

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	

DATE: SEPTEMBER 14, 2005

TO: CITY MANAGER/CITY COUNCIL

FROM BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 12.08.020 OF THE MUNICIPAL CODE TO ADDRESS A NUMERICAL INCONSISTENCY REGARDING STORAGE OF VEHICLES IN PUBLIC STREETS AND PUBLICLY OWNED PROPERTY, AND SECTION 12.08.028 REGARDING PARKING RESTRICTIONS ON NARROW STREETS

RECOMMENDED ACTION:

That the City Council (1) adopt an Ordinance of the City of Dana Point (Action Document A) as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 12.08.020 AND 12.08.028 OF THE DANA POINT MUNICIPAL CODE

ISSUES:

Whether to approve the ordinance included in Action Document A designed to update and improve existing City code sections.

BACKGROUND:

The Dana Point Municipal Code addresses parking restrictions in Chapter 12. The City has identified several sections of the Municipal Code, namely Section 12.08.020 and Section 12.08.028 proposed to be amended to better regulate parking on publicly owned streets, and upon publicly owned, maintained, or operated property. The Municipal Code sections in question relate to storing vehicles on public streets or publicly owned property and to address how the City handles placing parking restrictions on narrow streets.

Section 12.08.020 and Section 12.08.028 of the Dana Point Municipal Code read as follows:

12.08.020 Storage of Vehicles on Streets Prohibited.

No person who owns or has possession, custody, or control of any vehicle, shall park such vehicle upon any public street or upon publicly owned, maintained, or operated property for a period of seventy-two (72) or more consecutive hours. For purposes of this Section, the vehicle shall be considered to have remained parked unless, during any seventy-two (72) hour period, said vehicle has been moved at least one hundred (100) feet from the position it previously occupied, or the odometer on said vehicle exhibits a change of a least one-tenth (1/10) of one mile.

12.08.028 Parking on Narrow Streets Prohibited.

The City Engineer, or designee, shall place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet.

DISCUSSION:

The proposed ordinance sections are as follows (changes are in bold):

12.08.020 Storage of Vehicles on Streets Prohibited.

It is the intent of this ordinance to prohibit the storage of vehicles upon any public street or upon publicly owned, maintained, or operated property. No person who owns or has possession, custody, or control of any vehicle, shall park such vehicle upon any public street or upon publicly owned, maintained, or operated property for a period of seventy-two (72) or more consecutive hours. For purposes of this Section, the vehicle shall be considered to have remained parked unless, during any seventy-two (72) hour period, said vehicle has been moved at least **one-tenth (1/10) of one mile ~~one hundred (100) feet~~** from the position it previously occupied, or the odometer on said vehicle exhibits a change of a least one-tenth (1/10) of one mile.

The reason for this change is that 1/10 of one mile equals 528 feet.

12.08.028 Parking on Narrow Streets Prohibited.

The City Engineer, or designee, **shall may** place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet **based upon a review of traffic and safety conditions. The City Engineer is not obligated to place no parking signs and markings as indicated in this section, but can do so upon review if needed.**

City staff requests that the Council consider amending the ordinance section as noted herein. The parking on narrow streets issue was discussed at the Traffic Improvement Subcommittee and is necessary to permit existing conditions on many of the streets in Dana Point.

A first reading of the ordinance was held at the August 24, 2005 City Council meeting, and staff was directed by the Council to bring the ordinance back at the next meeting for final approval.

NOTIFICATION/FOLLOW-UP:

None

FISCAL IMPACT:

None

ALTERNATIVE ACTIONS:

- 1. Other City Council directed actions.

ACTION DOCUMENTS:

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A. Ordinance	4
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SUPPORTING DOCUMENTS:

None

Action Document A – Ordinance**ORDINANCE NO. _____****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
AMENDING SECTIONS 12.08.020 AND 12.08.028 OF THE DANA POINT MUNICIPAL
CODE**

WHEREAS, the City of Dana Point (“City”) has determined that Sections 12.08.020 and Section 12.08.028 of the Dana Point Municipal Code that is used to regulate storage of vehicles on public owned streets and property as well as placing parking restrictions on narrow streets;

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12.08.020 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

12.08.020 Storage of Vehicles on Streets Prohibited.

It is the intent of this ordinance to prohibit the storage of vehicles upon any public street or upon publicly owned, maintained, or operated property. No person who owns or has possession, custody, or control of any vehicle, shall park such vehicle upon any public street or upon publicly owned, maintained, or operated property for a period of seventy-two (72) or more consecutive hours. For purposes of this Section, the vehicle shall be considered to have remained parked unless, during any seventy-two (72) hour period, said vehicle has been moved at least one-tenth (1/10) of one mile from the position it previously occupied, or the odometer on said vehicle exhibits a change of a least one-tenth (1/10) of one mile.

SECTION 2. Section 12.08.028 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

12.08.028 Parking on Narrow Streets Prohibited.

The City Engineer, or designee, may place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet based upon a review of traffic and safety conditions. The City Engineer is not obligated to place no parking signs and markings as indicated in this section, but can do so upon review if needed.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 14th day of September, 2005.

WAYNE RAYFIELD, MAYOR

ATTEST:

ELIZABETH EHRING, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Elizabeth Ehring, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ introduced at a regular meeting of the City Council held on the 24th day of August, 2005, and passed and adopted at a regular meeting held this 14th day of September, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

ELIZABETH EHRING, CITY CLERK