

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** September 14, 2009

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA FOR THE IMMEDIATE PRESERVATION OF PUBLIC SAFETY AND AMENDING TITLE 10 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 10.65 ESTABLISHING PARKING PROHIBITIONS ON CERTAIN STREETS ON RED FLAG ALERT DAYS

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA FOR THE IMMEDIATE PRESERVATION OF PUBLIC SAFETY AND AMENDING TITLE 10 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 10.65 ESTABLISHING PARKING PROHIBITIONS ON CERTAIN STREETS ON RED FLAG ALERT DAYS

PURPOSE OF ORDINANCE

The urban-wildland interface area within Pasadena contains narrow and winding roads which would make resident evacuation from these areas difficult as well as hamper ingress and egress for fire and other emergency equipment in case of fire. Accordingly, the Fire Department has proposed parking prohibitions for those streets during Red Flag Alert days.

This ordinance will prohibit parking on certain streets in the Very High, High or Moderate Fire Hazard Severity Zones on Red Flag Alert days.

On August 17, 2009, the City Council directed the City Attorney to draft the ordinance as quickly as possible. Due to the active brush fires in and around the foothills surrounding the City of Pasadena and the current fire hazard conditions the Council may elect to invoke Section 510(B) of the Charter and enact this legislation as an emergency ordinance by declaring the existence and nature of the emergency by an affirmative vote of at least six of the eight members of the City Council. Upon such a finding the ordinance would be effective upon adoption.

MEETING OF 09/14/2009

AGENDA ITEM NO. 8.A.3.

REASON WHY LEGISLATION IS NEEDED

Parking prohibitions are codified within Title 10 of the Pasadena Municipal Code.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Fire Department and the Department of Transportation will implement the parking prohibitions.

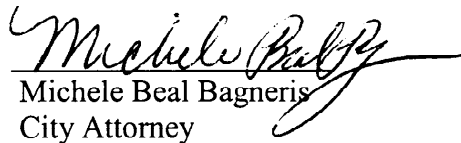
FISCAL IMPACT

Adoption of the proposed ordinance will have a fiscal impact for required signage and enforcement. Additionally, the Pasadena Local Emergency Alert System will need to be upgraded. On August 17, 2009, the City Council approved the funding for implementing this ordinance.

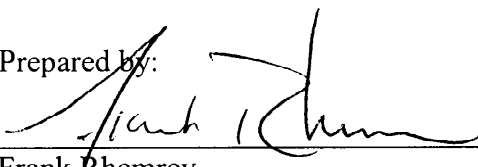
ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

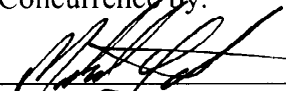
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Frank Rhemrev
Assistant City Attorney

Concurrence by:


Michael Beck
City Manager

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA FOR THE IMMEDIATE PRESERVATION OF PUBLIC SAFETY AND AMENDING TITLE 10, OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 10.65 ESTABLISHING PARKING PROHIBITIONS ON CERTAIN STREETS ON RED FLAG ALERT DAYS

Whereas the urban-wildland interface area within Pasadena contains narrow and winding roads which would make resident evacuation from these areas difficult as well as hamper ingress and egress for fire and other emergency equipment; and

Whereas, the City Council of the City of Pasadena finds that adoption of parking prohibitions on certain street on red flag alert days, will help in protecting the people of Pasadena from fire hazards; and

Whereas, the City Council of the City of Pasadena finds that the active brush fires in and around the foothills surrounding the City and the current fire hazard conditions constitute an emergency and that the adoption of this ordinance is required for the immediate preservation of health and safety.

Now Therefore, the People of the City of Pasadena ordain as follows:

Section 1. Title 10 of the Pasadena Municipal Code is hereby amended by adding Chapter 10.65 which reads as follows:

“Chapter 10.65
PARKING PROHIBITIONS ON CERTAIN STREETS ON RED FLAG ALERT DAYS

Sections:

10.65.010 Parking prohibition on certain street on red flag alert days
10.65.020 Applicability
10.65.030 Civil penalty

10.65.010 Parking prohibition on certain streets on red flag alert days

- (a) Whenever, with reference to any street (public or private) or portion of a street (public or private) within the City of Pasadena’s Very High, High or Moderate Fire Hazard Severity Zones, as currently adopted or hereafter amended, the Fire Department determines that parking on one or both sides of the street would create a hazard to life or property by interfering with emergency vehicle access and resident evacuation during a major brush fire, the Department of

Transportation is hereby authorized to install and maintain at that place signs giving notice that no person shall park a vehicle during a Red Flag Alert in the City of Pasadena. The Department of Transportation is further authorized to include notice, on any sign that prohibits the parking of vehicles on Red Flag days, that vehicles parked in violation of the sign may be removed.

- (b) It shall be unlawful, when authorized signs are in place giving notice, to park any vehicle on any of the streets or portions of streets in the City of Pasadena Very High, High or Moderate Fire Hazard Severity Zones in violation of the signs. A civil penalty shall be imposed for violation of this section.
- (c) Signs prohibiting parking installed pursuant to this section are only enforceable on Red Flag Alert days in the City of Pasadena as declared by the Fire Chief or his designee.

10.65.020 Applicability

- (a.) Notwithstanding any other section of this Code, the prohibition of parking established in section 10.65.010 shall be applicable to all vehicles, except:
 - (1.) Vehicles operated by employees of the City of Pasadena, or under contract to the City of Pasadena, as required for the performance of their official duties and only while the driver is in attendance;
 - (2.) Commercial vehicles operated by landscape maintenance, home maintenance, plumbing, or similar contractors provided such contractor maintains the proper City business license, the vehicle is parked at the address receiving maintenance for no more than 60 minutes and only while the driver is in attendance; and,
 - (3.) Commercial delivery vehicles provided the vehicle is parked at the address receiving delivery for no longer that 15 minutes.

10.65.030 Civil penalty

- (a) Any person found liable for a civil penalty under provision of this title shall be required to pay the penalty provided on the schedule of parking penalties for parking violations in a fire lane, late payment penalties, administrative fees, and other related charges shall be established by resolution of the city council. For a second violation within a twelve month period, the parking penalty shall be twice the specified amount. For third and subsequent violations within a twelve month period, the penalty amount shall be tripled.

Section 2. In accordance with Section 510(B) of the Charter of the City of Pasadena, this ordinance shall take effect upon adoption.

Signed and approved this _____ day of _____, 2009.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

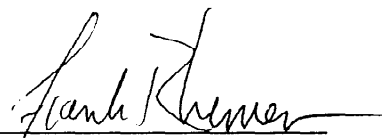
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney