

ORDINANCE NO. 878

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, ADDING CHAPTER 11.15 TO THE DUARTE MUNICIPAL CODE
PROHIBITING ALTERNATE SIDE PARKING ON DESIGNATED STREETS
FOR THE PURPOSES OF STREET SWEEPING**

WHEREAS, Section 22507.6 of the California Vehicle Code authorizes the City to prohibit or restrict the parking or standing of vehicles on designated streets or highways, or portions, thereof, for the purpose of keeping such areas free when required for street sweeping; and

WHEREAS, vehicles parked within the path of a street sweeper lead to inefficient and ineffective street sweeping, and can generate problems of dust, debris and water buildup in gutters; and

WHEREAS, ineffective street sweeping can result in impediments to effective control of storm water flow, accumulation of litter and refuse, and can result in threats to public health and welfare; and

WHEREAS, the City is under obligation to assist in and enforce the City's storm water management requirements under the Municipal NPDES permit issued to the City; and

WHEREAS, the prohibition of parking on street sweeping days on streets will improve the ability of the City to effectively conduct street sweeping and will beautify the City; and

WHEREAS, the City undertook a pilot street sweeping program between May 10, 2016 and July 25, 2017, and through that program, the benefits of regulation of parking for street sweeping were demonstrated, as well as manners of imposing and enforcing parking restrictions to best balance program objectives with minimal intrusion on the accessibility and convenience of available street parking for residents; and

WHEREAS, there is a need to establish parking restrictions in designated areas of the City for the purposes of street sweeping; and

WHEREAS, under the Vehicle Code, parking restrictions for street sweeping are not effective until appropriate signs or markings are placed on the streets; and

WHEREAS, the City intends to implement alternate side parking restrictions citywide; and

WHEREAS, the penalty for such a parking violation has been established per Duarte Resolution No. 11-04.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 11.15 is hereby added to the Duarte Municipal Code to read as follows:

11.15 Alternate Side Street Sweeping Parking Restrictions

11.15.010 Parking Prohibitions.

A. The provisions of this section shall apply to all public streets within the jurisdictional limits of the City.

B. The Public Works Manager is hereby authorized to erect street signs prohibiting parking on all city streets for street sweeping purposes. The times and dates of parking restrictions shall be as may be required to expedite the effectiveness and efficiency of the City's street sweeping program. Except as provided in division C of this section, parking shall be prohibited only on one side of a street within a block at a time so as to preserve on street parking on the other side of the street.

C. Notwithstanding division B of this section, parking may be prohibited at the same time on both sides of any cul-de-sac or dead end street; further, where parking is already prohibited on one side of a street within a particular block, parking may be prohibited on the other side pursuant to this section even though for the limited time of the parking prohibition there will be no available on street parking.

D. All areas of restricted parking shall be marked with signage posted in accordance with the uniform standards and specifications of the Department of Transportation, or local authorities have caused to be posted in a conspicuous place at each entrance to the street a notice not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, setting forth the day or days and hours parking is prohibited.

11.15.020 Exceptions.

A. This chapter shall not apply to commercial vehicles making pickups or deliveries of goods, wares, or merchandise from or to any building or structure located on a restricted street, or for the purposes of delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained.

11.15.030 Violations/penalties

A. No person shall park or leave standing any vehicle on any street on the day and during the hours when parking has been prohibited thereon pursuant to this section.

B. Any person or entity that violates this Chapter is guilty of an infraction which shall be punishable by a fine as established by resolution of the City Council.

SECTION 2. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal laws, and this Ordinance shall be construed in light of that intent.

SECTION 3. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. POSTING OF ORDINANCE.

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED this 9th day of January, 2018.

/s/ John Fasana
Mayor John Fasana

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 878 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of January, 2018, by the following Roll Call vote:

- AYES: Councilmembers: Finlay, Kang, Paras-Caracci, Reilly, Fasana
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California