

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO AMEND CHAPTER 15 RELATING TO MOTOR VEHICLES AND TRAFFIC TO INCLUDE PAY-TO-STAY PARKING METER ZONES AND AMENDING SECTIONS CONFLICTING WITH ORDINANCE DEFINITIONS AND REQUIREMENTS

WHEREAS, on December 17, 2019, the Town Council received the 2019 Parking Study Roadmap with recommendations to improve parking space utilization in Downtown.

WHEREAS, on January 26, 2021, the Town Council adopted the Parking Roadmap Phase I which included establishment of a Park Once philosophy and a Pay-to-Stay policy after the initial free parking period.

WHEREAS, California Vehicle Code section 22508(a) states a local authority shall not establish parking meter zones or fix the rate of fees for those zones except by ordinance. The rate of fee may be variable, based upon criteria identified by the local authority in the ordinance. An ordinance establishing a parking meter zone shall describe the area that would be included in the zone.

WHEREAS, California Vehicle Code section 22508(e) states a local authority may accept but shall not require payment of parking meter fees by a mobile device.

WHEREAS, existing language within Chapter 15 of the Town Code requires updating to correspond with establishment a Parking Meter Zones ordinance.

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

Chapter 15 of the Town Code shall be modified to reflect the changes identified in Exhibit A; and

The following code sections shall be added to Chapter 15 of the Town Code:

SECTION I

The Council finds and declares that the 2019 Parking Study Parking Roadmap recommendations have been identified and adopted for implementation. The Council further finds that to improve parking availability for the visiting public, parking space utilization needs to be managed. The Council further finds that parking spaces can be effectively managed by controlling space utilization using time limits and fees. Accordingly, the Council finds that a Parking Meter Zones ordinance is warranted to achieve effective parking space management.

SECTION II

Chapter 15 Article I and Article IV of the Los Gatos Town Code is hereby amended to add sections related to Parking Meter Zones. Sections added to Chapter 15 are as follows:

ARTICLE I. – IN GENERAL

Sec. 15.10.010 – Definitions

Downtown Parking Meter Zone.

Downtown Parking Meter Zone refers to all parking spaces located on-street and in any off-street parking facility owned or operated by the Town located within the geographic borders of Los Gatos-Saratoga Road to the north, Tait Avenue to the west, Highway 17 to the east and south. This zone shall also include East Main Street from Highway 17 to Los Gatos Boulevard and within 1 block of all intersecting streets.

Parking Meter.

Parking meter is any device that accepts payment for use of parking spaces. Such devices include, but are not limited to, parking meters, pay-by-space devices, pay-by-plate devices, pay-on-foot devices, pay-and-display devices and any software application that processes payments from a mobile computer device such as a mobile phone for the purpose of controlling the period of time a parking space is occupied by any motorized vehicle.

Pay-to-Stay Zone.

Pay-to-Stay refers to an area where all parking spaces require the payment of a fee to continue parking a motorized vehicle beyond the initial posted free parking period.

ARTICLE IV. – STOPPING, STANDING AND PARKING

DIVISION I. - GENERALLY

Sec. 15.40.087 Establishment of Pay-To-Stay Parking Meter Zones

The Downtown Parking Meter Zone is established as a parking meter zone or pay-to-stay zone. The Director of Parks and Public Works is authorized to direct the installation of parking meters in those streets or parts of streets or in any off-street parking facility owned or operated by the Town within the Downtown Parking Meter Zone where it is determined on the basis of an engineering and traffic investigation that the installation of parking meters will be necessary to regulate parking.

- (a) The rate of parking fees for the use of a metered or pay-to-stay parking space in the Downtown Parking Meter Zone shall be between zero dollars (\$0.00) and five dollars (\$5.00) per hour.
- (b) Failure to observe the restrictions imposed or failure to pay the amount so required shall be a violation of this chapter.

(c) Time of Operation

Where parking meters are installed pursuant to this article, the parking of vehicles shall be regulated during such hours and on such days as established by Town Council resolution. Time of operation shall be in effect only after appropriate signs or markings are in place giving notice or through information provided by the parking meter.

(d) Deposit of Fees

The operator of a motorized vehicle who stops, leaves standing or parks a vehicle in a parking space in the Downtown Parking Meter Zone shall immediately thereupon deposit fees in an adjacent or nearby parking meter. The operator of a motorized vehicle, after making a proper deposit of fees, shall set into operation the timing mechanism of the parking meter. Parking fees may be deposited with United States Treasury coins and currency, credit cards or electronic bank debit. No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, metallic device, any forged or defaced bill or other substitute of US coin or currency. No person shall deposit or cause to deposit any fraudulent credit or electronic bank debit card information.

(e) Parking After Time Has Expired

It shall be a violation of this chapter for the operator of a motorized vehicle to permit such vehicle to remain stopped, standing or parked in any parking spaces after the initial free parking period has ended and the pay-to-stay parking period has expired other than such time necessary to operate the parking meter immediately after the initial parking of the vehicle.

(f) Prima Facie Presumption

The stopping, standing or parking of a motorized vehicle in a space in which the parking meter indicates by display or signal that time has expired shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand longer than the period permitted by this article.

(g) Damaging, Destroying, Defacing, A Parking Meter

It shall be unlawful for any person to deface, injure, tamper with, open without authorization, willfully break, destroy or impair the usefulness of any parking meter.

(h) Periodic Adjustment of Parking Meter Rates

The Town Council hereby adopts the following process for adjusting the Downtown Parking Meter Zone meter rates to manage the use and occupancy of the parking spaces for the public benefit in all parking areas within the Downtown Parking Meter Zone. To achieve the goal of managing the supply of parking and to make it reasonably available when and where needed, a target range of 80%-95% occupancy is established for on-street and off-street parking with an initial starting rate of 85%. The Town Manager or their designee may adjust the target rate of occupancy based on survey data collected annually.

On at least an annual basis, the Town Manager or their designee shall survey the occupancy of all parking areas (on and off-street) in the Downtown Parking Meter Zone. To achieve the set occupancy rate, the Town Manager may raise or lower the parking meter rates within the Downtown Parking Meter Zone in increments of no more than one dollar (\$1.00) per hour within the rate range set forth within this article. The

adjustments to the rates made pursuant to this section will become effective upon the programming of the parking meters for that rate and the proper posting of the rate. The current schedule of parking meter rates will be available at the Town Clerk's Office and on the Town's webpage. The Town Manager may also create incentive programs to encourage certain categories of parkers to use other areas of parking freeing the most convenient spaces for business customers.

(i) Preferential Residential Parking Permit Areas Exempted

Preferential residential parking permit areas located within the boundaries of the Downtown Parking Meter Zone are exempt from the provisions of this section and parking meters will not be installed in these areas.

(j) Specialized Parking Management Programs

The Town may adopt specialized parking management programs to meet the needs of the parking program which may include but is not limited to a Merchant Parking Validation Program.

(k) Use of Revenue

All parking meter revenues collected pursuant to the provisions of this chapter shall be deposited into a designated parking fund. All funds shall be used solely to support activities benefiting the Downtown Parking Meter Zone. The specific authorized uses of revenues shall be as follows:

- 1) For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and enforcement of the parking meters in the Downtown Parking Meter Zone.
- 2) For the purchasing, leasing, installing, repairing, maintaining, operating and removing of vehicle occupancy counting equipment, wayfinding equipment and signage for vehicles and pedestrians along with the supporting infrastructure in the Downtown Parking Meter Zone.
- 3) For the purchasing, leasing, acquiring, improving, operating and maintaining on and off-street parking facilities in the Downtown Parking Meter Zone.
- 4) For transportation and parking planning, marketing and education programs related to the Downtown Parking Meter Zone.
- 5) For public safety technologies directly related to the safety and security of the public within the Downtown Parking Meter Zone.
- 6) For purchasing, leasing, acquiring, maintaining and operating a courtesy shuttle primarily operating in the Downtown Parking Meter Zone.
- 7) For the purchasing, leasing, acquiring, installing, maintaining additional traffic safety and traffic control devices within the Downtown Parking Meter Zone.
- 8) For supporting bicycle masterplan, pedestrian masterplan and other alternative transportation modes that directly impact traffic and parking congestion in the Downtown Parking Meter Zone.

SECTION III

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, such a decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Los Gatos hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION IV

The Town Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the Town of Los Gatos and to cause publication once in the Los Gatos Weekly, the official publication of legal notices of the Town of Los Gatos, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 2022 . This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

Attachment Exhibit A - Amendment to Chapter 15 (Motor Vehicles and Traffic), Article I and Article IV, Division I of the Town Code.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____