

## REPORT TO THE CITY COUNCIL

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**DATE:** November 7, 2017

**TITLE:** Ordinance Amending Section 10.16.050 "Use of Streets for Storage of Vehicle Prohibited" of Chapter 10.16 "Stopping, Standing and Parking" of the Desert Hot Springs Municipal Code

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### RECOMMENDATION

Introduce for First Reading and read by title only, "An Ordinance Of The City Council of the City of Desert Hot Springs, California, Amending Section 10.16.050 ("Use Of Streets for Storage of Vehicle Prohibited") of Chapter 10.16 ("Stopping, Standing And Parking") of Title 10 ("Vehicles And Traffic") of the Desert Hot Springs Municipal Code" ("DHSMC").

### BACKGROUND

Desert Hot Springs Municipal Code ("DHSMC") Section 10.16.050 currently prohibits the parking of vehicles on any street, public right-of-way or alley for more than seventy-two (72) consecutive hours and authorizes the removal of vehicles parked in violation of this section. Currently, the Desert Hot Springs Police Department and the Community Preservation Division may remove or cause the removal of such vehicles.

This section was enacted pursuant to California Vehicle Code Section 22651(k), which permits, by ordinance, the removal of any vehicle "parked or left standing upon a highway for 72 or more consecutive hours."

### DISCUSSION

Although DHSMC Section 10.16.050, in its current form, prevents the long-term parking of vehicles on city streets, it leaves open a potential loophole that may allow vehicle owners to avoid penalties.

For instance, an owner may move his or her vehicle across the street from the original location or even one parking spot up or down along the street. Technically, the owner has complied with Section 10.16.050 since the owner moved his or her vehicle. However, the intent of Section 10.16.050 was clearly to prohibit long-term or permanent parking on City streets, public right-of-ways, and alleys.

Another consideration is that certain streets run across the entire City of Desert Hot Springs, and vehicles owners who make a good faith attempt to comply with Section 10.16.050 by moving their vehicle several blocks up or down a street, may nonetheless be in violation since the vehicle is still parked on the same street.

The proposed ordinance would eliminate these uncertainties by providing a definite rule-of-thumb. The proposed ordinance amends Section 10.16.050 to clarify that a vehicle is considered in violation of the seventy-two hour rule if it is not moved at least five hundred (500) feet away from its original location.

If the proposed ordinance is enacted, vehicles owners will be unable to circumvent the spirit and intent of the law by moving their vehicle a nominal distance. Further, City staff will have more

guidance for determining when a vehicle may be in violation of the 72 hour parking rule. With these changes, parking restrictions will be easier to comply with and enforced within the City.

**FISCAL IMPACT**

None.

**EXHIBITS**

- 1) Entirety of Chapter 10.16
- 2) Proposed Ordinance Amending Section 10.16.050 ("Use of Streets for Storage of Vehicle Prohibited")