

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 10, CHAPTERS 10.08, 10.40, 10.41, 10.42, 10.44, AND 10.45 AND TITLE 12, CHAPTER 12.14 TO CONFORM WITH CURRENT DEPARTMENTAL RESPONSIBILITIES AND ALIGN WITH CURRENT PARKING PRACTICES

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding publication costs, will be published by title and summary as permitted by Section 508 of the Charter of the City of Pasadena. The approved summary of this ordinance is as follows:

“SUMMARY

Ordinance No. _____. The ordinance amends Pasadena Municipal Code Title 10, Chapters 10.08, 10.40, 10.41, 10.42, 10.44, and 10.45 and Title 12, Chapter 12.14 to conform with current departmental responsibilities and align with current parking practices. Ordinance No. _____ shall take effect 30 days after its publication by title and summary. The full text of the ordinance is on file in the Clerk’s Office.”

SECTION 2. Title 10, Chapter 10.08 – Definitions, the following Sections of Chapter 10.08 are amended to read as follows:

“10.08.026 - Director.

"Director" means the director of the department of -transportation or his/her authorized representative.”

10.08.070 - Parking.

"Parking," "park" or "standing" means to stop, or allow to stand, any vehicle, whether occupied or not, otherwise than (1) in obedience to an official traffic control device, (2) by direction of traffic control personnel, or (3) temporarily for the purpose of, and while actually engaged in, loading and unloading of merchandise or passengers.

- A. A vehicle shall be deemed to have been parked or left standing when such vehicle has not been moved more than 1 block under its own power from its original stopped, parked or standing position. A block is defined as a segment of a street adjacent intersections or between intersection and the terminus of

the street or the City boundary. Vehicles may not return to the same block within a 24 hour period. "

SECTION 3. Title 10, Chapter 10.40 – Parking, the following Sections of Chapter 10.40 are amended to read as follows:

"10.40.050 - Parking—Parrallel with curb.

- A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless the director has erected signs prohibiting such stopping or standing.
- B. In the event a highway includes 2 or more separate roadways and traffic is restricted to 1 direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless the director has erected signs permitting such standing or parking.

10.40.060 - Parking—Space markings.

- A. The director may install and maintain parking space markings to indicate parking spaces where authorized parking is permitted.
- B. When such parking space markings are placed on highways, streets or city property, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of the vehicle makes compliance impossible.

10.40.070 - Parking—Adjacent to schools.

- A. The director may place signs or markings indicating no parking upon that side of any street or portion thereof adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous condition.
- B. When official signs or markings are installed indicating no parking upon the side of a street or portion thereof adjacent to any school property, no person shall park a vehicle in any such designated place.

10.40.090 - Prohibited—Signs required.

When official signs or curb markings are installed at the following places, no person shall stop, stand or park a vehicle in any of said places:

- A. At any place within 20 feet of a point on the curb immediately opposite the mid-block end of a safety zone;
- B. At any place within 30 feet of an intersection in a business district except that a bus may stop at a designated bus stop;
- C. Within 30 feet of the approach to any traffic control device;
- D. At any place where the director determines that it is necessary in order to eliminate an unusual traffic hazard.

10.40.100 - Parking—Temporary prohibiting signs.

The chief of police or director is authorized to erect or place temporary "No Stopping or No Parking" signs on streets or portions thereof when he determines that emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions; from the movement of equipment, articles or structures of unusual size; or from street repairs or construction; from the use of such street for authorized purposes other than the normal flow of traffic; or for any other valid reason.

10.40.110 - Loading zone establishment.

- A. The director may determine and mark by signs or curb markings loading zones and passenger loading zones as follows:
In front of or adjacent to any place of business, school, public building, hall or place used for the purpose of public assembly.
- B. In no event shall more than 1/2 of the total curb length in any block be reserved for loading zone purposes.
- C. Whenever curb marking is used, loading zones shall be indicated by a yellow paint line stenciled with black letters, "LOADING ONLY," upon the top of all curbs within such zones.
- D. Whenever curb marking is used, passenger loading zones shall be indicated by a white line stenciled with black letters, "PASSENGER LOADING ONLY," upon the top of all curbs in said zones.

10.40.120 - Placement of curb markings.

- A. The director may, subject to the provisions and limitations of this title, place, and when required herein shall place signs or the following curb markings to indicate parking, standing or parking regulations, and the curb markings shall have the meanings as herein set forth:

1. Red means no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
 2. Yellow means no stopping, standing or parking at any time between 6 a.m. and 6 p.m. of any day unless otherwise noted for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than 3 minutes nor the loading or unloading of materials more than 20 minutes. The loading or unloading of materials shall apply only to commercial deliveries.
 3. White means no stopping, standing or parking for any purpose, other than loading or unloading of passengers which does not exceed 3 minutes. Such restrictions shall apply every day between 6 a.m. and 6 p.m. except Sundays and except as follows:
 - a. When such zone is in front of a hotel, the restrictions shall apply at all times;
 - b. When such zone is in front of an auditorium or theater, the restrictions shall apply at all times except when such auditorium or theater is closed;
 - c. When such zone is in front of a curbside mailbox adjacent to a public sidewalk, the restrictions shall apply at all times. The length of time a vehicle may stand or park in an appropriately marked white "mail drop zone" shall be limited to the time a person is actually involved in the act of depositing mail in the adjacent mailbox;
 - d. When such zone is posted or marked (by temporary or permanent signs or markings) for valet parking, the restrictions shall apply during all hours except when all the businesses directly behind the posted zone are closed.
 4. Green means no standing or parking for longer than 15 minutes at any time between 6 a.m. and 6 p.m. of any day except Sundays unless otherwise posted.
 5. Blue means no stopping, standing or parking at any time except vehicles which display a distinguishing license plate or valid placard issued to handicapped and disabled persons and disabled veterans pursuant to the California Vehicle Code.
- B. When the city manager or his delegate, as authorized under this title, has caused signs or curbside markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible sign or curbside marking in violation of any of the provisions of this chapter.
- C. Where signs and curbside markings are present, signage shall supersede the curbside marking definitions above.

10.40.130 - Bicycle parking spaces.

- A. The director may designate and establish bicycle parking spaces for use at such places and during such times as he may deem suitable and necessary. The director may also authorize the placing of bicycle parking racks in the spaces so designated.
- B. When official signs or markings restricting parking to bicycles only are in place, bicycles shall be parked only in such places and it shall be unlawful for any person to park or stand any vehicle other than a bicycle or other two-wheeled vehicle in such space.

10.40.150 - Taxi stands.

- A. The director may determine the location of and mark taxi stands.
- B. Such taxi stands shall be indicated by signs or a white line stenciled with the words "TAXI ONLY," upon the tops of all curbs and places specified for taxicabs only.
- C. No driver of any taxicab shall park or stand the same upon any public highway in any business district in the city for any period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab; provided that a taxicab may be parked in a taxi stand established pursuant to subsection A of this section.
- D. When official signs or markings designating such taxi stands are in place, no person other than the driver of a taxicab shall park or stand any vehicle in any taxi stand.

10.40.160 - Bus zones.

- A. The director may establish bus zones for the loading and unloading of buses of common carriers of passengers and determine the location thereof subject to the directives and limitations set forth herein.
- B. "Bus," as used in this section, means any motor bus, motor coach, trackless trolley coach or passenger stage used as a common carrier of passengers.
- C. No bus zone shall exceed 80 feet in length, except that when satisfactory evidence has been presented to the city manager showing the necessity therefor, the city manager may extend bus zones not to exceed a total length of 130 feet.
- D. Bus zones shall normally be established on the far side of an intersection.
- E. Such bus zones shall be indicated by signs or a red line stenciled with white letters "NO STANDING," together with the words "BUS ZONE" upon the top of all curbs within such zone.
- F. No bus shall stand in any bus zone longer than necessary to load or unload passengers except that at a terminus such time shall not exceed 15 minutes.
- G. No person shall stop, stand or park any vehicle except a bus in any bus zone.

10.40.165 - Valet parking zones.

- A. The director may establish valet parking zones for the loading and unloading of passengers for valet parking operations permitted pursuant to Chapter 12.14 of this code and determine the location thereof.
- B. A valet parking zone shall be indicated by official signs approved or issued by the director which indicate that said area is a valet parking zone.
- C. When official signs are in place, no person shall stop, stand or park any vehicle in any indicated valet parking zone except while loading and unloading passengers as directed by a valet parking operation authorized and permitted pursuant to Chapter 12.14 of this code.

10.40.170 - Parking—Limitation or prohibition.

- A. When, with reference to any street or portion thereof, the director of the Transportation Department determines that:
 - 1. Because the same is within a business district; or
 - 2. Because of proximity to a business district or center of employment; or
 - 3. Because of an unusual concentration of population; or
 - 4. Because of any other factor or condition, the unrestricted parking of vehicles has caused, or would necessarily cause, traffic congestion, would create a hazard, detrimentally affect the public welfare, or deprive the public of the efficient use of available curb space, the director may install at any such place signs giving notice that no person shall stand, stop or park a vehicle, except as provided on such signs. The director may include notice on any sign, which prohibits the stopping or parking of vehicles, that vehicles parked or left standing in violation of such regulations may be removed.
- B. Stopping or Standing Prohibited. When authorized signs are in place giving notice that stopping or standing is prohibited during such hours or on such days as are indicated on such signs, it is unlawful for any person to stop or stand or park any vehicle at any time during such hours or such days.
- C. Parking Prohibited. When authorized signs are in place giving notice that parking is prohibited at any time or during certain hours, no person shall park any vehicle during such prohibited times.
- D. Parking Time Limits. Except as is provided in Chapter 10.42, when authorized signs are in place giving notice thereof, no person shall stop or stand or park any vehicle for a period of time longer than the parking time limit indicated by such sign. Vehicles may only park once per day per block, as defined in section 10.08.070.

- E. Exceptions. The restrictions of this chapter, identified in paragraphs A through D of this section, shall not apply to taxicabs standing in any zone designated for their use pursuant to Section 10.40.150.
- F. In addition to the powers granted to the director of the transportation department, the chief of police, in the exercise of the inherent police powers of the city to ensure public safety, may prohibit, restrict, or condition the parking of private and commercial vehicles, on city streets and city parking lots within the city during both city sanctioned activities within the city or spontaneous, unplanned events which may create a danger to public safety.
 - 1. The following parking restrictions may be imposed by the chief of police to ensure public safety at public events:
 - a. Parking on city streets and city parking lots may be conditioned on the voluntary search of vehicles prior to entering or at any time after entering and parking on the city streets and city parking lots posted with such conditional parking restrictions.
 - b. Parking may be prohibited on posted city streets and city parking lots for specific dates and/or times.
 - 2. Vehicle drivers/owners who, in violation of subsection (F)(1), above, refuse to allow the search of their vehicle(s) parked on posted city streets or city parking lots shall not be allowed to park, or remain parked, in the designated areas.
 - 3. Vehicles parked on posted city streets or city parking lots where vehicles are subject to search pursuant to subsection (F)(1), above, and shall not be left unattended for the period of time designated on the posted parking restrictions.
 - 4. Vehicles parked in violation of subsections (F)(1), (2) or (3) of this section may be impounded at the owner's expense and/or searched if the driver refuses to move the vehicle or leaves the vehicle unattended in violation of the posted parking restrictions.
 - 5. City streets and city parking lots which are subject to the restrictions set forth in this subsection (F) shall be posted to provide sufficient notice of the prohibitions and conditional parking restrictions.

10.40.180 - City property—Parking and towing and vehicle immobilization.

- A. Whenever the director shall determine that the safe, orderly and efficient conduct of the city's business and use of city property requires that the driving, parking or standing of vehicles thereon be regulated, prohibited, limited or restricted, or that public traffic be permitted thereon, the director shall have the power and authority to order signs to be erected or posted indicating that such driving, parking or standing is thus prohibited, limited or restricted, or that such public traffic is permitted. Such authority shall, in the case of a parking district, be exercised pursuant to parking district commission direction.

- B. When signs prohibiting or restricting public parking or driving, in such form and size as determined by the director, giving notice of such restrictions or conditions of use are posted, no person shall drive, park or stand any vehicle, bicycle, motorized bicycle, skateboard or roller skates contrary to the directions or provisions of such signs.
- C. Any law enforcement or parking enforcement officer is authorized to remove or cause the removal of any vehicle from city property, including a city off-street parking facility, to the nearest garage or other place of safety, or to a garage designated or maintained by the city, when the vehicle is parked, stopped or left standing in violation of signs posted pursuant to subsection B of this section, or of the California Vehicle Code when applicable, and where such signs give notice that such vehicle will be towed.
- D. In addition to, or as an alternative to removal of vehicles, any law enforcement or parking enforcement officer may immobilize any vehicle under the requirements set forth in Section 22651.7 of the Vehicle Code, relating to vehicles with parking violations outstanding, as provide in Section 22651.7. An administrative fee or fees for such immobilization may be established by resolution of the City Council. Any vehicle immobilized as set forth herein shall remain immobilized until the conditions set for in Section 22651.7 are met, and all applicable administrative fees are paid to the city.
- (a). Subject to the provisions of Subsection (b), where a vehicle is immobilized pursuant to Vehicle Code Section 22651.7 or any other Code section which authorizes similar immobilization, and the owner or person in control of the vehicle has been issued five or more notices of parking violations that are delinquent, such owner or person in control of the vehicle shall be required to pay the Department a charge to be determined by the City Council for the cost of the immobilization.
- (b) The charge imposed by Subsection (a) above shall not be applicable to a vehicle which prior to release to the owner, has been so immobilized and subsequently towed to an impound garage.
- (c) Upon immobilization of such vehicle the person effecting such immobilization shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized an any attempt to move such vehicle might result in damage to such vehicle. Said notice shall also state that there is a right to a post-immobilization hearing to determine the validity of such immobilization. Such hearing shall be conducted by a hearing officer appointed to conduct such hearings. This post-immobilization hearing will not be determinative of or adjudicate any citation issued relative to any immobilized vehicle. This hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. Failure of either the registered or legal owner or his or her agent to request or to attend a scheduled hearing shall satisfy the post-immobilization validity hearing requirements of the subsection.
- (d) , The immobilizing device or mechanism shall remain in place for 72 hours unless the owner has complied with Section 22651.7 of the Vehicle Code or as a

result of a hearing held pursuant to Subsection (c) of this section it is determined that the device or mechanism should be removed. If the immobilization occurs when a vehicle is parked in a tow-away zone or restricted parking area; or in a location so as to be blocking or impeding traffic, then such vehicle is subject to immediate towing and impounding. Booting, towing and storage fees, subject to the determination of the hearing officer, pursuant to Subsection (c) of this section and applicable Vehicle Code sections, that such fees are not required, shall be paid before the owner of such vehicle, or authorized person, shall be permitted to repossess or secure the release of the vehicle. The owner or person entitled to possession of such vehicle shall also be responsible for the return of the immobilization device or mechanism to the the City and shall be responsible for an additional fee of \$50 per day for each day, or part thereof, after the first 24 hours, for which the immobilization device or mechanism is not returned to the city, up to a maximum of \$500.

(e) Once a vehicle has been immobilized pursuant to Vehicle Code section 22651.7 or any other similar provision of laws which authorizes immobilization, no one, other than such persons who are authorized by law to do so, shall mobilize any such vehicle or damage the immobilization device in any way.

(f) No one other than a person authorized by law to immobilize a vehicle pursuant to Vehicle Code Section 22651,7 or other similar provision of law, shall, once a vehicle has been so immobilized, cause any such vehicle to be towed from the location where immobilized. If any such vehicle is so towed both the person requesting the towing service and the operator of the towing vehicle shall be in violation of this section.

(g) Any violation of either Subsections (e) or (f) shall constitute a misdemeanor.

10.40.210 - Handicapped off-street parking.

The directors, as to any street or off-street parking facility owned or operated by the city or a parking place commission, and any person in possession of a privately owned or operated off-street parking facility, are authorized, respectively, to designate and reserve parking stalls and spaces for the exclusive use of vehicles displaying the distinguishing license plate or placard issued to handicapped and disabled persons and disabled veterans pursuant to the California Vehicle Code.

10.40.250 - Seventy-two-hour parking limitation.

A. Notwithstanding any other provision of this code or any permit issued under this chapter, no person shall park or leave standing within the city any vehicle for a period of 72 or more consecutive hours upon any highway, street, alley or city property.

- B. For the purpose of this section, a vehicle shall be deemed to have been left standing when such vehicle has not been moved more than one block under its own power from its original stopped position.
- C. Any law enforcement or parking enforcement officer is authorized to remove or cause the removal of any vehicle so parked or left standing in violation of this section.
- D. This section does not apply to vehicles exempt as permitted by state or federal law or Section 10.44.130.

10.40.252 - Expired registration—Removal.

No vehicle with an expired registration shall be driven or parked on city property when such registration expiration date is in excess of six months before the date the vehicle is so driven or parked. Removal of an occupied vehicle from city property for a violation of this section, absent any other basis for removal, shall be done only by a peace officer, as defined by the Vehicle Code, and pursuant to the release provisions of Vehicle Code Section 22651(O).

10.40.254 - Removal of chalkmarks.

- A. Law enforcement and parking enforcement officers are authorized to place chalk or other nonpermanent markers on parked cars in performance of their duties.
- B. No person shall remove or hide any marks so placed upon a vehicle pursuant to this section unless such vehicle has been removed at least one block from the parked location where the marking occurred. “

SECTION 4. Title 10, Chapter 10.41, Preferential Parking – Sections 10.41.090 and 10.41.120 are amended to read as follows:

“10.41.090 - Guest permits.

Upon application, the director shall issue up to three, annual guest permits to every residential dwelling unit. No guest permits shall be issued to merchants. An annual guest permit is transferable, without restriction, among guests. No more than three such annual permits shall be issued to any residential dwelling unit unless reapplication is made and proof is provided, to the satisfaction of the director, that an issued permit was lost, stolen or destroyed. In addition to the annual guest permits, and upon application by a resident, the director may issue, one day guest passes to residents to authorize temporary parking for guest vehicles.

10.41.120 - Permit display.

Preferential parking permits, except for one day guest passes, shall be permanently, visibly affixed to the lower corner of the driver's side windshield of the vehicle for which it is issued, and the permit shall not be effective unless it is so affixed. One day guest passes shall be visibly displayed hanging from the rear view mirror so as to be readily visible through the windshield. "

SECTION 5. Title 10, Chapter 10.42 - Daytime Parking, the following Sections of Chapter 10.42 are amended to read as follows:

"10.42.040 - Daytime parking permit—Application.

Each application for a daytime street parking permit shall be filed in writing with the director on a form to be furnished by the city, accompanied by the permit fee as set forth in this chapter. Each such application shall set forth:

- A. The name, residence and telephone number of the applicant;
- B. The license number, the make, model and type of vehicle for which the permit is requested;
- C. The name and current address of the registered owner of the vehicle;
- D. A statement that there is no parking space obtainable upon the property designated as applicant's residence;
- E. A statement that no parking space previously available on the property at the applicant's residence is now used for any purpose other than the parking of vehicles currently registered to that address and that are not registered as non-operational;
- F. The period of time for which the permit is requested;
- G. Such additional information as the city may require, including copies of all vehicle registrations for other persons who resided, permanently or temporarily, at the applicant's residence;
- H. The permit number of all annual all-night street parking permits issued to applicant and all other persons who reside, permanently or temporarily, at the applicant's residence;
- I. The permit number of all daytime parking permits currently issued to the applicant and all other persons who reside, permanently or temporarily, at applicant's residence;
- J. A statement that the applicant declares under penalty of perjury that all statements in the application are true; and
- K. The signature of the applicant.

10.42.050 - Parking permit—Investigation and issuance.

Parking permit applications shall be filed with the director. The director shall thereafter conduct an investigation to determine whether such a permit should be issued. If the director determines (1) that the applicant has a current annual city all-night street parking permit or parking district all-night parking permit for the vehicle specified in the application, (2) that adequate off-street parking space is not available within 600 feet of the applicant's residence, and (3) that no public safety problem will result, a daytime street parking permit may be issued. The permit shall be in a form designated by the director and shall specify the date of expiration. A permit shall be issued only for non-commercial passenger vehicles which do not exceed the height of 7 feet nor the width and length of a standard street parking space, as defined by the city traffic and transportation engineer.

10.42.060 - Parking limitations.

- A. No vehicle shall be parked, pursuant to a permit issued under this chapter, on any street except within a 500-foot radius of a permittee's place of residence designated on the permit.
- B. No permit shall be valid under the following circumstances:
 - 1. On any street where parking is prohibited either by red curb or posted parking prohibitions during the hours such parking prohibitions are in effect;
 - 2. In any green, yellow, blue or white painted curb zone; or
 - 3. On any street in front of or abutting any property except property improved exclusively for residential use. "Residential use" means either single-family or multiple family dwellings, but shall not include business, industrial or commercial properties.
- C. No more than 2 nighttime and 2 daytime on-street parking permits shall be issued to one residence at any time except for hardship as determined by the director his discretion.

10.42.080 - Parking permit—Display and replacements.

The daytime parking permit shall be visibly affixed to the inside left rear side window of the vehicle for which it is issued, and the permit shall not be effective unless it is so affixed. In the event of loss, a new permit will be issued upon payment of a fee as established and changed from time to time by resolution of the city council to cover the cost of its replacement.

10.42.090 - Parking permit—Fee payment.

The director is authorized to issue an annual permit for daytime street parking and charge a fee for the permit. The amount of the fee shall be established by resolution of the city council, and said fee shall be in addition to any fee for an annual all-night street parking permit. All annual permits shall expire at midnight exactly one year after such permits were issued, unless sooner suspended, revoked or canceled as provided in this chapter. Annual permits shall be renewable upon payment of the daytime street parking permit fee to the director.

10.42.100 - Refunds upon voluntary cancellation.

There shall be a pro rata refund based upon quarterly increments of the annual permit fee to any applicant who requests of the director a cancellation of the parking permit prior to the expiration date. To qualify therefor the applicant must either return the permit or submit evidence satisfactory to the director that such permit has been destroyed or will no longer be used.

10.42.120 - Parking permit—Filing applications.

After issuance of a parking permit or renewal permit, the application shall be filed with the director. Prior to such filing, the director shall endorse upon such application the date that a permit or renewal permit was issued and the serial number thereof.

10.42.140 - Parking permit—Transfer.

Upon the acquisition by a daytime parking permittee of a new vehicle and the sale or disposal of the vehicle for which a current parking permit has been obtained, such person may obtain a new permit for the new vehicle. Application for the new permit shall be made to the director on a form provided by the city, and shall be accompanied by a transfer fee in an amount established and changed from time to time by the city council. No other fee shall be required, and the permit shall be only for the unexpired portion of the period for which the original permit was issued. Upon issuance of a new permit, the permit previously issued for applicant's car that was sold or disposed of shall be revoked, and prior to the issuance of the new permit the city may require the applicant to submit satisfactory evidence that the original permit has been destroyed or will no longer be used.

10.42.150 - Temporary daytime parking permit.

A. Notwithstanding any provision of this chapter or subsection D of Section 10.40.170, the director may issue a permit for temporary daytime parking. The issuance of

temporary parking permits shall be limited to emergency situations, New Year's holiday guest parking, construction or other circumstances which in the opinion of the parking manager constitute good cause therefor.

- B. Any such temporary permit shall be for the period specified thereon and shall be in the form and displayed in the manner specified by the parking manager.
- C. In addition, the director may issue permits for temporary daytime parking of a vehicle notwithstanding the provisions of Section 10.42.020 or other preceding sections of this chapter. The issuance of such temporary parking permits shall be according to a program approved by the City Council and for a fee established by resolution of the city council.

10.42.170 - Appeal procedure.

The procedure for any appeal of a decision by the director under this chapter shall be the same procedure set forth in Sections 5.48.170 through 5.48.239 for decisions by the city manager.

10.42.180 - Parking permit—Suspension and revocation.

- A. Grounds. The following are grounds for suspension or revocation by the director.
 - 1. A material statement in the application was untrue; or
 - 2. The circumstances under which the permit was issued no longer exist; or
 - 3. Public safety and police problems necessitate suspension or revocation;
 - 4. The permittee has violated a provision of this chapter or a condition imposed on his permit.
- B. Procedure. The determination of the director on matters of suspension shall be appealable in the manner set forth in Section 10.42.170.
- C. Suspension Procedure. The director, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for the suspension. The order shall be effective immediately if personally served, or 48 hours after it was deposited with the United States Postal Service.
- D. Revocation. The suspension shall become a revocation 15 days after the suspension becomes effective unless the permittee files an appeal in the manner set forth in Section 10.42.070. Where an appeal is filed, it shall be referred to a hearing officer who shall proceed in the manner set forth in Section 10.42.170. The suspension shall become a revocation if the hearing officer upholds the suspension. The suspension shall be dissolved immediately if the decision of the hearing officer reverses the suspension.

- E. Surrender of Permit. If any permit is revoked pursuant to this chapter, the permittee shall submit evidence satisfactory to the director that such permit has been destroyed. “

SECTION 6. Title 10, Chapter 10.44 - Parking at Night, the following Sections of Chapter 10.44 are amended to read as follows:

“10.44.010 - Unlawful when.

Except as provided under exceptions A, B and C of this section, it is unlawful for the owner or driver of any vehicle to allow such vehicle to remain standing in any street or alley in the city between the hours of 2 a.m. and 6 a.m. It is unlawful for the owner or driver of any commercial vehicle to allow such commercial vehicle to remain standing upon any street or alley in the city between the hours of 10 p.m. and 6 a.m.

EXCEPTIONS:

- A. This section shall not apply to vehicles of any regularly licensed physician or licensed nurse when actually engaged in making professional calls.
- B. This section shall not apply to taxicabs or other public carriers in the course of picking up or discharging a passenger or to deliver vehicles in the course of a service call.
- C. This section shall not apply to any vehicle for which an all-night street parking permit has been duly issued pursuant to this chapter and displayed in compliance with Section 10.44.070.
- D. This section shall not apply to the portion of a street or alley that the Director has determined to be exempt after an engineering study. Such exemption may be for all or a portion of the 2:00 a.m. to 6:00 a.m. period.

10.44.020 - Parking permit—Application.

Each application for an all-night parking permit shall be filed in writing with the director on a form to be furnished by the city, accompanied by the permit fee as set forth herein. Each such application shall set forth:

- A. The name, residence and telephone number of the applicant;
- B. The license number, the make, model and type of vehicle for which the permit is requested;
- C. The name and current address of the registered owner of the vehicle;
- D. A statement that there is no parking space available or obtainable upon the property designated as applicant's residence;
- E. A statement that no parking space previously provided or available upon the property designated as applicant's residence is now used for any purpose other

than the parking of vehicles currently registered to the address where the permit is being requested:

- F. The period of time for which the permit is requested;
- G. Such additional information as the city may require;
- H. A statement that the applicant declares under penalty of perjury that all statements in the application are true; and
- I. The signature of the applicant.

10.44.030 - Parking permit—Investigation and issuance.

Parking permit applications shall be filed with the director. The director shall thereafter conduct an investigation to determine whether such a permit should be issued. If the director (1) that adequate off-street parking space is not available within 600 feet of the applicant's residence and (2) that no public safety problem will result, an all-night street parking permit may be issued. The permit shall be in a form designated by the director and shall specify the date of expiration. A permit shall be issued only for noncommercial passenger vehicles which do not exceed the height of 7 feet nor the width and length of a standard street parking space, as defined by the city traffic and transportation engineer.

10.44.040 - Parking permit—Fee payment.

The director is authorized to issue either an annual or 30-day permit for all-night street parking and shall charge a fee for the issuance of the permit as set forth below:

- A. Annual Permit. Prior to the issuance or renewal of an annual permit, the applicant shall pay to the director a fee in the amount established by resolution adopted by the city council. All annual permits shall expire at midnight exactly one year after which such permits were issued, unless sooner revoked or canceled as provided in this chapter.
- B. Thirty-day Permit. A 30-day permit for all-night street parking shall be valid for the 30 days following the date of issuance and shall expire at midnight of the 30th day unless sooner revoked or canceled as provided in this chapter. Prior to issuance of each 30-day permit, the applicant shall pay the 30-day permit fee to the director of finance. The amount of the 30-day permit fee or any renewal thereof shall be established by resolution adopted by the city council.

10.44.050 - Appeal procedure.

The procedure for any appeal of a decision by the director under this chapter shall be the same procedure set forth in Sections 5.48.170 through 5.48.230 for decisions by the city manager.

10.44.060 - Parking permit—Suspension and revocation.

- A. Grounds. The following shall constitute grounds for suspension and revocation:
 - 1. A material statement in the application was untrue; or
 - 2. The circumstances under which the permit was issued no longer exist.
- B. Authority. Any permit issued hereunder may be suspended by the director for the grounds listed in subsection A of this section.
- C. Procedure. The determination of the director with regard to matters of suspension shall be appealable in the time and manner set forth in Section 10.44.050.

The director, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for the suspension. The order shall be effective immediately if personally served, or 48 hours after the same has been deposited in the course of transmission in the United States Postal Service.

Immediately upon such an order becoming effective, the permittee shall discontinue permitted parking.

- D. Revocation. The suspension shall become a revocation 15 days after the order of suspension becomes effective unless the permittee files an appeal of the order of suspension in the manner set forth in Section 10.44.050.

Where an appeal is filed, the order of suspension shall be stayed pending a determination thereon by the hearing officer who shall act upon the same in the manner set forth in Section 10.44.050. Such suspension shall become a revocation if the decision of the hearing officer upholds the suspension. The suspension shall be dissolved immediately if the decision of the hearing officer reverses the suspension.

- E. Surrender of Permit. If any permit is revoked pursuant to this chapter, permittee shall submit all relevant permits or evidence satisfactory to the director that such permits have been destroyed.

10.44.070 - Parking permit—Display and replacements.

The parking permit issued under this chapter shall be visibly affixed to the inside left rear side window of the vehicle for which it is issued, and the permit shall not be effective unless it is so affixed and maintained. In the event of loss or destruction thereof, a new permit will be issued upon payment of a fee to cover the cost of its replacement. The fee will be in an amount established from time to time by resolution adopted by the city council.

10.44.080 - Refunds upon voluntary cancellation.

There shall be a pro rata refund based upon quarterly increments of the annual permit fee to any applicant who requests of the director a cancellation of the parking permit prior to the expiration date. To qualify therefor the applicant shall first submit evidence satisfactory to the director that such permit has been destroyed or will no longer be used

10.44.100 - Parking permit—Filing applications.

After issuance of such a parking permit or a renewal permit, the application therefor shall be filed with the parking manager. Prior to such filing, the director shall endorse upon such application the date that a permit or renewal permit was issued thereunder and the serial number thereof.

10.44.120 - Parking permit—Transfer.

Upon the acquisition by an all-night street parking permittee of a new vehicle and the sale or disposal of the vehicle for which such a parking permit has been obtained and is still in effect, such person may apply for and obtain a new permit for such new vehicle. Application for the new permit shall be made to the director on a form provided by the city, and shall be accompanied by the payment of a transfer fee in the amount established by resolution adopted by the city council. No other permit fee shall be required, and the permit shall be only for the unexpired portion of the period for which the original permit was issued. Upon issuance of a new permit under this section, the permit previously issued for applicant's car that was sold or disposed of shall be deemed revoked and shall be of no further force and effect, and prior to the issuance of such new permit the city may require the applicant therefor to submit satisfactory evidence that the former permit has been destroyed or will no longer be used.

10.44.130 - Temporary all-night parking permit.

- A. Notwithstanding the preceding sections of this chapter, the director, police chief or parking manager may issue a permit for the temporary parking of a vehicle contrary to Section 10.44.010. The issuance of such temporary parking permits shall be limited to emergency situations, New Year's holiday guest parking, construction activity and other circumstances which in the opinion of the director, or parking manager constitute good cause therefor.
- B. Any such temporary permit shall be for the period specified thereon and shall be in the form and displayed in the manner specified by the director, or parking manager .
- C. In addition, the director may issue permits for temporary overnight parking of a vehicle, notwithstanding the provisions of Section 10.44.010 or other preceding sections of this chapter. The issuance of such temporary parking permits shall be

according to a program approved by the city council and for a fee established by resolution of the city council. “

SECTION 7. Title 10, Chapter 10.45, Section 10.45.027 is amended to read as follows:

“10.45.027 - No-fee parking placard.

The director is authorized to issue no-fee parking placards on a temporary or periodic basis as follows: For city-owned vehicles, for vehicles owned by a person who meets the qualifications for exemption from utility uses tax, qualifying for lifeline utility rates as set forth in Chapter 4.56 and Section 8.60.210 of this code, or any successor provisions, and for vehicles owned by a person who is sixty years of age or older and who can establish that a no-fee parking placard for specific times and a specific place would assist in their access to needed public health, welfare or social services. The director is also authorized to issue no-fee parking placards on a temporary or periodic basis, by need, to city departments for the use of city employees and to the mayor's and city council offices, for the use of those offices. The director shall maintain, annually, a list of no-fee parking placard holders on file with the office of the city clerk. A no-fee parking placard shall not exempt the vehicle displaying said placard from complying with any parking regulation including, but without limitation, the time restrictions on parking in time-limited parking spaces, including in metered parking spaces. The director shall establish administrative procedures for the review and processing of applications for such placards, for the granting and revocation of such placards and for time and place restrictions on the use of any such placard.

SECTION 8. Title 12, Chapter 12.14 - Valet Parking, the following Sections of Chapter 12.14 are amended to read as follows:

“12.14.155 - Suspension of operations.

- A. A police officer or the parking manager may suspend all operations of a valet parking operator in any location, except for retrieval of vehicles already subject to valet parking, for the remainder of the day's hours of operation (which suspension may extend to 8:00 a.m. of the following day), upon the issuance, to the sponsor, the operator or its employees, of two or more citations for violation of the California Vehicle Code in any 5-hour period in said location.
- B. A police officer or the parking manager may suspend all operations of a valet parking operator in any location, except for retrieval of vehicles already subject to valet parking, for the remainder of the day's hours of operation (which suspension may extend to 8:00 a.m. of the following day), upon the occurrence, in said location, of any traffic accident arising out of operating conditions within or around a valet parking station or valet parking zone or where otherwise required because of an emergency situation whether or not arising from the operation of the valet parking operation.

12.14.180 - Appeal

- A. Any person aggrieved by a decision of the director with reference to the denial suspension, revocation or nonrenewal of a permit shall have the right to appeal pursuant to this section. An appeal must be perfected within 15 days after notice of the decision or action complained of by filing with the city manager a letter of appeal, briefly describing the reasons applicant believes the director misapplied this chapter to the facts presented, together with an appeal fee in such sum as may be established from time to time by resolution of the council.
- B. Failure to file a letter of appeal within the 15 days shall constitute a waiver of appellant's right to hearing, but the city manager, in his or her sole discretion, may nevertheless grant such a hearing for good cause.
- C. The city manager shall fix the time and place of the hearing at a date no more than 30 days after his receipt of the letter of appeal, unless the hearing cannot be reasonably be set within such time, in which case the hearing shall be set as promptly as may be practicable. The city manager shall appoint a hearing officer, and shall give the appealing party, and any other person requesting the same, at least 10 days' notice of the time and place of such hearing. The notice shall advise the parties of the date, time and place of hearing, that they may be represented by counsel, and any other information deemed proper.
- D. At the time and place set for the hearing upon the appeal from the decision of the director, the hearing officer shall give the appealing party, and any other interested party, a reasonable opportunity to be heard in order to show cause why the determination of the director should not be upheld. In any such cases, the burden of proof shall be upon the appellant, who may be represented by counsel, to show that there was no substantial evidence to support the decision of the director.
- E. Within 15 days after conclusion of a hearing, the hearing officer shall submit a written report to the city manager. The report shall contain a brief summary of the evidence considered, findings of fact and the recommendations of the hearing officer. In addition, the report shall contain a proposed decision, in such a form that may be adopted by the city manager as his decision in the appeal. If the city manager approves the decision of the hearing officer, it shall be final and conclusive. The city manager shall transmit the decision to the director who shall comply with the decision. If the city manager does not approve the decision, he shall review the evidence taken before the hearing officer for the purpose of determining if the director misapplied this chapter to the facts presented.
- F. The decision of the city manager shall be issued within 21 days after his receipt of the hearing officer's report. The decision shall contain findings of fact, a determination of the issues presented, and shall be final and conclusive. The city manager shall transmit the decision to the director who shall comply with the decision. The director shall, within 10 day after receipt of the city manager's decision, mail a copy of the decision to the appellant. It shall be conclusively

presumed that the appellant received the decision within 5 days after same was mailed.

12.14.190 - Conformance with applicable laws.

- A. Nothing in this chapter is intended to authorize or authorizes the parking of motor vehicles by valet parking operators and sponsors in a manner contrary to, and all permittees shall comply with, applicable state laws and local parking and traffic regulations, including the Pasadena Municipal Code.
- B. If a single space parking meter is present at the location reserved for valet parking, the permittee need not use the parking meter but may, during the hours of authorized valet parking operations at that location, cover the parking meter in a manner approved by the director. Parking meter covers will be issued by the director. Multi-space meters may not be covered for valet purposes.
- C. A parking meter cover fee may be charged, which fee shall be set from time to time by resolution of the council. “

Section 9. This ordinance shall take effect 30 days after its publication.

Signed and approved this _____ day of _____, 2017.

Terry Tornek
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 _____, 2017, by the following vote:

AYES

NOES

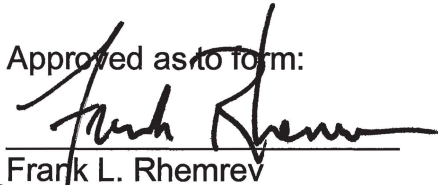
ABSENT

ABSTAIN

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney