

ORDINANCE NO. 988

AN ORDINANCE OF THE TOWN OF CORTE MADERA TO (A) AMEND CHAPTER 10.44 OF THE MUNICIPAL CODE TO ESTABLISH A RESIDENTIAL PARKING PERMIT PROGRAM TO RESTRICT NON-RESIDENTS FROM PARKING ON RESIDENTIAL STREETS DESIGNATED BY TOWN COUNCIL BY RESOLUTION, AND (B) AMEND CHAPTERS 1.04, 10.12, 10.40, 10.46 AND 10.47 OF THE MUNICIPAL CODE TO MAKE ADMINISTRATION OF THE TOWN'S PARKING PERMITS PROGRAMS CONSISTENT AND TO MAKE OTHER MINOR NONSUBSTANTIVE CHANGES

WHEREAS, the Town is authorized to establish preferential parking privileges within its jurisdiction to prioritize the parking of adjacent residents and/or merchants, by ordinance or resolution, pursuant to California Vehicle Code section 22507; and

WHEREAS, it is the intent of the Town to establish a Residential Parking Permit Program to restrict parking on residential streets designated by the Town Council, by resolution in order to prevent parking on those streets for non-residential uses; and

WHEREAS, the Town desires to also modify the other Corte Madera Municipal Code sections affecting penalties, restricted parking, private driveway parking and library parking permits to make minor nonsubstantive changes for consistency in administration.

NOW THEREFORE, the Town Council of the Town of Corte Madera does hereby ordain as follows:

SECTION 1. Amendment to Title 1 of the Municipal Code.

Corte Madera Municipal Code Title 1, Chapter 1.04 is hereby amended to read as follows:

Chapter 1.04 - PENALTY

1.04.010 - Penalty for violations.

(a) Except as set forth in subsection (b) below, or as otherwise provided for in the Code, any person violating the mandatory requirements of this code is guilty of a misdemeanor. Any person convicted of a misdemeanor under this code shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

(b) Any person violating any of the provisions or failing to comply with any of the requirements of Title 18 of this code shall be guilty of an infraction. Penalties for infraction shall be as set forth in Government Code Section 36900.

SECTION 2. Amendments to Title 10 of the Municipal Code.

Title 10 of the Corte Madera Municipal Code is hereby amended to read as follows:

Chapter 10.12 - ENFORCEMENT

10.12.090 - Vehicle removal from streets.

Any member of the police authority of this Town may remove or cause to be removed:

- (1) Any vehicle that has been parked or left standing upon a street or highway for seventy-two or more consecutive hours consistent with Section 10.40.050 of this title;
- (2) Any vehicle which is parked or left standing upon a street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by ordinances or resolution of this Town and signs are posted giving notice of such removal;

- (3) Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicles would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least seventy-two hours prior to the removal;
- (4) Any vehicle parked or left standing in violation of any of the provisions contained in Chapters 10.40 or 10.44 of this title, as long as signs are posted giving notice of the Town's right to remove such vehicles, if such signs are otherwise required by state or Town law;
- (5) Any vehicle parked or left standing in violation of any state or federal law, the enforcement of which may be exercised by the police authority and for which removal of the vehicle is permitted by law.

SECTION 3. Amendments to Title 10 of the Municipal Code.

Title 10, Chapter 10.40 of the Corte Madera Municipal Code is hereby amended to read as follows:

10.40.045 - Designated parking areas; infractions

- (a) The Public Works Director, traffic engineer, or that person's designee is authorized to install and maintain parking space markings to indicate where authorized parking is permitted and shall erect signs giving notice thereof. When such parking space markings are placed on the streets, no vehicle shall be stopped, left standing, or parked other than within the space markings. No portion of a vehicle shall extend beyond the markings.
- (b) The streets upon which the markings specified in subsection (a) above shall be placed and the locations of those markings shall be identified, described and/or shown by resolution adopted by the Town Council from time to time.
- (c) Any violation of the restrictions set forth in subsection (a) shall be unlawful and constitute an infraction.

SECTION 4. Amendments to Title 10 of the Municipal Code.

Chapter 10.44, Section 10.44.100 of Title 10 of the Corte Madera Municipal Code Title 10, is hereby enacted as follows:

Chapter 10.44 - RESTRICTED PARKING

10.44.100 – Residential Parking Permit Program

(a) Establishment of a Residential Parking Permit Program

- (1) The Town Council hereby establishes a residential parking permit program for the purpose of prioritizing the parking of vehicles of residents on public streets in certain areas within the Town that the Town Council may designate by resolution from time-to-time. Any resolution adopted pursuant to this Chapter shall specify the specific streets, or portions thereof, that are subject to the residential parking permit program established. The Town Council may, by resolution, amend or alter the boundaries of the areas of any established residential parking permit program, or repeal any established residential parking permit program.
- (2) In accordance with the boundaries of any residential parking permit program established by resolution of the Town Council, the Public Works Director or that person's designee shall provide notice of the areas affected by the residential parking permit program by placing and maintaining signs or curb markings indicating that the standing or parking of

vehicles in excess of the permitted time limit is prohibited, unless a valid permit is displayed in accordance with this Chapter.

(b) Residential Parking Permit Privileges.

(1) Vehicles displaying a valid residential parking permit, as provided for in this chapter, shall be permitted to stand or park in excess of the posted time limits in the particular residential parking permit areas for which the permit has been issued.

(2) Any vehicle that does not display a valid residential parking permit shall not stand or park in designated residential parking permit areas in excess of the posted time limits and shall be subject to citation and/or fines.

(3) Vehicles displaying a valid residential parking permit shall comply with all other applicable Town ordinances, state and federal laws, including, but not limited to, Section 10.40.50 of this title, which prohibits persons from parking vehicles upon any street or alley for more than seventy-two consecutive hours.

(c) Exceptions to Residential Parking Permit Restrictions.

A permit is not required to stand or park vehicles in designated residential parking permit areas in excess of the posted time limits for vehicles displaying a valid handicap placard, handicap license plate, veteran license plate, a town-issued permit or commercial business license if performing work within the designated area.

(d) Residential Parking Permit Issuance; Application; Display; Fees

(1) Residents living in a designated residential parking permit program area are eligible to receive a parking permit for each vehicle registered with the Department of Motor Vehicles to their home address, provided that there are no outstanding citations or fines associated with the vehicle.

(2) Residential parking permits shall be issued by the Director of Public Works, or that person's designee, subject to the residential parking permit rules and regulations set forth under this Chapter, and any additional requirements that may be adopted by resolution of the Town Council from time to time.

(3) Residents living in a designated residential parking permit program area who are authorized drivers of vehicles that are not registered to an address within the permit area may be eligible to receive a parking permit for said vehicle, provided the Director of Public Works finds good cause exists to waive the conditions set forth in (d)(1), and the applicant provides proof of residence in the designated permit area and an addendum to the application that explains the reason why the applicant's vehicle is not registered to an address within the permit area.

(4) Permits shall be issued to specific vehicles and may not be transferred to other vehicles. Residents may not transfer permits to their guests.

(5) Residents may submit an application for guest vehicle parking permits. It is within the discretion of the Town Manager, or that person's designee, to issue guest vehicle parking permits for the designated residential parking permit area. Vehicles displaying valid guest parking permits are subject to the same rules and regulations applicable to residential parking permits issued under this Section 10.44.100.

(6) To be considered valid, permits must be displayed inside the lower left windshield of the vehicle. Permits that are affixed to the inside of a tinted window, or not visible from the outside of the vehicle by a police officer, or other Town-authorized code enforcement or citation officer, are not considered valid.

(7) Until June 30, 2020, there shall be no fee incurred or charged to residents who apply for and/or receive residential parking permits under Section 10.44.100. The Town Council may

set by resolution an annual fee for permits issued under this Section 10.44.100 effective June 30, 2020.

(e) Residential Parking Permit Violations, Enforcement, and Fines

(1) Violations. It is unlawful, and shall constitute an infraction, for any person to do, or cause to be done, any of the following:

- (i) To commit any act that is prohibited under subsection (b).
- (ii) To permit the use or display of, or to use or display, a permit issued under this chapter on a vehicle in a manner inconsistent with that for which the permit was issued;
- (iii) To copy, reproduce or otherwise bring into existence a counterfeit preferential parking permit that has not been issued under this chapter;

(2) Fines. Any person found in violation of Section 10.44.100 shall be subject to a fine of \$100 for the first violation; a fine of \$200 for a second violation within the next twelve months; and a fine of \$500 for each additional violation within the next twelve months.

(3) Enforcement. Any vehicle found in violation of this chapter may be cited, towed, or both, by the Central Marin Police Authority or the Town.

(f) Revocation of Residential Parking Permit

The residential parking permit may be revoked by the Director of Public Works if the Director determines that the permit holder, or that person's vehicle, is in violation of Section 10.44.100.

(g) Appeal of Revocation or Denial of Residential Parking Permit

Any person whose permit is revoked, or permit application denied, may appeal the decision by filing a written appeal with the Town Clerk within ten (10) calendar days after the date of the decision. The clerk shall schedule a hearing before the town manager or the town manager's designee, within thirty-five (35) calendar days. The town manager, or the town manager's designee, after consideration of the appeal, may approve, modify or overrule said decision, and such action shall be final.

SECTION 5. Amendments to Title 10 of the Municipal Code.

Title 10, Chapter 10.46 of the Corte Madera Municipal Code is hereby amended to read as follows:

Chapter 10.46 - PERMIT PARKING IN FRONTS OF PRIVATE DRIVEWAYS AND GARAGES

10.46.010 - Permit—Requirements.

It is unlawful and shall constitute an infraction for any person to park on public streets in such a manner that blocks street access to a private driveway or garage without a permit as required under this chapter.

10.46.020 - Permit—Application.

The Director of Public Works, or that person's designee, shall prescribe and provide an application for use by residents for permits required to park in the front of private driveways and garages. The application shall include such information and details, including maps, diagrams and other exhibits, as the Director of Public Works may deem necessary to establish the exact location and proposed dimensions of the proposed parking area.

10.46.030 - Permit—Action on application.

The Director of Public Works, or that person's designee, may issue or renew a permit to the property owner or lessee or designated representative only if the Director, or that person's designee, finds all of the following conditions to exist:

- (1) If parking is proposed for the front of a garage, the owner or lessee attests that the garage will be available at all times and used for parking of operable vehicles. Applicants shall make the garage available for a scheduled inspection by town staff to verify the availability of a garage for parking.
- (2) The proposed parking area is large enough to accommodate a vehicle without any part of the vehicle extending into the traveled way, sidewalk, or parkway.
- (3) The proposed parking area is not required as a pull-out area for vehicles passing each other.
- (4) The proposed parking area will not adversely affect turning movements, access to or from other legal parking areas, required sight distances, safe pedestrian circulation, traffic safety, or other public health and safety requirements, specifically, emergency vehicle access and operations.

Applications may be approved, conditionally approved, or denied. Where the Director of Public Works finds that the application is in accordance with this chapter, the Director shall issue a parking permit, attaching such conditions as the Director may deem necessary for the health, safety, and welfare of the public. If the Director finds the application is in conflict with the provisions of this chapter, the Director shall deny the permit, giving in writing the reasons for said denial.

10.46.040 - Form and validity.

Permits shall be in a form prescribed by the Director of Public Works and no permit shall be valid unless signed by the Director of Public Works. The permit shall be prominently displayed in the front windshield of any vehicle parked in front of a private garage or driveway.

10.46.050 - Term.

The parking permit shall be valid for one year, renewable thereafter for a period of time determined by the Public Works Director, if all the permit conditions of approval are found to be maintained. The permit shall be valid only for the owner or lessee applying for the permit, and shall not be transferable. The permittee shall be responsible for maintaining the permit and ensuring that the permit is prominently displayed in the front windshield of any vehicle parked in front of the private driveway or blocking street access to the garage. The parked vehicle may be owned, leased, or rented by a resident of the property or by guests.

10.46.060 - Fees.

Fees for the parking permits will be those recommended by the Public Works Director or Town Engineer and established and adopted by the Town Council from time to time by resolution.

10.46.070 – Revocation of Permit

The permit may be revoked by the Director of Public Works upon written notice if the Director determines that parking authorized by the permit violates any of the conditions set forth in Section 10.46.030. If a permit is revoked because of violations of conditions of approval, no application for renewal shall be accepted by the town for twelve months following revocation.

10.46.080 - Appeal.

Decisions of the Director of Public Works conditioning, denying or revoking a parking permit application may be appealed by any interested party by filing a written appeal, within ten calendar days after the date of the Director's decision, with the town clerk who shall schedule a

hearing before the Town Manager within thirty-five (35) calendar days. The Town Manager, after consideration of the appeal, may approve, modify or overrule said decision. The action of the Town Manager shall be final.

SECTION 6. Amendments to Title 10 of the Municipal Code.

Corte Madera Municipal Code Title 10, Chapter 10.47 is hereby amended to read as follows:

Chapter 10.47 - LIBRARY PARKING PERMIT PROGRAM

10.47.010 - Program.

The Director of Public Works or his/her designee may issue a maximum of twenty-five annual parking permits to the Corte Madera library branch manager for the use of persons performing employment or volunteer library duties. Library permits shall be valid for one year from the date of issuance. Upon the expiration of each permit period, the permit may be renewed by the town manager or his designated representative for an additional one-year period. The library branch manager shall provide a current listing of permit holders to the Director of Public Works, and update the town manager immediately when changes are made to this list.

10.47.050 - Determination.

In issuing and renewing parking permits under this chapter, the Director of Public Works or that person's designee shall consider the effect of the action being considered upon the availability of parking for residents and merchants located in the immediate area of the Corte Madera library.

10.47.060 - Revocation.

The Director of Public Works or that person's designee shall have the authority to revoke a permit issued and/or used by any party in violation of this chapter. The Director of Public Works or that person's designee shall give written notice to the permit holder and library branch manager of such revocation and the reasons therefor. The holder of a permit shall not display the revoked or expired permit on any vehicle.

10.47.070 - Violations.

It is unlawful and shall constitute an infraction and a violation of Section 10.44.030 for any person to do, or cause to be done, any of the following:

- (a) To stand or park a motor vehicle, without a current permit properly displayed, in a parking stall or combination of parking stalls within the permit parking area for a period of time exceeding the applicable limit;
- (b) To permit the use or display of, or to use or display, a parking permit issued under this chapter on a motor vehicle in a manner other than that for which the permit was issued;
- (c) To copy, reproduce or otherwise bring into existence a facsimile or counterfeit library parking permit that has not been issued under this chapter;
- (d) To knowingly commit any act which is prohibited by the terms of this chapter.

10.47.080 - Enforcement.

Any violation of Section 10.47.070 shall be subject to the same fines, penalties and enforcement of Section 10.44.030.

(b) **SECTION 7. Severability.**

The Town Council hereby declares every section, paragraph, sentence, clause and phrase in this ordinance is severable. If any provision of this ordinance or the application thereof to any person

or circumstance is held invalid or unconstitutional, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected by such invalidity or unconstitutionality.

SECTION 8. Inclusion in the Corte Madera Municipal Code

It is the intention of the Corte Madera Town Council that the text in Sections 1 through 6 be made a part of the Corte Madera Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 9. Compliance with the California Environmental Quality Act.

The approval of this ordinance is exempt from the California Environmental Quality Act. This ordinance amends the Corte Madera Municipal Code to authorize the Town Council to adopt by resolution a preferential parking privilege program that restricts on-street parking on specified streets and exempts specified residents or merchants. Pursuant to CEQA Guidelines section 15378(b)(4), the ordinance is not a project within the meaning of CEQA because it does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 10. Effective Date.

This Ordinance shall go into effect thirty (30) days from its adoption.

SECTION 11: Posting.

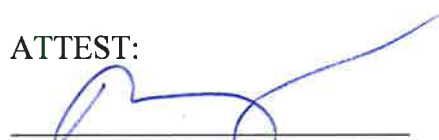
The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the Corte Madera Town Council held on August 6, 2019 and thereafter passed and adopted by the Corte Madera Town Council on August 20, 2019 by the following vote, to wit:

AYES: Andrews, Beckman, Kunhardt, Ravasio
NOES: - None -
ABSENT: Bailey
ABSTAIN: - None -


James H. Andrews, Mayor

ATTEST:


Rebecca Vaughn, Town Clerk

