

ORDINANCE NO. 911

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 10.04.220 AND 10.04.230 OF THE LANCASTER MUNICIPAL CODE RELATING TO VEHICLES PARKED ON A HIGHWAY FOR MORE THAN SEVENTY-TWO (72) CONSECUTIVE HOURS

WHEREAS, Section 22651(k) of the California Vehicle Code provides that a peace officer or any regularly employed and salaried employee, 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 located within the territorial limits in which the officer or employee may act when such vehicle is parked or left standing upon a highway for more than seventy-two (72) consecutive hours in violation of a local ordinance authorizing removal; 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 10.04.220 of the Lancaster Municipal Code, which was adopted pursuant to the authority granted by Section 22651(k) of the California Vehicle Code, currently provides that “[a] person shall not leave a vehicle parked on a highway for more than seventy-two (72) consecutive hours. Any such vehicle shall be subject to removal by the Los Angeles County sheriff’s department.”; and

WHEREAS, confusion has arisen as to the meaning of the term “leave the vehicle parked on a highway for more than seventy-two (72) consecutive hours” as used in Section 10.04.220 of the Lancaster Municipal Code; specifically, some vehicle owners move their vehicles mere inches or feet in order to “restart the clock” on the seventy-two (72) hour time limit. Such vehicle owners seem to believe that they can avoid violating Section 10.04.220 of the Lancaster Municipal Code by moving their vehicle prior to expiration of the seventy-two (72) hour limit, even if their vehicle is only moved a few feet or inches; and

WHEREAS, an amendment to Section 10.04.220 of the Lancaster Municipal Code is necessary in order to more clearly define what constitutes a violation and to prevent the unreasonable interpretation by some vehicle owners from rendering the section meaningless; and

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

Section 1. Section 10.04.220 of the Lancaster Municipal Code is hereby amended to read as follows:

10.04.220 Vehicles parked on highway for more than seventy-two (72) consecutive hours.

A. A person shall not leave a vehicle parked on a highway for more than seventy-two (72) consecutive hours. Any such vehicle shall be subject to removal by the Los Angeles County Sheriff's Department or a regularly employed and salaried employee of the City of Lancaster who is engaged in directing traffic or enforcing parking laws and regulations.

B. For purposes of this section, as well as section 10.04.230 of the Lancaster Municipal Code, a vehicle shall be deemed to have been left parked when it has not been moved more than one (1) block or three hundred (300) feet, whichever is greater, from its original parked or stopped position. Distance in feet shall be measured from either the lot line or boundary of the lot abutting its original stopped position.

C. For purposes of this section, as well as section 10.04.230 of the Lancaster Municipal Code, "highway" means a highway as defined in Section 360 of the California Vehicle Code.

Section 2. Section 10.04.230 of the Lancaster Municipal Code is hereby amended to read as follows:

10.04.230 Vehicles parked on highway for more than seventy-two (72) consecutive hours — Removal.

A. The Los Angeles County Sheriff's Department, or a regularly employed and salaried employee of the City of Lancaster who is engaged in directing traffic or enforcing parking laws and regulations, shall remove to a safe place every vehicle which has been parked or left standing upon a highway for more than seventy-two (72) consecutive hours.

B. As used in this section, the words "safe place" include, but are not confined to, any garage, parking lot or open space owned by, maintained by or under the jurisdiction of the County of Los Angeles, and also every privately owned garage the owner or proprietor of which will accept such vehicle.

Section 3. 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 4. 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 5. 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 12<sup>th</sup> day of November, 2008, and placed upon its second reading and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2008 by the following 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            }

I, \_\_\_\_\_, \_\_\_\_\_, City of Lancaster, CA do hereby certify that this is a true and correct copy of the original Ordinance No. 911, 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)

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