty minutes at any time.
- D. A vehicle operator may not park or stop in an alley located within Town Center (TC) District Area 1 for more than sixty minutes at any time.

The following vehicles are exempt from the restrictions of this section, provided that the vehicle operators are actively working or on-duty:

- 1. Vehicles with exempt "E" plates;
- 2. Vehicles bearing United States government plates;
- 3. Utility company vehicles displaying warning devices;
- 4. Commercial vehicles engaged in work that requires the vehicle to be parked in a particular location;
- 5. Contractors providing service to a property located in a specified area;
- 6. Vehicles engaged in the performance of services contracted by the City; or
- 7. Any public emergency vehicle."

SECTION 11. A new Section 10.12.070 is added to the BMC to read as follows:

"10.12.070 Recreational Vehicle and Recreational Trailer Overnight Parking.

- A. For purposes of this section, a recreational vehicle, or RV, means any self-propelled motor home, truck camper, or similar vehicle designed for human habitation.
- B. For purposes of this section, a recreational trailer is any non-motorized vehicle that does not exceed twenty-eight (28) feet in overall length, and is either fully enclosed and designed for temporary human habitation, or is used to transport equines (horses), boats, or motorized vehicles designed for recreational use. A recreational trailer is attached to a recreational

vehicle when it is securely connected to the RV by two separate means of attachment, such as a hitch or safety chains, designed so that the failure of one means of attachment would not cause the recreational trailer to separate from the RV.

- C. It is unlawful for any person to park a recreational vehicle or recreational trailer on the street between the hours of 12:00 a.m. and 6:00 a.m. without a permit. Permits must be displayed in the windshield of a recreational vehicle or the rear of a recreational trailer.
- D. A resident may obtain a permit to park a recreational vehicle, a recreational vehicle with a recreational trailer attached, or an unattached recreational trailer, for a period of 1-3 days. Residents may obtain these permits for a maximum of six days per month, and a maximum of fifty days per year. Permit costs will be established by city council resolution.
- E. When parked overnight pursuant to a permit, a recreational vehicle or recreational trailer must be parked within 300 feet of the permittee's address. A recreational vehicle or recreational trailer must comply with street sweeping and other applicable parking regulations at all times. No utilities, such as electrical cords, which are used by the recreational vehicle or recreational trailer may cross the public right of way while the recreational vehicle or recreational trailer is parked.
- F. A permittee may park a recreational vehicle or recreational trailer for residential purposes such as sleeping if the permit so indicates. However, a recreational vehicle or recreational trailer can only be used for residential purposes for a maximum of 10 days per year."

SECTION 12. A new Section 10.12.080 is added to the BMC to read as follows:

"10.12.080 Moving Trailer Parking.

- A. For purposes of this section, a moving trailer is any fully enclosed, non-motorized vehicle that is validly registered with the California Department of Motor Vehicles, and is either (1) owned by a certified moving company that is providing moving services to the occupants of real property adjacent the location of the trailer; or (2) is owned or rented by an occupant of real property immediately adjacent the location of the trailer and is being or will be used for moving purposes by that occupant.
- B. It is unlawful for any person to park a moving trailer without a permit. Permits must be displayed on the windshield of a moving trailer.

- C. A resident may obtain a permit to park a moving trailer for a period of 1-3 days. Residents may obtain a maximum of four permits over a two-year period.
- D. A moving trailer must comply with any parking regulations that affect public safety, including restrictions on parking on a red curb or adjacent to a fire hydrant. However, a moving trailer with a proper permit need not comply with parking regulations related to street sweeping, or other regulations which are unrelated to public safety.”

SECTION 13. A new Section 10.12.090 is added to the BMC to read as follows:

“10.12.090 Roads Serving Commercial Establishments.

- A. It is found and declared that the privately owned and maintained roads are generally held open to the public for purposes of vehicular travel to serve commercial establishments.
- B. The provisions of the California Vehicle Code are applicable to privately owned and maintained roads.
- C. The following roads have been designated as privately owned and maintained roads:
 - 1. Sonrisa Street between the intersections thereof with Rosecrans Avenue and Cerritos Avenue.
 - 2. Plunkett Street between the intersections thereof with Woodruff Avenue and Ibbetson Avenue.
 - 3. Tremont Lane from the intersection thereof with Chicago Avenue and the eastern terminus of Tremont Lane.”

SECTION 14. *Environmental Review.* The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to vehicle parking regulations; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. The Ordinance is proposed, in part, for protection of the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (see *specifically* CEQA Guidelines § 15378(b)(2, 5)).

SECTION 15. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 16. *Enforceability.* Repeal or supersession of any provision of the BMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 17. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 18. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 19. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 20. This Ordinance will take effect on the 31st day following its final passage and adoption.

ORDINANCE NO. 13XX HAD ITS FIRST READING ON _____, 2016, ITS SECOND READING ON _____, 2016, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF _____, 2016.

Dan Koops, Mayor

Attest

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney