

ORDINANCE NO. _____

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 12 "VEHICLES AND TRAFFIC" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

WHEREAS, the City of Desert Hot Springs is a municipal corporation and a charter city;
and

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 in violation of 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 authorizing the City of Desert Hot Springs Police Department and Community Preservation Division to remove or cause the removal of such vehicles; and

WHEREAS, DHSMC Section 10.16.050 currently prohibits the parking of any vehicle on any street, public right-of-way or alley for seventy-two (72) consecutive hours and authorizes the removal of vehicles parked in violation of this section; and

WHEREAS, there is a need to clarify how far a vehicle must be moved from its original location on a street, public right-of-way, or alley before the vehicle is deemed parked or left standing for seventy-two consecutive hours in violation of DHSMC Section 10.16.050; and

WHEREAS, because the City of Desert Hot Springs Police Department and Community Preservation Division are tasked with enforcing DHSMC Section 10.16.050, it is in the best interests of the health, safety and welfare of the City's residents to amend DHSMC Section 10.16.050 to specify a minimum distance a vehicle must be moved from its original location on a street, public right-of-way, or alley.

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

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. AMENDMENT OF 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

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 is hereby amended as follows:

10.16.050 Use of Streets for Storage of Vehicle Prohibited

A. No person ~~who owns or has possession, custody or control of any vehicle~~ shall park **or leave standing** such **any** vehicle **or trailer** upon any street, public right-of-way or alley within the City for ~~more than~~ 72 consecutive hours **or longer**.

B. In the event a vehicle **or trailer** is parked or left standing upon a street, alley, public right-of-way or portion thereof for a period of 72 consecutive hours **or longer, such vehicle or trailer may be removed pursuant to Section 10.16.320 or as otherwise permitted by Section 22651 of the California Vehicle Code. For purposes of this section, a vehicle or trailer shall be considered parked or left standing for 72 consecutive hours or longer if it has not been moved to a location at least 500 feet away from its original location.** ~~any person as stated in Section 10.16.320 may remove the vehicle in the manner and be subject to the requirements of the California Vehicle Code.~~

Section 3. SEVERABILITY

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

That 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. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

That this ordinance shall take effect thirty (30) days after its adoption.

Section 7. CERTIFICATION

That 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 ____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney

DRAFT