

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 10.42 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO RESIDENTIAL PARKING PERMITS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 10.42.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.030 Designation process and criteria.

(a) Petition of residents. The Director is authorized to establish districts upon the following criteria:

(1) Upon receipt of a written request for a permit parking district, the Director shall create a petition with all the addresses of the affected properties. The petition shall be circulated by the requesting party to obtain the signatures, phone numbers, and any other data requested by the Director of the residents of the affected properties. A letter shall be sent to all the affected properties notifying the residents that a permit parking district is being considered.

Upon receipt and verification of the petition signed by persons owning or occupying dwelling units comprising not less than seventy-five percent (75%) of the developed frontage of the street proposed for designation, the Director shall undertake such surveys or studies as are deemed necessary to determine whether a street should be designated as a residential parking district.

(2) Findings of need and necessity. If the Director finds that on-street parking on a street is substantially reduced or impaired by commuter vehicles for an extended period, the Director may recommend to the City Council that the street be designated as a residential parking district. The proposed parking district shall consider surrounding streets that could be affected if the requested street becomes a permit parking district. If it is determined that the surrounding streets will be affected said streets shall be included as part of the proposed permit parking district. The residents of the streets proposed for addition to the district shall be notified and their responses counted and included in the calculations of Section 1 above.

(b) Factors to be considered. In determining whether a street identified as eligible for designation as a residential parking area may be so designated, the Director shall consider factors and criteria that include, but are not limited to, the following:

(1) The extent to which the residents desire and need permit parking and their willingness to bear the administrative and all permit costs in connection therewith.

(2) The extent to which legal on-street parking spaces are not available for the use of residents and their guests because they are occupied by commuter vehicles.

(3) Whether other regulatory measures would better solve the problem, e.g.,

APPROVED FOR INTRODUCTION
9-15-2008

SECTION 2. Section 10.42.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.040 Issuance and display of permits. Parking permits for residential parking permit areas, valid for a twelve-month period, shall be issued by the Director. Permits may be renewed annually upon reapplication in the manner required by the Director. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a residential permit parking area, the license number(s) of the motor vehicle(s) for which application is made, and such other information as may be deemed relevant by the Director or Chief of Police, or his designee(s). Permittees shall display the residential parking permit as follows:

- (a) Permit shall be permanently affixed to the lower left side (driver's side) on the inside of the windshield so that it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked.

SECTION 3. Section 10.42.060 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.060 Parking permits issued. Upon receipt of appropriate fees and completed application, the Director shall issue one (1) parking permit for each resident vehicle applied for, up to a maximum of four (4) resident permits per dwelling unit. If the vehicle for which a permit has been issued has been sold or otherwise disposed of, and a substitute vehicle acquired, a new permit may be issued provided the required information regarding the substitute vehicle is submitted to the Director.

SECTION 4. Section 10.42.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.070 Guest permits. In addition to the regular resident permits issued for each dwelling unit, two (2) guest permits will be issued to the permittee free of charge. These guest permits shall be valid for the same period as the annual permit and shall be reissued in the same manner. A minimum of one resident permit shall be purchased to obtain the guest permits. The guest permits shall be placed on the left side (driver's side) of the dashboard so it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked.

SECTION 5. Section 10.42.075 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.075 Temporary Parking Permits. In addition to the regular resident permits and the guest permits, and upon receipt of appropriate fees and application, temporary parking permits may be issued for a one day special event. After receiving a written request with at least ten (10) working days advance notice, permits may be issued to the permittee if the permittee is on file as a current parking permit holder. The temporary permits shall be placed on the left side (driver's side) of the dashboard so it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked. All applicable California Vehicle Code, and Huntington Beach Municipal Code sections shall be observed.

SECTION 6. Section 10.42.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.080 Replacement of permits destroyed, lost or stolen. Upon payment of a fee established by resolution of the City Council, a residential parking permit or a guest permit that has been destroyed, lost or stolen may be replaced with a new permit one time only. The destroyed, lost or stolen permit shall be considered void. Use of any such voided permit is prohibited.

SECTION 7. Section 10.42.120 of the Huntington Beach Municipal Code is hereby amended to read as follows:

10.42.120 Revocation of permit. The Director or Chief of Police, or his/her designee(s) may revoke a residential parking permit for one (1) year if a permittee has:

- (a) Falsely represented himself as eligible for a parking permit or furnished false information in an application for a parking permit.
- (b) Copied, reproduced or created a facsimile or counterfeit parking permit, or used, displayed, or permitted use or display of a facsimile or counterfeit residential parking permit, or sale of a parking permit to any party.

When a parking permit is to be revoked, the Director or Chief of Police, or his/her designee(s), shall give the permittee fifteen (15) days notice of his intention to do so by mail, addressed to the permittee at the address shown on the permit application. The permittee shall immediately surrender such permit to the Director or Chief of Police unless he files an appeal prior to the expiration of the fifteen-day period with the City Administrator for an administrative review. The City Administrator may confirm, overrule or modify the decision of the Director or Chief of Police to revoke such permit, and the decision of the City Administrator shall be final.

SECTION 8. This ordinance shall become effective 30 days after its adoption.

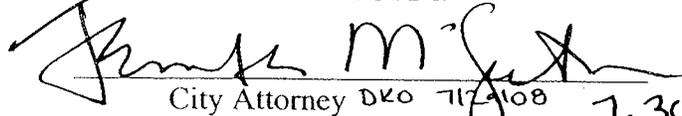
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200_____.

Mayor

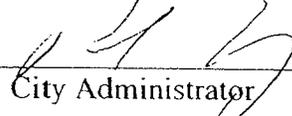
ATTEST:

City Clerk

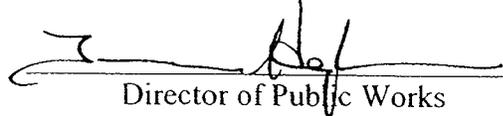
APPROVED AS TO FORM:


City Attorney DKO 717-108 7.30.08

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Director of Public Works

**INTENTIONALLY
LEFT
BLANK**

	KEY
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

Ordinance No. 3815
Legislative Draft

Chapter 10.42

RESIDENTIAL PARKING PERMIT

(2619-1/84, 2977-1/89, 3394-7/98)

Sections:

- 10.42.010 Definitions
- 10.42.020 Designation of parking district
- 10.42.030 Designation process and criteria
- 10.42.040 Issuance and display of permits
- 10.42.050 Establishment of initial charge and annual fee
- 10.42.060 Parking permits issued
- 10.42.070 Guest permits
- 10.42.075 Temporary parking permits
- 10.42.080 Replacement of permits destroyed, lost, or stolen
- 10.42.090 Posting permit areas
- 10.42.100 Restrictions on parking permits
- 10.42.110 Exemptions
- 10.42.120 Revocation of permit

10.42.010 Definitions. For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that they have a different meaning:

- (a) Commuter vehicle shall mean a motor vehicle owned or controlled by a person who is not a resident of a residential parking permit area and is parked in a residential parking permit area. (3394-7/98)
- (b) Resident shall mean a person who lives in a dwelling unit fronting a residential parking permit area. (3394-7/98)
- (c) Residential parking permit area shall mean a street segment between intersections, designated by resolution of the City Council, wherein vehicles displaying a valid parking permit shall be exempt from parking restrictions established pursuant to the provisions of this chapter. All applicable California Vehicle Code and Huntington Beach Municipal Code sections shall be observed. (2619-1/84, 3394-7/98)
- (d) Director shall refer to the Director of Public Works or his/her designee. (3394-7/98)

10.42.020 Designation of parking district. The City Council of the City of Huntington Beach may designate, by resolution, upon the streets thereof, the residential parking districts and the Director is authorized to establish parking restrictions. The resolution shall establish the streets and boundaries of such districts. (2619-1/84, 3394-7/98)

10.42.030 Designation process and criteria.

- (a) Petition of residents. The Director is authorized to establish districts upon the following criteria:

KEY	
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

- (1) Upon receipt of a written request for a permit parking district, the Director shall create a petition with all the addresses of the affected properties. The petition shall be circulated by the requesting party to obtain the signatures, phone numbers, and any other data requested by the Director of the residents of the affected properties. A letter shall be sent to all the affected properties notifying the residents that a permit parking district is being considered ~~and shall list the requester's name and phone number.~~

Upon receipt and verification of the petition signed by persons owning or occupying dwelling units comprising not less than seventy-five percent (75%) of the developed frontage of the street proposed for designation, the Director shall undertake such surveys or studies as are deemed necessary to determine whether a street should be designated as a residential parking district. (3394-7/98)

- (2) Findings of need and necessity. If the Director finds that on-street parking on a street is substantially reduced or impaired by commuter vehicles for an extended period, the Director may recommend to the City Council that the street be designated as a residential parking district. The proposed parking district shall consider surrounding streets that could be affected if the requested street becomes a permit parking district. If it is determined that the surrounding streets will be affected said streets shall be included as part of the proposed permit parking district. The residents of the streets proposed for addition to the district shall be notified and their responses counted and included in the calculations of Section 1 above. (3394-7/98)

- (b) Factors to be considered. In determining whether a street identified as eligible for designation as a residential parking area may be so designated, the Director shall consider factors and criteria that include, but are not limited to, the following: (3394-7/98)

- (1) The extent to which the residents desire and need permit parking and their willingness to bear the administrative and all permit costs in connection therewith. (3394-7/98)
- (2) The extent to which legal on-street parking spaces are not available for the use of residents and their guests because they are occupied by commuter vehicles.
- (3) Whether other regulatory measures would better solve the problem, e.g., parking restrictions and strict enforcement of such restrictions. (2619-1/84)

10.42.040 Issuance and display of permits. Parking permits for residential parking permit areas, valid for ~~one calendar year~~ a twelve-month period, shall be issued by the Director. Permits may be renewed annually upon reapplication in the manner required by the Director. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a residential permit parking area, the license number(s) of the motor vehicle(s) for which application is made, and such other information as may be deemed relevant by the Director or Chief of Police, or his designee(s). Permittees shall display the residential parking permit as follows: (3394-7/98)

- (a) ~~Permit may be hung on the rear view mirror~~ shall be permanently affixed to the lower left side (driver's side) on the inside of the windshield so that it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked; ~~or~~ (3394-7/98)
- (b) ~~Permit may be placed upon the dashboard of the vehicle so that it is plainly visible through the windshield from the exterior of the vehicle;~~ ~~or~~

	KEY
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

~~(e) Permit may be attached to the left rear portion of the vehicle so as to be plainly visible from the street. (2619-1/84)~~

~~(d) Motorcycles shall display the permit on the front fender or front fork. (3394-7/98)~~

10.42.050 Establishment of initial charge and annual fee. An initial charge shall be established for each dwelling unit with frontage within the designated street, and shall be based on the costs to establish the district. Such costs shall include, but are not limited to, installation of signs, curb markings, and other devices to define the district. The initial charge shall be equal for each dwelling unit included in the district and shall be paid only one time for each such dwelling unit. The Department of Public Works shall maintain a record of each unit and payment therefrom.

A permit fee shall be set by resolution of the City Council for issuance of annual permits and renewal. The following shall require a permit fee: (3394-7/98)

(a) Issuance of initial permit(s). (3394-7/98)

(b) Renewal of an existing permit. (3394-7/98)

(c) Obtaining an additional permit for an additional vehicle, not to exceed four (4) resident permits per dwelling unit. (3394-7/98)

(d) New resident of a dwelling unit for which the initial charge has been paid. The permit fee shall be established by resolution of the City Council and shall be prorated in two six month increments. The full fee shall be paid if a permit is requested any time within the first six months of the permit issuance period. A resident requesting a permit in the second six months of the permit issuance period shall pay one half of the established fee. (2619-1/84, 3394-7/98)

10.42.060 Parking permits issued. Upon receipt of appropriate fees and completed application, the Director shall issue one (1) parking permit for each resident vehicle applied for, up to a maximum of four (4) resident permits per dwelling unit. If the vehicle for which a permit has been issued has been sold or otherwise disposed of, and a substitute vehicle acquired, a new permit may be issued ~~the permit may be used in the substitute vehicle~~ provided the Director is informed in writing of the change and given provided the required the necessary information regarding the substitute vehicle is submitted to the Director. ~~If the existing permit is destroyed or is unusable for the new vehicle a new permit shall be purchased.~~ (2619-1/84, 3394-7/98)

10.42.070 Guest permits. In addition to the regular resident permits issued for each dwelling unit, two (2) guest permits will be issued to the permittee free of charge. These guest permits shall be valid for the same period as the annual permit and shall be reissued in the same manner. A minimum of one resident permit shall be purchased to obtain the guest permits. The guest permits shall be placed on the left side (driver's side) of the dashboard so it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked. (2619-1/84, 3394-7/98)

10.42.075 Temporary Parking Permits. In addition to the regular resident permits and the guest permits, and upon receipt of appropriate fees and application, temporary parking permits may be issued for a one ~~time~~ day special event. After receiving a written request with at least ten (10) working days advance notice, permits may be issued to the permittee if the permittee is on file as a current parking permit holder. The temporary permits shall be placed on the left

	KEY
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

side (driver's side) of the dashboard so it is plainly visible through the windshield from the exterior of the vehicle while the vehicle is parked. All applicable California Vehicle Code, and Huntington Beach Municipal Code sections shall be observed. (3394-7/98)

10.42.080 Replacement of permits destroyed, lost or stolen. Upon payment of a fee established by resolution of the City Council, a residential parking permit or a guest permit that has been destroyed, lost or stolen may be replaced with a new permit one time only. The destroyed, lost or stolen permit shall be considered void. Use of any such voided permit is prohibited. (2619-1/84, 3394-7/98)

10.42.090 Posting permit areas. Upon adoption by the City Council of a resolution designating a residential parking permit area, the Department of Public Works shall cause appropriate signs to be erected, indicating prominently thereon the parking limitation(s), period(s) of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom. (2619-1/84)

10.42.100 Restrictions on parking permits. Notwithstanding other provisions of this chapter, the following restrictions shall apply:

- (a) A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space in a designated residential parking permit area.
- (b) All applicable California Vehicle Code sections and Huntington Beach Municipal Code sections shall be observed. (3394-7/98)

10.42.110 Exemptions. The following vehicles shall be exempt from the parking restrictions imposed by this chapter:

- (a) A motor vehicle owned by or operated under contract to a utility, whether privately or publicly owned, when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.
- (b) A motor vehicle identified as owned by or operated under contract to a governmental agency and being used in the course of official government business.
- (c) A commercial vehicle, private vehicle, or trailer while loading or unloading property, or when such vehicle is parked in connection with or in aid of the performance of a service to or on real property in the residential parking permit area in which such commercial vehicle, private vehicle, or trailer is parked. (3394-7/98)
- (d) Any authorized emergency vehicle as defined by California Vehicle Code Section 165.

The curb parking area within the boundaries of any public facility shall be exempt from the provisions of this chapter. The Director shall install signs indicating the limits of such areas. (2619-1/84, 3394-7/98)

10.42.120 Revocation of permit. The Director or Chief of Police, or his/her designee(s) may revoke a residential parking permit for one (1) year if a permittee has:

- (a) Falsely represented himself as eligible for a parking permit or furnished false information in an application for a parking permit.

KEY	
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

(b) Copied, reproduced or created a facsimile or counterfeit parking permit, or used, displayed, or permitted use or display of a facsimile or counterfeit residential parking permit, or sale of a parking permit to any party.

When a parking permit is to be revoked, the Director, Chief of Police, or his/her designee(s) ~~or his designee~~, shall give the permittee fifteen (15) days notice of his intention to do so by mail, ~~postage prepaid~~, addressed to the permittee at the address shown on the permit application. The permittee shall immediately surrender such permit to the Director or Chief of Police unless he files an appeal prior to the expiration of the fifteen-day period with the City Administrator for an administrative review. The City Administrator may confirm, overrule or modify the decision of the Director or Chief of Police to revoke such permit, and the decision of the City Administrator shall be final. (2619-1/84)

**INTENTIONALLY
LEFT
BLANK**