



TOWN OF FAIRFAX SUPPLEMENTAL STAFF REPORT May 6, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Introduction and first reading by title only of an Ordinance of the Town Council of the Town of Fairfax amending Chapter 10.04 of the Town Code ("Uniform Traffic Ordinance Adopted") to allow overnight parking in Downtown by Town Council Resolution.

RECOMMENDATION

Introduce and waive first reading and read by title only of an Ordinance of the Town Council of the Town of Fairfax amending Chapter 10.04 of the Town Code ("Uniform Traffic Ordinance Adopted") to allow overnight parking in Downtown by Town Council Resolution.

DISCUSSION

The attached ordinance could not be included in the agenda packet because it was still under legal review at the time of publication. Please replace the redline that was included in the agenda packet with the redline attached hereto.

FISCAL IMPACT

None at this time

ATTACHMENTS

Ordinance
Redline

SUPPLEMENT TO
AGENDA ITEM # 25

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING CHAPTER 10.04 OF THE TOWN CODE
("UNIFORM TRAFFIC ORDINANCE ADOPTED")
TO ALLOW OVERNIGHT PARKING IN DOWNTOWN BY TOWN COUNCIL RESOLUTION

WHEREAS, the Town of Fairfax has adopted the Uniform Traffic Ordinance, with certain amendments, prepared and recommended by, among other organizations, the League of California Cities, to regulate traffic within the Town; and

WHEREAS, California Government Code § 22507(a) provides that cities and towns may, by ordinance or resolution, prohibit or otherwise restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all of or certain hours of the day; and

WHEREAS, the Town currently regulates all-night parking within the downtown business district (also known as the Town Center Area) through Town Code Section 10.04.120, which amends Section 11.8 of the Uniform Traffic Ordinance; and

WHEREAS, the Town Council desires the flexibility to allow overnight parking in designated areas of the downtown business district by adoption of resolution, rather than adoption of revisions to the Town Code;

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1. Fairfax Town Code, Title 10 ('Vehicles and Traffic'), Chapter 10.04 ('Uniform Traffic Ordinance Adopted'), Section 10.04.120 ('Adopting U.T.O. § 11.8, All-Night Parking in Downtown Business District') is hereby renamed as follows:

"Adopting U.T.O. § 11.8, All-Night Parking in Town Center Area"

SECTION 2. Fairfax Town Code, Title 10 ('Vehicles and Traffic'), Chapter 10.04 ('Uniform Traffic Ordinance Adopted'), Section 10.04.120 ('Adopting U.T.O. § 11.8, All-Night Parking in Town Center Area') is hereby amended to read as follows:

"The Uniform Traffic Ordinance Section 11.8 as adopted by § 10.04.120 of the Town Code, is hereby amended to read as follows:

Section 11.8. ALL NIGHT PARKING IN TOWN CENTER AREA PROHIBITED.

No person shall stop, stand or park a vehicle on any street in the Town Center Area, as such area is defined in the Fairfax General Plan, for a period of time longer than 30 minutes between the hours of 2:00 A.M. to 6:00 A.M. on any day, except as may be permitted by adoption of a Resolution of the Town Council."

SECTION 3. The Town Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code Section 21000, *et seq.*, and as further governed by 14 California Code of Regulations Section 15000, *et seq.*) pursuant to 14 C.C.R. Section 15061(b)(3) because there is no possibility that it will cause a significant effect on the environment, as regulating parking between the hours of 2:00 a.m. and 6:00

a.m. by resolution, as opposed to adoption of an ordinance, will not result in a substantial, or potentially substantial adverse change in the environment.

SECTION 4. This Ordinance shall be effective 30 days following its adoption by the Town Council.

SECTION 5. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 6th day of May 2015, and duly adopted at the next regular meeting of the Town Council on the ___ day of ____ 2015, by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Barbara Coler, Mayor

Attest:

Michele Gardner, Town Clerk

Date

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING CHAPTER 10.04 OF THE TOWN CODE
("UNIFORM TRAFFIC ORDINANCE ADOPTED")
TO ALLOW OVERNIGHT PARKING IN DOWNTOWN BY TOWN COUNCIL RESOLUTION

WHEREAS, the Town of Fairfax has adopted the Uniform Traffic Ordinance, with certain amendments, prepared and recommended by, among other organizations, the League of California Cities, to regulate traffic within the Town; and

WHEREAS, California Government Code § 22507(a) provides that cities and towns may, by ordinance or resolution, prohibit or otherwise restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all of or certain hours of the day; and

WHEREAS, the Town currently regulates all-night parking within the downtown business district (also known as the Town Center Area) through Town Code Section 10.04.120, which amends Section 11.8 of the Uniform Traffic Ordinance; and

WHEREAS, the Town Council desires the flexibility to allow overnight parking in designated areas of the downtown business district by adoption of resolution, rather than adoption of revisions to the Town Code;

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

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"Adopting U.T.O. § 11.8, All-Night Parking in Town Center Area"

SECTION 2. Fairfax Town Code, Title 10 ('Vehicles and Traffic'), Chapter 10.04 ('Uniform Traffic Ordinance Adopted'), Section 10.04.120 ('Adopting U.T.O. § 11.8, All-Night Parking in Town Center Area') is hereby amended to read as follows:

"The Uniform Traffic Ordinance Section 11.8 as adopted by § 10.04.120 of the Town Code, is hereby amended to read as follows:

Section 11.8. ALL NIGHT PARKING IN DOWNTOWN BUSINESS DISTRICTTOWN CENTER AREA PROHIBITED.

"No person shall stop, stand or park a vehicle on any street in the ~~downtown business district~~Town Center Area, as such area is defined in the Fairfax General Plan, for a period of time longer than 30 minutes between the hours of 2:00 A.M. to 6:00 A.M. on any day, except as may be permitted by adoption of a Resolution of the ~~amended by~~ Town Council Resolution in designated areas."

SECTION 3. The Town Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code Section 21000, *et seq.*, and as further governed by 14 California Code of Regulations Section 15000, *et seq.*) pursuant to 14 C.C.R. Section 15061(b)(3) because there is no possibility that it will cause a

significant effect on the environment, as regulating parking between the hours of 2:00 a.m. and 6:00 a.m. by resolution, as opposed to adoption of an ordinance, will not result in a substantial, or potentially substantial adverse change in the environment.

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ABSTAIN:
ABSENT:

Barbara Coler, Mayor

Attest:

Michele Gardner, Town Clerk

Date