

ORDINANCE NO. 669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADDING CHAPTER 12.24 "SAFETY ENHANCEMENT ZONES" OF TITLE 12 "STREETS, SIDEWALKS, AND PUBLIC PLACES" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ESTABLISH SAFETY ENHANCEMENT ZONES AND INCREASE FINES AND PENALTIES FOR MUNICIPAL CODE VIOLATIONS IN AREAS DESIGNATED AS SAFETY ENHANCEMENT ZONE

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

WHEREAS, as a charter city, the City has the authority to adopt ordinances and resolutions that regulate its police powers and municipal affairs, including ordinances designed for the protection of the health and safety of its residents; and

WHEREAS, certain streets and sidewalks within the City experience higher rates of traffic accidents, pedestrian injuries, and traffic-related violations; and

WHEREAS, based on a 2016 traffic safety analysis report, between the years 2003-2012, there were eighteen bicycle collisions and fifty-two pedestrian collisions that occurred in the City; and

WHEREAS, in 2016, there were seven fatal traffic collisions, and in 2017 there were eight fatal traffic collisions within the City; and

WHEREAS, since 2007, there has been twelve fatal traffic collisions on Palm Drive between Pierson Boulevard and Camino Aventura, which is a major thoroughfare within the City; and

WHEREAS, based on the 2016 City of Desert Hot Springs Bicycle and Pedestrian Master Plan, statistics show that the faster a vehicle is traveling, the survivability rate of a pedestrian decreases and conversely a pedestrian is more likely to survive a collision when a vehicle traveling at a slower speed; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the designation of certain areas within the City as Safety Enhancement Zones may reduce traffic accidents, deter unsafe driving, protect pedestrians, reduce criminal activity, and combat other dangerous activities by increasing fines and penalties for violations of the City municipal code occurring within those zones.

NOW, THEREFORE, the City Council of the City of Desert Hot Springs does ordain as follows:

Section 1. RECITALS

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

Section 2.

CHAPTER 12.24 "SAFETY ENHANCEMENT ZONES" OF TITLE 12 "STREETS, SIDEWALKS, AND PUBLIC PLACES" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 12.24 ("Safety Enhancement Zones") of Title 12 ("Streets, Sidewalks, and Public Places") of the Desert Hot Springs Municipal Code is hereby added as follows:

12.24.010

A. The city council may by resolution, upon determining that there is a need to take action to protect the public health, safety, and welfare, designate a specific geographical area as a Safety Enhancement Zone and specify the date and time that the designation is effective. The designation of a Safety Enhancement Zone shall be based upon the City Council finding both that the geographical area is subject to unique conditions and circumstances that create the potential for a significant threat to public health and safety, and that the threat would be reduced by enhanced penalties for violations of certain provisions of this code.

B. The resolution establishing a Safety Enhancement Zone shall contain the following provisions:

(1) A description of the geographical area comprising the Safety Enhancement Zone; and

(2) The date and time which the Safety Enhancement Zone designation is effective.

12.24.020

A. Any person who violates a designated provision of this code within an area that the city council has designated as a Safety Enhancement Zone, shall be subject to an enhanced fine. The enhanced fine shall be twice the amount of the fine applicable to a violation per the City of Desert Hot Springs bail schedule, up to a maximum of one thousand dollars. A separate offense shall be deemed to have been committed whenever a person repeats the act that constitutes the violation.

B. At least every two years, areas designated as Safety Enhancement Zones shall be reviewed to determine whether such designation should remain in place.

C. Enhanced penalties for violations committed within a designated Safety Enhancement Zone, shall apply to violations of the following provisions of the Desert Hot Springs code:

1. Chapter 10.20 Traffic Regulations

2. Chapter 10.32 Speed Limits

12.24.030

A violation under this chapter may be prosecuted either criminally or administratively pursuant to Title 4 of this code.

Section 4. 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 5. 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 6. 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 7. EFFECTIVE DATE

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

Section 8. 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 19th day of June, 2018 by the following vote:

AYES: 5 – Betts; McKee; Pye; Zavala; and Mayor Matas.

NOES: None.

ABSENT: None.

ABSTAIN: None.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney