

ORDINANCE NO. 6433

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING SECTION 14.32.450 OF CHAPTER 14.32 (PARKING AND STOPPING) OF TITLE 14 (TRAFFIC) OF THE ANAHEIM MUNICIPAL CODE RELATING TO PREFERENTIAL PARKING ZONES AND PERMIT PARKING, AND FINDING AND DETERMINING THAT THIS ORDINANCE IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTIONS 15060(C)(2), 15060(C)(3) AND 15060(B)(3) OF THE STATE CEQA GUIDELINES BECAUSE IT WILL NOT RESULT IN A DIRECT OR REASONABLY FORESEEABLE INDIRECT PHYSICAL CHANGE IN THE ENVIRONMENT AND IS NOT A PROJECT, AS DEFINED IN SECTION 15378 OF THE CEQA GUIDELINES.

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council of the City of Anaheim has the authority to enact and enforce ordinances and regulations for the public peace, health, safety and/or welfare of the City and its residents; and

WHEREAS, California Vehicle Code § 22507 gives local governments the authority to regulate the parking of vehicles on streets within their jurisdictions, including the authority to designate certain residential streets or alleys, or any portions thereof, as preferential parking zones or districts. This power includes the right to offer preferential parking privileges to residents in the affected area by issuance of permits; and

WHEREAS, the City Council desires to designate all public residential streets in the City of Anaheim as a residential permit parking eligible and to authorize the Director of Public Works of the City to administer permit parking controls and issue parking permits within specific permit parking districts and street segments within those parking districts; and

WHEREAS, the City Council finds and determines that i) the establishment of specific permit parking districts and street segments within such permit parking districts, as well as the issuance of parking permits in accordance with this ordinance and the "Guidelines" described below, will enhance and/or protect the quality of life in the City and in any proposed permit parking district threatened by noise, traffic hazards, environmental pollution, or devaluation of real property resulting from commuter vehicular traffic, and ii) the creation of such districts and street segments is necessary to provide reasonably available and convenient parking for the benefit of adjacent residents, as well as to encourage the use of car-pooling and public transit; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; herein referred to as "CEQA") and the State of California Guidelines for Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "State CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment and is not a "project," as that term is defined in Section 15378 of the State CEQA Guidelines; and

WHEREAS, by the adoption of a resolution concurrently with this ordinance, this City Council has adopted or will adopt the "City of Anaheim Residential Permit Parking Guidelines," containing provisions, requirements, criteria and findings that are reasonable and necessary to ensure the effectiveness of a preferential parking program for the City and the establishment of residential parking permit districts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. TEXT OF CODIFIED ORDINANCE

Section 14.32.450 of Chapter 14.32 (Parking and Stopping) of Title 14 (Traffic) of the Anaheim Municipal Code is hereby restated and amended to read in full as follows:

"14.32.450 PERMIT PARKING ON DESIGNATED STREETS

.010 The City of Anaheim, under the authority of California Vehicle Code Section 22507, hereby designates all public residential streets within the geographic limits of Anaheim as permit parking-eligible and authorized for inclusion in a residential permit parking district. Permit parking districts shall be established and modified pursuant to the "City of Anaheim Residential Permit Parking Guidelines" adopted by the City Council and on file with the Director of Public Works (the "Director"), as those Guidelines may be amended from time to time by the Director ("Guidelines"). Once a permit parking district has been created pursuant to and in accordance with the Guidelines, parking on streets or street segments within the district that require a permit shall be limited to persons holding permits issued by the City of Anaheim as provided for in this section.

.020 Residential permit parking districts, streets and street segments shall be established and modified pursuant to the petition and survey process and requirements set forth in the Guidelines, including the requirement that at least seventy five (75) percent of the eligible residents, as defined in the Guidelines, affirmatively vote to be a permit parking only area. A petition for permit parking shall furnish the information required by the Guidelines and any

supporting documentation reasonably requested by the Director or his or her designee, and shall be accompanied by the fee(s) established by resolution of the City Council. In order to approve a petition, the Director or his or her designee must determine that all of the requirements contained in the Guidelines and this Section 14.32.450 have been satisfactorily met.

.030 The Director or his or her designee is authorized to administer and implement the provisions of this Section 14.32.450 and the Guidelines, including establishing and modifying the boundaries of permit parking districts and amending the Guidelines to achieve the purposes of the City's permit parking program.

.040 Parking permits shall be issued based on residence. The total number of parking permits issued for a residence shall be dependent on the number of bedrooms in the residence, and shall be subject to the restrictions and conditions provided for in the Guidelines and this section.

.0401 Residences with two (2) or fewer bedrooms shall be eligible for one (1) parking permit; residences with three (3) to four (4) bedrooms shall be eligible for two (2) parking permits; residences with five (5) or more bedrooms shall be eligible for three (3) parking permits. Except as set forth in paragraph .0404, and further subject to subsection .040, the total number of permits shall not exceed three permits per residence.

.0402 Each permit shall be issued to a vehicle registered to an address within the permit parking district and is not transferrable if the permit holder moves. To receive a permit, an applicant must demonstrate or the Director must determine that the following requirements are met:

- (a) Residency at an address in the permit parking district;
- (b) Current vehicle registration to the applicant at that address;
- (c) Sufficient on-premises parking at the time of building construction in compliance with the Anaheim Municipal Code and/or land use permits previously approved such as Conditional Use Permits or Variances;
- (d) Insufficient current on-premises parking for vehicles; and
- (e) Payment of the applicable parking permit fee(s).

.0403. A permit may be transferred to a new or replacement vehicle acquired by the permittee upon payment of the applicable parking permit transfer fee. Upon issuance of the new permit, the prior permit shall be null and void and any decal evidencing that permit removed from the prior vehicle. A permit may only be transferred once in a continuous twelve (12) month period and may not be transferred except pursuant to this subsection.

.0404 A maximum of one hundred (100) one-day guest parking permits per year may be issued to each residence upon payment of the applicable guest permit parking fee. Notwithstanding the foregoing, more than 100 such one-day guest parking permits may be approved by the Director, in his or her discretion, for extraordinary events, provided such events are consistent with the use of the property in and around the event, the number of available parking spaces, and any other requirements of the Anaheim Municipal Code. One-day guest

permits shall only be valid for use in the permit parking district for which they were issued and may not be transferred to another permit parking district.

.0405 Any permit issued by the Director pursuant to this section shall be valid for a period of two years, or fraction thereof, or as long as the person to whom the permit is issued owns or controls the property that entitled the person to the permit, or until the residential permit parking district for which such permit was issued no longer exists, whichever period of time is less.

.0406 Each permit, including guest parking permits and transfer parking permits, shall be subject to a permit fee, and no parking permit shall be issued until the applicant has paid the full permit fee. The amount of the permit fees shall be established by resolution of the City Council.

.050 Except as otherwise provided in this section, it shall be unlawful for any person to stand or park any vehicle on any street or portion thereof that has been designated as permit parking only, unless a valid permit parking decal issued by the City of Anaheim is displayed on the vehicle. The decal shall be displayed in clear view as further indicated in the permit issuance instructions.

.060 It shall be unlawful for any person to sell, rent, copy or lease, or cause to be sold, rented, copied or leased, for any value or consideration, any parking permit or guest parking permit. Upon the conviction of a violation of this subsection, all parking permits or guest parking permits issued to, or for the benefit of, the residence for which the sold, rented, or leased permit was authorized, shall be void.

.070 It shall be unlawful for any person to buy or otherwise acquire for value or use any parking permit, except as provided in this ordinance.

.080 It shall be unlawful for any person to move solid waste containers in a manner that precludes collection of solid waste, obstructs driveways or other rights of way, or otherwise interferes with vehicular traffic in order to park on a street or portion thereof designated as permit parking only.

.090 Each permit issued pursuant to this Section 14.32.450 shall be subject to all the conditions and restrictions applicable to the residential permit parking district for which it was issued, including any conditions or restrictions set forth in the Guidelines.

.100 No permit shall be issued for tractor or other trailers, recreational vehicles or other towable trailers.

.110 Short-term rental property owners and occupants of short-term rental units are not eligible to obtain or use parking permits for short-term rental properties under this section 14.32.450. Parking for short-term rental properties, including any parking permits that may be issued therefor, shall be governed by and comply with the provisions of Chapter 4.05 (Short-Term Rentals).

.120 The provisions of this section shall not apply to any authorized emergency vehicle as defined in the California Vehicle Code when such vehicle is responding to an emergency, or to the vehicle of a licensed physician who is responding to an emergency provided that vehicle displays an insigne approved by the California Department of Motor Vehicles indicating that the vehicle is owned by a licensed physician.

.130 Nothing contained in this section shall be deemed to authorize vehicle parking at any location or at any time otherwise prohibited by any other provision of law.

.140 The Director shall place or cause to be placed appropriate signs and/or markings adjacent to or at the beginning and end of the street segment in the permit parking district that describes the permit parking restrictions applicable to the permit parking district.

.150 Police officers, City code enforcement officers and other persons authorized by State law are hereby authorized and directed to issue citations to any person who violates subsection 14.32.450.050 of this chapter, and such citation shall be deemed to be a civil complaint charging violations of this chapter and title and requiring payment of the penalty set forth therein. The method of giving notice of citation for unattended vehicles shall be as specified in Section 40202 of the California Vehicle Code or any successor provision thereto. Violations of this section shall be processed as civil penalties in accordance with California Vehicle Code Sections 40200 et seq., or any successor provision thereto.

.160 A parking permit shall be subject to revocation if (i) a permit holder commits two (2) or more violations of any provision of the Anaheim Municipal Code, the California Vehicle Code or the California Penal Code during the exercise of permit parking privileges in a continuous six (6) month period; or (ii) the permit is issued to a vehicle that has two (2) or more violations of this section 14.32.450 within a continuous period of six (6) months. These factors may also be taken into consideration by the Director or his or her designee when determining whether to issue a permit pursuant to this section 14.32.450.

.1601 Upon determining that grounds for permit revocation exist, the Director shall furnish written notice of the proposed revocation to the permit holder. Such notice shall summarize the principal reasons for the proposed revocation; shall state that the permit holder may request a hearing within fifteen (15) calendar days of the postmarked date on the notice; and shall be delivered by sending the notice by certified mail, postage prepaid, addressed to the permit holder as that name and address appear on the permit. Within fifteen (15) calendar days after mailing of the notice, the permit holder may file a request for hearing with the Director. If the request for a hearing is filed within fifteen (15) calendar days of mailing of the notice, the Director shall transmit the request to a Hearing Officer to provide a hearing, as set forth in subsection 14.32.450.160.1602 of this chapter.

.1602 The Hearing Officer shall conduct a public hearing on the proposed revocation at a time, date and location set by the Hearing Officer, which date shall be at least ten (10) calendar days but not more than thirty calendar (30) days after the date upon which the permit holder requests a hearing, unless the permit holder and the City expressly agree to an

extension of such period of time. The permit holder shall be provided written notice by certified mail at least ten (10) calendar days advance notice of such hearing date.

.1603 The Director or his or her designee shall ensure that the conviction and/or citation records are delivered to the Hearing Officer prior to the hearing. The conviction and/or citation shall be accepted by the Hearing Officer as prima facie evidence of violations and the facts stated in such documents.

.1604 At the hearing, the permit holder shall be entitled to testify under oath and call witnesses who shall testify under oath. The Hearing Officer shall not be bound by the statutory rules of evidence in the hearing, except that hearsay evidence may not be the sole basis for the determination of the Hearing Officer.

.1605 Within ten (10) calendar days after the hearing, the Hearing Officer shall decide whether the grounds for revocation exist. If grounds for revocation exist, the Hearing Officer shall revoke the permit, specifying in writing the grounds upon which the permit is revoked. Notice of the decision of the Hearing Officer shall be given in writing to the permit holder by certified mail, postage prepaid, and to any other person or entity expressly requesting notice thereof. The decision of the Hearing Officer shall also be immediately transmitted to the Director. The decision of the Hearing Officer shall be deemed final.

.170 Residential streets and street segments designated as permit parking only as of April 10, 2018 shall be continue to be designated as permit parking only. Applications for new permits within those streets and street segments shall be required to comply with requirements of this section, including the limitations on the maximum of number of permits.

SECTION 2. SEVERABILITY

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 3. SAVINGS CLAUSE

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SECTION 4. CERTIFICATION; PUBLICATION BY CLERK.

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 27th day of March, 2018, and thereafter passed and adopted at a regular meeting of said City Council held on the 10th day of April, 2018, by the following roll call vote:

AYES: Mayor Tait and Council Members Moreno, Murray, Vanderbilt Barnes, Kring, and Faessel

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF ANAHEIM

By: 
MAYOR OF THE CITY OF ANAHEIM

ATTEST:


ACTING CITY CLERK OF THE CITY OF ANAHEIM

126666.3

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, THERESA BASS, Acting City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Ordinance No. 6433 introduced at a regular meeting of the City Council of the City of Anaheim, held on the 27th day of March, 2018, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 10th day of April 2018, by the following vote of the members thereof:

AYES: Mayor Tait and Council Members Moreno, Murray, Vanderbilt, Barnes, Kring, and Faessel

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April, 2018.



ACTING CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)