

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS ADDING SECTION 1.50 OF THE LOS ALTOS
MUNICIPAL CODE GOVERNING MOTOR VEHICLE PARKING
VIOLATION ENFORCEMENT**

WHEREAS, the City Council expressed an interest in exploring expanding enforcement of parking regulations by agents of the City; and

WHEREAS, The new LAMC Section 1.50 will provide the general provisions, administration, and enforcement of motor vehicle parking citations; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. ADDITION OF CODE: Chapter 1.50 of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2025 and was thereafter, at a regular meeting held on _____, 2025 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, CITY CLERK

Chapter 1.50 MOTOR VEHICLE PARKING VIOLATION ENFORCEMENT

Sections:

1.50.010 Purpose.

This chapter sets forth authority for enforcement of parking violations to preserve and protect the quality of life in the city of Los Altos. This chapter further establishes administrative hearing procedures to provide all individuals charged with a parking violation a forum in which the facts of their case may be reviewed fairly, a disposition rendered in a timely manner, and for collection of fines.

1.50.020 Definitions.

For purpose of this chapter the following definitions shall apply:

"Enforcement officer" means any city employee or agent of the city with the authority to enforce any provision of the city code, including, but not limited to, the city manager, or his or her designee, as set forth in a resolution adopted by the city council.

"Hearing officer" means any person designated by the city manager to hear appeals of administrative citations and to hear administrative compliance hearings. The hearing officer shall not be the citing enforcement officer or a city employee. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation penalties upheld by the hearing officer.

"Park" shall mean to stand or leave standing any vehicle, whether occupied or not, otherwise that temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

"Processing agency" shall mean and refer to the contracting party responsible for the processing of the notices of parking violations and notices of delinquent parking violations.

1.50.030 Service of citations, orders, and notices.

All citations, orders and notices shall be served in accordance with the provisions of LAMC Chapter 1.50 and California Vehicle Code Section 40202.

1.50.040 Citation Issuance.

Whenever an enforcement officer determines a violation of parking statute or ordinance has occurred, the enforcement officer shall be authorized to issue a parking citation to any person responsible for the violation in accord with California Vehicle Code Section 40202.

1.50.050 Parking fines.

- A. The fines for each parking violation and administrative fees imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the city council. In the absence of a designated fine, the default fine for each violation shall be \$50.00.
- B. Any parking citation fine paid pursuant to this section shall be refunded in accordance with LAMC 1.50.080 if it is determined that, after a hearing, the person charged in the parking citation was not responsible for the violation or that there was no violation as charged in the parking citation.

1.50.060 Delinquent Parking Violation.

- A. The notice of delinquent violation shall be issued to the registered vehicle owner if the person fails to pay to the city the parking fine by the date fixed on the notice of parking violation. This notice shall be issued in accordance with LAMC 1.50.040.
- B. Whenever the amount of any parking fine or penalty has not been satisfied within the due date of the delinquent notice or the parking citation has not been successfully challenged pursuant to this chapter, this obligation may be collected in accordance with LAMC 1.50.140.

1.50.070 Advance deposit hardship waiver.

Any person who intends to request a hearing to contest whether the parking violation occurred, or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in LAMC 1.50.050, may file a request for an advance deposit hardship waiver in accord with California Vehicle Code Section 40215(b).

1.50.080 Hearing request – Initial review.

- A. Any recipient of a notice of parking violation or a notice of delinquent parking violation may request an initial review of the notice by the city. A person may request an initial review of the notice of parking violation for a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation. The request may be made by telephone, in writing, or in person in accord with California Vehicle Code Section 40215(a). There shall be no charge for this review.
- B. If the city is satisfied that (1) the violation did not occur, (2) the registered owner was not responsible for the violation, or (3) extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the city shall cancel the notice of parking violation or notice of delinquent parking violation. The city shall advise the processing agency, if any, of the cancellation.
- C. If the city upholds the notice of parking violation or notice of delinquent parking violation, the city shall include:
 - 1. A reason for that denial;
 - 2. Notification of the ability to request an administrative hearing; and
 - 3. Notification of the procedure for waiving prepayment of the parking penalty based upon an inability to pay pursuant to LAMC 1.50.040.
 - 4. The city shall mail the results of the initial review to the person contesting the notice in accordance with LAMC 1.50.020.

1.50.090 Hearing request – Administrative hearing.

- A. If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the city's initial review in accord with California Vehicle Code Section 40215(b).
- B. The person requesting the hearing shall deposit the fine in advance, in accordance with LAMC 1.50.040, or shall receive in advance a deposit hardship waiver in accordance with LAMC 1.50.070.
- C. A hearing before the hearing officer shall be set for a date no later than 90 calendar days following the receipt of a request for an administrative hearing. The person requesting the hearing shall be notified of the

time and place set for the hearing at least 10 days prior to the date of the hearing. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

- D. If the enforcement officer submits any additional written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of this report shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

1.50.100 Administrative hearing procedure.

The administrative hearing process shall consist of the following:

- A. The person requesting an administrative hearing shall indicate to the city whether the administrative hearing will be in writing or in person.
- B. If the person requesting an administrative hearing is a minor, that person shall be permitted to appear at the hearing or admit responsibility for a parking violation without the necessity of the appointment of a guardian.
- C. The failure of any recipient of a parking citation to appear at the administrative hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
- D. The parking citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- E. The enforcement officer who issued the notice of parking violation shall not be required to participate in the administrative hearing. No evidence shall be required other than the notice of parking violation or copy, and information received from the DMV identifying the registered owner of the vehicle. The enforcement officer may, but is not required to, submit additional report he or she deems necessary or appropriate.
- F. The hearing officer may question witnesses and request additional information from the enforcement officer or the recipient of the administrative citation prior to closing the hearing.

1.50.110 Hearing officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the citation and shall list the reasons for that decision. The decision of the hearing officer shall be final for purposes of administrative review.
- B. If the hearing officer determines that the citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the fine has not been deposited, the hearing officer shall set forth in the decision a payment schedule for the fine.
- C. If the hearing officer determines that the citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest. If the fine has not been deposited, the hearing officer shall cancel the obligation to tender the fine.
- D. The hearing officer's decision shall be personally served or served by first class mail. A copy of the decision shall be forwarded to the hearing officer.

1.50.120 Judicial review.

- A. Any person aggrieved by an administrative hearing officer's final decision may obtain review by filing an appeal to be heard by the superior court.
- B. California Vehicle Code Section 40230 shall be applicable so as to provide a 30-day limitation for judicial review of any parking enforcement decision.

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- C. A copy of the notice of parking violation or, if the citation was issued electronically, a true and correct abstract containing the information set forth in the notice of parking violation shall be admitted into evidence as prima facie evidence of the facts stated therein.
 - D. The person shall pay the filing fees as prescribed by the court. If the court finds in favor of the person, the amount of the filing fees shall be reimbursed to the person by the city. Any deposit of parking penalty shall be refunded by the city in accordance with the judgment of the court.
 - E. If no notice of appeal of the hearing officer's decision is filed within the period set forth in subsection (b) of this section, the decision shall be deemed final.

1.50.130 Collection of unpaid citations.

Whenever the amount of any administrative fine, penalty and/or administrative cost imposed by a hearing officer pursuant to this chapter has not been satisfied, the city shall commence collection proceedings. The city shall proceed with options set forth in the California Vehicle Code Section 40200 et seq. as may be amended for the collection of unpaid parking citations.