

ORDINANCE NO. 959

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING CHAPTER 10.20 OF THE LANCASTER MUNICIPAL CODE RELATING TO VEHICLES PARKED ON A HIGHWAY DURING STREET SWEEPING TIMES, UPDATING THE EXCEPTIONS TO, AND ESTABLISHING A PERMIT PROGRAM FOR EXEMPTING A VEHICLE FROM THE APPLICATION OF THIS CHAPTER.

WHEREAS, Sections 22507 and 22507.6 of the California Vehicle Code provide that the city council may restrict parking on city streets or portions thereof for limited periods of time on designated days for street sweeping purposes; and

WHEREAS, Section 360 of the California Vehicle Code defines "highway" as "a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street"; and

WHEREAS, Section 10.20.030 of the Lancaster Municipal Code, which was adopted pursuant to the authority granted by Section 22507 and 22507.6 of the California Vehicle Code, currently provides that "it is unlawful for any person to stop, stand or park a vehicle during limited periods of time on designated days where authorized signs have been posted on city streets or portions thereof"; and

WHEREAS, the City Council of the City of Lancaster finds and declares its substantial interest in developing and implementing a permit program whereby allowing business owners the ability to purchase a permit that will exempt a vehicle from the application of this chapter; and

WHEREAS, an amendment to Chapter 10.20 of the Lancaster Municipal Code is necessary in order to provide for the issuance of permits and to conform to Section 22507.6 of the California Vehicle Code; and

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 10.20.010 of the Lancaster Municipal Code is hereby amended to read as follows:

10.20.010 Authority.

Pursuant to the authority granted by Sections 22507 and 22507.6, as amended, of the California Vehicle Code, the city council restricts parking on city streets or portions thereof for limited periods of time on designated days for street sweeping purposes.

Section 2. Section 10.20.030 of the Lancaster Municipal Code is hereby amended to read as follows:

10.20.030 Parking restricted where posted.

Except as otherwise provided in this Chapter, it is unlawful for any person to stop, stand or park a vehicle during limited periods of time on designated days where authorized signs have been posted on city streets or portions thereof.

Section 3. Section 10.20.040 of the Lancaster Municipal Code is hereby amended to read as follows:

10.20.040 Application – Exception.

The provisions of this chapter restricting the stopping, standing or parking of vehicles shall apply at all times and places within the city, except as follows: (i) when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control device; (ii) streets adjacent to commercially zoned properties as shown on the general plan of the city; (iii) when a more restrictive parking regulation has been established by the city council; (iv) when a commercial vehicle is making a pickup or delivery of goods, wares, or merchandise from or to any building or structure located on a restricted street; or (v) when a commercial vehicle is delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained.

Section 4. Section 10.20.050 of the Lancaster Municipal Code is hereby amended to read as follows:

10.20.050 Public works director - Authority.

The public works director is authorized to do the following: (i) determine the times it is necessary to restrict parking on city streets to permit the efficient sweeping and cleaning of said streets; (ii) place and erect signs containing the words "No Parking" on any street or portion thereof on which it is necessary to restrict parking in order to permit city equipment to sweep the streets or portions thereof; and (iii) develop and implement a permit program whereby the public works director may issue a permit that exempts a vehicle from the application of this Chapter. The issuance of a permit pursuant to this Section 10.20.050 shall be based on criteria developed by the public works director, which criteria shall include (but not be limited to) a finding by the public works director that the issuance of the permit will not unreasonably interfere with the purpose of this Chapter, and shall be subject to payment of a permit fee as established and modified from time to time by resolution of the city council.

Section 5. Section 10.20.060 of the Lancaster Municipal Code is hereby amended to read as follows:

10.20.060 Reserved.

Section 6. That any provision of the Lancaster Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 8. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2010, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of _____, 2011 by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster,
CA do hereby certify that this is a true and correct copy of the original Ordinance No. 959, for
which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____
day of _____, _____.

(seal)

**CHAPTER 10.20
STREET SWEEPING**

Sections:

- 10.20.010 - Authority.**
- 10.20.020 - Definitions.**
- 10.20.030 - Parking restricted where posted.**
- 10.20.040 - Application—Exception.**
- 10.20.050 - Public works director—Authority.**
- 10.20.060 - Exceptions.**
- 10.20.070 - Violation—Penalty.**

10.20.010 - Authority.

Pursuant to the authority granted by Sections 22507 and 22507.6, as amended, of the California Vehicle Code, the city council restricts parking on city streets or portions thereof for limited periods of time on designated days for street sweeping purposes.

10.20.020 - Definitions.

As used in this chapter:

"Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

"Vehicle" means a vehicle as defined in Section 670 of the California Vehicle Code as the section now reads or may hereafter be amended.

10.20.030 - Parking restricted where posted.

Except as otherwise provided in this Chapter, it is unlawful for any person to stop, stand or park a vehicle during limited periods of time on designated days where authorized signs have been posted on city streets or portions thereof.

10.20.040 - Application—Exception.

The provisions of this chapter restricting the stopping, standing or parking of vehicles shall apply at all times and places within the city, except as follows: (i) when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control device; (ii) streets adjacent to commercially zoned properties as shown on the general plan of the city; (iii) when a more restrictive parking regulation has been established by the city council; (iv) when a commercial vehicle is making a pickup or delivery of goods, wares, or merchandise from or to any building or structure located on a restricted street; or (v) when a commercial vehicle is delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained

Attachment B
Proposed Copy of LMC Chapter 10.20

10.20.050 - Public works director—Authority.

The public works director is authorized to do the following: (i) determine the times it is necessary to restrict parking on city streets to permit the efficient sweeping and cleaning of said streets; (ii) place and erect signs containing the words "No Parking" on any street or portion thereof on which it is necessary to restrict parking in order to permit city equipment to sweep the streets or portions thereof; and (iii) develop and implement a permit program whereby the public works director may issue a permit that exempts a vehicle from the application of this Chapter. The issuance of a permit pursuant to this Section 10.20.050 shall be based on criteria developed by the public works director, which criteria shall include (but not be limited to) a finding by the public works director that the issuance of the permit will not unreasonably interfere with the purpose of this Chapter, and shall be subject to payment of a permit fee as established and modified from time to time by resolution of the city council.

10.20.060 [Reserved]

10.20.070 - Violation—Penalty.

Pursuant to Section 40000, as amended, of the Vehicle Code, state of California, any person violating any provision of this chapter shall be guilty of an infraction and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine established by a resolution of the city council.

**CHAPTER 10.20
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- 10.20.030 - Parking restricted where posted.**
- 10.20.040 - Application—Exception.**
- 10.20.050 - Public works director—Authority.**
- 10.20.060 - Exceptions.**
- 10.20.070 - Violation—Penalty.**

10.20.010 - Authority.

Pursuant to the authority granted by ~~the state of California under Section 22507,~~**Sections 22507 and 22507.6**, as amended, of the California Vehicle Code, the city council restricts parking on city streets or portions thereof for limited periods of time on designated days for street sweeping purposes.

10.20.020 - Definitions.

As used in this chapter:

"Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

"Vehicle" means a vehicle as defined in Section 670 of the California Vehicle Code as the section now reads or may hereafter be amended.

10.20.030 - Parking restricted where posted.

~~It~~**Except as otherwise provided in this Chapter, it** is unlawful for any person to stop, stand or park a vehicle during limited periods of time on designated days where authorized signs have been posted on city streets or portions thereof.

10.20.040 - Application—Exception.

The provisions of this chapter restricting the stopping, standing or parking of vehicles shall apply at all times **and places within the city**, except **as follows: (i) when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of a police officer, or traffic control device; (ii) streets adjacent to commercially zoned properties as shown on the general plan of the city; (iii) when a more restrictive parking regulation has been established by the city council; (iv) when a commercial vehicle is making a pickup or delivery of goods, wares, or merchandise from or to any building or structure located on a restricted street; or (v) when a commercial vehicle is delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained**

Attachment C
Markup Copy of LMC Chapter 10.20

10.20.050 - Public works director—Authority.

The public works director is authorized to **do the following:** (i) determine the times it is necessary to restrict parking on city streets to permit the efficient sweeping and cleaning of said streets. Additionally, the public works director is authorized to; (ii) place and erect signs containing the words "No Parking" on any street or portion thereof on which it is necessary to restrict parking in order to permit city equipment to sweep the streets or portions thereof; **and** (iii) develop and implement a permit program whereby the public works director may issue a permit that exempts a vehicle from the application of this Chapter. The issuance of a permit pursuant to this Section 10.20.050 shall be based on criteria developed by the public works director, which criteria shall include (but not be limited to) a finding by the public works director that the issuance of the permit will not unreasonably interfere with the purpose of this Chapter, and shall be subject to payment of a permit fee as established and modified from time to time by resolution of the city council.

10.20.060—Exceptions:

The provisions of this chapter shall not apply to:

A. ~~Streets adjacent to commercially zoned properties as shown on the general plan of the city;~~

B. ~~More restrictive no parking regulations established by the city council.~~ **[Reserved]**

10.20.070 - Violation—Penalty.

Pursuant to Section 40000, as amended, of the Vehicle Code, state of California, any person violating any provision of this chapter shall be guilty of an infraction and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine established by a resolution of the city council.