

ORDINANCE NO. 24-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, ADDING SECTIONS 10.20.180 (PARKING WITHIN 18 INCHES OF THE CURB), 10.20.190 (PROHIBITED PARKING IN LOADING ZONES), 10.20.200 (STOPPING IN DESIGNATED FIRE LANE), AND 10.32.80 (ABANDONMENT OF VEHICLE) TO THE EASTVALE MUNICIPAL CODE

WHEREAS, the City of Eastvale is authorized by Article XI, "Local Government," §5 and §7 of the California State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City of Eastvale has authority pursuant to Sections 21101, "Local Regulation" and 35700, "Local Authorities," of the California Vehicle Code to regulate the stopping, standing, and parking of motor vehicles; and

WHEREAS, the City Council desires to update its Municipal Code provisions to enforce State Vehicle Code provisions on the stopping, standing, and parking of motor vehicles.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EASTVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Addition of Section 10.20.180. Section 10.20.180 (Parking within 18 inches of the Curb) of the Eastvale Municipal Code is added to read as follows:

A vehicle stopped or parked upon a roadway with adjacent curbs or class IV bikeways, as defined in Section 890.4 of the Streets and Highways Code, shall be stopped or parked with the right-hand wheels of the vehicle parallel to, and within 18 inches of, the right-hand curb or the right-hand edge of the class IV bikeway, except that a motorcycle shall be parked with at least one wheel or fender touching the right-hand curb or edge. If no curbs, barriers, or class IV bikeways bound a two-way roadway, right-hand parallel parking is required unless otherwise indicated.

This section does not apply to commercial vehicles which, pursuant to Vehicle Code § 22502, subd. (b)(1) that cannot abide by these restrictions in loading or unloading merchandise or passengers.

SECTION 2. Addition of Section 10.20.190. Section 10.20.190 (Prohibited Parking in Loading Zones) of the Eastvale Municipal Code is added to read as follows:

A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, except as provided under Vehicle

Code § 22500.5, alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.

SECTION 3. Addition of Section 10.20.200. Section 10.20.200 (Stopping in Designated Fire Lane) of the Eastvale Municipal Code is added to read as follows:

No person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device along the edge of any highway, at any curb, or in any location in a publicly or privately owned or operated off-street parking facility, designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located.

The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE," which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE."

SECTION 4. Addition of Section 10.20.210. Section 10.20.210 (Abandonment of Vehicle) of the Eastvale Municipal Code is added to read as follows:

(a) No person shall abandon a vehicle upon any highway.

(b) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) Any person convicted of a violation of this section shall be punished by a fine of not less than one hundred dollars (\$100) and shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

(d) Proof that the costs of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court.

(e) The costs required to be paid for the removal and disposition of any vehicle determined to be abandoned pursuant to Section 22669 shall not exceed those for towing and seven days of storage. This subdivision does not apply if the registered owner or legal owner has completed and returned to the lienholder a "Declaration of Opposition" form within the time specified in Section 22851.8.

(f)(1) If a vehicle is abandoned in violation of subdivision (b) and is not redeemed after impound, the last registered owner is guilty of an infraction. In addition to any other penalty, the registered owner shall be liable for any deficiency remaining after disposal of the vehicle under Section 3071 or 3072 of the Civil Code or Section 22851.10 of this code.

(2) The filing of a report of sale or transfer of the vehicle pursuant to Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the department pursuant to subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision.

SECTION 5. Renumbering of Chapter 10.20. Chapter 10.20 (Parking) of the Eastvale Municipal Code is renumbered such that Section 10.20.180 (Violation; penalty) is now Section 10.20.220 and Section 10.20.190 (Legal procedures and penalties) is now Section 10.20.230.

SECTION 6. CEQA Findings. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines. The ordinance, which imposes parking regulations and updates the City's bail schedule, is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 7. Severability. If any chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 9. City Clerk Action. The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Chapter 39633(c).

PASSED, APPROVED AND ORDAINED this 24th day of January, 2024.

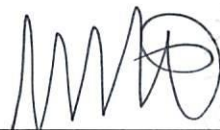


Christian Dinco
Mayor

APPROVED AS TO FORM:


Erica Vega
City Attorney

ATTEST:


Marc A. Donohue, MMC
City Clerk/Communications Director

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

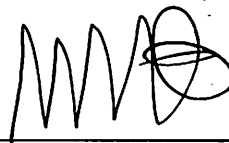
I, Marc A. Donohue, City Clerk/Communications Director of the City of Eastvale, California, do hereby certify that the foregoing Ordinance No. 24-02, was introduced at a regular meeting of the City Council of the City of Eastvale held on the 10th day of January, 2024, and was passed by the City Council of the City of Eastvale at a regular meeting held on the 24th day of January, 2024, by the following vote:

AYES: Councilmembers Lorimore, Rigby, Yow, Mayor Pro Tem McMinn, and Mayor Dinco

NOES:

ABSENT:

ABSTAIN:

A handwritten signature in black ink, consisting of a series of vertical, wavy lines followed by a circular flourish.

Marc A. Donohue, MMC
City Clerk/Communications Director