

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 15

Date: January 9, 2008

TO:            Honorable Mayor and Members of the City Council

FROM:        Jonathan Brindle, Director of Community Development  
               Gary J. McCarthy, Deputy City Attorney

SUBJECT:     Residential Yard Parking Ordinance

RECOMMENDATION:

Request Council adopt Ordinance 2008-04, amending portions of the Escondido Municipal Code to enhance the City's ability to regulate parking motor vehicles on residential front yards.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Image and Appearance.

PREVIOUS ACTION:

None.

BACKGROUND:

The proposed ordinance will enhance the City's ability to regulate parking motor vehicles on residential front yards by consolidating several zoning code front yard parking prohibitions into a single section of the Escondido Municipal Code Traffic Chapter. The consolidation will better enable code enforcement officers and Escondido Police Department officers to issue citations and will avoid the cumbersome need for a twenty-four hour warning requirement.

The proposed ordinance also contains provisions to prohibit parking in the community areas of residential multi-dwelling units where the placement of the buildings makes identification of the front and side yards problematic. The proposed ordinance specifically defines two wheels on any surface other than the driveway or other authorized parking area as a violation.

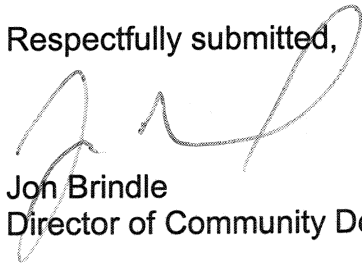
Placing the yard parking prohibition in the Traffic Chapter aligns yard parking enforcement with other parking enforcement efforts. A yard parking violation would result in a parking ticket. Code enforcement officers routinely issue administrative citations for yard parking violations; however, administrative citations require a twenty-four hour warning period and personal service on the

responsible party. Though enforcement officers may write misdemeanor citations without a warning, they must identify and personally serve the responsible party. The ability to write a parking ticket will also help prevent a frequent problem encountered with repeat offenders who receive a warning, correct the problem, then re-offend soon thereafter. In contrast, parking tickets do not require a twenty-four hour waiting period and may be placed directly on the vehicle. To authorize treatment as a parking ticket, the proposed ordinance makes a yard parking violation an infraction.

Police department involvement will also result in an increased number of employees enforcing yard parking and will allow around the clock enforcement. Enforcement under the authority of the Traffic Chapter will focus on the vehicle owners and drivers as opposed to the property owners. Code enforcement officers will retain the ability to investigate repeat offenders and to hold property owners accountable. To address recidivism, the proposed ordinance allows a third violation within twelve months to be filed as a misdemeanor. Code enforcement officers will retain the ability to enforce the current zoning code yard parking violations as misdemeanor offenses, in necessary.

The proposed ordinance enables immediate enforcement whenever an officer observes a violation and will significantly improve our ability to vigorously address recurring public nuisances. For the reasons stated above, we recommend the City Council adopt Ordinance 2008-04.

Respectfully submitted,



Jon Brindle  
Director of Community Development



Gary McCarthy  
Deputy City Attorney

ORDINANCE NO. 2008-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 28 OF THE ESCONDIDO MUNICIPAL CODE PERTAINING TO YARD PARKING IN RESIDENTIAL NEIGHBORHOODS

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

WHEREAS, the Escondido City Council recognizes that the City has a history and reputation for well kept properties and that the general appearance and maintenance of residential properties impacts the community's general welfare and the quality of life of all residents; and

WHEREAS, the Escondido City Council finds that parking on residential front yards and corner lot side yards degrades the neighborhood appearance, contributes to neighborhood blight, is a public nuisance and has a negative impact on the property values in the adjacent community; and

WHEREAS, the Escondido City Council finds that every responsible person has a duty to maintain property under their control in a manner consistent with the general welfare of the community; and

WHEREAS, the Escondido City Council determines a single yard parking prohibition will align yard parking enforcement with other parking enforcement efforts, and is a valid exercise of the City's police power.

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public

hearings have been held before the City Council on this issue.

SECTION 2. That Escondido Municipal Code Chapter 28 is amended by the addition of Article 10 Section 28-300 to read as follows:

**Article X – Yard Parking**

**Section 28-300 Yard Parking Prohibited**

- (a) No person shall stop, stand or park a vehicle on a residential front yard or corner lot side yard abutting a street.
- (b) No person shall stop, stand or park a vehicle on any landscaped area in a multi-dwelling unit housing complex.
- (c) A third or more violation of section 28-300 (a) or (b) within a twelve month period may be charged as a misdemeanor offense.
- (d) Two wheels contacting any surface other than the driveway or other approved parking area is prima facia evidence of a violation of this section.
- (e) This section shall not apply to:
  - (1) Vehicles parked on a driveway or on a city approved parking area;
  - (2) Vehicles not observable from the public right of way;
  - (3) Recreational vehicles parked in accordance with Chapter 33, Article 25, (parking of recreational vehicles in residential zones).

SECTION 3. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.