



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** May 18, 2023  
**From:** Director of Public Works/City Engineer  
**Subject:** Municipal Code Change to Chapter 10.24 – Stopping, Standing and Parking

### **Community Goal/Result:**

Safe Community

### **Purpose**

To modify a section of the city's municipal code that is inconsistent with state law.

### **Recommendation**

Introduce an Ordinance, waiving first reading, amending Section 10.24.050 of Chapter 10.24 of the Brisbane Municipal Code pertaining to "Stopping, Standing and Parking."

Introduction and adoption of this Ordinance is not subject to further environmental review because it is not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, section 15378 (b) (2).

### **Background**

Section 10.08.120 "Removal of parked and abandoned vehicles" of the city's municipal code allows for removal of a vehicle from streets and public property, "When a vehicle is parked or left standing upon any public street, highway, right-of-way or public grounds for seventy-two (72) or more consecutive hours."

California Vehicle Code section 22651 k similarly provides removal authority, "If a vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal."

In conflict with both of these laws is Brisbane Municipal Code §10.24.050 "Use of streets for storage of vehicles prohibited", which specifies an allowed maximum time period of 120 hours (5 days) for parking a vehicle on a street or alley.

### **Discussion**

Approval of the recommended action will change the maximum time period for parking on a street or alley to 72 hours and will remove the current inconsistency.

**Environmental Review**

Introduction and adoption of this Ordinance is not a project under CEQA because it is a continuing administrative activity, such as general policy and procedure making, and not applied to any specific instance. CEQA Guidelines, Section 15378 (b)(5). Accordingly, no further environmental review is necessary.

**Fiscal Impact**

None as a result of the recommended action.

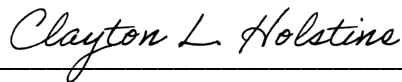
**Measure of Success**

Consistency throughout the city’s municipal code and with the state vehicle code.

**Attachments**

- 1. Proposed Ordinance

  
\_\_\_\_\_  
Randy Breault, Public Works Director

  
\_\_\_\_\_  
Clay Holstine, City Manager

**ORDINANCE NO. - - -**

**AN ORDINANCE OF THE CITY OF BRISBANE  
REVISING CHAPTER 10.24 OF THE BRISBANE MUNICIPAL CODE  
CONCERNING STOPPING STANDING AND PARKING**

**The City Council of the City of Brisbane hereby ordains as follows:**

**Section 1: Section 10.24.050 of the Brisbane Municipal Code is revised to read as follows:**

**“10.24.050 – Use of streets for storage of vehicles prohibited.**

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.”

**Section 2:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 3:** This Ordinance shall be in full force and effect thirty days after its passage and adoption.

\* \* \* \*

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Madison Davis, Mayor

ATTEST:

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Ingrid Padilla, City Clerk

APPROVED AS TO FORM:



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Thomas R. McMorrow, City Attorney