

ORDINANCE NO. ____ (N.C.S.)

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF SALINAS CITY CODE
CHAPTER 20, MOTOR VEHICLES AND TRAFFIC**

WHEREAS, the City of Salinas is authorized by the California Constitution and Vehicle Code sections 40200 *et seq.*, to regulate parking within the City; and

WHEREAS, the City of Salinas desires to clarify that authority for parking enforcement is not limited to the Police Department and may extend to a private contractor with oversight by the Public Works Department;

NOW, THEREFORE, be it ordained by the Council of Salinas that Sections 20-3, 20-4, 20-88, and 20-91 of the Salinas City Code shall be amended to read:

Sections:

Sec. 20-3. - Authority of police and fire department officials, city manager, and public works director.*

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- (c) Members of the fire department, when at the scene of a fire or when in the course of their duties they are protecting the personnel or equipment of the fire department, may direct or assist the police in directing traffic.
- (d) The city manager may delegate parking enforcement to a contractor pursuant to an agreement for services approved by the city council, and may delegate oversight of parking enforcement services to the public works director. Parking enforcement includes issuance of notices of parking violations and processing of citations under this chapter.

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Sec. 20-4. - Obedience to police and fire department officials—Interference with police officials and parking enforcement prohibited.*

- (a) No person shall willfully fail or refuse to comply with any lawful order of a police officer or fire department official when directing traffic.
- (b) No person shall interfere with or obstruct in any way any police officer or other officer or employee in this city or contractor in their enforcement of the provisions of this chapter. The removal, obliteration or concealment of any chalk mark or other distinguishing marks used by

any police officer or other employee or officer of this city or contractor in connection with the enforcement of the parking regulations of this chapter shall, if done for the purpose of evading the provisions of this chapter, constitute such interference or obstruction.

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Sec. 20-88. - Tickets—Issuance for violations.

Every police officer, acting in accordance with instructions issued by the chief of police, and any contractor authorized by the city manager, shall take the state vehicle license of any vehicle parking in violation of any of the provisions of this chapter; the time and place of such violation; the nature of the violation; the make of such vehicle; and such other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation; and issue, in writing, a citation for such violation in accordance with Vehicle Code section 40202, including notice of the procedure to contest the citation under Vehicle Code section 40215.

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Sec. 20-91. - Ticketing illegally parked vehicles.

Any regularly employed and salaried officer of the police department or any contractor authorized by the city manager may issue a citation to the owner or driver of any motor vehicle that has been parked or left standing on any private property, driveway, or private parking lot, or property used for private parking purposes, in violation of Section 20-90, in accordance with Section 40202 of the Vehicle Code.

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SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect thirty (30) days from and after its adoption.

SECTION 4. The City Clerk of the City of Salinas is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Salinas Californian, a newspaper of general circulation printed, published, and circulated in the city of Salinas and hereby designated for that purpose by the Council of Salinas:

“Sections 20-3, 20-4, 20-88, and 20-91 of the Salinas City Code are hereby repealed and replaced to allow for contracted parking enforcement.”

This ordinance was introduced and read on the 16th day of August 2016, and passed and adopted on the 30th day of August 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney