

ORDINANCE NO. 2923

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADDING SECTION 10.52.485 TO THE MUNICIPAL CODE PROHIBITING THE SLEEPING OR CAMPING OVERNIGHT OF VEHICLES WITHIN THE GROUNDS OF ANY DOWNTOWN MUNICIPAL PARKING LOT, AND AMENDING SECTION 10.62.010 OF THE MUNICIPAL CODE PERTAINING TO PARKING VIOLATIONS TO ESTABLISH A PENALTY TO CITE FUTURE VIOLATORS

WHEREAS, the Town Centre I Redevelopment Area was adopted in 1976 as a unique area in Chula Vista that requires special attention and consideration in order to eliminate and reverse physical and economic deteriorating conditions, and to provide and maintain the necessary infrastructure to revitalize the area; and

WHEREAS, part of the overall revitalization effort was the establishment of public parking lots, which provides convenient parking for individuals or families that visit the downtown area for entertainment purposes or to shop, dine, or conduct business; and

WHEREAS, there has been an increased concern by area stakeholders and residents regarding individuals parking their vehicles in downtown parking lots to sleep or camp overnight; and

WHEREAS, the Town Centre Project Area Committee (PAC) directed staff to initiate the process of installing No Overnight Parking signs within all the downtown municipal parking lots; and

WHEREAS, the City's Municipal Code is silent in regards to prohibiting overnight parking in downtown parking lots, and has therefore established an ordinance to set up a formal process for citing future violators; and

WHEREAS, the downtown public parking lots affected under the ordinance are listed in Section 10.52.480 of the City's Municipal Code, which pertains to Municipal Parking Lots; and

WHEREAS, on May 21, 2003, the Town Centre PAC in their role as the Parking Place Commission unanimously voted in favor of the ordinance prohibiting individuals from sleeping or camping overnight in vehicles within the grounds of any downtown municipal parking lot; and

WHEREAS, the Downtown Business Association (DBA) supports the ordinance, and the installation of No Overnight Camping signs within all the downtown parking lots; and

WHEREAS, the Planning and Environmental Manager has determined that the project is exempt from the California Environmental Quality Act pursuant to Section 15321 of the California Code of Regulations, which refers to Class 21 Enforcement Actions by Regulatory Agencies; and

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Section 10.52.485 is hereby added to Chapter 10.52 of the Chula Vista Municipal Code to read as follows:

10.52.485 Municipal Parking Lots - Sleeping or Camping Prohibited

A. No person shall sleep or camp in a vehicle on the grounds of any City-owned, leased, or operated parking lot listed in CVMC 10.52.480. Signs expressing this parking restriction and the City's right to remove or impound an offending vehicle shall be posted at each entrance of a parking lot by the City engineer.

B. For purposes of this section, "to camp" shall be defined as establishing or maintaining a temporary, including overnight, place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep in a vehicle.

C. Vehicles in violation of this section may be removed and impounded as authorized by CVMC 10.80.120 and California Vehicle Code Section 22651.

SECTION II. That Section 10.62.010 of the Chula Vista Municipal Code is amended to read:

10.62.010 Parking Violations.

A. Enforcement. Every police officer and every City employee, and every volunteer (designated by the Chief of Police) charged with enforcement of the provisions of Chapters 10.52, 10.56 and 10.60 CVMC relating to illegal parking and time limitations in parking meter zones, the provisions of the California Vehicle Code, and the other laws of the state applicable to parking violations within the City, shall have the duty, when any vehicle is illegally parked, to issue written notice of violation thereof stating the state vehicle license number, make of such vehicle, the time and date of such illegal parking, meter number, street location, and a reference to the appropriate section of the code and the amount of the penalty for the violation. Such notice shall be attached to said vehicle in a conspicuous place upon the vehicle so as to be easily observed by the person in charge of such vehicle upon his return thereto.

B. Civil and Late Payment Penalties and Fees.

For the purpose of regulating the use of streets:

1. Base penalty amounts for the following Chula Vista Municipal Code violations shall be \$12.00 if paid within 30 days of the notice of violation:

CVMC 10.56.100; 10.56.110; 10.56.120; 10.56.130; 10.56.140.

2. Base penalty amounts for the following Chula Vista Municipal Code violations shall be \$50.00 if paid within 30 days of the notice of violation.

CVMC 10.52.485

3. Base penalty amounts for the following Chula Vista Municipal Code violations and California Vehicle Code violations shall be \$25.00 if paid within 30 days of the notice of violation:

CVMC 10.52.100; 10.52.110; 10.52.120; 10.52.130; 10.52.200; 10.52.210; 10.52.240; 10.52.330; 10.52.390; 10.52.420; 10.52.430; 10.52.480; 10.56.310.
California Vehicle Code Sections 2113(a); 22515; 22520.

4. Base penalty amounts for the following Chula Vista Municipal Code violations and California Vehicle Code violations shall be \$35.00 if paid within 30 days of the notice of violation:

CVMC 10.52.040; 10.52.060; 10.52.070 (1) - (14); 10.52.090; 10.52.150; 10.52.160; 10.52.180; 10.52.190; 10.52.230; 10.52.270; 10.52.290; 10.52.310; 10.52.360; 10.52.450; 10.52.485; 10.60.030; 10.60.050; 10.60.060; 10.60.080; 10.60.090; 10.60.100.

California Vehicle Code Sections 21211; 22500(a) - (h); 22500(j), (k); 22500.1; 22514; 22516; 22517.

5. Base penalty amounts for the following California Vehicle Code violations shall be \$25.00. The base penalty will be reduced to \$10.00 upon submission of proof of correction within the time frames specified in the Vehicle Code of the state of California:

California Vehicle Code Sections 5200; 5201; 5204(a).

6. The base penalties for the following California Vehicle Code violations shall be as set forth below:

California Vehicle Code Sections

4462(b) - \$100.00;
22500(i) - \$250.00;
22500(1) - \$275.00;
22507.8 - \$330.00;
22522 - \$275.00;
22523 - \$100.00;
22526 - \$50.00.

7. The base penalties for Chula Vista Municipal Code and California Vehicle Code violations not listed above shall be \$35.00 if paid within 30 days of the notice of violation, unless the penalty amount is set by the Vehicle Code of the state of California.

8. The owner or operator may mail such payments to the City's Director of Finance within the time established herein, but shall be responsible for delivery thereof to the office of the Director of Finance.

9. Late Payment Penalties. All base penalties under \$250.00 listed in subsections (B)(2) through (6) of this section shall double if not paid within 30 days of the notice of violation, unless specifically restricted by the Vehicle Code of the state of California. The penalty for violations listed in subsection (B)(1) of this section shall be \$35.00 if the penalty is not paid within 30 days of the notice of violation.

C. Failure to Pay. Failure to pay the appropriate penalty as provided herein or failure to contest the violation pursuant to Sections 40200.7 and 40215 of the Vehicle Code of the state of California will result in either notification of the Department of Motor Vehicles, which agency shall collect the maximum penalties and fee(s) established hereby at such time as the owner or


operator seeks to register his vehicle in accordance with the provisions of Section 4760 of the Vehicle Code of the state of California, or if applicable, in legal proceedings being instituted in court against the person responsible for the unpaid penalties and fees in accordance with the provisions of Section 40220 of the Vehicle Code of the state of California. For those citations that remain unpaid beyond 30 days and for which a hold is placed on the registration by the Department of Motor Vehicles, an additional \$10.00 fee shall be assessed.

SECTION III. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Submitted by


Approved as to form by


Laurie Madigan
Community Development Director


Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of July, 2003, by the following vote:

AYES:	Councilmembers:	Davis, McCann, Rindone, Salas and Padilla
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2923 had its first reading at a regular meeting held on the 8th day of July, 2003 and its second reading and adoption at a regular meeting of said City Council held on the 15th day of July, 2003.

Executed this 15th day of July, 2003.



Susan Bigelow, CMC, City Clerk