



## STAFF REPORT

### TOWN COUNCIL MEETING OF MARCH 10, 2015

**TO:** Town Council

**FROM:** Town Manager

**SUBJECT:** First Reading of the attached ordinance amending Chapter 8.08.010/20: Use of streets or public parking facilities for storage of vehicles prohibited, of the Loomis Municipal Code.

**DATE:** February 10, 2015

#### STAFF RECOMMENDATION:

Staff recommends that the Town Council introduce for the first reading and subsequently adopt the proposed amended ordinance Chapter 8.08.010/20, Use of streets or public parking facilities for storage of vehicles prohibited, of the Loomis Municipal Code.

#### ISSUE AND DISCUSSION:

Similar to the issue of use of vehicles for the purpose of advertising an off premise business, an issue with Town's Municipal Code has come to light regarding the prohibition of the use of public streets and public parking facilities for storage of vehicles. Although the current Code prohibits the parking of such vehicles for periods exceeding 72 hours, there is no provision in the Code which addresses the minimum distance a vehicle must be moved to restart the "72 hour" clock. On several occasions, the Placer Sheriff Department has found that without a minimum limit in relocating a suspect vehicle, the owners argues that moving the vehicle as little a foot is sufficient, and unfortunately the Sheriff has nothing in the Municipal Code to point to.

The Sheriff's Department has requested that Town staff look into fixing the deficiencies in the Code.

#### PLANNING COMMISSION ACTION:

At their February 24, 2015 Planning Commission meeting, the Planning Commission voted unanimously to recommend the Town Council adopt the proposed ordinance amendment with the changes as highlighted in red under Chapter 8.08.010(B), below.

**CURRENT ORDINANCE:**

**8.08.010 Parking beyond seventy-two hours prohibited.**

No person who owns or has possession, custody or control of any vehicle (including any trailer) shall park such vehicle upon any highway (including any street or alley) for more than a consecutive period of seventy-two hours. (Ord. 47 § 1, 1987)

**8.08.020 Parking beyond seventy-two hours—Removal by police department.**

In the event a vehicle is parked or left standing upon a highway in excess of a consecutive period of seventy-two hours, any peace officer or employee of the town engaged in directing traffic or enforcing parking laws may remove the vehicle from the highway in the manner prescribed by the requirements of the Vehicle Code of the state of California. (Ord. 47 § 2, 1987)

**PROPOSED ORDINANCE CHANGES:**

Strike 8.08.020 and amend 8.08.010 to read:

**8.08.010 Parking beyond seventy-two hours prohibited.**

A. It is unlawful for any person who owns or has possession, custody or control of any vehicle, including a boat or trailer, to park or leave such vehicle upon any street, alley or public parking facility in the town for a period of 72 consecutive hours or more. For the purposes of this section, a vehicle shall be considered to have been parked or left standing for 72 or more consecutive hours if it has remained inoperable or has not been moved at least one-half mile during the 72-hour period. An inoperable vehicle is a vehicle that cannot be moved under its own power or a vehicle which cannot operate legally and safely on the highways of the state. If visible, the mileage reflected on the odometer of the vehicle shall be presumed to be an accurate indication of the distance that the vehicle has or has not been moved. Obstruction of the odometer of the vehicle will result in a presumption that the vehicle has not been moved. Absent any presumption, the totality of the circumstances, including, but not limited to, tire markings, vegetation and vehicle condition, shall be considered in determining whether the vehicle has or has not been moved.

B. In the event a vehicle is parked or left standing upon a street, alley or public parking facility in excess of a consecutive period of 72 hours, any regularly employed and salaried officer of the Sheriff department or employee of the town engaged in directing traffic or enforcing parking laws of the Town may **shall** issue a citation or remove or cause to be removed the vehicle **within 48 hours of issuing the citation** from the street, alley or public parking facility in the manner and subject to the requirements of the California Vehicle Code.

C. After any vehicle has been removed from a street, alley or public parking facility, the vehicle's registered and legal owners of record shall be given the opportunity for a post-removal hearing to determine the validity of the storage pursuant to the California Vehicle Code.

D. Recreational Vehicle Parking. Recreational vehicles, trailers, boats, boat or personal watercraft trailers, or any combination thereof may be parked upon a public street, public facility or public right-of-way in accordance with all posted regulations and in a safe manner for a maximum of 72 consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes. The 72-hour loading and unloading periods shall not occur more than two times in any 14-day period on any public street, portion thereof, or right-of-way and shall not be consecutive.

**PROCESS:**

Ordinances require two readings and are adopted after the second reading. The Ordinance will be effective thirty (30) days from the date of adoption.

**CEQA:**

There are no specific project(s) proposed or otherwise associated with this action, so there is no direct or reasonably foreseeable indirect physical change to the environment. As such, no further environmental documentation is required pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines.

**FINANCIAL IMPLICATIONS:**

There are no financial implications at this time.

**Attachments:**

AN ORDINANCE AMENDING Chapter 8.08.010 Parking beyond seventy-two hours prohibited.

# Town of Loomis

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING CHAPTER 8.08.010/20: USE OF STREETS OR PUBLIC PARKING FACILITIES FOR STORAGE OF VEHICLES PROHIBITED, OF THE LOOMIS MUNICIPAL CODE.

**WHEREAS**, the Town of Loomis wishes to amend specified portions of its Municipal Code dealing with use of the Town's streets or public parking facilities for storage of vehicles;

**NOW, THEREFORE**, the Loomis Town Council does ordain as follows:

Amendments:

Strike 8.08.020 and amend 8.08.010 to read:

## **8.08.010 Parking beyond seventy-two hours prohibited.**

A. It is unlawful for any person who owns or has possession, custody or control of any vehicle, including a boat or trailer, to park or leave such vehicle upon any street, alley or public parking facility in the town for a period of 72 consecutive hours or more. For the purposes of this section, a vehicle shall be considered to have been parked or left standing for 72 or more consecutive hours if it has remained inoperable or has not been moved at least one-half mile during the 72-hour period. An inoperable vehicle is a vehicle that cannot be moved under its own power or a vehicle which cannot operate legally and safely on the highways of the state. If visible, the mileage reflected on the odometer of the vehicle shall be presumed to be an accurate indication of the distance that the vehicle has or has not been moved. Obstruction of the odometer of the vehicle will result in a presumption that the vehicle has not been moved. Absent any presumption, the totality of the circumstances, including, but not limited to, tire markings, vegetation and vehicle condition, shall be considered in determining whether the vehicle has or has not been moved.

B. In the event a vehicle is parked or left standing upon a street, alley or public parking facility in excess of a consecutive period of 72 hours, any regularly employed and salaried officer of the Sheriff department or employee of the town engaged in directing traffic or enforcing parking laws of the Town shall issue a citation or remove or cause to be removed the vehicle within 48 hours of issuing the citation from the street, alley or public parking facility in the manner and subject to the requirements of the California Vehicle Code.

C. After any vehicle has been removed from a street, alley or public parking facility, the vehicle's registered and legal owners of record shall be given the opportunity for a post-removal hearing to determine the validity of the storage pursuant to the California Vehicle Code.

D. Recreational Vehicle Parking. Recreational vehicles, trailers, boats, boat or personal watercraft trailers, or any combination thereof may be parked upon a public street, public facility or public right-of-way in accordance with all posted regulations and in a safe manner for a maximum of 72 consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes. The

72-hour loading and unloading periods shall not occur more than two times in any 14-day period on any public street, portion thereof, or right-of-way and shall not be consecutive.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis duly held on the 10<sup>th</sup> day of March, 2015 and was approved and enacted at a duly held regular meeting or adjourned meeting of the Council held on the 10<sup>th</sup> day of March, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney