

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David C. Moe II, Economic Development and Housing Manager *DCM*

DATE: June 8, 2015 (CC Meeting of 6/17/15)

SUBJECT: Consider an Ordinance Amending Chapter 10.04, Traffic Code, of Title 10, Vehicles and Traffic of the Municipal Code, to Include a Parking Control Officer Definition and An Enforcement Authority Section

BACKGROUND AND DISCUSSION

On December 17, 2014, the City Council adopted Resolution No. 2014-3351 establishing those positions which would have citation authority under the Municipal Code to issue parking citations.

Upon further review, the City Attorney has recommended that the City Council should amend Chapter 10.04, Traffic Code, of Title 10, Vehicles and Traffic of the Municipal Code, to include a Parking Control Officer definition and an Enforcement Authority Section. Staff has incorporated the City Attorney's recommendation into the attached Ordinance. Staff shall review Resolution No. 2014-3351 to determine if any modifications are needed to incorporate the proposed changes.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Introduce Ordinance No. _____ for first reading, waive full reading, and place this ordinance on the agenda for the July 1, 2015, regular meeting, for the purpose of providing second reading and adoption of the ordinance.

Attachment: Ordinance No. _____

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK,
CALIFORNIA, AMENDING CHAPTER 10.04, TRAFFIC
CODE, OF TITLE 10, VEHICLES AND TRAFFIC, OF
THE MOORPARK MUNICIPAL CODE, TO ADD A
PARKING CONTROL OFFICER DEFINITION AND AN
ENFORCEMENT AUTHORITY SECTION

WHEREAS, parking enforcement is vital to protection of the public's health, safety, property, and quality of life, including the safe and appropriate use of public streets for vehicular parking; and

WHEREAS, the City Council has determined that it is appropriate to amend Chapter 10.04, Vehicles and Traffic, to define "parking control officer" and provide for the enforcement authority of such officers; and

WHEREAS, at the regular meeting of June 17, 2015, the City Council introduced for first reading an ordinance amending Chapter 10.04, and following second reading of the ordinance at the regular meeting of July 1, 2015, the Council reached its decision to adopt the ordinance.

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

SECTION 1. Subsection (B) of Section 10.04.010 (Definitions) of Article 1 (General Provisions) of Chapter 10.04 (Traffic Code) of Title 10 (Vehicles and Traffic) of the Moorpark Municipal Code is hereby amended to add the following new definition in alphabetical order:

"Parking control officer" means a city employee or volunteer whose job classification or position is designated by resolution of the city council, or a Ventura County Sheriff's Department employee or volunteer whose job classification or position is designated by the city's police chief, as having the authority to enforce parking restrictions and issue parking citations for violation of the City's Traffic Code and the Vehicle Code, provided that all such employees and volunteers shall meet the minimum training standards set by the City's police chief prior to exercising the enforcement authority specified in this Article."

SECTION 2. Article 1 (General Provisions) of Chapter 10.04 (Traffic Code) of Title 10 (Vehicles and Traffic) of the Moorpark Municipal Code is hereby amended to add Section 10.04.035, Enforcement Authority, to read as follows:

“10.04.035 Enforcement Authority.

Violation of any provision of this chapter may be enforced by any means legally available to the city. Parking control officers are authorized and empowered to enforce all of the provisions of the city’s Traffic Code, and are hereby granted the authority to issue parking citations and citations for violation of the city’s Traffic Code and the parking restrictions contained in the Vehicle Code, and as both may be amended from time to time. This authority shall be in addition to the authority granted to police officers, traffic control officers and law enforcement personnel pursuant to this Municipal Code and state law.”

SECTION 5. 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 6. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 7. 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 ____ day of _____, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk