

ORDINANCE NO. 291

AN ORDINANCE RESTRICTING PARKING BETWEEN THE HOURS OF 2:00 A.M. AND 5:30 A.M., ESTABLISHING A PREFERENTIAL PARKING ZONE IN THE MALIBU COUNTRY ESTATES NEIGHBORHOOD, BORDERED BY JOHN TYLER DRIVE AND LAUREL RIDGE DRIVE, AND ADDING CHAPTER 10.20 TO THE CITY OF MALIBU MUNICIPAL CODE

The City Council of the City of Malibu does hereby ordain as follows:

Section 1. Recitals.

A. There is a shortage of on-street parking on certain residential streets within the City, and parking restrictions have been imposed to facilitate the efficient use of street parking spaces;

B. Vehicles operated by persons whose destinations are to nonresidential areas in the vicinity of The Malibu Country Estates neighborhood substantially and regularly interfere with the use of the majority of available street parking spaces in the neighborhood;

C. There is no unreasonable displacement of non-resident vehicles by the creation of this preferential parking zone; and

D. The City wishes to increase the availability of street parking spaces for residents and their guests as permitted by Section 22507 of the California Vehicle Code.

Section 2. Amendment. Chapter 10.20 of Title 10 of the Malibu Municipal Code is hereby added and shall read as follows:

10.20.010 **Short Title.** This Chapter shall be known as the "Ordinance Restricting Parking in the Malibu Country Estates and Creating Permit Parking for Residents."

10.20.020 **Definitions.**

- (a) **Dwelling Unit.** "Dwelling Unit" shall mean any self-contained house, apartment, stock cooperative, or condominium occupied solely for residential purposes.
- (b) **Preferential Parking Zone.** "Preferential Parking Zone" shall mean the residential area with streets and boundaries designated in Section 10.20.050, below, wherein vehicles displaying a permit shall be exempt from parking restrictions established pursuant to this Chapter.
- (c) **Resident.** "Resident" shall mean any person who lives in a dwelling unit located in the preferential parking zone.

- (d) **Visitor.** "Visitor" shall mean any person visiting residents living in the preferential parking zone.

10.20.030 **Permits.**

- (a) The Public Works Department shall issue permits for preferential parking and collect all fees. No permit will be issued to any applicant until that applicant has paid all of his or her outstanding parking citations, including all civil penalties and related fees.

Applicants shall be required to present proof of residency in the preferential parking zone. Each qualified applicant is entitled to purchase up to three permits per year. The address of vehicle registration and driver's license must coincide with the residence address of the applicant.

Permit fees shall cover the cost of establishing and maintaining the preferential parking zone. These fees shall be set by City Council Resolution at the time of parking zone designation.

- (b) **Duration.** Preferential parking permits issued pursuant to this Section shall remain in effect for a period of one calendar year or fraction thereof, or as long as the permit holder continues to reside in the dwelling unit for which the permit was issued or until the preferential parking zone is eliminated, whichever period of time is less. In the event the preferential parking zone is eliminated, or the permit holder moves from the preferential parking zone, or any other circumstance under which the permit is not used the full period it is valid, no refund of permit fees will be issued.
- (c) **Visitor Permits.** Any resident may purchase two visitor permits per dwelling unit. Each permit shall be imprinted with the address of the resident applicant.
- (d) **Additional Permit for Non-Resident Caregiver.** The Director of Public Works may allow the issuance of Visitor Permit(s) in addition to any Annual or Visitor Permits issued to a household pursuant to the provisions of this Section upon proof that each additional Visitor Permit will be used by a non-resident caregiver who is attending to the care of a resident at the household during the hours parking is restricted.
- (e) **Availability of Parking.** A preferential parking zone permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated preferential parking zone.
- (f) **Restrictions and Conditions.** Each permit issued pursuant to this section shall be subject to each and every condition and

10.20.060 **Exemptions.** The following vehicles shall be exempt from parking restrictions pursuant to this Chapter:

- (1) A vehicle owned or operated by a utility, whether privately or publicly owned, when used in the course of business.
- (2) A vehicle owned or operated by a governmental agency when used in the course of official government business.
- (3) A vehicle that has been issued an authorized emergency vehicle permit by the Commissioner of the California Highway Patrol, when that vehicle is used in the course of business.
- (4) A vehicle displaying an authorized exception card issued by the City of Malibu.

10.20.070 **Transfer of preferential parking zone permits prohibited.**

- (a) It shall be unlawful for any person to sell, rent, or lease, or cause to be sold, rented, or lease for any value or consideration any preferential parking zone permit. Upon the conviction of a violation of this subsection, all permits issued to, or for the benefit of, the dwelling unit for which the sold, rented, or leased permit was authorized shall be void. Any person so convicted shall be subject to a fine of \$500.
- (b) It shall be unlawful for any person to buy or otherwise acquire for value or use any preferential permit, except as provided for in this Chapter, and any person so convicted shall be subject to a fine of \$500.

10.20.080 **Prohibitions and fines.** No vehicle shall be parked or stopped adjacent to any curb in the preferential permit zone in violation of any posted or noticed prohibition or restriction, unless a parking permit imprinted with the vehicle license number is prominently displayed on the vehicle as directed by the City. Preferential parking zone permits issued for visitors are exempt from the requirement of including a license number on the permit.

Any person violating this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars or a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.


Section 2. The Department of Public Works cause signs to be placed at each entrance to the Malibu County Estates neighborhood notifying motorists of the preferential parking restrictions created by this Ordinance. All such signs shall comply with the standards set forth in the California Department of Transportation Traffic Manual.

Section 3. The City Clerk is directed to certify to the passage and adoption of the Ordinance and to cause it to be published or posted as required by law.

Section 4. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

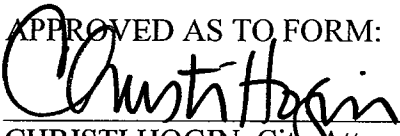
Section 5. The City Council intends for this to be a pilot project and hereby expressly retains authority to review and repeal this Ordinance. Staff is hereby directed to place a review of this program on a regular meeting agenda one year from the effective date of the ordinance.

PASSED, APPROVED AND ADOPTED this 12th day of June, 2006.


KENNETH KEARSLEY, Mayor

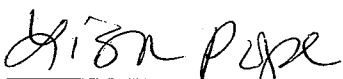
ATTEST:


LISA POPE, City Clerk

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 291 was passed and adopted at the regular City Council meeting of June 12, 2006, by the following vote:

AYES:	4	Councilmembers:	Barovsky, Conley Ulich, Stern, Kearsley
NOES:	1	Councilmember:	Jennings
ABSTAIN:	0		
ABSENT:	0		


LISA POPE, City Clerk
(seal)