

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AMENDING SECTION 10.16.320 "REMOVAL OF VEHICLE FROM CITY STREETS" OF CHAPTER 10.16 "STOPPING, STANDING AND PARKING" OF TITLE 10 "VEHICLES AND TRAFFIC" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

WHEREAS, California Vehicle Code Section 22651 authorizes cities' "peace officers," as defined in Chapter 4.5 of Title 3 of Part 2 of the California Penal Code, and "regularly employed and salaried employees who are engaged in directing traffic or enforcing parking laws and regulations," to remove vehicles under certain circumstances, including when said vehicles are parked illegally under a local ordinance; and

WHEREAS, Desert Hot Springs Municipal Code ("DHSMC") Chapter 10.16 imposes certain restrictions on parking within the City of Desert Hot Springs ("City"), making it illegal to park in violation of said restrictions; and

WHEREAS, DHSMC Section 10.16.320 specifies certain circumstances under which illegally parked vehicles may be removed, and authorizes certain City officials to remove such vehicles; and

WHEREAS, DHSMC Section 10.16.320 was originally enacted as Section 14-35 of the City's prior code pursuant to adoption of Ordinance No. 80-18 in 1980, prior to the establishment of the City's Police Department, and therefore authorizes officers of the Riverside County Sheriff's Department, rather than officers of the City's Police Department, to remove illegally parked vehicles under the specified circumstances; and

WHEREAS, because the City's Police Department is now the primary law enforcement agency having jurisdiction within the City, it is in the best interests of the health, safety and welfare of the City's residents to expressly authorize the City's Police Officers, rather than the Riverside County Sheriff's Department, to remove vehicles pursuant to DHSMC Section 10.16.320; and

WHEREAS, it is also in the best interests of the health, safety and welfare of the City's residents to amend DHSMC Section 10.16.320 to expressly authorize the regularly employed and salaried officers of the City's Community Preservation Division, as such employees are authorized pursuant to Vehicle Code Section 22651, to remove vehicles under extenuating circumstances pursuant to DHSMC Section 10.16.320.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. AMENDMENT OF SECTION 10.16.320 “REMOVAL OF VEHICLE FROM CITY STREETS” OF CHAPTER 10.16 “STOPPING, STANDING AND PARKING” OF TITLE 10 “VEHICLES AND TRAFFIC” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 10.16.320 (“Removal of Vehicle from City Streets”) of Chapter 10.16 (“Stopping, Standing and Parking”) of Title 10 (“Vehicles and Traffic”) of the Desert Hot Springs Municipal Code is hereby amended as follows:

10.16.320 Removal of Vehicle from City Streets

Any regularly employed and salaried sworn officers of the ~~Riverside County Sheriff's~~ Desert Hot Springs Police Department of the City or, under extenuating circumstances, the Police Department Community Service Officer acting under the direction of the shift watch commander or any regularly employed and salaried officer of the ~~employee of the City's~~ Community Preservation Division in the ~~Safety Department~~ acting under the direction of the Community Development ~~Safety~~ Director, may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for 72 consecutive hours.

B. Any vehicle which is parked or left standing upon a street or highway between the hours of 7:00 a.m. and 7:00 p.m. when such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal.

C. Any vehicle which is parked or left standing upon a street or highway for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal of the vehicle.

Section 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

Section 6. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 16th day of May, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney

DRAFT