

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: June 6, 2005

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.44.050 OF CHAPTER 10.44 OF THE PASADENA MUNICIPAL CODE (PARKING AT NIGHT) REGARDING OVERNIGHT PARKING PERMIT APPEAL PROCEDURES

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.44.050 OF CHAPTER 10.44 OF THE PASADENA MUNICIPAL CODE (PARKING AT NIGHT) REGARDING OVERNIGHT PARKING PERMIT APPEAL PROCEDURES

BACKGROUND:

The City's Overnight Parking Ordinance, among other things, creates a process for applying to the City for overnight parking permits. When an application for an overnight parking permit is denied by the City, there is an appeal process referenced in the Ordinance for a citizen who believes that he or she is still entitled to such a permit. Unfortunately, the reference given for the appeal process is to sections of the Pasadena Municipal Code which have since been repealed and no longer exist (they were reconstituted with different section numbers). As a result, there is, technically, no administrative appeal process in place for the denial of an overnight parking permit (and the recourse would be directly to the courts). The elimination of the appeal process for Overnight Parking Permits was the unintended consequence of the revision of another part of the Pasadena Municipal Code. The proposed ordinance will provide the correct references and will restore exactly the same appeal process that was in place previously.

Specifically, Pasadena Municipal Code Section 10.44.050 references the appeal process created in Pasadena Municipal Code Sections 5.36.130 through 5.36.170. Those Sections 5.36.130 through 5.36.170 were repealed and no longer exist. Those Sections were reenacted with different numbers, as Sections 5.40.170 through

MEETING OF 6/6/2005

AGENDA ITEM NO. 9.A.1.

5.40.200. Hence, the reference in Pasadena Municipal Code Section 10.44.050 needs to be changed to set forth the new and correct section numbers.

There are no issues of policy in this proposed ordinance as it is not designed to change or alter any City program; rather, it restores the appeal process that was inadvertently dropped when other sections of the Pasadena Municipal Code were amended. Both the City Attorney and the City Manager have agreed that this ordinance is an administrative rather than a policy matter and, therefore, should not require City Council direction before bringing it forward for review and first reading.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to amend the City's Overnight Parking Ordinance to make it consistent with updated sections of the PMC. In addition, this "housekeeping" ordinance will also reflect a change in City structure, making the Department of Transportation a separate department of the City, by deleting an outdated reference to "Director of Public Works and Transportation" and replacing it with the current, "Director of Transportation."

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.


ENVIRONMENTAL IMPACT:


The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities which may have a significant effect on the environment (Section 15061(b)(3)).

FISCAL and SERVICE IMPLICATIONS:

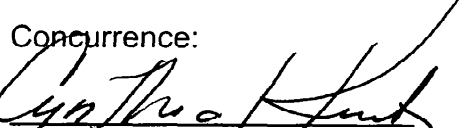
There is no fiscal impact to the Department of Transportation budget from this proposed ordinance amendment.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by: *slolov*


Nicholas George Rodriguez
Assistant City Attorney

Concurrence:

Cynthia J. Kurtz
City Manager

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.44.050 OF CHAPTER 10.44 OF THE PASADENA MUNICIPAL CODE (PARKING AT NIGHT) REGARDING OVERNIGHT PARKING PERMIT APPEAL PROCEDURES

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 10.44.050 of the Pasadena Municipal Code is amended to read as follows:

"10.44.050 Appeal procedure.

The procedure for any appeal of a decision by the director of ~~public works~~ and transportation under this Chapter shall be the same procedure set forth in Sections ~~5.36.130 through 5.36.170~~ 5.40.170 through 5.40.200 for decisions by the chief of police."

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. This ordinance shall take effect on publication.

Signed and approved this _____ day of _____, 2005.

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 regular meeting held the _____ day of _____, 2005 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

JANE L. RODRIGUEZ, CMC
CITY CLERK

APPROVED AS TO FORM:

 5/10/05

Nicholas George Rodriguez
Assistant City Attorney