



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Ordinance Amending the Clearlake Municipal Code
Relating to Traffic and Parking Regulations

MEETING DATE:
June 16, 2022

SUBMITTED BY: Andrew White, Police Chief

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider introducing and holding the first reading of an ordinance amending the Traffic and Parking Regulations section of the Clearlake Municipal Code.

BACKGROUND/DISCUSSION:

The Police Department is responsible for enforcing parking regulations in the city. Internally, the primary responsibility for this enforcement is shared between the Patrol and Code Enforcement bureaus. The regulations enforced are primarily contained in the California Vehicle Code and in the Uniform Traffic/Parking Regulations section of the Clearlake Municipal Code.

Staff has conducted a review of the Uniform Traffic/Parking Regulations section and have prepared the attached ordinance that is recommended for adoption by the City Council. The ordinance has been prepared with the consideration of pedestrian and vehicular safety, reducing blight in the community and ensuring uniformity, to the extent practicable, with other municipal jurisdictions.

The following is a summary of the proposed changes:

1. Parking in Excess of 72 Hours: Requires that when a vehicle is tagged for violating this section, it must be moved at least 500 feet away from the location it was tagged. It can return to the original location 72 hours after it was moved. This prevents a violator from circumventing the intent of the regulation by moving a vehicle a short distance away each time it is tagged. Adds a requirement that prior to towing a vehicle, a notice must be placed on the vehicle notifying the owner of a potential violation of the section.
2. Parking Vehicle on Unimproved Property: Expressly prohibits the parking or storing of vehicles on unimproved parcels. This provides consistency with the intent of the Zoning Code and addresses blight caused by the use of vacant parcels for parking as opposed to their intended use.
3. No Parking Areas: Prohibits parking in areas where no-parking signs have been posted, where the city engineer has determined parking or stopping of a vehicle would constitute a hazard or where

a street has been closed to traffic. Additionally prohibits parking on streets that have been closed for cleaning, repair or construction, or the movement of oversized vehicles. Provides for storage and removal of the vehicles pursuant to the Vehicle Code.

4. Vehicle Repairs: Prohibits vehicle repair, dismantling, or similar activities being done on streets, including private streets open to the public and in parking lots. Provides an exception for emergency repairs necessary to move a vehicle to a more proper place. This provision is common throughout cities in California. Prohibits leaving a car on blocks, jack stands, or similar equipment on streets and parking lots. This condition poses a safety hazard and contributes to blight.
5. Removal of Vehicles: Implements the authority granted in the California Vehicle Code for the removal and storage of vehicles parked in violation of City ordinances, or City Council resolution, when signs are posted giving notice of the removal.

OPTIONS:

1. Move to introduce the ordinance and conduct the first reading.
2. Provide direction to staff.

FISCAL IMPACT:

☒ None ☐ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other: SLESF Fund

Comments:

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

1. Introduction and first reading of Ordinance No. 263-2022: AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-6 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC AND PARKING REGULATIONS, read by title only and set second reading and adoption for the July 7, 2022 meeting.

☒ **Attachments:** 1) Ordinance

ORDINANCE NO. 263-2022

AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-6 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC AND PARKING REGULATIONS

WHEREAS, the City Council desires to update the Uniform Traffic/Parking Regulations to address the use of city streets for the storage of vehicles, the parking of vehicles on unimproved lots, to define certain no parking areas, to prohibit the repair of vehicles on streets and in parking lots, and to define when the removal and storage of vehicles is authorized for violating parking ordinances and resolutions pursuant to the authorities granted in California Vehicle Code Section 22651; and

NOW, THEREFORE, the City Council of the City of Clearlake, State of California does ordain as follows:

SECTION 1. **FINDINGS.**

A. The above recitals are declared to be true and correct findings of the City Council of the City of Clearlake.

SECTION 2.

Chapter 8, Section 8-6, beginning with Subsection 8-6.2 is hereby amended to read as follows:

8-6.2 Definitions.

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of these regulations.

- a. ALLEY shall mean any city street having a roadway not exceeding twenty-five (25') feet in width which is primarily used for access to the rear or side entrances of abutting property.
- b. STREET is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street shall include all or any part of the entire width of the street or public right-of-way, whether or not such entire area is actually used for street purposes. Street is synonymous with highway.
- c. TRAILER is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Trailer includes automobile trailer, trailer coach, trailer, motorhome, camping trailer, or camper shell which includes bed and/or other items associated with a living unit.
- d. UNIMPROVED PARCEL shall mean any parcel which is not lawfully improved with a commercial building or dwelling structure, including land that was once improved with a commercial building or dwelling structure but is now devoid of such building or structure. This does not include a parcel that has been lawfully established as a parking lot.
- e. VEHICLE shall mean any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power. Vehicle includes trailer.

- f. VESSEL means a vessel as defined in Section 9840(a) of the California Vehicle Code, as the same now reads or may hereafter be amended.

8-6.3 Parking in Excess of Seventy-Two (72) Consecutive Hours Prohibited.

No vehicle shall be parked or left standing on any street or alley for more than seventy-two (72) consecutive hours. Any vehicle so parked is subject to storage and removal at the owner's expense, pursuant to California Vehicle Code section 22651(k), when a notice of violation of this section was posted to the vehicle.

A vehicle posted with notice pursuant to this section shall be moved and not re-parked on any street, alley, or other city property within 500 feet of the location where it was posted for a period of seventy-two (72) consecutive hours from when it was moved.

8-6.4 Parking and Storing Vehicles on Unimproved Property Prohibited.

No person shall park or store any vehicle on any unimproved parcel contrary to the provisions of the Zoning Code. This shall not prohibit the temporary parking of a vehicle being actively used for maintenance or repair of the parcel, or for other lawful work conducted on the parcel.

8-6.5 No Parking Areas.

No person shall stop, park, or leave standing a vehicle in any of the following places:

- a. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.
- b. Where the city engineer determines that parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property when such area is indicated by appropriate signs or by curb markings.
- c. On any street or highway that has been closed pursuant to the authority set forth in the California Vehicle Code or pursuant to this Code and signs or barriers have been placed to effectuate the closure.
- d. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the side of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic; provided, that signs giving notice of no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(l).
- e. On any street or highway where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(m).

8-6.6 Repairing Vehicles on Streets and in Parking Lots.

- a. No person shall repair, dismantle, overhaul, or perform any mechanical work upon a vehicle, nor park or leave standing a vehicle for said purpose, while the vehicle is upon any street or public parking lot or, if upon a private parking lot open to the public, then without the consent of the property owner.

This does not prohibit the driver of any vehicle which is disabled while upon any street or public parking lot, to such extent that it is impossible to avoid stopping, from making or causing to be made minor repairs necessary to enable such vehicle to be moved to a proper place.

- b. No person shall park or leave standing a vehicle on blocks, jack stands, metal car ramps or similar items on any street, public parking lot or private parking lot open to the public.
- c. For purposes of this subsection, street shall include a privately maintained street held open to the public for vehicular traffic.

8-6.8 Removal of Vehicles.

Except as specified, a vehicle in violation of this section, or in violation of any parking regulation adopted by resolution of the City Council, is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(n) when signs are posted giving notice of the removal.

8-6.9 Uniform Parking Citation Processing and Procedures.

Regulations as set forth in California Vehicle Code, Division [17](#), Article [3](#), Sections 40200 through 40230, establishing Uniform Parking Citation Processing Procedures, and as may be amended from time to time by the State of California, are hereby adopted as the Uniform Parking Citation Processing and Procedures for the City of Clearlake.

SECTION 7. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. EXECUTION.

The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Passed and Adopted this ____ day of __, 2022 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake