

February 15, 2005

NOTE TO FILE:

Corrections to Ordinance No. 032-04 CS, **Amending the Stockton Municipal Code by Adding Part XV to Chapter 10 Thereof, Relating to Residential Parking Permits**, were authorized and initialed off by the City Attorney's Office on February 7, 2005.

KATHERINE GONG MEISSNER  
CITY CLERK

ORDINANCE NO. 032-04 C.S.

AN ORDINANCE OF THE CITY OF STOCKTON AMENDING THE STOCKTON MUNICIPAL CODE BY ADDING PART ~~XIV~~ TO CHAPTER 10 THEREOF, RELATING TO RESIDENTIAL PARKING PERMITS. <sup>XV</sup>

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE.

The Stockton Municipal Code is hereby amended by adding Part XIV to Chapter 10 thereof to read in its entirety as follows:

PART ~~XIV~~ XV *MM*

RESIDENTIAL PARKING PERMITS

SEC. 10-400. PURPOSE.

This Part 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 thereof who do not visit or conduct business with residents. As more specifically set forth in Section 10-401, such parking by nonresidents threatens the health, safety and welfare of the residents of the City. In order to protect such residents and promote well-being in impacted neighborhoods, it is necessary to enact the residential parking system established by this Part.

SEC. 10-401. FINDINGS.

The residential permit parking system established by this Part will relieve the serious adverse effects of motor vehicle congestion by:

- (a) Reducing potential hazardous traffic conditions resulting from the long-term parking of nonresident motor vehicles in neighborhoods.
- (b) Protecting such areas and neighborhoods from polluted air, excessive noise, and trash and refuse caused by the entry and exit of such motor vehicles;
- (c) Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residences;

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(d) 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;

(e) Preserving the value of property in such areas and neighborhoods;

(f) Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the City.

The above-stated findings of the City Council in support of residential permit parking are set forth as illustrations of the need compelling the enactment of this Part. These findings do not exhaust the subject of the factual basis supporting the enactment of this residential permit parking program.

#### SEC. 10-402. DEFINITIONS.

For purposes of this Part, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Block face" means one side of a street between two intersecting streets.

(b) "Nonresident vehicle" means a motor vehicle parked in a residential permit parking area by a person not a resident thereof.

(c) "Dwelling unit" means a house, apartment or other residence with an assigned address as used by the U.S. Postal Service or as listed in the City directory.

(d) "Lease" means that a person pays rent or other remuneration for use of a parcel of real property as his/her residence.

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

(f) "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.

(g) "Residential permit parking area" means an area designated as herein provided wherein motor vehicles displaying a valid permit as described herein shall be exempt from the time limit parking regulations which would otherwise be applicable under this Part.

(h) "Resident" means a person who dwells in the residential permit parking area on a permanent basis.

(i) "Resident permit" means a permit issued by the Administrative Services Department for use on a resident vehicle while parked in a residential permit parking area.

(j) "Resident Vehicle" means a motor vehicle owned or under the control of a resident and regularly parked in the residential permit parking area in which the resident resides.

(k) "Visitor's Permit" means a permit issued to a resident for residential permit parking in a residential permit parking area.

#### SEC. 10-403. DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS.

The City Council, in accordance with the requirements of this Part, may designate as a residential permit parking area any area which satisfies the criteria established in this Part. Such areas shall be designated by resolution, and shall consist of at least four contiguous block faces. Study areas may be larger than are actually posted, but residential permit parking will be in effect only in the area actually posted as such. Upon designation as a residential permit parking area, motor vehicles displaying a valid parking permit may stand or be parked without limitation by parking time zone and regulations except as specifically set forth in the resolution. Said resolution shall also state the applicable fees to be charged upon permit issuance.

#### SEC. 10-404. CRITERIA FOR DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS.

(a) An area shall be deemed eligible for consideration as a residential permit parking area if, based on surveys and studies prepared at the direction of the City Traffic Engineer, objective criteria establish that the area is adversely affected by nonresident vehicles for any extended period during the day or night, on weekends, or during holidays.

(b) In determining whether an area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Traffic Engineer and the City Council shall take into account factors which include, but are not limited to, the following:

(1) The extent of the desire and need of the residents for residential permit parking, demonstrated by a verified petition containing signatures of at least 51% of the dwelling units (percentage to be based on the number of units/one signature per unit) within the proposed area. An area shall be comprised of not less than four (4) block faces.

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking regulations. A block face shall have a minimum occupancy of 70% for a minimum of four hours, two days a week, to be considered eligible for residential permit parking.

(3) The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles.

#### SEC. 10-405. DESIGNATION PROCESS.

(a) Upon receipt of a verified petition by the residents of at least 51% of the dwelling units in an area proposed for designation, the City Traffic Engineer shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether the area is eligible for Residential Permit Parking. Such surveys or studies shall be completed within one hundred twenty (120) days of receipt of the petition unless otherwise provided by the City Council.

(b) Within thirty (30) days of the completion of surveys and studies to determine whether designation criteria are met, the City Traffic Engineer shall report the results to the City Council. If the City Traffic Engineer recommends the adoption of the Residential Permit Parking Area, the item shall be placed on the City Council Agenda for consideration by the City Council.

#### SEC. 10-406. DETERMINATION OF THE CITY COUNCIL.

Upon the completion and submission of the surveys and studies conducted with regard to a particular residential area, the City Council shall, by resolution based on such surveys and studies performed, determine whether to designate the area under consideration as a Residential Permit Parking Area.

#### SEC. 10-407. ISSUANCE OF PERMITS.

(a) Parking permits shall be issued by the Administrative Services Department. Each such permit shall be designed to state or reflect thereon the particular residential permit parking area as well as any other information deemed necessary by the City Traffic Engineer.

(b) Upon request, each residential unit shall be issued up to two parking permits and one visitor's permit.

The Administrative Services Department is authorized upon application to issue visitor parking permits to residents of a residential permit parking area for use of bona fide transient visitors therein.

**SEC. 10-408. POSTING OF RESIDENTIAL PERMIT PARKING AREA.**

Upon the adoption of the City Council of a resolution designating a residential permit parking area, the City Traffic Engineer shall cause appropriate signs, markings and/or meters to be erected in the area, or any part thereof, indicating prominently thereon the parking regulations and conditions under which permit parking shall be permitted. Residential permit parking shall be in effect only in the area within the area which has been posted.

**SEC. 10-409. DISPLAY OF PERMITS.**

Permits shall be displayed in a manner determined by the Police Chief.

**SEC. 10-410. PERMIT PARKING EXEMPTION.**

(a) Any resident operable motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by the time limit designated for that area. Notwithstanding the foregoing the motor vehicle shall not be exempt from time limit parking restrictions which would otherwise be applicable under other relevant provisions of the Stockton Municipal Code or the California Vehicle Code.

(b) All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations adopted as provided in this Chapter as well as the penalties provided for herein. This restriction shall not apply to emergency vehicles, delivery or other vehicles providing a service to property within the area, nor vehicles properly displaying a disabled person placard.

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

**SEC. 10-411. APPLICATION FOR AND DURATION OF PERMIT.**

Permits may be renewed annually upon reapplication in the manner required by the Administrative Services Department. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his/her residence

address of real property owned or leased within a residential permit parking area, and the license number of the motor vehicle for which application is made and such other information as may be deemed relevant by the Administrative Services Department.

**SEC. 10-412. RULES AND REGULATIONS,**

The City Manager shall establish rules and regulations for the issuance of residential parking permits that shall not be inconsistent with this Part. Such rules and regulations shall be amended from time to time by the City Manager of the City.

**SEC. 10-413. PENALTY PROVISIONS.**

(a) It shall be unlawful and a violation of this Part, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle contrary to the parking regulations established pursuant hereto. Such violation shall be an infraction punishable by a fine as established by the judicial council of the court.

(b) It shall be unlawful and a violation of this Part for a person to falsely represent himself/herself as eligible for a parking permit or to furnish false information in an application therefore to the Administrative Services Department.

(c) It shall be unlawful and a violation of this Part for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this Part both by the person holding the valid parking permit and the person who so uses or display the permit on a motor vehicle other than that for which it is issued.

(d) It shall be unlawful and a violation of this Part for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area.

(e) Upon conviction of subsections (b), (c) or (d) of this section, a person shall be punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment for a period not exceeding six (6) months, or both.

**SEC. 10-414. REVOCATION OF PERMITS.**

(a) The Police Chief is authorized to revoke the residential parking permit of any person found to be in violation of this Part, and, upon written notification thereof, the person shall surrender such permit to the Administrative Services Department. Failure, when so requested, to surrender a revoked residential parking permit shall constitute a violation of law and this Part and shall be punishable as an infraction.

(b) In the event the Police Chief has good cause to believe that any person is abusing the visitor or special event permit system described in this Part, the Chief will notify the Administrative Services Department which may deny any further application for a visitor or special event permit by such person abusing the system. Any person aggrieved by such a determination made by the Police Chief shall have the right to appeal to the City Manager within ten (10) days of such determination. In the event of such appeal, the determination of the City Manager shall be final.

SEC. 10-415. EXPIRATION DATE.

This Part shall expire on December 31, 2005, unless extended by the City Council of the City of Stockton.

SECTION 2. SEVERABILITY.

If the event any section or portion of this Part shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective and be in full force from and after thirty (30) days from its passage.

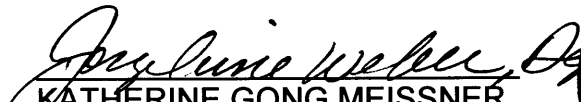
ADOPTED: OCT 26 2004

EFFECTIVE: NOV 25 2004



GARY A. PODESTO, Mayor  
of the City of Stockton

ATTEST:

  
KATHERINE GONG MEISSNER  
City Clerk of the City of Stockton



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