

ORDINANCE NO. 832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON
REPEALING SECTION 10.40.380 OF THE RIPON MUNICIPAL CODE AND ADDING CHAPTER
10.58 OF THE RIPON MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE

Section 10.40.380 of the Ripon Municipal Code, entitled “Parking Permits Prohibited” is hereby repealed in its entirety, and Chapter 10.58 of the Ripon Municipal Code, entitled “Residential Permit Parking Program”, is hereby added to read as follows:

Chapter 10.58 RESIDENTIAL PERMIT PARKING PROGRAM

Sections:

- 10.58.010 Legislative purpose.**
- 10.58.020 Legislative findings.**
- 10.58.030 Definitions.**
- 10.58.040 Designation of residential permit parking areas.**
- 10.58.050 Designation and annexation criteria.**
- 10.58.060 Designation/annexation process.**
- 10.58.070 Recommendation of the parking manager to designate an area as a residential permit parking area.**
- 10.58.080 Issuance of vehicle parking permits.**
- 10.58.090 Visitor permits.**
- 10.58.100 Modification of regulations in existing residential permit parking areas.**
- 10.58.110 Display of permit.**
- 10.58.120 Residential permit parking terms of use.**
- 10.58.130 Application for and duration of permit.**
- 10.58.140 Permit fees.**
- 10.58.150 Penalty provisions.**
- 10.58.160 Revocation of permits.**
- 10.58.170 Deletion of residential streets from residential permit parking areas.**

10.58.010 Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the city by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. As set forth in more specific detail in Section 10.58.020 of this chapter, such parking by nonresidents threatens the health, safety and welfare of all the residents of the City of Ripon. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park near their homes. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring alternatives to automobile travel available to nonresidents who park in these areas. For the reasons set

forth in this chapter and pursuant to the authority of Vehicle Code Section 22507, a system of preferential resident parking is enacted for the City of Ripon.

10.58.020 Legislative findings.

A. General Findings. The City Council finds that serious adverse effects in certain areas and neighborhoods of the City of Ripon result from motor vehicle congestion, and in neighborhoods by nonresidents who do not visit or conduct business with residents. The permit program established by this chapter will relieve these serious adverse affects by:

1. Reducing potential hazardous traffic conditions;
2. Protecting such areas and neighborhoods from polluted air, excessive noise, trash and refuse caused by the entry and exit of such motor vehicles;
3. Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residence;
4. Preserving the character of such areas and neighborhoods as residential; promoting the efficiency of the maintenance of the streets of such areas and neighborhoods in a clean and safe condition;
5. Preserving the value of property in such areas and neighborhoods;
6. Preserving the safety of children and other pedestrians;
7. Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the City of Ripon.

B. Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this chapter. These findings do not exhaust the subject of the factual basis supporting the enactment of this preferential resident parking program.

1. The safety, health, and welfare of the residents of the City of Ripon can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;
2. Certain neighborhoods and areas of the City of Ripon have marginally sufficient or insufficient on- or off-street space to accommodate the convenient parking of motor vehicles by residents in the vicinity of their homes;
3. Some neighborhoods and areas as described in subsection (B)(3) of this section are often burdened by the parking in such neighborhoods and areas of motor vehicles owned by nonresidents which compete for the available on-street parking spaces;
4. There exists certain parking “generators” within the City of Ripon, i.e., regional recreation areas, and schools, which attract nonresidents to residential areas to seek parking which increases the severity of the shortage of space for resident parking in such neighborhoods and residential areas;

5. Unnecessary vehicle miles, noise, pollution, and strain on interpersonal relationships caused by the conditions set forth herein create unacceptable hardships on residents of these neighborhoods and areas by causing the deterioration of air quality, safety, tranquility, and other values of the urban residential environment;

6. If allowed to continue, these adverse effects on the residents of the City of Ripon will contribute to a decline of the living conditions therein, a reduction in the attractiveness of residing within the City, and consequent injury to the general public welfare; and, enacted in this chapter will serve to promote the safety, health and welfare of all the residents of the City by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvement in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by preserving a more stable and valuable property tax base in order to generate the revenues required to provide essential public services.

10.58.030 Definitions.

“Annexation” means adding additional blockfaces to an existing residential permit parking area.

“Blockface” means one side of a city block between two intersections.

“Motor vehicle” includes an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds gross weight.

“Occupancy rate” means the ratio of available parking spaces to the number of vehicles parked in such spaces.

“Owns” means that a person has at least one-quarter of the fee interest in a parcel of real property within a residential permit parking area.

“Parking Manager” means the person designated by the Chief of Police to administer the provisions of this chapter.

“Parking study” means the counting of vehicles parked in a selected area during selected days and times to evaluate the ratio of available parking spaces to the number of vehicles parked in the area.

“Resident” means a person who lives in the residential area on a permanent basis.

“Residential area” means a contiguous or nearly contiguous area where residents live and which contains public streets and highways.

“Residential permit parking area” means a residential area designated as provided for in this chapter in which motor vehicles displaying a valid permit shall be exempt from parking regulations established pursuant to this chapter.

“Resident permit” means any vehicle, visitor or temporary permit issued for the purpose of parking in a residential permit parking area

10.58.040 Designation of residential permit parking areas.

The City Council may, by resolution, designate any residential area as a residential permit parking area. The resolution shall state the boundaries of the area, applicable parking regulations, and fees, if any, to be charged upon permit issuance.

10.58.050 Designation and annexation criteria.

In determining whether a residential area may be recommended to the City Council as a residential permit parking area or annexed into an existing residential permit parking area, the Parking Manager shall take into account factors which include, but are not limited to:

- A. The desire and need of the residents for residential permit parking; and
- B. The extent that motor vehicles are parked in the residential area during the period proposed for parking regulations.

10.58.060 Designation/annexation process.

A. Persons desiring the designation of a residential permit parking area or annexation of an area to an existing residential permit parking area shall consult with the Parking Manager to tentatively establish the boundaries of the area proposed for designation or annexation.

B. If the Parking Manager determines there is a significant show of interest by the residents in the residential area proposed for designation or annexation, the Parking Manager shall undertake a parking study to determine the appropriate residential permit parking regulations for the area.

C. The parking study occupancy rates shall determine the parking restrictions as follows: occupancy rates of eight-five (85) percent or more shall support a parking limitation of one hour or less; occupancy rates of more than fifty (50) percent but less than eighty-five (85) percent shall support a parking limitation of more than one hour; and occupancy rates of fifty (50) percent or less, shall result in no change to the current parking restrictions. In addition, if occupancy rates are fifty (50) percent or less the Parking Manager shall decline a request to designate or annex the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for residential permit parking.

D. If the parking study shows more than a fifty (50) percent occupancy rate, the Parking Manager shall undertake voting surveys of the owners of the properties located on the blockface(s) for the areas proposed for designation or annexation to determine support or opposition to the proposed designation or annexation. Unless a majority of voting surveys are returned with at least two-thirds of the returned surveys showing support for the designation or annexation, the area shall not be designated or annexed as a residential permit parking area.

E. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation or annexation of the area as a residential permit parking area, the Parking Manager shall recommend to the City Council to designate or annex the area as a residential permit parking area. Following the City Council approval, the Parking Manager shall mail notices to the residents of the proposed new or annexed residential permit parking area setting forth the proposed location and boundaries of the area, the proposed residential permit parking regulations, and the fees, if any, to be charged upon permit issuance.

10.58.070 Recommendation of the Parking Manager to designate an area as a residential permit parking area.

A. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation or annexation of an area as a residential permit parking area, the Parking Manager shall recommend by written report to the City Council, whether to designate the residential area under consideration as a residential permit parking area.

B. The report of the parking manager shall set forth the results of the parking study, the voting survey, and the proposed boundaries and regulations of the residential permit parking area.

10.58.080 Issuance of vehicle parking permits.

A. Vehicle parking permits shall be issued by the Parking Manager. Each permit shall state the specific residential permit parking area, the license number of the motor vehicle for which it is issued, and any additional information required by the parking manager to enforce the provisions of this chapter. Only one parking permit shall be issued for each motor vehicle. The requirements governing the manner in which persons qualify for vehicle parking permits in each residential permit parking area shall be established by the Parking Manager and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit will be issued.

B. Vehicle parking permits may be issued for motor vehicles only upon application of the following persons:

1. A resident of the residential permit parking area who owns a motor vehicle registered with the California Department of Motor Vehicles at the address where the resident lives;

2. A resident of the residential permit parking area who has a company leased or company-owned vehicle regularly parked in the area;

3. A person who owns or leases commercial property located in the residential permit parking area, who actively engages in business activity at the property and uses a motor vehicle for such business activity which is registered with the California Department of Motor Vehicles in the name of the business and the address of the commercial property; and

4. A resident of the residential permit parking area on active military duty with the United States Armed Forces who maintains a separate vehicle registration address.

10.58.090 Visitor permits.

The Parking Manager is authorized upon application to issue visitor permits to residents and owners of residential properties that are located within a residential permit parking area for use by transient visitors. The requirements governing the manner in which persons shall qualify for visitor permits in each residential permit parking area shall be established by the Parking Manager and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit is issued.

10.58.100 Modification of regulations in existing residential permit parking areas.

A. Person(s) desiring to modify the parking regulations of an existing residential permit parking area shall consult with the Parking Manager to establish the proposed changes and blockface(s) impacted.

B. If the Parking Manager determines there is a significant show of interest by the residents in a residential area to modify the parking regulations in an area, the Parking Manager shall undertake a parking study to determine if the parking regulations for the area should be modified.

C. The parking study occupancy rates shall determine the parking restrictions as set forth in Section 10.58.060 (C).

D. In the event that the parking study demonstrates an occupancy rate of fifty (50) percent or less, the Parking Manager shall decline a request to modify parking regulations for the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for a modification of regulations.

E. If the parking study occupancy rate is more than fifty (50) percent, the Parking Manager shall mail out notices to the residents of the area proposed for modification. The notices shall set forth the parking regulation modifications and the boundaries of the area. The Parking Manager shall have the authority to cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently the parking regulations and conditions and the terms of use for permit parking.

10.58.110 Display of permit.

Permits shall be displayed in a manner determined by the Parking Manager.

10.58.120 Residential permit parking terms of use.

A motor vehicle displaying a valid residential parking permit may park in the residential permit parking area for which the permit has been issued and within three city blocks from the end of the city block of the address to which the permit is issued without being limited by parking regulations established pursuant to this chapter. The motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this chapter. All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations established pursuant to this chapter.

A residential parking permit shall not guarantee or reserve to the holder an on-street parking space within the designated residential permit parking area.

10.58.130 Application for and duration of permit.

Except as otherwise provided, each vehicle parking permit or visitor parking permit issued by the Parking Manager shall be valid for no more than one (1) year based on the permit renewal cycle. Permits may be renewed upon reapplication in the manner required by the Parking Manager. Each application or reapplication for a residential parking permit shall contain information sufficient to identify the applicant, his or her residence address or address of real property owned or leased within residential permit parking area, the license number of the motor vehicle for which application is made (for vehicle parking permits), and such other information that may be deemed relevant by the Parking Manager.

10.58.140 Permit fees.

The fee, if any, for eligible residents or businesses within the residential permit parking area for a residential parking permit shall be established by resolution of the City Council.

10.58.150 Penalty provisions.

A. It is a violation of this chapter, unless expressly provided to the contrary, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter. Any such violation shall be punished under the applicable provisions of the Vehicle Code of the State of California or the provisions of Section 1.08.030 of the Ripon Municipal Code. In addition to any other remedy provided in the Vehicle Code or the Ripon Municipal Code, the Ripon Police Department may tow any motor vehicle found to be standing or parked in violation of this Chapter, at the owner's expense.

B. It is unlawful and a violation of this chapter for a person to falsely represent him or herself as eligible for a residential parking permit or to furnish false information in order to obtain a permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars (\$500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

C. It is a violation of this chapter, unless expressly provided to the contrary, for a person holding a valid residential parking permit issued pursuant to this chapter, to permit the use or display of the permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of the chapter both by the person holding the valid residential parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued. Any such violation shall be punished under the applicable provisions of the Vehicle Code of the State of California or the provisions of Section 1.08.030 of the Ripon Municipal Code. In addition to any other remedy provided in the Vehicle Code or the Ripon Municipal Code, the Ripon Police Department may tow any motor vehicle found to be in violation of this Section, at the owner's expense.

D. It is a violation of this chapter to use, or allow to be used, any residential parking permit for commuter parking. Use of any residential parking permit for commuter parking shall mean: (1) use of a residential parking permit more than three city blocks from the address for which it is issued; or (2) use of a residential parking permit for the purpose of parking to go to one's place of employment or educational institution. Use of a residential parking permit for commuter parking shall constitute a violation of this chapter both by the person to whom the residential parking permit was issued and by the registered owner of the vehicle upon which the residential parking permit is displayed. Any such violation shall be punished under the applicable provisions of the Vehicle Code of the State of California or the provisions of Section 1.08.030 of the Ripon Municipal Code. In addition to any other remedy provided in the Vehicle Code or the Ripon Municipal Code, the Ripon Police Department may tow any motor vehicle found to be in violation of this Section, at the owner's expense.

E. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars (\$500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

10.58.160 Revocation of permits.

In the event a residential parking permit is being used in a manner which violates this chapter, the Parking Manager may cancel the permit by issuing notice to the holder of the permit. In addition to canceling any residential parking permit used in violation of this chapter, the Parking Manager may deny any further application for a residential parking permit by any person who has used a residential parking permit in violation of this chapter or any application for a residential parking permit by any person for the residence in which such person resides as long as that person who used a residential parking permit resides there. Any person aggrieved by such a determination made by the Parking Manager shall have the right to appeal to the Chief of Police within ten (10) days of such determination.

10.58.170 Deletion of residential streets from residential permit parking areas.

A. Persons desiring the deletion of a residential permit parking area or portion of a residential permit parking area shall consult with the Parking Manager to tentatively establish the boundaries of the area proposed for deletion.

B. If the Parking Manager determines there is a significant show of interest by the residents in a residential permit parking area for deletion of the area as a residential permit parking area, the Parking Manager shall undertake a parking study to determine whether deletion of the area is appropriate. In the event that the parking study demonstrates an occupancy rate of more than fifty (50) percent, the Parking Manager shall decline a request to delete the residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for deletion of the residential permit parking area or a portion of the residential permit parking area.

C. If the parking study shows a fifty (50) percent or less occupancy rate, the Parking Manager shall undertake voting surveys to determine support or opposition to the proposed deletion by property owners of the properties located on the blockface(s) for the area proposed for deletion. Unless a majority of voting surveys are returned with at least two-thirds voting in favor of the deletion, the area shall not be deleted as a residential permit parking area.

D. After determining that a majority of the voting surveys are returned with at least two-thirds voting in support of deletion of the area as a residential permit parking area, the Parking Manager shall mail notices to the residents of the residential permit parking area. The notices shall set forth the proposed location and boundaries of the area to be deleted.

E. If it appears, based on the parking study and the voting survey, that the general consensus within the proposed residential permit parking area is in favor of deleting a residential area as a residential permit parking area, the Parking Manager shall provide his or her recommendations by written report to the City Council, whether to delete the residential area under consideration as a residential permit parking area.

SECTION 2.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 3.

If any provision of this section or the application thereof to any Person or circumstance is held **invalid**, such invalidity shall not affect other provisions or applications of the chapter which can be effective without the invalid provision or application, and to this end the provisions of this section are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the **validity** of any particular portion thereof.

SECTION 4.

This ordinance shall become effective thirty (30) days after its final passage and shall be published at least once within fifteen (15) days prior to its effective date in the Ripon Record, the **official** newspaper of the City of Ripon.

The foregoing ordinance was introduced and the title thereof read at the regular meeting **of** the City Council of the City of Ripon held on the 12th day of January, 2016, and by majority vote **of** the council members present, further reading was waived.

On a motion by Councilperson Dean Uecker, seconded by Councilperson Mark Winchell, the foregoing ordinance was duly passed and adopted by the City Council of the City of Ripon at a regular meeting thereof held on this 9th day of February, 2016, by the following vote, TO WIT:

AYES:	Uecker, Winchell, Parks, Restuccia
NOES:	None
ABSENT:	Zuber
ABSTAINING:	None

THE CITY OF RIPON,
A Municipal Corporation

By:


JACOB PARKS, Mayor

ATTEST:


LISA ROOS, City Clerk