

Introduced by Councilmember Kennedy

ORDINANCE NO. 7283

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.40 BY ADDING SECTION 10.40.035 TO ALLOW FOR THE IMMOBILIZATION OF PARKED CARS; AMENDING CHAPTER 10.44, SECTION 10.44.010 BY ADDING SUBSECTION "D" TO ALLOW FOR AN EXEMPTION FROM THE OVERNIGHT PARKING PROHIBITION; AND AMENDING CHAPTER 10.45, SECTION 10.45.100 TO CHANGE THE METER RATE IN THE OLD PASADENA PARKING METER ZONE

The People of the City of Pasadena ordain as follows:

Section 1. Title 10, Chapter 10.40 of the Pasadena Municipal Code is hereby amended by adding Section 10.40.035 which reads as follows"

"10.40.035 Immobilization

Any law enforcement or parking enforcement officer may immobilize any vehicles under the requirements set forth in Section 22651.7 of the Vehicle Code, relating to vehicles with parking violations outstanding, as provided in Section 22651.7. An administrative fee or fees for such immobilization may be established by resolution of the city council. Any vehicle immobilized as set forth herein shall remain immobilized until the conditions set forth in Section 22651.7 are met, and all applicable administrative fees are paid to the city.

(a) Subject to the provisions of Subsection (b), where a vehicle is immobilized pursuant to Vehicle Code Section 22651.7 or any other Code section which authorized similar immobilization, and the owner or person in control of the vehicle has been issued five or more notices of parking violations that are delinquent, such owner or person in control of

the vehicle shall be required to pay the Department a charge to be determined by the city council for the cost of the immobilization.

(b) The charge imposed by Subsection (a) above shall not be applicable to a vehicle which, prior to release to the owner, has been so immobilized and subsequently towed to an impound garage.

(c) Upon immobilization of such vehicle the person effecting such immobilization shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and any attempt to move such vehicle might result in damage to such vehicle. Said notice shall also state that there is a right to a post-immobilization hearing to determine the validity of such immobilization, and any booting, towing or storage charges. Such hearing shall be conducted by a hearing officer appointed to conduct such hearings. This post-immobilization hearing will not be determinative of or adjudicate any citation issued relative to any immobilized vehicle. The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. Failure of either the registered or legal owner, or his or her agent, to request or to attend a scheduled hearing shall satisfy the post-immobilization validity hearing requirement of this subsection.

(d) The immobilizing device or mechanism shall remain in place for 72 hours unless the owner has complied with Section 22651.7 of the Vehicle Code or as a result of a hearing held pursuant to Subsection (c) of this section it is determined that the device or mechanism should be removed. If the immobilization occurs when a vehicle is parked in a tow-away zone or restricted parking area; or in a location so as to be blocking or impeding traffic, then such vehicle is subject to immediate towing and impounding.

Booting, towing and storage fees shall be paid before the owner of such vehicle or authorized person shall be permitted to repossess or secure the release of the vehicle, unless the hearing officer determines that such fees are not required pursuant to Section 10.40.035 (c) of the Vehicle Code. The owner or person entitled to possession of such vehicle shall also be responsible for the return of the immobilization device or mechanism to the City and shall be responsible for an additional fee of \$50 per day for each day, or part thereof, after the first 24 hours, for which the immobilization device or mechanism is not returned to the city, up to a maximum of \$500.

(e) Once a vehicle has been immobilized pursuant to Vehicle Code Section 22651.7 or any other similar provision of law which authorizes immobilization, no one, other than such persons who are authorized by law to do so, shall mobilize any such vehicle or damage the immobilization device in any way.

(f) No one, other than a person authorized by law to immobilize a vehicle pursuant to Vehicle Code Section 22651.7 or other similar provision of law, shall, once a vehicle has been so immobilized, cause any such vehicle to be towed from the location where immobilized. If any such vehicle is so towed both the person requesting the towing service and the operator of the towing vehicle shall be in violation of this section.

(g) Any violation of either Subsections (e) and (f) shall constitute a misdemeanor.”

Section 2. Title 10, Chapter 10.44, Section 10.44.010 of the Pasadena Municipal Code is hereby amended by adding Section 10.44.010D which reads as follows:

“10.44.010D

This section shall not apply to the portion of a street or alley that the Director of Transportation has determined to be exempt after an engineering study and with the

concurrence of the Public Works Director and the Police Chief. Such exemption may be for all or a portion of the 2:00 a.m. to 6:00 a.m. period.”

Section 3. Title 10, Chapter 10.45, Section 10.45.100, subsection B of the Pasadena Municipal Code is hereby amended to read as follows:

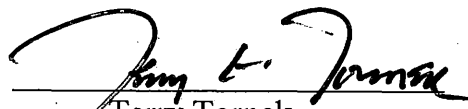
“10.45.100B

The parking meter rate in this district shall be \$1.25 for each sixty minutes.”

Section 4. Title 10, Chapter 10.45, Section 10.45.100, subsection D of the Pasadena Municipal Code is hereby deleted in its entirety.

Section 5. This ordinance shall take effect 30 days following its publication.

Signed and approved this 27th day of June, 2016.


Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of
the City of Pasadena at its meeting held this 27th day of June, 2016, by
the following vote:

AYES: Councilmembers Gordo, Kennedy, McAustin, Wilson,
Vice Mayor Masuda, Mayor Tornek

NOES: None

ABSENT: Councilmembers Hampton, Madison

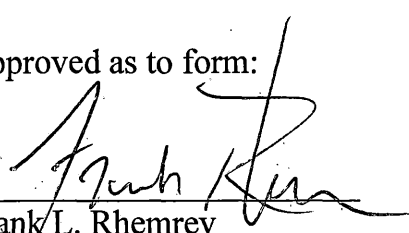
ABSTAIN: None

Date Published: June 30, 2016
Pasadena Journal



Mark Jonsky, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** June 20, 2016

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.40 BY ADDING SECTION 10.40.035 TO ALLOW FOR THE IMMOBILIZATION OF PARKED CARS; AMENDING CHAPTER 10 SECTION 10.44.010 BY ADDING SUBSECTION "D" TO ALLOW FOR AN EXEMPTION FROM THE OVERNIGHT PARKING PROHIBITION; AND AMENDING CHAPTER 10.45, SECTION 10.45.100 TO CHANGE THE METER RATE IN THE OLD PASADENA PARKING METER ZONE

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.40 BY ADDING SECTION 10.40.035 TO ALLOW FOR THE IMMOBILIZATION OF PARKED CARS; AMENDING CHAPTER 10 SECTION 10.44.010 BY ADDING SUBSECTION "D" TO ALLOW FOR AN EXEMPTION FROM THE OVERNIGHT PARKING PROHIBITION; AND AMENDING CHAPTER 10.45, SECTION 10.45.100 TO CHANGE THE METER RATE IN THE OLD PASADENA PARKING METER ZONE

PURPOSE OF ORDINANCE:

The California Vehicle Code Section 22651.7 authorizes City parking enforcement staff to utilize an immobilization device in lieu of towing and impounding of vehicle with five or more delinquent parking violations. These immobilization devices are referred to as "boots." The booting approach would add a less impactful but effective method for the City to collect overdue parking fines. On April 18, 2016 the City Council directed the City Attorney to prepare an ordinance to amend Chapter 10.40 of the Pasadena Municipal Code to allow for the immobilization (booting) of parked vehicles that have five or more delinquent parking violations.

06/27/2016

MEETING OF ~~06/20/2016~~

AGENDA ITEM NO. ~~24~~ 11

A ban on overnight parking on City streets has been in effect for many years. This ban however has a negative effect on certain businesses that are open to the public early in the morning and do not have off street parking. On March 14, 2016, the City Council directed the City Attorney to prepare an ordinance to amend Chapter 10 to provide an exemption from the overnight parking prohibition for businesses with early morning hours in business districts.

In the Old Pasadena Parking Meter Zone, lower parking meter rates were established in the outer portions of the zone. The City Council previously approved raising the parking meter rate to the same level throughout the Zone, to \$1.25 per hour.

REASON WHY LEGISLATION IS NEEDED:

Parking regulations are codified within Title 10 of the Pasadena Municipal Code and an ordinance is required to amend Title 10.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Parking Division of the Department of Transportation will have primary responsibility for enforcement utilizing the immobilization process (booting).

The Department of Transportation will work with the Public Works Department and the Police Department to determine if an exemption to the overnight parking prohibition will be approved.

The Department of Transportation will implement the change in the parking meter rate in the Old Pasadena Meter Zone.

FISCAL IMPACT:

The cost of the immobilization program (booting) will be offset by the collection of the Boot Fee. Staff time is already incorporated in the parking enforcement budget.


The cost of the administration of the exemption to the overnight parking prohibition will be recovered through the fees charged through the application process and fees charged for signage. Costs for street sweeping of the portion of street exempted from the overnight parking prohibition would vary, but is thought to be minimal.

The cost associated with changing the parking meter rate in the Old Pasadena Parking Meter Zone will be offset by the increased revenue.

ENVIRONMENTAL DETERMINATION:

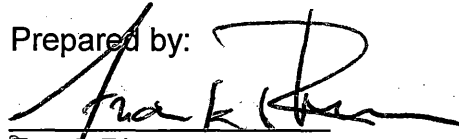
This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Respectfully submitted,



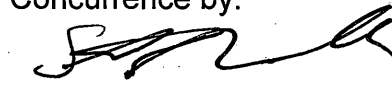
Michele Beal Bagneris
City Attorney

Prepared by:



Frank Rhemrev
Assistant City Attorney

Concurrence by:



Steve Mermell
Interim City Manager

THE PASADENA JOURNAL NEWS
1541 N. Lake Ave., Suite A
Pasadena, CA 91104

This space is for Clerk's filing Stamp

PROOF OF PUBLICATION
(2025.5 C.C.P.)

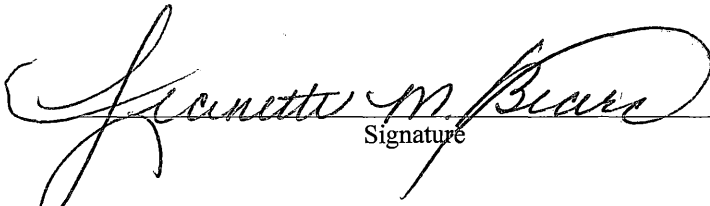
STATE OF CALIFORNIA
County of Los Angeles

Introduced by Councilmember Kennedy
ORDINANCE NO. 7283

SEE ATTACHMENT

I am a citizen of the United States and a resident of the County of aforesaid. I am the Principal clerk of printer of the Pasadena Journal, a newspaper of general circulation printed and published weekly in the County of Los Angeles and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of April 16, 1991, Case Number GS000541, that the notice of which is annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dated twit
Published: June 30, 2016
I certify and declare under penalty perjury that the foregoing is true and correct

Dated at Pasadena, California, this 30th day of June, 2016.


Signature

Jeanette M. Beard

PROOF OF PUBLICATION

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Introduced by Councilmember Kennedy

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Section 5. This ordinance shall take effect 30 days following its publication.

Signed and approved this 27th day of June, 2016.

Terry Tomek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 27th day of June, 2016, by the following vote:

AYES:	Councilmembers Gordo, Kennedy, McAustin, Wilson, Vice Mayor Masuda, Mayor Tomek
NOES:	None
ABSENT:	Councilmembers Hampton, Madison
ABSTAIN:	None

Mark Jornsley,
CMC City Clerk

Date Published: June 30, 2016
Pasadena Journal