

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk *MB*

DATE: January 20, 2012 (CC Regular Meeting of 2/1/12)

SUBJECT: Consider Ordinance No. 411 Amending Section 10.08.010, Applicability of Provisions, of Chapter 10.08, Private Roads and Parking Facilities, of Title 10, Vehicles and Traffic, of the Moorpark Municipal Code.

BACKGROUND

Ordinance No. 411 was introduced for first reading at the January 18, 2012, regular City Council meeting at which time staff was directed to prepare a resolution for adoption at the meeting of February 1, 2012, to continue traffic enforcement in the Varsity Park Shopping Center with an effective date corresponding to that of Ordinance No. 411.

DISCUSSION

Staff has determined that Resolution No. 96-1215 adopted by the City Council in August 1996, precludes the need for adopting an additional resolution for traffic enforcement in the Varsity Park Shopping Center.

STAFF RECOMMENDATION (ROLL CALL VOTE)

Waive full reading, and declare Ordinance No. 411 read for the second time, and adopted as read.

Attachment: Ordinance No. 411

ORDINANCE NO. 411

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING SECTION 10.08.010, APPLICABILITY OF PROVISIONS, OF CHAPTER 10.08, PRIVATE ROADS AND PARKING FACILITIES, OF TITLE 10, VEHICLES AND TRAFFIC, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, Sections 10.08.010.A and 10.08.010.B of Section 10.08.010, Applicability of Provisions, of the Moorpark Municipal Code (MMC) require updating for consistency with the California Vehicle Code (CVC); and

WHEREAS, proposed revisions to Section 10.08.010.A include deleting reference to an attached exhibit and the Varsity Park Shopping Center and adding a description that privately owned and maintained roads are herein described as including all those designated by city council resolution as subject to the provisions of the California Vehicle Code, unless the owner has caused to be erected a notice consistent with Section 21107.6(b) and any sections amendatory or supplementary thereto; and

WHEREAS, proposed revisions to Section 10.08.010.B include deleting reference to an attached exhibit and the Varsity Park Shopping Center, adding a description of privately owned and maintained off-street parking facilities as including all those designated by City Council resolution as subject to the CVC, and deleting reference to CVC Section 22507.8; and

WHEREAS, deletion of reference to CVC Section 22507.8 in MMC Section 10.08.010.B will allow for the enforcement of handicapped parking restrictions in all off-street parking facilities open for use of the public for purposes of vehicular parking, consistent with CVC Section 21107.8(d); and

WHEREAS, CVC Section 21107.8(d) specifically states that Section 22507.8 may be enforced without enactment of an ordinance or resolution as required under subdivision (a) or the posting of a notice at each entrance to off-street parking facilities; and

WHEREAS, a public hearing on this matter was convened pursuant to the requirements of CVC Sections 21107.6(a) and 21107.8(c) and notice of said public hearing was provided to the property owner of the Varsity Park Shopping Center as required by the CVC.

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

SECTION 1. Section 10.08.010, of the MMC is amended in its entirety to read as follows:

“10.08.010 Applicability of provisions.

A. Pursuant to the provisions of Section 21107.6 of the California Vehicle Code, and any sections amendatory or supplementary thereto, the city council finds and declares that there are privately owned and maintained roads within the city, which are generally held open to the public for purposes of vehicular traffic to serve commercial establishments, and such privately owned and maintained roads are herein described as including all those designated by city council resolution as subject to the provisions of the California Vehicle Code, unless the owner has caused to be erected a notice consistent with Section 21107.6(b) and any sections amendatory or supplementary thereto .

B. Pursuant to California Vehicle Code Section 21107.8, and any sections amendatory or supplementary thereto, the city council finds and declares that there are privately owned and maintained off-street parking facilities, including those owned and maintained by the city , which are generally held open for use of the public for purposes of vehicular parking, and such privately owned and maintained off-street parking facilities are herein described as including all those designated by city council resolution as subject to the California Vehicle Code. Sections 22350, 23103, 23109 and the provisions of Division 16.5 (commencing with Section 38000) of the California Vehicle Code shall apply to such privately owned and maintained off-street parking facilities, provided that the owner or operator has caused to be posted in a conspicuous place at each entrance to that off-street parking facility a notice as required by Section 21107.8(b) of the California Vehicle Code and any sections amendatory or supplementary thereto.”

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. Effective Date. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. 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 adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 1st day of February, 2012.

Janice Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk