

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: John Brand, Senior Management Analyst 

DATE: April 30, 2008 (CC Meeting of 05/07/2008)

SUBJECT: Consider Advocating or Sponsoring Legislation to Expand Vehicle Code Enforcement on Privately Owned Parking Lots

BACKGROUND

On April 16, the City Council adopted a new Legislative Program including a new position to support legislation expanding Vehicle Code (VC) enforcement on private property. Additionally, on April 16 Council directed staff to explore sponsoring specific legislation to expand Vehicle Code enforcement on private property as recommended by the Finance, Administration, and Public Safety (FAPS) Committee (Mayor Hunter and Mayor Pro Tem Parvin).

DISCUSSION

Current law (VC 21107.8) allows law enforcement to apply specific sections of the code after a resolution or ordinance is approved by the City Council, and after required signage is posted. However, contrary to public perception, the law limits enforcement on private parking facilities to three sections:

VC 22350 – Basic Speed Law;
VC 23103 - Reckless Driving; and
VC 23109 – Speed Contest/Exhibition of Speed.

Council is being asked to consider to advocate for or sponsor legislation to add to the list of enforceable code sections in parking lots where the Vehicle Code enforcement is authorized. The other requirements and procedures would remain in place before enforcement could occur. Briefly, these requirements are 1) that the property owner requests VC enforcement on their private parking lot or parking facility; 2) Council approves the request by resolution or ordinance; and 3) proper signage as required by the VC is posted by the property owner.

Among the laws that the FAPS Committee discussed and thought that should be enforceable were:

- VC 21200.5 – DUI on a Bicycle
- VC 21461 – Obey Traffic Regulatory Signs (e.g. One Way, Do Not Enter, etc.)
- VC 21650 – Drive on Right Half of Roadway
- VC 22450 – Stop Signs
- VC 23110 – Throwing Substances at Vehicles
- VC 23220 – Drinking While Driving
- VC 23221 – Drinking in a Motor Vehicle
- VC 23222 – Possession of Marijuana or Open Container While Driving
- VC 27360 – Child Restraints
- VC 24250 – During Darkness Required Lighting On
- VC 27007 – Sound Amplification Devices (radios, etc, greater than 50 feet)

If approved, the first order of business is to identify the stakeholders in such legislation. Among these might be persons or organizations with a direct interest in vehicle code enforcement on private property. Staff would need to identify the possible supporters, potential co-sponsors, and probable opponents of such legislation.

To start, staff would research the professional associations, and trade groups dealing with shopping centers, parking lot operations and maintenance, and commercial property management. The search might begin with groups such as the International Council of Shopping Centers (ICSC), and the California Public Parking Association. Also contact would be made with law enforcement groups, anti-crime groups, automobile associations, and any other groups. Staff will develop information on the various groups and if each has a position or might consider a position on the expansion of vehicle code enforcement on private parking lots. Staff would document the pros, cons, and opinions offered by the people and groups that are contacted.

The second step will be to work with the League of California Cities Policy Committee, our legislators, and others to develop the legislation. It may not be unusual for this process to take a year or two before a draft bill is introduced in the Legislature.

FISCAL IMPACT

None outside of existing budgeted staff time and office expenses (postage, telephone, computer usage.)

STAFF RECOMMENDATION

Direct Staff to Proceed and to Provide Periodic Updates to the City Council.