

AN ORDINANCE OF THE CITY OF EUREKA AMENDING
EUREKA MUNICIPAL CODE CHAPTERS 70 AND 72 PERTAINING TO
PARKING

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title VII, Chapter 70, Section 70.01 – Definitions, is hereby amended to read as follows:

§ 70.01 DEFINITIONS.

PARKING METER. A mechanical device installed within or upon the curb or sidewalk area immediately adjacent to a parking space for the purpose of controlling the period of time of occupancy of such parking meter space by any vehicle.

Revision:

PARKING METER. Shall mean any device that accepts payment for the use of parking spaces. Such devices include, but are not limited to, parking meters, pay stations, and any software application that processes payments from a mobile device, for the purpose of controlling the period of time a parking meter space is occupied by any vehicle.

(A) The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified by this chapter except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(B) The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or laws of the city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

Section 2.

Title VII, Chapter 72, Section 72.025 – Twelve-Minute Parking, is hereby amended to read as follows:

§ 72.025 TWELVE-MINUTE PARKING.

(A) A green curb marking shall mean no standing or parking for a period of time longer than 12 minutes at any time between the hours of 9:00 a.m. and 6:00 p.m. on any day except ~~Saturdays~~, Sundays and holidays as defined in § 72.051 of this chapter.

(B) When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking, sign, or parking meter in violation thereof.

Section 3.

Title VII, Chapter 72, Section 72.026 – Thirty-Minute Parking, is hereby amended to read as follows:

§ 72.026 THIRTY-MINUTE PARKING.

When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except ~~Saturdays~~, Sundays and holidays as defined in § 72.051 of this chapter for a period of time longer than 30 minutes.

Section 4.

Title VII, Chapter 72, Section 72.027 – One-Hour Parking, is hereby amended to read as follows:

§ 72.027 ONE-HOUR PARKING.

When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except ~~Saturdays~~, Sundays and holidays as defined in § 72.051 of this chapter for a period of time longer than one hour.

Section 5.

Title VII, Chapter 72, Section 72.028 – Two-Hour Parking, is hereby amended to read as follows:

§ 72.028 TWO-HOUR PARKING.

When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except ~~Saturdays~~, Sundays and holidays as defined in § 72.051 of this chapter for a period of time longer than two hours.

Section 6.

The following section is hereby added to Title VII, Chapter 72, Section 72.028.1 – Four-Hour parking:

§ 72.028.1 FOUR-HOUR PARKING.

When authorized signs, parking meters, or curb markings have been determined by the Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays as defined in § 72.051 of this chapter for a period of time longer than four hours.

ON-STREET PARKING

Section 7.

Title VII, Chapter 72, Section 72.050 – Parking Meter Zones Defined; Installation; Street Markings, is hereby amended to read as follows:

§ 72.050 PARKING METER ZONES DEFINED; INSTALLATION; STREET MARKINGS.

(A) Defined.

(1) Parking meter zones shall be those streets or portions of streets established by ordinance-resolution of the Council as zones within which the parking of vehicles shall be controlled, regulated, and inspected with the aid of parking meters.

(2) The Traffic Engineer shall cause parking meters to be installed and maintained in all parking meter zones.

(B) Manner of installation.

(1) Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each parking meter shall be placed in such a manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use.

(2) Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time for the zone in which the parking meter is installed and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit, or a portion thereof, for the part of the street upon which the parking meter is placed. Each parking meter shall also be so arranged that, upon the expiration of the legal parking time, the parking meter will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

(C) Street markings. The Traffic Engineer shall cause white lines or markings to be painted or placed upon the curb or street adjacent to each parking meter designating the

parking space for which such parking meter is to be used, and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings so established unless the size or shape of such vehicle makes compliance impossible.

Section 8.

Title VII, Chapter 72, Section 72.051 – Days and Hours of Operation, is hereby amended to read as follows:

§ 72.051 DAYS AND HOURS OF OPERATION.

The provisions of this chapter relating to the operation of parking meters shall be effective between the hours of 9:00 a.m. and 6:00 p.m. on every day except ~~Saturdays,~~ Sundays and holidays

Section 9.

Title VII, Chapter 72, Section 72.071 – Off-Street Parking Proceedings, is hereby amended to read as follows:

§ 72.071 OFF-STREET PARKING PROCEEDINGS.

(A) General powers of city. The whole or any part of the city may be created and operated as a district or districts for the acquisition, improvement, administration, maintenance, operation, and disposal of public motor vehicle parking places. Bonds to pay the cost thereof may be issued and paid. Revenues from on-street and off-street parking facilities may be allocated and pledged. Annual ad valorem assessments may be levied and collected. Contributions may be made. Covenants and agreements with the bondholders for the security and payment of such bonds may be made, and the Parking Place Transportation Safety Commission shall have the powers, jurisdiction, and authority, all as now or hereafter provided in the Parking District Law of 1951 (being Cal. Sts. & High. Code §§ 35100 et seq.) (referred to as “Act” in this section), except as otherwise provided in this section.

(‘63 Code, § 3-4.201)

(B) Provisions to take precedence. The provisions of this section shall be controlling to the extent that they are in conflict with any of the provisions of the Act.

(‘63 Code, § 3-4.202)

(C) Other procedures permitted. The provisions of this section shall not be exclusive. The Council shall have the power to provide other procedures or to follow parking place or district procedures now or hereafter provided by general law.

(D) Investigation act. Before ordering any acquisitions or improvements, or both, or the creation of any district pursuant to the provisions of this section, the Council shall find that the public convenience and necessity require such acquisitions or improvements, or both, in the manner provided in Section 17 of Article XIII of the Constitution of the state.

(1) Preliminary determination of necessity. A resolution of preliminary determination shall be adopted describing in general terms the proposed improvement or acquisition and setting a time and place when and where any and all persons interested may appear and show cause, if any they have, why the Council should not find and determine that the public convenience and necessity require the proposed acquisition or improvement without compliance with the Special Assessment Investigation, Limitation, and Majority Protest Act of 1931 (being Cal. Sts. & High. Code §§ 2800 et seq.).

(2) Notice and hearing. The resolution shall contain a notice of the time and place of hearing. A copy of the resolution shall be published in one or more issues of a newspaper published and circulated in the city, and a copy shall be posted on or near the council chambers' door or on a bulletin board in or adjacent to the city hall. The posting and publication shall be had at least ten days before the date of hearing. The resolution may be consolidated with the resolution of intention.

(3) Objections. Any person interested may object to undertaking the proceedings without first complying with the provisions of the said Investigation Act of 1931.

(4) Final determination of necessity. If no protests are made, or when the protests shall have been heard and overruled, the Council may adopt a resolution finding and determining that the public convenience and necessity require the proposed improvements and/or acquisitions and that the said Investigation Act of 1931 shall not apply. Such findings may be incorporated in the resolution ordering the improvement and/or acquisition.

(5) Modification. When proceedings are held for a change and modification, the resolution of intention to change and modify shall be deemed a resolution of intention, and the resolution ordering the changes and modifications shall be deemed a resolution ordering the improvement or acquisition as to the changes and modifications.

(6) Jurisdiction. The resolution determining the convenience and necessity shall be adopted by the affirmative vote of four-fifths of the members of the Council, and such findings and determinations shall be final and conclusive.

(7) Exception. The provisions of this section shall not apply when investigation proceedings have been avoided or taken pursuant to the said Investigation Act of 1931.

(8) Finality. When proceedings for any improvements and/or acquisitions, or any part thereof, have been undertaken without compliance with the said Investigation Act of 1931 or without proceedings pursuant to this division (D), proceedings may thereafter be held pursuant to this division (D) with reference thereto, and the order of the Council determining the convenience and necessity therein shall be final and conclusive.

(E) Zones. If, in the judgment of the Council, varying benefits will be derived by the different parcels of land lying within the assessment district, the district may be divided into zones according to benefits.

(1) Number. The district may be divided into as many zones, up to the total number of parcels of land in the district, as may be deemed necessary, and each zone shall be

composed of and include all the lands within the district which will be benefitted in like measure.

(2) Percentage. The Council shall also determine the percentage of the sum to be raised each year by the levy and collection of the special assessment taxes in the district for the payments on the principal and interest of the bonds which will be raised from the lands in each zone.

(3) Resolution of intention. When the district is divided into such zones, the resolution of intention shall so state, giving the percentages to be raised from lands in each zone.

(4) Designation. Each zone shall be designated by a different letter or number and shall be plainly shown on the map or plat of the assessment district filed in the office of the City Clerk and referred to in the resolution of intention, either by separate boundaries, coloring, or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located.

(5) Plat. It shall be sufficient, in all cases where the assessment district is to be divided into such zones according to benefits, if the resolution of intention states that fact and refers to the plat or map for the boundaries and all details concerning the zones.

(F) Formation of parking district without petition. The city may prepare a report, adopt a resolution of intention, and form a parking district without any petition therefor.

(G) Parking lots not required to be in parking district. It shall not be necessary for the proposed parking lots to be located within the parking district.

(H) Elapse of time. It shall not be necessary for any specified time to elapse between the performance of acts.

(I) Period of notice. The first publication and mailing of any resolution or notice shall be not later than ten days before the day fixed therein for hearing or other act.

(J) Resolution sufficient. The Council may act by resolution when an ordinance is provided.

(K) Issuance of bonds. The bonds may be issued before contracting or obtaining options for the purchase of the land, property, or rights-of-way to be acquired, or before obtaining a judgment in eminent domain for the acquisition thereof.

(L) Maturity of bonds. The bonds may be made payable on July 2 of each year in such amounts as the Council shall determine. The last installment shall mature not later than 39 years from the second day of July next succeeding ten months after their date.

(M) Registration. The bonds may be made registrable as to principal and interest, or as to principal only, and may be made de-registrable.

(N) Divisions. The bonds may be issued in different divisions with different dates and dates of maturity.

(O) Sale. The bonds may be sold below par in the manner determined by the Council.

(P) Bonds; source of payment. Any bonds issued pursuant to these proceedings and the interest thereon shall be payable from annual ad valorem assessments levied upon the taxable real property within the district, and the limitations upon the rate or period thereof provided in the Act shall not apply. The bonds may also be payable from on-street and off-street parking revenues.

(Q) Enlargement of district. The boundaries of the district heretofore or hereafter formed may be enlarged from time to time in the following manner:

(1) Resolution of intention. The territory to be annexed shall be set forth in a resolution of preliminary determination and of intention to be adopted by the Council, which resolution shall give notice that the matter, and all persons interested, will be heard by the Council at a time to be stated therein.

(2) Publication. The resolution shall be published twice in a newspaper of general circulation published in the city and posted as provided in division (D)(2) of section.

(3) Hearing. The hearing may be adjourned from time to time. At the hearing, the Council shall have the power to determine whether or not the entire territory, or only a portion thereof, to be annexed and the district will be benefitted by the annexation.

(4) Order. The Council shall by resolution, order the annexation of such territory, defining its boundaries therein. Its decision thereon shall be final and conclusive.

(5) Ad valorem assessment. Thereafter, the property annexed shall be subject to special levies for maintenance and operation and for any bonds issued for the acquisition or construction of improvements, the same as are the properties already in the parking district.

(R) Additional street meter pledge. The Council may, from time to time, pledge street meter revenues from without or within the parking district.

(S) Additional parking place pledge. The Council may, from time to time, pledge revenues from off-street parking places theretofore or thereafter acquired in other than the proceedings in addition to those acquired in the proceedings.

(T) Supplemental procedures. When proceedings are held under the Act, its provisions may be supplemented by other proceedings or as otherwise provided in the resolution of intention.

(U) Inclusion of territory in more than one district. Territory included in one parking district may be included in another parking district if the Council shall find that the territory will be benefitted by being included in the subsequent parking district.

(V) Rental of facilities. The city may acquire, construct, rent, lease, maintain, repair, manage, and operate all or any portion of any real and personal property, including the leasing of property for parking, the leasing of the operation of the property, and the leasing for commercial purposes of surplus space or space which is not economic to use for parking purposes.

(W) Incidental uses.

(1) As an incident to the operation of any parking facility, the city may devote a portion of its property to uses such as retail stores, bus depots, gasoline service stations, helicopter landing areas, or any other commercial uses when, in its judgment, it is convenient or necessary to conduct or permit such use in order to utilize properly the property in a parking facility. Any such incidental use shall be secondary to the primary use as a parking facility, and the portion of the land devoted to the incidental use shall not exceed 25% of the surface area of the property. If a building is erected on the property for the purpose of parking motor vehicles, the incidental use of the building shall not occupy more than 25% of the floor area.

(2) Neither the Parking-Place-Transportation Safety Commission nor the Council shall manage or operate surplus space devoted to commercial purposes other than parking vehicles but shall lease such space to private operators.

(X) Sale of property. The Council, by four-fifths vote of all of its members, may determine that any parcel of property acquired from the proceeds of the bonds or any improvements, extensions, or replacements thereof or additions thereto are no longer needed for off-street parking purposes or that such facilities may be otherwise better provided. The property shall thereafter be sold and disposed of, either during or after the term of the bonds. The proceeds of the sale shall be used for the following purposes and in the following order of priority:

(1) For the purchase of other off-street parking places or facilities for the parking district, or for improvements, additions, and extensions to the existing facilities thereof;

(2) To pay the principal and interest on the parking bonds of this issue or any additional parking bonds of the district then outstanding; and,

(3) To make the refunds provided in Section 35705 of the Act. No property shall be sold until after proceedings for changes and modifications have been held as provided in the Act.

Section 11.

Title VII, Chapter 72, Section 72.073 – Administration by City Manager; Establishment of Rates and Time Limits, is hereby amended to read as follows:

§ 72.073 ADMINISTRATION BY CITY MANAGER; ESTABLISHMENT OF RATES AND TIME LIMITS.

(A) Administration by City Manager. The operation, ~~and~~ management and designation of pay-to-park of all public off-street parking facilities in the city are hereby placed under the control of the City Manager, subject to the policy direction of the Council.

(B) Establishment of rates and time limits. The Council, by resolution, may establish the rates and parking time limits, and days and hours during which they shall apply, for the parking of vehicles on public off-street parking facilities.

(B) Establishment of rates and time limits. The Council, by resolution, hereby establishes a range of acceptable hourly paid parking rates for parking meter zones as no less than \$0.50 and no more than \$3.00 per hour, Monday through Saturday, nine o'clock (9:00) a.m. to six o'clock (6:00) p.m., except for holidays. Parking rates shall become effective upon the programming of the parking meter for that rate. The current schedule of meter rates shall be available on the City's Fee Schedule.

(C) The Director of Public Works is authorized to adjust hourly parking meter rates in increments of \$0.25 at a time, and by a maximum of \$0.50 total, per calendar year, within the established range of rates. The director is further authorized to adjust the hours of operation and parking time limits of public parking lots. All rate adjustments and adjustments to the hours of operation shall be determined by conducting an occupancy survey of the parking meter zone or lot. All parking meter rates heretofore shall be and remain in effect, unless otherwise set or adjusted by the director or council.

Section 12.

Title VII, Chapter 72, Section 72.079 – Permit Parking, is hereby amended to read as follows:

§ 72.079 PERMIT PARKING.

Upon the recommendation of the ~~Parking Place~~ Transportation Safety Commission, the City Manager shall have the authority to define and set aside any portion of any city-owned public parking facility for permit parking and to issue permits therefor in accordance with the following provisions:

(A) The maximum number of permits to be issued upon any lot shall be limited to a number which the City Manager determines will not substantially impair the use of such lot by non-permit parkers.

(B) The City Manager may issue parking meter permits to applicants therefor upon the payment of a fee in an amount to be determined by the City Manager based upon the average receipts from meters in parking lots for a period equivalent to that covered by the permit. Such permit shall designate the parking lot and the parking space for which it is issued and shall be affixed to the rear window of the vehicle for which it is issued. Such permit may contain such instructions as to its use as may be deemed appropriate by the City Manager. Applications for such permits shall be made on forms furnished by the City Manager.

(C) The authority granted to the City Manager by the provisions of this section shall include the authority on any city-owned parking lot to convert metered spaces to unmetered spaces and unmetered spaces to metered spaces, as may be necessary to effectuate the purposes of this section.

(D) The holder of a valid parking permit properly displayed may park in the space on the lot for which such permit is issued, but only in such space, without further payment or deposit of coins.

(E) The City Manager may revoke any parking meter permit for any of the following reasons:

(1) When the person to whom such permit has been issued has failed to pay the fee therefor as provided in this section; or,

(2) When the City Manager determines that such permit parking substantially impairs the use of such parking lot by non-permit holders.

Section 13.

The following section is hereby added to Title VII, Chapter 72, Section 72.80– Timed Parking Map:

72.80 Parking Time Limit Maps, which establishes timed parking zones through the City will be adopted by Resolution of the City Council

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 1st day of August, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2023, and hereby approved.

Kim Walford Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn E. Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2023.

Pamela J. Powell, City Clerk