

8.44.080. Early morning parking prohibited.

Except as otherwise provided in this section, and except as may be provided by lawfully posted notice, no person shall park any vehicle on any street or highway, or any City-controlled parking facility, in the City between the hours of two a.m. and five a.m. of any day.

EXEMPTIONS: Any vehicle may be so parked under the following conditions:

- A. Is parked adjacent to the curb on a segment of street appropriately posted indicating that early morning parking is permitted by means of the Select Street Exemption process; or
- B. Contains, in plain view from the outside and on the left side of the windshield of such vehicle, a Temporary Exemption Permit issued by the City of Fullerton Police Department; or
- C. Contains, in plain view and affixed to the left side of the rear bumper of such vehicle, a Hardship Exemption Permit issued by the City of Fullerton Police Department; or
- D. Is occupied by a person on an emergency call who, upon the demand of a police officer, explains the circumstances of such call; or
- E. Is parked adjacent to a blue curb on a public street or a blue parking stall in a City-operated parking facility established for disabled parking, and the vehicle clearly displays a disabled person parking placard or disabled person vehicular license issued by the State of California; or
- F. Contains, in plain view from the outside of such vehicle, on the left side of the windshield, or on a window on the left side, or at the rear of such vehicle, a notice stating that such vehicle is on an emergency call; or
- G. Is an ambulance or a law enforcement or Fire Department vehicle; or
- H. Is clearly marked by signs on its left side or on its rear portion or on its rear bumper showing that it is a vehicle of a physician or surgeon on an emergency call; or
- I. A service vehicle used in responding to repair damaged electrical, plumbing, lighting, or communication facilities; or
- J. Any vehicle used in responding to or engaged in a life-saving call.

FEES: Fees for Select Street Exemptions and Hardship Exemption Permits shall be established by Council by separate resolution.

PROCEDURES FOR PROCESSING REQUESTS FOR EXCEPTION FROM OVERNIGHT PARKING PROHIBITION: Procedures shall be established by City Council adopted policy statement.

DEFINITIONS: As used in this section:

"CITY-CONTROLLED PARKING" means any parking structure, surface lot, or similar area used for this purpose that is located on City-owned property, the Downtown Parking District, a City Park, or other locations subject to the City-exclusive jurisdiction.

"PARK" when used with respect to a vehicle, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

"VEHICLE" means a device by which any person or property may be propelled, moved, or drawn upon a highway; excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"STREET" or "HIGHWAY" means a way or place, other than an alley, publicly maintained and open to the public to use for the movement of vehicles.

SELECT STREET EXEMPTIONS: Certain areas may be exempted from the provisions of this section by resolution of the City Council. Such resolutions may be adopted or amended from time to time by the City Council on its own motion, or upon application by petition signed by the majority of the owners of the dwelling units in the area exempted or proposed to be exempted, and with the advice of the Transportation and Circulation Commission. Exemptions may be granted for an area having an off-street parking deficiency under law pertaining to established minimum parking requirements for various residential zones as it exists at the time any exemption is considered and/or granted by the Commission or the City Council; or in compliance with policies and procedures approved by the City Council regarding parking. Contiguous non-deficient areas may be included in excepted areas in order to create logical boundaries with regard to law enforcement, signing, and street sweeping. The smallest area which may be exempted is one city block, either one or both sides. An exemption issued pursuant to this subsection shall be valid only for relief from this section, and shall not be construed to allow the violation of other provisions of this chapter or the California Vehicle Code.

TEMPORARY EXEMPTION: Short-term parking deficiencies such as, but not limited to, emergencies, out-of-town visitors, or short-term construction (driveways, home repair, etc.). The Police Department shall have the option of granting Temporary Exemption Permits at its sole discretion. Said permit shall be available in specific calendar-day increments not to exceed 30 days.

HARDSHIP EXEMPTION: An interim parking deficiency due to changing family/residents needs as additional drivers come of age. This permit is provided only to those residents who currently utilize all available off-street parking and have an

interim parking deficiency due to a hardship as defined herein. The applicability of the requested Hardship Exemption shall be determined and approved at the sole discretion of the Police Department. Said permit shall be available in one-year increments from date of issuance.

PROCEDURES FOR PROCESSING REQUESTS FOR EXEMPTION FROM EARLY MORNING PARKING PROHIBITION

A. **SELECT STREET EXEMPTION:** Property owner(s) requesting a Select Street Exemption for an entire street (block to block), as defined in Section 8.44.080 of the Fullerton Municipal Code (F.M.C.), shall contact the Engineering Department to establish limits of the area to be requested for exception and to obtain petition form. The signed petition is returned to Engineering Department for verification of signatures against County Assessor's records. The petition must represent a majority of the combined properties on both sides of the street(s) requested for exception, and may be signed by the owner or authorized representative of the owner. In the case that only one side of the street is requested for exemption, a majority of the property owners on that side of the street must be in support of the request, as well as the combined majority of property owners from both sides of the street. In addition, the petitioner must submit the applicable (non-refundable) fee to the Engineering Department prior to the request being processed and placed on the agenda for Transportation & Circulation Commission consideration (T&CC) as established by Council Resolution.

The request for exemption will be placed on the agenda of the T&CC for a public hearing and for receiving possible protests. Notice of the hearing will be mailed to the property owners as recorded with the County Assessor's office and, where applicable, to the residents of all affected properties on both sides of the street(s). This process will give notice of the proposal to owners who may not have been contacted during circulation of the original petition.

The City Traffic Engineer will provide a report to the T&CC with all necessary information regarding the request for an exemption. Chapter 15.17 of the F.M.C., or any successor provisions thereto, shall be used in determining the minimum parking requirements for single-family and multi-family residential zones.

The T&CC will then review the request and the staff report to determine if the area is deficient in off-street parking. For the purpose of this review, the area may be found deficient in parking if the available off-street parking is less than the current minimum requirement for the same type of land use per the Municipal Code.

It shall be assumed that all garages in the petition area are being used for the parking of vehicles. Those properties with garages being utilized for anything other than its intended use will not be considered deficient under any circumstances.

If the T&CC finds that the area is deficient in off-street parking and recommends that an exception be granted, a resolution will be prepared for adoption by the City Council. If the Commission votes to deny the request, the decision is final unless appealed to the City Council by the applicant. If appealed, the appeal must be in writing and received by the Engineering Department within ten business days from the date of the T&CC hearing. The appeal must include payment, as established by the Fee Resolution, which is non-refundable without regard to a final decision by the City Council.

The repeal of a previously approved Select Street Exemption requires the same procedure and process as outlined above.

B. **HARDSHIP EXEMPTION:** The owner of a single-family residence may apply for an individual Hardship Exemption, as defined in Section 8.44.080 of the Fullerton Municipal Code (F.M.C.). Issuance of said exemption is not contingent upon establishment of an off-street parking deficiency, as defined in Chapter 15.17 of the F.M.C. A "HARDSHIP" is considered to be a short-term need based on a family's need for an additional parking space as the children reach driving age and there are insufficient spaces on site for the added vehicles. An application for, and denial of, a Select Street Exemption does not preclude any individual property owner from that street from applying for a Hardship Exemption.

The Police Department shall accept, review, approve, and issue or deny a property owner's request for a Hardship Exemption Permit.

The Hardship Exemption application requires that the property owner complete the appropriate application, submit the applicable (non-refundable) processing and filing fee as established by Council, and submit to an on-site inspection of the property by the Police Department. At that time the Police Department will verify that all garage, carport, driveway, and apron parking is being fully utilized for its intended purpose as vehicle parking for personal vehicles. All reasonable attempts to increase available parking on site; i.e., widening driveways and/or re-setting fence lines to provide additional parking adjacent to alleys, shall have been considered and deemed unavailable prior to further consideration of a Hardship Permit. Recreational vehicles, commercial business vehicles, miscellaneous equipment; and/or building materials, etc., shall not be stored on site in these locations, in what could otherwise be used for vehicular storage.

Permits are provided only to those residents who currently utilize all available off-street parking and have a short-term parking deficiency as determined by the Police Department in accordance with these guidelines.

The fees for the initial review, permit issuance, and each annual renewal shall be established by Council Resolution and are not refundable.

Upon approval by the Police Department that said property is in compliance with the conditions for a permit, the property owner shall pay, in addition to the processing/filing fee, the applicable permit fee as required.

A maximum of one (1) Hardship Exemption Permit may be obtained per residence for a vehicle licensed and registered to that address, and is not transferable. A permit will not be issued to a residence that does not have legal and available street parking immediately adjacent to the front, or side yard for a corner lot, of the hardship residence. The Police Department will enter all permits in a database readily accessible to affected Police Department personnel, and shall include

as a minimum the identity of the applicant, contact information, street address, permit number, and vehicle license plate number for control, enforcement, and audit purposes. Said permit shall be available in one-year increments. Sport utility vehicles or pickups with commercial plates, but acquired for personal use only, may be included in determining the on-site deficiency if applicable. In the event a resident has a "company vehicle" that is required to be driven home, the operator must provide documentation of sufficient detail that confirms this use in order to be eligible for a permit.

Each permit may normally be renewed annually for four consecutive years. Changing family dynamics may require additional renewals, in which case additional year(s) may be petitioned for and approved by the Police Department.

The permit shall be posted clearly on the left rear bumper of the permitted vehicle. In the event a permitted vehicle is sold, or the permit is damaged, the Police Department will provide a replacement permit upon proof of sale or damage. Costs for replacement permits are established by separate fee resolution.

Specific hours shall be set aside within the Police Department's Traffic Division to receive requests, and issue or renew permits. These hours will be posted at the Police Department and included on the Application Guide.

Police Department personnel will conduct cursory observations, as time permits, during patrol to determine if there are any indications of non-compliance.

Non-compliance with any of the above-mentioned conditions shall subject the applicant to immediate revocation of the Hardship Exemption Permit. In the event a permit is revoked, there will be a twelve-month waiting period from the date of revocation before a resident may apply for a new Hardship Exemption Permit. Any re-issuance thereafter shall be subject to all original fees and inspections. The same said revocation of any re-issuance does not constitute a break in the normal four-year consecutive year criteria.

If a request for a Hardship Permit is denied, this decision may be appealed to the Police Department's appointed Hearing Officer. The applicant shall submit a written appeal within ten business days of the initial determination. The written submittal must state the basis for the appeal and provide appropriate photographs, drawings, or sketches that clearly support this appeal. The Hearing Officer's decision shall be final. The fee for this appeal shall be established by separate Council Resolution.

C. TEMPORARY EXEMPTIONS: Temporary Exemption Permits, as defined in Section 8.44.080 of the Fullerton Municipal Code (F.M.C.), shall be issued by the Police Department.

The Police Department shall have the option of granting a Temporary Exemption Permit, at its discretion, for short-term parking deficiencies such as, but not limited to, overnight visitors or short-term construction; i.e., driveways, home construction, etc. Said permission shall be granted in specific calendar-day increments, and generally limited not to exceed two weeks. The Police Department may extend this period for unusual and non-reoccurring events that conform to the intent of the ordinance.

Grantee shall display a notice of the Temporary Exemption in plain view from the outside of such vehicle on the left side of the windshield, on a window on the left side, or at the rear of such vehicle, as directed by the Police Department.

The Police Department will enter all exemptions in a database readily accessible to affected Police Department personnel, and shall include as a minimum the identity of the grantee and street address for audit purposes.

SEVERABILITY: If the exception provisions of the section are declared illegal by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this section. It is the intent of the City Council that such remainder continue in full force and effect in spite of such declaration.

(Ord. 3076 §§1, 3, 2006: Ord. 2771 § 1, 1991: Ord. 2257 § 1, 1979: Ord. 1656 § 1, 1970: prior code 3210.44 -- Ord. 996 § 2 (part), 1959: Ord. 3031, 2003).