

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Deputy City Manager
Prepared by: Teri Davis, Senior Management Analyst 

DATE: January 11, 2011 (CC Meeting of 1/19/11)

SUBJECT: Consider an Ordinance of the City of Moorpark, California: 1) Amending Chapters 8.52, Stormwater Quality Management; 9.08 Offenses Against Public Decency, 9.16, Offenses Involving Minors; 10.04, Traffic Code; 10.08, Private Roads and Parking Facilities; and 10.20, Skateboard, Motorized Skateboard, Scooter, Motorized Scooter, Roller Skate and In-line Skate; 2) Deleting Section 10.04.340; 3) Amending Section 10.04.270, to Address Parking Violation Citations; 4) Adding Article VII, Bus Zone Location Exception; and 5) Adding Section 10.04.360, Bus Zones to Article VII, Bus Zone Location Exception

BACKGROUND

The City of Moorpark (City) adopted Ordinance Number 218, identifying penalties for Municipal Code (Code) violations, in August 1996. This Ordinance was codified as Chapter 1.12. In October 2006, the City adopted Ordinance Number 340 which renumbered Chapter 1.12 as Chapter 1.10 and codified Nuisances as Chapter 1.12.

At the time Ordinance Number 340 was adopted, certain sections of the Code referring to Chapter 1.12 for penalties were not amended to reference Chapter 1.10. Those sections are:

1. In Chapter 8.52, Stormwater Quality Management, Section 8.52.180
2. In Chapter 9.08, Offenses Against Public Decency, Section 9.08.410
3. In Chapter 9.16, Offenses Involving Minors, Section 9.16.020(F)
4. In Chapter 10.04, Traffic Code, Section 10.04.030
5. In Chapter 10.08, Private Roads and Parking Facilities, Section 10.08.020
6. In Chapter 10.20, Skateboard, Motorized Skateboard, Scooter, Motorized Scooter, Roller Skate and In-line Skate Regulations, Section 10.20.040

In reviewing Chapter 10.04, it was determined that Section 10.04.340, Violation – Penalty, is wholly duplicative of Section 10.04.030, Violation – Penalty, and is not necessary and can be deleted.

Chapter 10.04 of the Code sets forth conditions under which parking violation citations may be issued but is silent regarding the parking violation citation administrative process. The California Vehicle Code (Vehicle Code) Sections 40200 through 40230 regulates the parking violation citation administrative process, including but not limited to, the administrative review and the administrative hearing processes. Section 40215(c)(3) of the Vehicle Code authorizes chief executive officers of issuing agencies to approve written procedures for the conduct of administrative hearings for parking violation citations. While the City is in compliance with Sections 40200 through 40230 of the Vehicle Code, written procedures for administrative hearings are scattered within several documents throughout the City. Staff believes a comprehensive procedure for the administrative process, with particular focus on the administrative hearing, would benefit both the City and the public served by the City.

Article III of Chapter 10.04, Stopping, Standing and Parking contains Section 10.04.270, Bus zones, was erroneously included in Article III because it authorizes bus zone designation exemptions and does not address stopping, standing or parking.

This Draft Ordinance includes amendments to specific Code Sections in Chapters 8.52, 9.08, 9.16, 10.04, 10.08, and 10.20 which address violations and penalties of the Code. This Draft Ordinance also includes an amendment to Chapter 10.04 of the Code referencing the City Manager's procedures for processing parking violation citations.

DISCUSSION

Most of the amendments in the Draft Ordinance will provide accurate cross-referencing within the Code. The more substantial amendment will bring the City into full compliance with Section 40215(c)(3) of the Vehicle Code by authorizing the City Manager to establish comprehensive written procedures for processing parking violation citations.

The Draft Ordinance would create a new article in Chapter 10.04, Article VII, Bus Zone Designation Exemption, and move the language currently in Section 10.04.270, Bus zones to a new section, Section 10.04.360, Bus zones, in the new Article.

Upon adoption of the Draft Ordinance a procedure for the administrative process of parking violation citations, with particular focus on the administrative hearing will be approved by the City Manager and implemented. This will provide a consistent process whenever staff, or the administrative hearing officer, processes parking violation citations.

The City Attorney's Office reviewed the Draft Ordinance.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Introduce Ordinance No. _____ for first reading, waive full reading, and direct staff to schedule second reading for February 2, 2011.

Attachment: Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING CHAPTERS 8.52, STORMWATER QUALITY MANAGEMENT; 9.08, OFFENSES AGAINST PUBLIC DECENCY; 9.16, OFFENSES INVOLVING MINORS; 10.04, TRAFFIC CODE; 10.08, PRIVATE ROADS AND PARKING FACILITIES; AND 10.20, SKATEBOARD, MOTORIZED SKATEBOARD, SCOOTER, MOTORIZED SCOOTER, ROLLER SKATE AND IN-LINE SKATE REGULATIONS; ADDING ARTICLE VII IN CHAPTER 10.04, BUS ZONE LOCATION EXCEPTION; DELETING 10.04.270, BUS ZONES; DELETING SECTION 10.04.340, VIOLATION – PENALTY; ADDING SECTION 10.04.360, BUS ZONES; AND ADDING SECTION 10.04.270, PROCEDURES FOR PROCESSING PARKING VIOLATION CITATIONS

WHEREAS, on August 23, 1996, the City Council adopted Ordinance Number 218 identifying Code Violations, Penalties and Enforcement (Code Violations) to be set forth in Chapter 1.12 of the Code; and

WHEREAS, on October 11, 2006, the City Council adopted Ordinance Number 340 renumbering Code Violations to Chapter 1.10 and renaming Chapter 1.12 as Nuisances; and

WHEREAS, not all Code sections referring to Chapter 1.12 Code Violations were amended to refer to Chapter 1.10 at the time Ordinance Number 340 was adopted; and

WHEREAS, Section 10.04.340, Violation – Penalty, is duplicative of Section 10.04.030, Violation – Penalty; and

WHEREAS, Chapter 10.04 of the Code sets forth conditions under which parking violation citations may be issued; and

WHEREAS, the City desires to establish consistent and appropriate references throughout the Code; and amend section 10.04.270 in Chapter 10.04 to require written procedures for processing parking violation citations consistent with Section 40215 of the California Vehicle Code; and

WHEREAS, existing Section 10.04.270, Bus zones, erroneously appears in Article III, Stopping, Standing and Parking, of Chapter 10.04, and City desires to add Article VII, Bus Zone Location Exception to the Code to contain the language currently found in existing Section 10.04.270 Bus zones which will be deleted; and

WHEREAS, the City Council has determined the following with regard to Chapters 8.52, 9.08, 9.16, 10.04, 10.08, and 10.20 of the Code:

The Code shall be amended: 1) to amend certain sections of the Code to refer to Chapter 1.10 Code Violations instead of Chapter 1.12 Nuisances; 2) to amend Section 10.04.270 of the Code to address Procedures for processing parking violation citations, in Chapter 10.04; 3) to add Article VII, Bus Zone Location Exception to Chapter 10.04 of the Code; and 4) to add Section 10.04.360, Bus zones to Article VII of Chapter 10.04 in the Code.

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

SECTION 1. Section 8.52.180 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“8.52.180 Violation - Penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.”

SECTION 2. Section 9.08.410 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“9.08.410 Violation - Penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.”

SECTION 3. Section 9.16.020(f) of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“9.16.020(F) Violation - Penalty.

Each and every violation of the provisions of subsections A, B, and C of this section is a misdemeanor/infraction and is punishable by fine or imprisonment as specified by Chapter 1.10 of this code.”

SECTION 4. Section 10.04.030 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“10.04.030 Violation - Penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.”

SECTION 5. Section 10.04.340, Violation – Penalty, of the Moorpark Municipal Code is hereby deleted in its entirety.

SECTION 6. Section 10.08.020 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“10.08.020 Violation - Penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.”

SECTION 7. Section 10.20.040 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“10.20.040 Violation - Penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.”

SECTION 8. Section 10.04.270 of the Moorpark Municipal Code is hereby amended to read in its entirety as follows:

“10.04.270 Procedures for processing parking violation citations.

The city manager shall establish written procedures for processing parking violation citations consistent with Section 40215 of the California Vehicle Code.”

SECTION 9. Article VII, Bus Zone Location Exception, is hereby added to Chapter 10.04 of the Moorpark Municipal Code and Section 10.04.360, Bus Zones, is added to Article VII to read in its entirety as follows:

“Article VII. Bus Zone Location Exception

10.04.360 Bus zones.

The city engineer is authorized to establish and locate bus zones within fifty (50) feet of any intersection when such zones are found by him/her to be necessary and will not cause a safety hazard.”

SECTION 10. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 11. This Ordinance shall become effective within thirty (30 days of its passage and adoption.

SECTION 12. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and the adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Ventura County Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this _____ day of _____, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk