

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTERS 8.04 AND 8.48 AND REPEALING CHAPTER 8.52 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO PARKING REGULATIONS

WHEREAS, Chapter 8.04 of Title 8 of the Fullerton Municipal Code ("FMC") outlines definitions applicable to Title 8 of the FMC; and

WHEREAS, Chapter 8.48 of Title 8 of the FMC outlines regulations relating to the use of City parking lots; and

WHEREAS, Chapter 8.52 of Title 8 of the FMC outlines regulations relating to the use of City parking structures; and

WHEREAS, on April 16, 2019, the City Council, through adoption of Resolution No. 2019-14, established the Downtown Nighttime Paid Parking Pilot Program; and

WHEREAS, certain amendments are needed to Chapters 8.04 and 8.48 to enable enforcement of the Downtown Nighttime Paid Parking Pilot Program; and

WHEREAS, the City Council desires to further amend Chapter 8.48 to incorporate the provisions of Chapter 8.52; and

WHEREAS, the City desires to amend Chapters 8.04 and 8.48, and to repeal Chapter 8.52, of the Fullerton Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.04.010 of Chapter 8.04 of Title 8 of the Fullerton Municipal Code is hereby deleted in its entirety and replaced as follows:

8.04.010. Definitions.

Whenever in this title the following terms are used, they shall have the meaning respectively ascribed to them in this section:

- A. "Alley" means a public way without sidewalks which does not exceed twenty-five feet in width between property lines.
- B. "Barrier" shall be deemed to include any lumber, boards, rope or other material placed or stretched across any portion of such street, avenue, alley, sidewalk or other highway, which shall be plainly visible at a distance of not less than one hundred feet in the daytime and which shall be illuminated at night with a red lighted lantern or other lighting or reflection device.
- C. "Bus" means any motor bus, motor coach, trackless trolley coach, or passenger stage used as a common carrier of passengers.

- D. "Holiday" means those days designated as federal holidays and such holidays as may be designated by the City Council.
- E. "Loading zone" means that place adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.
- F. "Parade" means any procession of two or more vehicles or two or more persons moving on or along a public street, other than a crosswalk for the purpose of ostentatious display, or show, or for the purpose of advertising any show, exhibition, game or any goods, wares or merchandise.
- G. "Parking" means to stop or allow to stand any vehicle whether occupied or not, otherwise than in obedience to official traffic control devices or by direction of a police officer.
- H. "Parking control officer" means a person designated by the Chief of Police to issue citations for violations of parking prohibitions and regulations and whose chief duties are to patrol designated areas of the city to discover violations of parking restrictions and regulations and to generally enforce parking regulations and do the related work required in accordance with the class specification of this position. A "parking control officer" may be a sworn police officer, a parking control aid, a person that is employed by the company contracted to provide parking enforcement services to the city, or such other person as may be designated by the Chief of Police to issue citations for parking violations.
- I. "Parking facility" means any off-street parking facility, either open or enclosed, including surface parking, parking lots, and parking structures, designed or used for the parking of motor vehicles.
- J. "Parkway" means that remaining portion of a right-of-way set apart or dedicated for public travel other than a roadway or a sidewalk.
- K. "Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- L. "Policeman" means a sworn member of the Police Department or any employee of the City authorized by the Chief of Police to direct or regulate traffic or to make arrests for violations of the traffic regulations.
- M. "Prohibited parking" means no standing of a vehicle, except when occupied to load or unload passengers or materials, or necessary to avoid conflict with other vehicles, or to comply with directions of a police officer or traffic control device.
- N. "Stop" means complete cessation of movement.

In addition to the definitions set forth above, all definitions of words and phrases set forth in the Vehicle Code of the State of California are incorporated in this title as though set forth in full herein.

SECTION 2. Chapter 8.48 of Title 8 of the Fullerton Municipal Code is hereby deleted in its entirety and replaced as follows:

Chapter 8.48 Parking Facilities

8.48.010. Purpose.

The purpose of this chapter is to establish regulations to promote, ensure and maintain the use of City owned or City operated parking facilities for their intended purpose of providing spaces for the parking of motor vehicles and/or bicycles by members of the public.

8.48.020. Parking fees and regulations.

- A. *Parking regulations.* Pursuant to the authority of Section 22519 of the Vehicle Code of the State of California, the City Council shall, by resolution, regulate the parking, standing and stopping of vehicles on parking facilities which it owns or operates.
- B. *Hours of operation.* The City Council shall, by resolution, establish reasonable regulations providing for days and hours during which fees shall be charged and collected for parking in parking facilities.
- C. *Rates or fees.* The City Council shall establish, by resolution, the rates or fees to be charged for parking in said parking facilities and shall provide reasonable rules and regulations for the operation and supervision of said parking facilities.
- D. *Violations.* Violation of the regulations established by the City Council pursuant to this section shall constitute a violation of this chapter.

8.48.030. Side lines.

No person shall park or leave parked any vehicle on any public parking facility except between the side lines designating parking spaces for vehicles.

8.48.040. Private property – parking.

No person shall park, cause, or permit to be parked any vehicle upon any private property or private parking facility without the consent of the owner thereof, or, if such private property or private parking facility is leased or rented, without the consent of the tenant thereof.

8.48.050. Limited uses of City parking facilities; all other uses prohibited.

- A. Parking facilities owned or operated by the City shall only be used by members of the public for one or more of the following express purposes:
 - 1. Parking and retrieving motor vehicles as the driver or as a passenger. This shall include waiting for a tow truck or other means of removing the vehicle from the parking facility in the event of a breakdown, including changing a flat tire. Vehicles may not be fixed, washed, or worked on within the parking facility.
 - 2. Parking and retrieving bicycles as the bicyclist, provided the parking facility has bicycle parking available. Bicycles may be ridden to and from such bicycle parking.
 - 3. Retrieving or placing personal property within a vehicle or bicycle parked within the parking facility and, thereafter, promptly exiting from the parking facility.

4. Walking uninterrupted from one sidewalk to another or walking uninterrupted to buildings that border the parking facility.
 5. Making deliveries to, and/or patronizing, a commercial business operating within the parking facility pursuant to a city lease or license agreement with the express or implied consent of the owner or operator of the business.
 6. Performing city business or maintenance of the parking facility pursuant to official duties as a city employee or agent.
 7. Engaging in a use authorized by a permit issued in a manner provided for by this code.
 8. Engaging in a use expressly authorized by the City Council, the City Manager or the Police Chief.
- B. No person shall ride a bicycle, skateboard, roller skates, coaster, tricycle, toy vehicle or similar device within any City owned or operated parking facility.
- C. No person shall remain within a City parking facility for more than the reasonable amount of time necessary to accomplish one of the expressly authorized and intended uses of such parking facility.

8.48.060. Unlawful parking.

No person shall park, cause, or permit to be parked any vehicle operated or controlled by that person in any parking facility owned or operated by the City for which a fee is charged for parking unless he or she has paid the required parking fee and, if applicable, displayed the receipt reflecting payment upon on the vehicle in the location specified by the City.

8.48.070. Citation for violation.

All police officers, parking control officers and others as designated by the Chief of Police shall be and are authorized to give citations to any and all persons violating any of the provisions of this chapter. Violations of this chapter are civil parking penalties owed to the City subject to the provisions of Chapter 17 of the California Vehicle Code.

8.48.080. Removal of illegally parked vehicles.

All police officers and parking control officers of the City are authorized and empowered to remove or cause to be removed all vehicles parked or left parked upon any parking facility or area contrary to the provisions of this chapter or illegally parked, and to store such vehicles. The owner or operator of any such vehicle shall be liable for towing and storage charges.

SECTION 3. Chapter 8.52 of Title 8 of the Fullerton Municipal Code is hereby deleted in its entirety.

SECTION 4. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no

further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses may be declared unconstitutional.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2019.

Jesus Silva, Mayor

Lucinda Williams, City Clerk