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ORDINANCE NO. 1135 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING PASO ROBLES MUNICIPAL CODE CHAPTER 12.42, PARKING MANAGEMENT, TO CLARIFY THE PROCESS FOR SETTING PARKING RATES, REESTABLISHING THE DOWNTOWN PARKING ZONE AND OTHER CLEAN UP MEASURES

WHEREAS, on October 16, 2018 the City Council heard the first reading of an ordinance revising Paso Robles Municipal Code Chapter 12.42, among other sections, to address charging for parking pursuant to Vehicle Code ("VC") Section 22508; and

WHEREAS, following the first reading of the ordinance City staff, community members and an Ad Hoc Committee met to consider comments made by the community at the first reading and recommended minor revisions to the ordinance; and

WHEREAS, on November 6, 2018, the City Council approved the second reading and adopted the ordinance (the "2018 Parking Management Ordinance") incorporating the minor modifications recommended by the Ad Hoc committee and the community following the first reading; and

WHEREAS, between November 2018 and May 2019 City staff continued to meet internally and with the community regarding the implementation of the new parking program; and

WHEREAS, on May 7, 2019, the City Council heard a Downtown Parking update and, by motion recorded as a minute action, approved 2 hours of free parking in the area from 10th St to 14th St and Spring St to Pine St ("Downtown Parking Zone"), between 9 am – 6 pm, Monday-Friday, with paid parking to be initiated when and where appropriate after 2 hours ("Paid Parking Program"); and

WHEREAS, on May 21, 2019, the City Council approved agreements with vendors to implement the Paid Parking Program ; and

WHEREAS, in August 2019, the City began charging for parking pursuant to the Paid Parking Program; and

WHEREAS, between August 2019 and May 2022, the Downtown Parking Advisory Commission and community continued to review aspects of the Paid Parking Program. In May 2022, the City Council disbanded the Downtown Parking Advisory Commission; and

WHEREAS, on March 16, 2021, the City Council adopted Resolution 21-035, which extended the Paid Parking Program to operate Monday-Sunday, from 9 am – 8 pm each day; and

WHEREAS, between December 2022 and November 2023, the City Council heard numerous items related to the Paid Parking Program designed to assess the implementation and fiscal impacts of the Paid Parking Program; and

WHEREAS, on November 21, 2023, the City Council approved, by motion and recorded as a minute action, charging \$1 per hour starting at minute 1 within the Downtown Parking Zone, allowing unlimited senior permits for City residents, and the design and ordering of new signage. The Council also requested the City Manager to return with any additional actions requiring Council action to implement the revisions to the Paid Parking Program and to provide an update to the Council; and

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WHEREAS, following that action a number of community members asserted the City did not have the ability to charge for parking in the downtown area because the City did not have an ordinance addressing the imposition of parking rates; and

WHEREAS, in response to the community concerns the City Attorney's office conducted a review of the City's existing Parking Management Ordinance, PRMC 12.42, and all actions taken since its adoption to confirm that the parking program was implemented consistent with the requirements of the Vehicle Code and the City's own ordinance; and

WHEREAS, following an initial review of the implementation of Municipal Code Chapter 12.42 the City paused charging for parking and issuing citations associated with parking in the Downtown Parking Zone effective February 7, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. The Council hereby ordains that Chapter 12.42 is hereby amended to read as follows:

Chapter 12.42 PARKING MANAGEMENT¹

12.42.010 Definitions.

- A. Definitions. Unless the context otherwise requires, the terms used in this chapter shall have the following meanings.
- B. Undefined words. The definition of any term used in the chapter not otherwise herein defined shall be the same as such terms are defined and described in the vehicle code of the state of California and amendments thereto.
- C. Vehicle. The word vehicle as used herein shall mean any device in, upon or by which any person or property may be transported upon a street or highway, except those operated upon rails or tracks.
- D. Park. The word park or parking, when used herein, shall mean the standing of a vehicle whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading passengers or merchandise.
- E. Parking Zone. A parking zone in this chapter is defined as a group of on-street parking spaces with time limits and/or paid parking, as indicated on posted signage.

(Ord. 152 N.S. § 1, 1950)

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12.42.020 Parking zones.

- A. Parking zones shall be established by the City Council by ordinance, which may include the establishment of time limits and/or parking rates for such zones.
- B. The City Council does hereby establish the Downtown Parking Zone which shall include the area extending from 10th Street to 14th Street, from Spring Street to Pine Street and the 900 block of 12th and 13th Streets (from Pine Street to Railroad Street).

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.030 Authority to implement time limits.

Within parameters set by the City Council, the City Manager or designee is hereby authorized and directed to implement time limits in all established parking zones for the purpose of and in such numbers and at such places as in his judgment may be necessary to the regulation, control and inspection of the parking of vehicles therein.

(Ord. No. 1065 N.S., § 3, 11-6-2018)

Editor's note(s)—Ord. No. 1065 N.S., § 3, adopted Nov. 6, 2018, repealed the former § 12.42.030 and enacted a new § 12.42.030 as set out herein. The former § 12.42.030 pertained to engineer—authority to install and derived from Ord. 152 N.S., § 2, adopted in 1950.

12.42.040 Signs—Authority of engineer.

The city engineer is authorized to cause signs which fulfill the requirements of the ordinances and resolutions of the city pertaining thereto to be placed in the various parts of such zones to so indicate.

(Ord. 152 N.S. § 4, 1950)

12.42.050 Markings—Painting—Parking within.

The city engineer may have lines or markings painted or placed upon the curb or street adjacent to indicate individual parking spaces. It shall be unlawful to park any vehicle across any such line or marking or to park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

(Ord. 152 N.S. § 5, 1950)

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.060 Overparking—Exceptions.

It shall be unlawful for any person, except outside of the designated parking zone hours and days of operation, to cause, allow, permit, or suffer any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space upon any street within a parking zone or within a parking lot as indicated by proper signs placed in such zone or lot indicating the maximum parking time allowed in such parking space. A vehicle will be deemed to have been parked longer than the posted time limit, if it has not been moved at least "out of the parking zone" or parking lot after the expiration of the maximum time limitation indicated on the posted signage. Within parameters set by the City Council, the City Manager or their designee may set and adjust the parking zones, posted time limits, and/or

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period of operation of paid parking between the hours of seven o'clock a.m. and ten o'clock p.m. on any day, with the intent of achieving the target utilization rate of eighty-five percent.

(Ord. 152 N.S. § 6, 1950)

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.070 Parking zone regulations—Authority.

- A. It is the intent of the City Council to establish a target occupancy rate of eighty-five percent for all parking zone spaces within the city of Paso Robles. Occupancy rate refers to the percentage of parking zone spaces that are occupied by vehicles. The establishment of the target occupancy rate of eighty-five percent is based on well-accepted planning studies as well as the example of other municipalities. The City Council finds that the establishment of the target occupancy rate of eighty-five percent is an effective strategy for managing on-street parking and congestion.
- B. The City Council establishes that a paid parking session commences immediately upon parking, as provided in 12.42.080, unless otherwise determined by the City Manager, or their designee. The length of time allowed for a timed parking session for each parking area shall be established by the City Manager, or their designee, and range from a minimum of fifteen minutes to a maximum of eleven hours. The City Manager, or their designee, shall set the time limit of each parking zone, consistent with achieving the eighty-five percent target utilization rate, based upon parking occupancy data and community input. The City Manager, or their designee, may designate certain parking spots as a maximum of 30 minutes and, if determined by the City Manager, or their designee, to be consistent with achieving the eighty-five percent parking utilization rate or in the best interest of the community, provide that those designated parking spots do not require payment.
- C. Under the authority of California Vehicle Code section 22508, the City Council establishes a range of hourly parking rates from \$1.00 to \$5.00. The parking rate for the Downtown Parking Zone shall be \$1 per hour.
- D. Under the authority of California Vehicle Code section 22507, the City Council may establish preferential parking privileges associated with any Parking Zone or other area by ordinance or resolution with provisions reasonable and necessary to ensure the effectiveness of a preferential parking program.

12.42.080 Payment required.

When any vehicle is parked in any space within a paid parking zone, during the established payment hours, the operator of said vehicle upon so parking shall, and it shall immediately initiate a paid parking session through a designated and city-approved payment method.

(Ord. No. 1065 N.S., § 3, 11-6-2018)

Editor's note(s)—Ord. No. 1065 N.S., § 3, adopted Nov. 6, 2018, repealed the former § 12.42.080 and enacted a new § 12.42.080 as set out herein. The former § 12.42.080 pertained to coin deposit required and derived from Ord. 152 N.S., § 8, adopted in 1950.

12.42.090 Substitutes—Slugs.

It shall be unlawful to deposit or cause to be deposited in any paid parking device, any slug, device or metallic substitute for lawful payment.

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(Ord. 152 N.S. § 9, 1950)

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.100 Tampering—Destroying.

It shall be unlawful for any person to deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking signage, or other paid parking device installed pursuant to this chapter.

(Ord. 152 N.S. § 10, 1950)

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.110 Citation for violation—Procedure.

It shall be the duty of each police officer to take the number of any meter or parking zone at which any vehicle is over-parked, as provided in this chapter; the state vehicle license of such vehicle; the time and date of such over-parking, and the make of such vehicle; and issue, in writing and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by the laws of the state of California applicable to the traffic violations within this city.

(Ord. 152 N.S. § 11, 1950)

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.120 Parking ambassadors.

- A. The chief of police is hereby authorized to designate regularly employed and salaried employees of the city or of a parking benefit district as parking ambassadors.
- B. Civilian employees of the city of Paso Robles or a parking benefit district, as well as special contractors designated by the chief of police, shall enforce provisions of this title and the California Vehicle Code relating to the standing or parking of vehicles that legally may be enforced by persons other than peace officers.
- C. Parking ambassadors shall enforce the provisions relating to regulation of traffic and to stopping, standing and parking of vehicles contained in the Paso Robles Municipal Code, the Paso Robles Traffic Code and in the California Vehicle Code.

(Ord. No. 1065 N.S., § 3, 11-6-2018)

12.42.130 Electric vehicle parking regulations.

- A. Definitions. Unless the context otherwise requires, the terms used in this title shall have the following meanings.
 - 1. "Electric vehicle" means either a battery electric vehicle or a plug-in hybrid electric vehicle.
 - 2. "Battery electric vehicle" means a vehicle fueled entirely by electricity stored in the onboard battery. This type of vehicle is often referred to as a zero emission vehicle.
 - 3. "Plug-in hybrid electric vehicle" means a vehicle that is fueled by both a battery and another fuel source, such as a gasoline-powered internal combustion engine. This type of vehicle runs on electricity from the onboard battery until the battery is exhausted and then switches to an alternate power source.

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4. "Charger" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries or other energy storage devices within electric vehicles.
 5. "Actively charging" means the time during which the connector from the charger at a charging station is inserted into the inlet and electrical power is being transferred for the purpose of recharging the electric vehicle's on-board batteries.
 6. "Electric vehicle charging station" means a parking space that is served by a charger.
 7. "Electric vehicle charging station zone" means a dedicated parking zone for electric vehicles to park and actively connect to chargers.
 8. "Connector" means a device inserted into the inlet for an electric vehicle that establishes an electrical connection from the charger to the electric vehicle for the purpose of charging and exchanging information.
 9. "Inlet" means the device on the electric vehicle into which the connector is inserted for charging and information exchange.
- B. Only plug-in electric vehicles that are actively charging, as indicated by the electric vehicle charging station monitor display, may be parked at electric vehicle charging stations or in electric vehicle charging station zones located on any street or any parking facility owned, leased, or operated by the city of Paso Robles.
- C. No person shall park or cause to be parked or allow to remain standing any vehicle at an electric vehicle charging station or in an electric vehicle charging station zone located on any street or in any parking facility owned, leased, or operated by the city of Paso Robles, unless the vehicle is an electric vehicle, is actively charging, and has not exceeded any applicable parking time limit.
- (Ord. No. 1065 N.S., § 3, 11-6-2018)

Section 3. The City Council hereby adopts the language incorporated herein by reference.

Section 4. The City finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or the application thereof to any person or circumstances, is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 7. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36933.

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INTRODUCED at a regular meeting of the City Council held on February 20, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 5th day of March, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk