

ORDINANCE NO. 876-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING SECTION 4-7.1901, "REMOVAL OR TOWING OF VEHICLES" OF ARTICLE 19 WITHIN CHAPTER 7, "TRAFFIC" OF TITLE 4 OF THE PACIFICA MUNICIPAL CODE RELATING TO REMOVAL OF VEHICLES ILLEGALLY PARKED ON CITY STREETS IN SPACES DESIGNATED FOR PREFERENTIAL PARKING

WHEREAS, California Vehicle Code section 22507 authorizes the City to adopt ordinances or resolutions, to prohibit or restrict the stopping, parking, or standing of vehicles and to authorize preferential parking for designated groups; and

WHEREAS, California Vehicle Code also provides peace officers the authority to tow vehicles under certain circumstances and Vehicle Code section 22651(n) provides that a peace officer, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle whenever a vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles so long as signs are posted; and

WHEREAS, the City's Municipal Code currently designates specific circumstances under which a vehicle may be towed; and

WHEREAS, Pacifica Municipal Code section 4-7.1901 currently provides that a police officer may remove or cause to be removed a vehicle from any public street or public alley within the City limits to the nearest public garage or other place of safety, or to a garage designated or maintained by the City and specifies the circumstances under which a vehicle may be removed; and

WHEREAS, staff is recommending that Pacifica Municipal Code section 4-7.1901 be amended to allow towing for any vehicle that illegally parks in a parking space designated for a preferential parking program, including but not limited to, the Temporary Safe Parking Program as set forth in Section 4-7.1207 and any other preferential parking program that the City may adopt in the future; and

WHEREAS, in order for the preferential parking programs to be effective the parking spaces must be available to the program participants and thus the City must be able to remove vehicles that are parked without clear display of a valid permit, if necessary.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amended. Section 4-7.1901, "Removal or towing of vehicles" of Article 19 within Chapter 7, "Traffic" of Title 4 of the Pacifica Municipal Code is hereby amended by repealing

Section 4-7.1901 in its entirety and replacing that Section to read as follows:

“Sec. 4-7.1901. –Removal or towing of vehicles.

- (a) Any police officer may remove or cause to be removed a vehicle from any public street or public alley within the City limits to the nearest public garage or other place of safety, or to a garage designated or maintained by the City, under any of the following circumstances:
- (1) When a vehicle is parked or left standing where the City, by resolution or ordinance, has prohibited parking and has authorized the removal of vehicles and has posted signs giving notice of such removal;
 - (2) When a vehicle is illegally parked on a public street or public alley in violation of a City ordinance forbidding standing or parking and the use of the public street or public alley or portion thereof is necessary for the cleaning, repair, or construction of the public street or public alley, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal by the authorities of the City pursuant to this section;
 - (3) When a vehicle is parked where the use of the public street or public alley or any portion thereof is authorized by the City for purposes other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would interfere with such use or movement and signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal by the authorities of the City pursuant to this section.
 - (4) In the event a vehicle is parked or left standing on a public street or parking space that has been designated to be a part of a preferential parking program, including but not limited to the Safe Parking Program as set forth in Section 4-7.1207, without clear display of a valid permit and where signs have been posted giving notice that unauthorized vehicles may be removed, any member of the Police Department may immediately remove, or cause the immediate removal of, the vehicle in the manner provided in and subject to the requirements of, the Vehicle Code of the State and this Municipal Code.”

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.


PASSED AND ADOPTED this 25th day of April, 2022, by the following vote:

AYES, Councilmembers: Bier, Bigstycck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: Beckmeyer.

ABSTAIN, Councilmembers: n/a


Mary Bier (May 20, 2022 11:24 PDT)

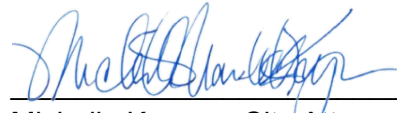
Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature: OrdinanceNo876-CS_TowingOrdinance-Approved

Final Audit Report

2022-05-20

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