



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 Bellflower Municipal Code (“BMC”) §§ 10.12.020 (Regulating Towing Within City Parking Lots) and 10.12.090 (Regulating Roads Serving Commercial Establishments).

DATE: May 9, 2016

EXECUTIVE SUMMARY/DISCUSSION

On April 25, 2016, the City Council introduced an ordinance amending the Bellflower Municipal Code (“BMC”) as to parking regulations (“Ordinance No. 1”). While considering the item, the City Council engaged in two main topics of discussion: parking regulations for private roads and the time limits on parking in City lots.

During the meeting, it was recommended that the City Council approve those private streets that should be subject to the BMC’s parking regulations. To ensure that the City identifies all such private streets, staff will need to identify and visit each street that would potentially be affected by the parking regulations. It is unclear if this can be accomplished in time for the second reading of Ordinance No. 1. It also became apparent that the City should have a method for subjecting future private roads to the BMC’s parking regulations; it seems impractical to keep amending the BMC each time another private road is identified. As a result, it seems more prudent for the City Council to adopt a resolution that would identify private streets that are subject to the BMC.

Also during the April 25th meeting, the City Council expressed a desire to set time limits for parking within City lots and have the ability to tow vehicles parked in violation of those time limits. The Ordinance No. 1 was written to allow the City to take such action, i.e., to establish time limits, post those time limits in signage, and tow violators. In reviewing the language of Ordinance No. 1, however, staff had some concern that the regulations were too ambiguous; a quick read of Ordinance No. 1 suggests that the City could only tow vehicles that were parked 72 hours or more within a City lot notwithstanding the posted time limits. New language is recommended to help reduce any future confusion on this matter.

The draft ordinance being proposed tonight (“Ordinance No. 2”) would amend Ordinance No. 1 to (a) allow the City Council to subject private streets to parking regulations via a resolution; and (b) clarify the language as to towing vehicles. Why is Ordinance No. 2 recommended for introduction when Ordinance No. 1 has not yet been adopted?

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Ordinarily similar circumstances would have a simple remedy: the City Council would reintroduce an ordinance that already underwent first reading. Ordinance No. 1, however, incorporates Title 15 of the County Code by reference (the County’s parking regulations). The California Government Code requires that 2-week publicized notice be provided for a public hearing at which time second reading and adoption will be considered. Because of the two week publication requirement, a second reading of Ordinance No. 1 cannot be considered on May 9th; the public hearing will instead be held on May 23rd.

To avoid any further delay on implementing the parking regulations, therefore, the recommendation is that Ordinance No. 2 be introduced on May 9th (the language it amends is not part of the County Code). It can then have second reading on May 23rd, and become effective the same date as Ordinance 1. The desired language will thus be properly codified in the BMC without any delay.

RECOMMENDATION TO CITY COUNCIL

- 1) Read by title only, waive further reading, and introduce Ordinance No. 13XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None.

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)).

ATTACHMENT

Ordinance No. 13XX 2

CITY OF BELLFLOWER

ORDINANCE NO. 13XX

AN ORDINANCE AMENDING BELLFLOWER MUNICIPAL CODE (“BMC”) §§ 10.12.020 (REGULATING TOWING WITHIN CITY PARKING LOTS) AND 10.12.090 (REGULATING ROADS SERVING COMMERCIAL ESTABLISHMENTS).

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. BMC § 10.12.020(D), as set forth in Ordinance No. 1312, is amended to read as follows:

“D. A vehicle parked in violation 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 or for such shorter time period as indicated by posted signs. 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.”

SECTION 2. BMC § 10.12.090(C) (Roads Serving Commercial Establishments), as set forth in Ordinance No. 1312, is amended to read as follows:

“C. Additional roads may be identified by city council resolution as being required to comply with this section.

SECTION 3. *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 4. *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 5. *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 6. *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 7. *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 8. 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 9. This Ordinance will take effect on the same date as Ordinance No. 1312.

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