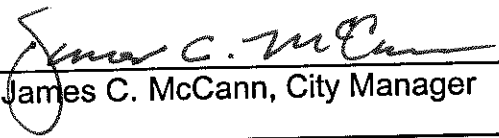


# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Jonathan Mills – Chief of Police  
**DATE:** February 16, 2010  
**SUBJECT:** CMC Title 10 Vehicle and Traffic Code Adoption

**APPROVAL FOR FORWARDING:**

  
 James C. McCann, City Manager

1 **ISSUE:** Consideration of an Ordinance, initiated by the City of Calistoga, for a  
 2 text amendment to Title 10, Vehicles and Traffic, specifically Section 10.36.80  
 3 (Time Limit Parking), and adding Section 10.36.160 (Obstruction or Interference  
 4 with Police of Authorized Officers), and repealing Section 10.36.100 (Use of  
 5 streets for storage of vehicles prohibited).  
 6

7 **RECOMMENDATION:** Introduce Ordinance and waive the first reading.  
 8

9 **BACKGROUND/DISCUSSION:** Regulations and laws governing vehicle use,  
 10 driving and parking are found in local and state law. Specific provisions relative to  
 11 parking in Calistoga are contained in the Calistoga Municipal Code Chapter 10.  
 12 Section 36 regulates stopping, standing, loading, unloading and parking of  
 13 vehicles in the City.  
 14

15 One area of these local parking regulations which causes confusion is Section  
 16 10.36.100. This section states that no person shall park a vehicle or trailer upon  
 17 a City street for more than 24 consecutive hours. State law allows for the removal  
 18 of vehicles from the street if it is left standing in excess of 72 hours. The City of  
 19 Calistoga is the only municipality in the county that has the 24 hour ordinance.  
 20 This ordinance is usually investigated and cited on a complaint basis and in  
 21 conjunction with long term or abandoned vehicle issues. It is recognized that  
 22 some residents may unknowingly or unwittingly violate this section due to the 24  
 23 hour only time limit. However, this section has also been used effectively in  
 24 preventing long term parking or abandoned vehicles on the street when the  
 25 owners of these vehicles attempt to skirt the law by erasing the enforcement  
 26 officer's markings or pushing their vehicles several feet to avoid detection

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At January 5, 2010 Council Meeting I reported on this and was given direction by Council to investigate as an alternative to the 24 hour ordinance, a separate ordinance that prohibits tampering with a parking enforcement markings on a vehicle. Such an ordinance would be an effective tool in enforcing abandoned vehicles or vehicles stored on the street for excessive time periods and a less restrictive alternative than the 24 hour time limit.

I have reviewed examples of "tampering" ordinances from many different jurisdictions in the state. Each ordinance included the basic elements that the removal, obliteration, or concealment of any chalk mark or other distinguishing mark used in connection with the enforcement of parking regulations shall, if done for the purpose of evading the provisions of this Code, constitute interference or obstruction. This violation would be an infraction, punishable by a fine.

In my opinion, such an ordinance would an effective alternative than a 24 hour parking ordinance that is only investigated by complaint and may be too restrictive for a residential neighborhood. The language for the proposed ordinance is attached as Calistoga Municipal Code Section 10.36.160.

Also discussed at the January 5, 2010 Council meeting was Section 10.36.080 which addresses certain areas of the city which by resolution are identified as time limit parking areas. Areas so identified must be marked, pursuant to this section, by a green curb and a sign identifying the time limit. This section fails to state that the green curb marking is only required for areas where parking is restricted to less than 30 minutes. Other areas such as downtown three hour parking zones are so designated by signage only. Other parking restricted areas such as red, yellow and white zones are addressed in section 10.36.020.

The municipal code section should be amended to recognize that green curb markings are required for time limit zones for less than 30 minutes only. Proposed language for this amendment is attached as Calistoga Municipal Code Section 10.36.080.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

1. Draft Ordinance

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,  
COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING TITLE 10 OF THE  
CALISTOGA MUNICIPAL CODE (CMC) TO MODIFY CHAPTER 10.36 BY  
MODIFYING SECTION 10.36.080 AND REPEALING SECTION 10.36.100 AND  
ADDING SECTION 10.36.160; PERTAINING TO PARKING TIME LIMITS AND  
INTERFERENCE WITH PARKING ENFORCEMENT OFFICERS**

1 The City Council of the City of Calistoga does hereby ordain as follows:  
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3 **SECTION ONE:**  
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5 WHEREAS, the City Council of the City of Calistoga at a regular meeting  
6 considered as one of its items of business, noticed in accordance with  
7 Government Code Section 65090, this ordinance to be adopted in accordance  
8 with Code Section 65850; and  
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10 WHEREAS, the City Council finds that the proposed text amendments  
11 pertaining to parking time limits and interference with parking enforcement  
12 officers meet the criteria established and required by the State of California; and  
13

14 WHEREAS, the City Council finds that the proposed text amendments  
15 pertaining to parking time limits and interference with parking enforcement  
16 officers are consistent with the General Plan policies in support of public safety  
17 and quality of life; and  
18

19 WHEREAS, the City Council finds that the proposed text amendments are  
20 not detrimental to the public health, safety and welfare.  
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22 **SECTION TWO:**  
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24 Title 10 of the Calistoga Municipal Code, entitled Vehicles and Traffic, is  
25 hereby modified as follows:  
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27 **SECTION THREE:**  
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29 That the following amendments to Title 10 (Vehicles and Traffic) are hereby  
30 adopted:  
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32 1. Modify Section 10.36, Section 10.36.080 to read as follows:  
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34 10.36.080 Time Limit Parking  
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36 A. The Council may, by resolution, designate certain areas of certain  
37 streets within the City as areas where parking or stopping is restricted to  
38 a certain time limit. Any areas so designated shall be marked by either a  
39 sign or painting on the curb, to the effect that parking is limited to a  
40 certain time. Any areas restricting parking to 30 minutes or less shall be  
41 marked by the use of both green paint on the curb and a sign. Such  
42 resolution shall if appropriate, also designate the hours of the day and  
43 the days of the week during which such restrictions are in effect, Upon  
44 any such resolution, after the areas have been duly marked as provided  
45 in this section, no operator of any vehicle shall stop, stand or park for a  
46 period of time longer than the specified time during the hours of the day  
47 designated and on the days designated by any such signs and curb  
48 markings.

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50 B. The Chief of Police shall keep an account of and report the location at  
51 which any vehicle is parked in violation of the provisions of this section,  
52 the date and hour of such violation, the make and State license number  
53 of such vehicle and any other facts necessary to an understanding of the  
54 circumstances surrounding such violation. The Chief of Police shall  
55 attach to such vehicle a notice stating that it has been parked in violation  
56 of this section and instructing the owner or operator to report to the court  
57 having jurisdiction with respect to such violation.

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59 2. Repeal Section 10.36.100 – Use of Streets for storage of vehicles  
60 prohibited.

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62 3. Add Section 10.36.160 to read as follows:

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64 10.36.160 Obstruction or Interference with Police of Authorized Officers.

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66 No person shall interfere with or obstruct in any way any police officer or  
67 other officer or employee of the City of his enforcement of the provisions  
68 of the Municipal Code. The removal, obliteration, or concealment of any  
69 chalk mark or other distinguishing mark used by any police officer or  
70 other employee or officer of the City in connection with the enforcement  
71 of the parking regulations of the Code shall, if done for the purpose of  
72 evading the provisions of this Code, constitute such interference or  
73 obstruction.

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75 **SECTION FOUR:**

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77 If any section, or portion of this ordinance is for any reason held to be  
78 invalid and or unconstitutional by a court or competent jurisdiction, such decision  
79 shall not affect the validity of the remaining portions of this ordinance.

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**SECTION FIVE:**

This ordinance shall take effect thirty (30) days after its passage. Before expiration of fifteen (15) days after its passage by the City Council, the City Clerk shall cause to be published a summary of this ordinance in a newspaper of general circulation within the City of Calistoga.

**ADOPTED AND APPROVED** this 16<sup>th</sup> day of February, 2010, by the following vote:

- AYES:**
- NOES:**
- ABSENT/ABSTAIN:**

\_\_\_\_\_  
**JACK GINGLES, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SUSAN SNEDDON, City Clerk**