

ORDINANCE NO. 01-21 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING VARIOUS SECTION OF THE CITY MUNICIPAL CODE RELATED TO
CITY PARKING REGULATIONS**

The City Council of the City of Richmond do ordain as follows:

SECTION 1. Chapter 14.46 of the Richmond Municipal Code is hereby amended in its entirety to read as follows:

Chapter 14.46 – CITY PARKING REGULATIONS

Purpose.

This chapter is enacted to alleviate or prevent vehicle congestion of the public streets, and to promote the safety and welfare of the public and by establishing a parking authority to oversee parking regulations for off-street parking, street parking stalls and loading of motor vehicles, known as curb management in accordance with their appropriate use.

14.46.005 Definitions

“Car share” is a membership based service available to all qualified drivers in a community.

“Car share operators” offer members access to a dispersed network of shared vehicles 24 hours, 7 days a week at unattended self –service locations.

“Car share vehicle” is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

"Director" means the Transportation Director.

“EV” is the abbreviated form for electric vehicle.

“Electric vehicle charging space” means a space designated by the Transportation Department for charging electric vehicles.

“Electric vehicle supply equipment” has the same definition as that term is used in the latest published version of the California Electrical Code that is in effect, and applies to any level or capacity of supply equipment installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

“Engineering” means the Engineering Department and staff.

“Low Emission Vehicle (LEV)” is a vehicle that emits significantly less pollution as a by-product of its engine operation when compared to similar vehicles.

"Parking Services" means the Parking Services Division and staff.

“Parklets” are public seating platforms that convert curbside parking spaces into vibrant community spaces.

"Transportation" means the Transportation Department and staff.

14.46.010 - Neighborhood parking zones.

(a) Residential and Commercial Parking Zones

The City streets and city owned lots located within the Council approved permit zones to accommodate residential, commercial, and temporary parking needs are established as

neighborhood parking zones, including:

- (1) Downtown
- (2) Point Richmond
- (3) Civic Center
- (4) Contra Costa College Area
- (5) 23rd Street Corridor
- (6) North and East
- (7) Park Plaza
- (8) Santa Fe
- (9) Rydin Road-Central Avenue Area
- (10) Other areas as approved by Council resolution.

(Ord. No. 6-17 N.S. § I, 4-4-2017)

(1) Electric Vehicle Charging

The City parking services manager may designate stalls or spaces on a public street within the City jurisdiction for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. When a City owned or operated parking facility is posted in accordance with the California Vehicle Code section 22511 and 22651, the City may order the removal of a vehicle from a stall or space designated for electric vehicle charging to a facility nearest the public parking facility if the vehicle is not connected for electric charging purposes

(a) EV parking only while charging.

(1) A person shall not park or leave a vehicle in a stall or space designated pursuant to CVC 25111.1 unless the vehicle is connected for electrical charging purposes.

(2) A person shall not obstruct, block, or otherwise bar access to parking stalls or spaces described in subdivision (b).

(3) A violation of this Article shall result in the issuance of a parking citation pursuant to Richmond Municipal Code Section 14.08.070 or removal in accordance with California Vehicle Code sections 22511 and 22651.

(2) Carshare

Transportation may designate certain streets or portions of streets for the exclusive or nonexclusive parking privilege of motor vehicles participating in a car share vehicle program or ridesharing program pursuant to California Vehicle Code Section 22507.1.

(a) The City parking services manager may issue permits to the owner or lessee of a property or car share operator to operate a carshare vehicle within the city jurisdiction, and;

(1) park in a carshare vehicle in a public parking stall, and

(2) parking a vehicle in front of the owner's or lessee's private driveway when adequate off-street parking facilities are lacking and the vehicle displays a city issued parking permit. Carshare vehicles are not authorized to park on a sidewalk per CVC Section 22500 (f).

(3) A violation of this Article shall result in the issuance of a parking citation pursuant to Richmond Municipal Code Section 14.08.070 or removal in accordance with California Vehicle Code sections 22511 and 22651.

(3) Energy efficient vehicle parking for low emission vehicles (LEV)

Transportation may designate certain streets, portions of streets, or off-street public parking for the exclusive or nonexclusive parking privilege of motor vehicles that emit significantly less pollution as a by-product of its engine operation when compared to similar

vehicles with internal combustion engines. The American Council for an Energy-Efficient Economy (ACEEE) website: <https://greencars.org/news/list-leed-qualified-cars> maintains a list of vehicles that qualify as (LEV) beginning with 1990 models.

(a) A violation of this Article shall result in the issuance of a parking citation pursuant to Richmond Municipal Code 14.40.210.

14.46.020 - Installation and maintenance of parking revenue equipment and pay systems.

The City parking services manager is authorized and directed to install, maintain and operate the necessary parking revenue equipment along streets located in the designated neighborhood parking zones, subject to such exceptions as may be approved by City Council resolution, and in such off-street parking facilities operated by the City as shall be specified by City Council resolution, for the purpose of, and in such numbers, and at such places, and for such days and hours, as to provide for the efficient control and regulation of the parking of vehicles therein.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.030 - Parking time limits.

The City parking services manager is authorized and directed to establish maximum time limits for both fee and non-fee parking spaces located within the neighborhood parking zones in order to facilitate long and short-term visitor access to destinations within the neighborhood parking zones. The maximum time limit, days and hours of operation, parking rate, and payments accepted by parking revenue equipment or pay systems shall be indicated on said parking revenue equipment and signage.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.040 – Curbs, street lines, markings and parklets.

Within the neighborhood parking zones, the City Engineer, or the Transportation Department's designee, shall have lines or markings painted or placed upon curbs and streets to designate parking spaces or parklets where fees will be collected by parking revenue equipment, pay systems, or where parking or staging duration will be restricted by a permit or maximum time limit. The City Parking Services Manager shall have lines or markings painted or placed in off-street parking locations. Each vehicle parked in areas lined and marked in said fashion shall park within the lines or markings so established. It is unlawful to park a vehicle of such size or in such a position that the same shall not be entirely within the space designated by such lines or markings. (Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.050 - Unlawful parking in on-street parking spaces.

It is unlawful for any person between the hours of eight a.m. (8:00 a.m.) and six p.m. (6:00 p.m.) of any day to cause or permit any vehicle registered in his name or operated by him to be parked continuously in any parking space equipped with parking revenue equipment within the neighborhood parking zone, for more than the maximum period of time indicated on said parking revenue equipment or pay systems, or any time during which the parking revenue equipment and pay systems indicate that the space is illegally in use, except during the time necessary to make payment at the parking revenue equipment, and excepting also during the time from six p.m. (6:00 p.m.) to eight a.m. (8:00 a.m.), and on Sundays and parking holidays.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.060 - Parking holidays.

Parking fees will not be due or collected on the following holidays as designated by the City Council: New Year's Day, Martin Luther King's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Admission Day, Indigenous People's Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.070 - Unlawful parking in off-street parking spaces.

- (a) It is unlawful for any person to cause or permit any vehicle registered in said person's name or operated by said person to be parked continuously in any fee parking space within any ungated off-street parking facility operated by the City during the posted days and hours of operation of that facility without having paid parking fees as posted within said facility during posted days and hours of facility operation except for time necessary to make payment at the parking revenue equipment or through the pay systems.
- (b) It is unlawful for any person to circumvent, displace, break, or overcome control mechanisms in any off-street parking facility, time restricted or pay to park street stalls operated by the City in order to avoid payment of parking fees. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by Sections 40200 et seq., of the California Vehicle Code.
- (c) It is unlawful for any person to cause or permit any vehicle registered in said person's name or operated by said person to be removed from any gated off-street parking facility operated by the City until all fees, rates and charges have been paid and discharged, except as provided in subsections (1) and (2) below:
 - (1) In the event that the person operating a vehicle parked in any gated off-street parking facility operated by the City attempts to remove the vehicle from the facility but is unable to pay all fees, rates and charges due at such time, such person shall, prior to removing such vehicle from the facility, be required to sign an agreement to pay any unpaid fees, rates and charges. A copy of such agreement shall be given to the person signing the agreement. Such agreement shall set forth the location of the facility, the date and approximate time that the vehicle is removed, the name of such person, the vehicle license number, the registration expiration date, if visible, the last four digits of the vehicle identification number, if available, the color of the vehicle, and, if possible, the make of the vehicle. Such agreement shall require payment to the City of all unpaid fees, rates and charges, plus a processing fee in an amount established by City Council resolution, no later than seven (7) days after the agreement is signed, and shall indicate the address to which payment may be delivered or sent. If full payment is not made within such seven-day period, the parking services manager shall mail a notice of late payment to the vehicle's registered owner. Such notice shall require payment to the City of the unpaid fees, rates and charges, and processing fee, plus a late payment fee in an amount established by City Council resolution, no later than seven (7) days after the date of such notice. In the event that such amount is not fully paid within such seven-day period, a notice of parking violation, requiring payment of a penalty in an amount established by City Council resolution, shall be mailed to the vehicle's registered owner. The above agreement shall include a reference to this section.
 - (2) When any vehicle remains parked in a gated off-street parking facility operated by the City at the close of such lot's hours of operation, the facility attendant or enforcement officer shall record the location of the facility, the date and approximate time, the vehicle license number, the registration expiration date and the last four (4) digits of the vehicle identification number, if visible, the color of the vehicle, and, if possible, the make of the vehicle. A numbered notice shall be attached to the vehicle requesting that all fees, rates and charges that have accrued and are due be paid at a parking revenue machine before the vehicle is removed from the facility. The notice shall also require that the operator of the vehicle record the notice number and vehicle license plate number on the parking facility ticket issued to the vehicle operator at the time the vehicle entered the parking facility. In the event that full payment is not deposited and collected on the next day of facility operation, the Parking Services Manager shall mail a notice of late payment to the vehicle's registered owner. Such notice shall require payment to the City of the unpaid fees, rates and charges, and add a late payment fee in an amount established by City Council resolution. In the event that such amount is not fully paid within such seven-day period, a notice of parking violation, requiring payment of a penalty in an amount established by City Council resolution, shall be mailed to the vehicle's registered owner. The notice attached to the vehicle shall include a reference to this section.
- (d) By entering an off-street parking facility operated by the City and parking a vehicle in such facility, the owner, operator or person in charge of such vehicle shall be deemed to have consented to the provisions of subsections (c)(1) and (c)(2) above. Any notices required to be

mailed under this section, shall be deemed served on the day that they are deposited in the United States Mail, first-class, postage prepaid. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by Sections 40200 et seq., of the California Vehicle Code.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.080 - Overnight parking prohibited; no parking times.

- (a) It is unlawful for any person to cause or permit any vehicle registered in said person's name or operated by said person to be parked in any parking space in an off-street parking facility operated by the City in excess of twenty-four (24) consecutive hours without that person having obtained from the parking services manager an overnight parking permit. In the event a vehicle is left parked or standing in a City parking facility for twenty-four (24) or more consecutive hours, any member of the Police Department of the City of Richmond, or any City employee assigned to the enforcement of parking laws and regulations, may remove the vehicle from the parking facility in the manner and subject to the requirements of the California Vehicle Code.
- (b) The Parking Services Manager is authorized and directed to designate times when no parking shall be allowed in off-street parking facilities operated by the City. It is unlawful for any person to cause or permit any vehicle registered in said person's name or operated by said person to be parked in a parking space in an off-street parking facility operated by the City at times when no parking has been so designated for such facility.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.090 - Exclusive use of parking spaces.

Temporary utilization of parking spaces located in the neighborhood parking zones or off-street parking facilities operated by the City, without the deposit of payment or for a period of time longer than the maximum time limit of said parking space, may be granted by the City upon application for such permission. The application shall be submitted in writing to the parking services division and shall provide substantial need for temporarily closing off these spaces for a stated duration of time. The applicant for temporary utilization of parking spaces in the neighborhood parking zones shall pay the city for use of those parking spaces at a rate established by City Council resolution. The applicant for temporary utilization of parking spaces in off-street parking facilities operated by the City shall make payments to the City as established by City Council resolution. Upon receipt of these payments, official bags shall be placed or signs posted on said parking spaces.

Parklet permits shall be issued by Parking Services after a complete parklet permit application has been submitted to and approved by Transportation in accordance with the parklet program guidance. Parklet applicants shall obtain an encroachment permit from the City Engineer or his/her designee and receive a final inspection and parklet installation approval from Engineering. This provision shall not permit anyone other than the applicant to occupy a parking space during a posted no-parking period or within the term of an approved parklet permit. Failure to comply with the parklet guidelines and to receive encroachment permit approval may result in the revocation of all permits and administrative fines.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.100 - Rates charged for use of parking spaces.

The rates for use of on street parking located within the neighborhood parking zones and in off-street parking facilities operated by the City shall be set forth by a City Council resolution.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.10 - Deposit of payment required.

When any vehicle is parked in any parking space for use of which a fee is required as provided in accordance with the provisions of this chapter, the operator of the vehicle upon parking shall, and it is unlawful to fail to, deposit immediately United States coins, currency, or other such payment that is available and/or operational for parking spaces located within the

neighborhood parking zones and in off-street parking facilities operated by the City.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.120 - Improper use of parking revenue equipment.

It is unlawful to deposit or cause to be deposited in any parking revenue equipment, any slug, device or non-accepted payment material, or to deface, injure, tamper with, open, willfully break, remove, destroy, circumvent, or impair the usefulness of any parking revenue equipment installed pursuant to this chapter.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

14.46.130 - Notice of parking violation and vehicle removal.

It shall be the duty of each police officer or employee of the Police Department as designated by the Police Chief, and any City employee assigned to enforce parking laws and regulations, to observe any vehicles that are parked in violation of this chapter or the California Vehicle Code, and to issue and attach to such vehicles a notice of parking violation or to remove such vehicles as provided by law.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017) 14.46.140 - Disposition and use of revenue.

The depositing of payment in parking revenue equipment pay systems and paid parking programs as provided in this chapter is levied and assessed as fees for the purposes provided in this section. All receipts accruing to the City from the operation of parking revenue including equipment and pay systems shall be deposited in a Parking Authority Enterprise Fund and shall only be expended for the acquisition, installation, operation, maintenance, repair and replacement of parking revenue machines, pay systems; parking revenue equipment collection and enforcement and expenses incidental thereto; the acquisition by purchase, condemnation or lease, installation, improvement, operation, maintenance, repair and replacement of off-street parking facilities and expenses incidental thereto, including costs and expenses incurred in condemnation proceedings whether successfully concluded or abandoned; and expenses incurred in connection with proposals or proceedings for acquisition of off-street parking facilities, whether such proposals or proceedings are carried out or abandoned. Excess revenue not expended for the foregoing purposes shall be kept as reserves in the City's Parking Authority Enterprise Fund.

(Ord. No. [6-17 N.S.](#), § I, 4-4-2017)

SECTION 2. Chapter 14.56 is hereby amended in its entirety to read as follows:

Chapter 14.56 - NEIGHBORHOOD PREFERENTIAL PERMIT PARKING

14.56.010 - Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the city by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. As set forth in more specific detail in Section 14.44.100 of the Richmond Municipal Code, such parking by nonresidents threatens the health, safety and welfare of all the residents and businesses of the city. In order to protect these commercial areas and residential neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents and businesses to park near their homes and commercial buildings. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring alternatives to automobile travel available to nonresidents who park in these areas. For the reasons set forth in this chapter and pursuant to the authority of California Vehicle Code Section 22507, a system of preferential neighborhood permit parking is enacted for the city.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.020 - Legislative findings.

- (a) General Findings. The City Council finds, as a result of public testimony, evidence generated by city staff and derived from other sources, that serious adverse effects in certain areas and neighborhoods of the city result from motor vehicle congestion, particularly long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents or local businesses. The neighborhood permit program established by this chapter will relieve these serious adverse effects by:
- (1) Reducing potential hazardous traffic conditions resulting from the long-term parking of commuter vehicles in neighborhoods;
 - (2) Protecting such areas and neighborhoods from polluted air, excessive noise, trash and refuse caused by the entry and exit of such motor vehicles;
 - (3) Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residence;
 - (4) Preserving the character of such areas and neighborhoods as residential; promoting the efficiency of the maintenance of the streets of such areas and neighborhoods in a clean and safe condition;
 - (5) Preserving the value of property in such areas and neighborhoods;
 - (6) Preserving the safety of children and other pedestrians;
 - (7) Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the city.
- (b) Specific Findings. The following specific legislative findings of the City Council in support of preferential neighborhood parking are set forth as illustrations of the need compelling the enactment of this chapter. These findings do not exhaust the subject of the factual basis supporting the enactment of this preferential neighborhood parking program.
- (1) The safety, health, and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;
 - (2) A large number of Richmond residents possess automobiles and, as a result, are daily faced with the need to store these automobiles at or near their residences;
 - (3) Certain neighborhoods and areas of the city have marginally sufficient or insufficient on- or off-street space to accommodate the convenient parking of motor vehicles by residents in the vicinity of their homes;
 - (4) Some neighborhoods and areas as described in subsection (b)(3) of this section are often burdened by the parking in such neighborhoods and areas of motor vehicles owned by nonresidents which compete for the available on-street parking spaces;
 - (5) There exists certain parking "generators" within the city, e.g., BART station, hospital complexes, and large public office buildings, which attract nonresidents to residential areas to seek parking which increases the severity of the shortage of space for resident and commercial parking in such residential and commercial areas;
 - (6) Unnecessary vehicle miles, noise, pollution, and strain on interpersonal relationships caused by the conditions set forth herein create unacceptable hardships on residents and commercial establishments of these neighborhoods and areas by causing the deterioration of air quality, safety, tranquility, and other values of the urban residential and business environment;
 - (7) If allowed to continue, these adverse effects on the residents and businesses of the city will contribute to a decline of the living conditions and economic vitality therein, a reduction in the attractiveness of residing and doing business within the city, and consequent injury to the general public welfare; and, enacting this chapter will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvement in air quality, the convenience and attractiveness of urban residential living, economic prosperity, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by preserving a more stable and

valuable property tax base in order to generate the revenues required to provide essential public services.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.030 - Definitions.

- (a) "Designated neighborhood parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.
- (b) "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for any other parking permit the council shall designate.
- (c) "Neighborhood parking permit" (NPP) means a permit issued under this chapter which, when registered to or when displayed upon a vehicle or, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- (d) "Parking permit" means a permit issued under this chapter which, when registered to or displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- (e) "Director" means the Transportation Director.
- (f) "Transportation" means the Transportation Department and staff.
- (f) "Parking Services" means the Parking Services Division and staff.
- (g) "Neighborhood—Community facility" means churches, schools and senior centers located wholly within the general boundary of an NPP designated area.
- (h) "Local business parking permit" means a permit issued under this chapter which, when displayed upon or registered to a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- (i) "Visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date(s) indicated upon the face of said permit.
- (j) "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/RV, or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an NPP permit.
- (k) "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, disabled zone, car share, bike share, parklets, etc.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.040 - Designation of neighborhood permit parking areas.

The City Council, by resolution, may consider for designation any residential area in the City as a neighborhood permit parking area. The resolution shall state the boundaries of the area, applicable parking regulations, and fees, if any, to be charged upon permit issuance. The requirements governing the manner in which persons qualify for visitor permits, and local business permits in each residential permit parking area shall be established by Transportation and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency or business license, each which shall reflect the address of the resident or the business to whom the permit is issued.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.050 - Designation and annexation criteria.

In determining whether a residential area may be designated as a neighborhood permit parking area, Transportation shall take into account factors which include, but are not limited to:

- (a) Whether a majority of the residents residing in the proposed impacted area show a desire and need of at least 51% of the adult residents are for neighborhood permit parking; and

- (b) The extent that motor vehicles are parked in the residential area during the period proposed for parking regulations.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.060 - Designation process of a neighborhood permit parking area.

- (a) There shall be three alternative processes by which City Council may consider any area for designation as a neighborhood permit parking area:

- (1) Residents petition. The City Council may consider any proposed area for which an application and a petition has been submitted and which satisfies the following requirements:

- (A) The application contains a description or a map showing the proposed permit parking area; and
- (B) The application includes a petition signed by a majority of the residents that reside in the proposed parking area. The petition shall include the following statement:

"We, the undersigned, are residents and/or business owners of the proposed preferential residential permit parking area described in this petition. We understand that, if this area is designated as a permit parking area, certain restrictions will be placed upon on-street parking within the designated parking area; and residents of the area will be eligible to obtain permits exempting them from such parking restrictions; that the annual fee for residential parking permits shall be charged by the City of Richmond in accordance with the Master Fee Schedule; that a residential parking permit may be issued to a resident of the same address, but not more than two parking permits shall be issued to any one address, except in areas where it appears that the number of permits issued would exceed the number of legal on-street parking spaces where the initial sale would be possibly limited to one permit per resident; that no more than one NPP permit shall be issued to each motor vehicle owned or leased for which an application is made; and that annual fees for residential parking, , and visitor permits shall be in accordance with the Master Fee Schedule per vehicle. We, the undersigned, hereby request that the City Council of the City of Richmond consider this application for establishment of the above described area as a "neighborhood permit parking area."

- (C) The application includes a petition signed by a majority of the occupants that work or own businesses within in the proposed commercial zone. The petition shall include the following statement:

"We, the undersigned, are business owners/commercial occupants of the proposed preferential commercial permit parking area described in this petition. We understand and acknowledge that, if this area is designated as a permit parking area, certain restrictions will be placed upon on-street parking within the designated parking area; and businesses and tenants of the area will be eligible to obtain permits exempting them from such parking restrictions; that a commercial parking permit may be issued for a full calendar year, but this fee may be pro-rated based on the month the permit is issued; and all commercial parking permits will expire at the end of the calendar year; that they do not automatically renew the next year; there is no limit on the number of permits a company may obtain; and one application must be completed per vehicle; if all vehicles are registered to the same entity, a list of vehicles may be attached to the application; and the permit fee applies to each vehicle for which an application is submitted; and that the annual fee for commercial parking permits and visitor passes shall be charged by the City of Richmond in accordance with the Master Fee Schedule

We, the undersigned, hereby request that the City Council of the City of Richmond consider this application for establishment of the above described area as a "commercial services permit parking area."

- (D) The statement shall be followed by a signature, printed name, address, phone number, email address, and date of signing of the application by a majority of the adult residents residing in the proposed parking area.

- (E) All petitions shall be the same as the standard petition form developed by Transportation staff.

Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

- (2) City Council initiation. City Council may consider for designation as a neighborhood permit parking area any area for which the following requirements have been met:
 - (A) City Council initiates an area as neighborhood permit parking area.
 - (B) In the proposed neighborhood permit parking area at least 75% of the block fronts with unlimited on-street parking must be residentially zoned, and 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one hour periods between 100:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested neighborhood permit parking area.
- (3) Recommendation by the Transportation Department. Transportation may recommend an area for neighborhood permit parking designation.
 - (A) After Parking determines that a petition contains signatures from at least 51% of the residents or businesses within a neighborhood or commercial zone in favor of a designation as a permit parking area, Transportation shall recommend by written report to the City Council, to designate the residential area under consideration as a neighborhood permit parking area.
 - (B) The report of the Parking Services Division shall set forth the results of the parking field study, the signed petition, and the proposed boundaries and regulations of the residential permit parking area.
 - (C) Upon receipt by the City Council of the Transportation's recommendation as described in subsection A of this section, the Council may, by resolution, after public hearing:
 - (i) Establish a neighborhood parking area based upon application and adopt any regulations and time restrictions determined by City Council to be reasonable and necessary in the area.
 - (D) Notice of the hearing shall be posted at least ten days prior to the hearing on all blocks proposed to be included in the neighborhood permit parking area.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.070 - Modification.

After public hearing with notice as described in Section 14.56.060 the Council may, by resolution, modify a designated neighborhood permit parking area.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.080 - Issuance of vehicle parking permits.

- (a) Vehicle parking permits shall be issued by Transportation. Each permit shall state the specific neighborhood permit parking area, the license number of the motor vehicle for which it is issued, and any additional information required by Parking Services to enforce the provisions of this chapter. Only one parking permit shall be issued for each motor vehicle. The requirements governing the manner in which persons qualify for vehicle parking permits in each neighborhood permit parking area shall be established by the Parking Services and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit will be issued.
- (b) Vehicle parking permits may be issued for motor vehicles only upon application of the following persons:
 - (1) A resident of the residential permit parking area who owns a motor vehicle registered with the California Department of Motor Vehicles at the address where the resident lives;
 - (2) A resident of the residential permit parking area who has a company leased or company-owned vehicle regularly parked in the area;

- (3) A person who owns or leases commercial property located in the permit parking area, which actively engages in business activity at the property and uses a motor vehicle for such business activity which is registered with the California Department of Motor Vehicles in the name of the business and the address of the commercial property.)
- (4) A resident of the residential permit parking area on active military duty with the United States Armed Forces who maintains a separate vehicle registration address.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.090 - Visitor permits.

Transportation is authorized upon application to issue visitor permits to eligible residents and business entities that are located within a neighborhood permit parking areas for use by transient visitors. The requirements governing the manner in which persons shall qualify for visitor permits in each residential permit parking area shall be established by the Parking Services and may include, but are not be limited to, current California Department of Motor Vehicle registration and proof of current residency/occupancy, both of which shall reflect the address of the resident, owner, or business entities to whom the permit is issued.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.100 - Commercial permit parking zone.

The City Council may designate by resolution certain streets, areas, or portions thereof, as permit parking zones in which zones commercial vehicles displaying a permit or other authorized indicia may be exempt from the parking restrictions set forth in Sections 14.44.080 and 14.44.110.

- (a) The City Council shall conduct a public hearing on any proposal to establish a permit parking zone. Not less than (10) ten days prior to the date of the public hearing, there shall be mailed notice of said hearing to the property owners of record abutting the streets, or portions thereof, of the proposed permit parking zone. The City Council may establish a permit parking zone if it finds: (1) that a shortage of reasonably available and convenient commercial-related parking spaces exists in the proposed permit parking zone and the surrounding area; (2) that the zone is necessary to provide reasonable available and convenient parking for the benefit of a residence(s), or business(es); (3) that the proposed permit parking zone will not adversely affect residents and businesses within and adjacent to said zone; and (4) that no alternative solution is feasible or practical. If, following the public hearing, the City Council determines that a permit parking zone should be created, the City Council shall adopt a resolution establishing the boundaries of the zone and any parking regulations, fees, or other appropriate provisions.
- (b) All parking permits shall be issued by Parking Services. Parking Services is authorized to issue such rules and regulations, consistent with this section and any resolution adopted by the City Council, governing the manner in which permits shall be issued and used. Parking Services is authorized to deny or revoke the parking permit of any person who does not conform with or violates said rules and regulations or any provision of this section. Prior to the denial or revocation of a permit, the Parking Services shall give the person at least a (10) ten day written notice of the impending denial or revocation and the reasons therefor. Within said (10) ten day period, the person may request a hearing before the Director. Such request for a hearing must be in writing, setting forth the reasons why the permit should not be denied or revoked. The Director shall conduct a hearing on the proposed denial or revocation. The decision of the Director shall be final and conclusive. Upon revocation of a permit, the permittee shall surrender the permit to Parking Services.
- (c) Upon adoption by the City Council of a resolution designating a permit parking zone, the Director of Public Works shall cause appropriate signs and/or markings to be erected in the zone, indicating prominently thereon the parking regulations.
- (d) A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated permit zone.
- (e) It shall be unlawful for any person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor to Transportation.

- (f) It shall be unlawful for any person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in the permit parking zone.
- (g) Nothing contained in Section 14.56.080 shall constitute an exemption from or supersede the provision of Article 1 of Chapter 5 of Division 13 of the California Vehicle Code (Section 31303 et seq.).

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.110 - Display of permit.

Permits shall be displayed in a manner as determined by Parking Services.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.120 - Residential permit parking terms of use.

A motor vehicle displaying a valid neighborhood parking permit may park in the residential permit parking area for which the permit has been issued and within two city blocks from the end of the city block of the address to which the permit is issued without being limited by parking regulations established pursuant to this chapter. The motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this chapter. All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations established pursuant to this chapter.

With exception to a permit issued for reserved disabled parking, a residential parking permit shall not guarantee or reserve to the holder an on-street parking space within the designated residential permit parking area.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.130 - Application for and duration of permit.

Except as otherwise provided, each vehicle parking permit or visitor parking permit issued by the Parking Services shall be valid for no more than one year based on the permit renewal cycle. Permits may be renewed upon reapplication in the manner required by the Parking Services. Each application or reapplication for a neighborhood parking permit shall contain information sufficient to identify the applicant, his or her residence or business address or address of real property owned or leased within permit parking area, the license number of the motor vehicle for which application is made (for vehicle parking permits), and such other information that may be deemed relevant to the Parking Services.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.140 - Permit fees.

The fee, if any, for eligible residents or businesses within the neighborhood permit parking area for a parking permit shall be established by resolution of the City council.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.150 - Penalty provisions.

- (a) It is a violation of this chapter, unless expressly provided to the contrary, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter. A violation shall be subject to civil penalty as specified in the resolution by the city council pursuant to Section 14. 56.080 of this title.
- (b) It is unlawful and a violation of this chapter for a person to falsely represent him or herself as eligible for a neighborhood parking permit or to furnish false information in order to obtain a permit. Any such violation shall subject the violator(s) to a parking penalty and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.
- (c) It is a violation of this chapter, unless expressly provided to the contrary, for a person holding a valid neighborhood parking permit issued pursuant to this chapter, to permit the use or display of the permit on a motor vehicle other than that for which the permit is issued. Such conduct

shall constitute a violation of the chapter both by the person holding the valid neighborhood parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 14.56.080(b) of this title.

- (d) It is a violation of this chapter to use, or allow to be used, any neighborhood parking permit for commuter parking. Use of any neighborhood parking permit for commuter parking shall mean: (1) use of a neighborhood parking permit more than two city blocks from the address for which it is issued; or (2) use of a neighborhood parking permit for the purpose of parking to go to one's place of employment or educational institution. Use of a neighborhood parking permit for commuter parking shall constitute a violation of this chapter both by the person to whom the parking permit was issued and by the registered owner of the vehicle upon which the parking permit is displayed. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 14.56.080 (a) of this title.
- (e) It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a neighborhood permit parking area. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. Any such violation shall subject the violator(s) to a parking penalty and revocation of the neighborhood parking permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.150 - Revocation of permits.

In the event a neighborhood parking permit is being used in a manner which violates this chapter, the Parking Services may cancel the permit by issuing a written notice to the holder of the permit. In addition to canceling any neighborhood parking permit used in violation of this chapter, the Parking Services may deny any further application for a neighborhood parking permit by any person who has used a parking permit in violation of this chapter or any application for a neighborhood parking permit by any person for the residence or business in which such person resides or works as long as that person who used a neighborhood parking permit resides or operates a business there. Any person aggrieved by such a determination made by the Parking Services shall have the right to appeal to the Director within ten (10) days of such determination.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.160 - Applicability to parking control vehicles.

The provisions of this chapter shall not be construed to prohibit the stopping, standing or parking of parking control vehicles while such vehicles are being used in parking control enforcement, provided, however, that this section shall not supersede provisions of this title, which expressly refer to or regulate parking control vehicles.

As used in this section the term "parking control vehicles" means any vehicle used by an authorized official of the city during the enforcement of parking and registration regulations pursuant to the chapters of this code and the California Vehicle Code.

([Ord. No. 2-17 N.S., 2-7-2017](#))

14.56.170 - Deletion of streets from neighborhood permit parking areas.

- (a) Persons desiring the deletion of a neighborhood permit parking area or portion of a neighborhood permit parking area shall consult with the Parking Services to tentatively establish the boundaries of the area proposed for deletion.
- (b) If Parking Services determines there is a significant show of interest by the residents or businesses within a neighborhood permit parking area for deletion of the area as a permit parking area, the Parking Services shall undertake a parking study to determine whether deletion of the area is appropriate. In the event that the parking study demonstrates an occupancy rate of more than fifty (50) percent, the Parking Services shall decline a request to delete the neighborhood area or a substantial portion of that area, for a period of one year following

determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for deletion of the neighborhood permit parking area or a portion thereof.

- (c) If the parking study shows a fifty (50) percent or less occupancy rate, the Parking Services shall undertake voting surveys to determine support or opposition to the proposed deletion by property owners of the properties located on the block face(s) for the area proposed for deletion. Unless a majority of voting surveys are returned with at least two-thirds voting in favor of the deletion, the area shall not be deleted as a neighborhood permit parking area.
- (d) After determining that a majority of the voting surveys are returned with at least two-thirds voting in support of deletion of the area as a neighborhood permit parking area, the Parking Services shall mail notices to the residents of the neighborhood permit parking area. The notices shall set forth the proposed location and boundaries of the area to be deleted.
- (e) If it appears, based on the parking study and the voting survey, that the general consensus within the proposed neighborhood permit parking area is in favor of deleting an area as a neighborhood permit parking area, Transportation shall provide recommendations by written report to the city council, whether to delete the area under consideration as a neighborhood permit parking area.

([Ord. No. 2-17 N.S., 2-7-2017](#))

SECTION 3. Chapter 14.44 is hereby amended in its entirety and shall read as follows:

Chapter 14.44 - STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

14.44.010 - Twenty-four minute parking.

Green curb marking shall mean no standing or parking for a period of time longer than twenty-four minutes at any time between nine a.m. and six p.m. on any day except Sundays (and holidays).

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

14.44.020 - One hour parking.

When heretofore or hereafter provided by resolution, and appropriate signs are in place giving notice thereof, no person shall stop, stand or park any vehicle between the hours of eight a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than one hour on any street or any part of any street so indicated.

14.44.030 - Two hour parking.

When heretofore or hereafter provided by resolution, and appropriate signs are in place giving notice thereof, no person shall stop, stand or park any vehicle between the hours of eight a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than two hours on any street or any part of any street so indicated.

14.44.035 - Four hour parking.

When heretofore or hereafter provided, by resolution, and appropriate signs are in place giving notice thereof, no person shall stop, stand or park any vehicle between the hours of eight a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than four hours, on any street or any part of any street so indicated.

(Added by Ordinance No. 8-84 N.S.)

14.44.040 - Parking parallel.

- (a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within eighteen inches of the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated.

- (b) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.
- (c) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.
- (d) The Director of Public Works is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.
- (e) The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby, except under no conditions will vehicles park so as to leave less than eleven feet of clear roadway between the parked vehicle or any part of its load and the center line of a street when marked with double parallel solid lines.

14.44.050 - Diagonal parking.

On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful for the operator of any vehicle to park said vehicle except:

- (a) At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space;
- (b) With the front wheel nearest the curb within six inches of said curb.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 14.44.040 of this article shall be complied with.

14.44.060 - Parking space markings.

The City Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible, provided that traffic is not obstructed.

14.44.070 - No stopping zones.

The City Engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.

During the hours and on the days designated on the signs, it shall be unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by resolution of the Council as no stopping zones.

14.44.080 - All night parking of commercial vehicles prohibited.

No person shall stop, stand or park a commercial vehicle over eighty-four inches in width or over seventy-eight inches in height on any street for a period of time longer than one hour between the hours of one a.m. to six a.m. of any day; provided, that this section shall not apply to a vehicle of any regularly licensed physician when actually engaged in making professional calls.

14.44.090 - Bicycle or motor scooter parking zones.

- (a) When the City Engineer or Transportation Department determines that the establishment of bicycle or motor scooter parking zones is necessary or desirable for the regulation of traffic, or to provide facilities for the temporary parking of bicycles or motor scooters being operated upon the public streets, or to safeguard life or property, he is authorized to set aside a space on the street not more than thirty-six feet in length for the parking of bicycles or motor scooters during

such hours of such days as are best suited for the accomplishment of the purposes set forth in this section. The Director of Public Works shall install appropriate signs or markings indicating such prohibition to be placed and maintained.

- (b) When such a zone is so established, no person shall stop, stand or park any other vehicle in such zone when appropriate signs or markings are in place indicating such prohibition.

14.44.100 - Special parking prohibitions and time limit restrictions.

- (a) When heretofore or hereafter provided by resolution of the City Council, the Public Works Department is authorized to place and maintain signs giving notification of one-hour, two-hour or four-hour parking time limit restrictions which are to be applicable only during certain hours and/or on certain days.
- (b) When such authorized signs are in place giving notification of said restrictions, no person shall stop, stand or park any vehicle for a period of time longer than that indicated on such signs during the stated hours and/or on the stated days.

(Amended by Ordinance No. 14-85 N.S. and 8-84 N.S.)

(Source: Ord. No. 1753.)

14.44.110 - Parking in a residence district.

No person shall stop, stand or park a motor truck having a manufacturer's rated capacity in excess of two ton, bus, semitrailer or truck tractor on any street, alley or parkway in a residence district as defined in California Vehicle Code Section 515, unless such vehicle is actively engaged in the delivery or receipt of appliances, equipment, furniture, household goods, materials, merchandise, passengers or supplies at an adjacent commercial establishment, designated loading area, lot or residence, and then only for such period of time that the loading or unloading operation is actually in progress.

(Added by Ordinance No. 6-87 N.S.)

14.44.120 - Permit parking zone.

The City Council may designate by resolution certain streets, or portions thereof, as permit parking zones in which zones commercial vehicles displaying a permit or other authorized indicia may be exempt from the parking restrictions set forth in Sections 14.44.080 and 14.44.110.

- (a) The City Council shall conduct a public hearing on any proposal to establish a permit parking zone. Not less than seven days prior to the date of the public hearing, there shall be mailed notice of said hearing to the property owners of record abutting the streets, or portions thereof, of the proposed permit parking zone. The City Council may establish a permit parking zone only if the City Council finds: (1) that a shortage of reasonably available and convenient commercial-related parking spaces exists in the proposed permit parking zone and the surrounding area; (2) that the zone is necessary to provide reasonable available and convenient parking for the benefit of a business or businesses; (3) that the proposed permit parking zone will not adversely affect residents and businesses within and adjacent to said zone; and (4) that no alternative solution is feasible or practical. If, following the public hearing, the City Council determines that a permit parking zone should be created, the City Council shall adopt a resolution establishing the boundaries of the zone and any parking regulations, fees, or other appropriate provisions.
- (b) All parking permits shall be issued by the Transportation. Transportation is authorized to issue such rules and regulations, consistent with this section and any resolution adopted by the City Council, governing the manner in which permits shall be issued and used. Transportations authorized to deny or revoke the parking permit of any person who does not conform with or violates said rules and regulations or any provision of this section and section 14.56.080. Prior to the denial or revocation of a permit, Transportation shall give the person at least seven days' written notice of the impending denial or revocation and the reasons therefor. Within said seven day period, the person may request a hearing before the Administrative Hearing Officer, who shall be designated by the City Manager . Such request for a hearing must be in writing, setting forth the reasons why the permit should not be denied or revoked. The Administrative Hearing Officer shall conduct a hearing on the

proposed denial or revocation. The decision of the Administrative Hearing Officer shall be final and conclusive. Upon revocation of a permit, the permittee shall surrender the permit to Parking Services .

- (c) Upon adoption by the City Council of a resolution designating a permit parking zone, the Director of Public Works shall cause appropriate signs and/or markings to be erected in the zone, indicating prominently thereon the parking regulations.
- (d) A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated permit zone.
- (e) It shall be unlawful for any person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor to the Transportation Department or to the Chief of Police.
- (f) It shall be unlawful for any person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in the permit parking zone.
- (g) Nothing contained in Section 14.44.120 shall constitute an exemption from or supersede the provision of Article 1 of Chapter 5 of Division 13 of the California Vehicle Code (Section 31303 et seq.).

(Added by Ordinance No. 27-87 N.S.)

14.44.130 - Parking of vehicles containing or generating refuse prohibited.

It shall be unlawful for any person to park any motor vehicle containing or generating refuse upon any street, parkway or alley or upon any private property when the motor vehicle is visible from any street, parkway or alley or from any public or private property, unless: (1) the person is actually engaged in the process of loading or unloading the motor vehicle, or (2) the refuse is fully contained within the motor vehicle. As used in this section, the term "refuse" shall mean garbage; trash; rubbish; kitchen or table food wastes; animal or vegetable wastes or sewage; grass, tree, shrub or bush trimmings and clippings; branches, twigs and leaves; newspapers or magazines; ashes, paper or cardboard; metal; wood; glass; beddings; rockery; plastics or rubber by-products; litter; animal excrement; industrial wastes; demolition and construction wastes; and discarded home and industrial appliances.

(Added by Ordinance No. 27-89 N.S.)

SECTION 4. Chapter 14.40 is hereby amended in its entirety and shall read as follows:

Chapter 14.40 - STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

14.40.010 - Application of regulations.

- (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 in 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 California Vehicle Code or the laws of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

14.40.020 - Stopping or standing in parkways prohibited.

No person shall stop, stand or park a vehicle within any parkway.

14.40.030 - Director of public works to maintain no-stopping zones and no-parking areas.

The director of public works is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no-stopping zones, no-parking areas, and restricted-parking areas, as defined and described in this chapter.

When said curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the

provisions of this chapter.

14.40.040 - No-parking areas.

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except where necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

- (a) Within any divisional islands unless authorized and clearly indicated with appropriate signs or markings;
- (b) On either side of any street between the projected property lines of any public walk, public steps, street or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- (c) In any area where the director of public works determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- (d) In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- (e) Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;
- (f) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;
- (g) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking;
- (h) At any place within twenty feet of a crosswalk at an intersection in any business district when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.

(Amended by Ordinance No. 31-77 N.S.)

14.40.050 - Use of streets for storage of vehicles prohibited.

- (a) No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or alley for more than seventy-two consecutive hours..
- (b) Any person who owns or has possession, custody, or control of a vehicle shall be in violation of this section if such vehicle has been parked on a street or alley and has not moved under its own power during the previous seventy-two hours.
- (c) No person who owns or has possession, custody or control of any commercial trailer or semitrailer shall park such trailer or semitrailer upon any street or alley unless the trailer or semitrailer is, at all times while so parked, and attached to a vehicle capable of moving the trailer or semitrailer in a normal manner upon the street or alley.
- (d) Any vehicle found in violation of this section may be towed away.
- (e) Fines and Penalties. Violators of the provisions of this section shall be subject to the following fines and penalties:
 - (1) For violations of subsections (a) and (b) of this section, in addition to any criminal penalties imposed by Section 1.04.100 and the towing and storage charges assessed under Chapters 7.72 and 7.74, the owner of any vehicle towed away pursuant to subsection (d) and subsections (a) or (b) of this section, shall be required to pay an administrative charge of \$50.00 for the release of said owner's towed away vehicle.
 - (2) For violations of subsection (c) of this section, in lieu of the criminal penalties imposed by Section 1.04.100, the violators of subsection (c) of this section, shall pay a fine of \$250 for

the first infraction violation and \$500 for any subsequent violation within any 12-consecutive-month period. Any citation issued after the issuance of a third citation for violation of the same subsection (c) of this section within any 12-consecutive-month period may be charged as a misdemeanor pursuant to the provisions of Section 1.04.100 of this Code. In addition to the criminal penalties imposed by this section, the owner of any vehicle towed away pursuant to subsection (d) and subsection (c) of this section, shall be obligated to pay the towing and storage charges assessed under Chapters 7.72 and 7.74 and shall be required to pay an administrative charge of \$50.00 for the release of such owner's towed away vehicle.

(Amended by Ordinance Nos. 285 N.S., 16-86 N.S. and 3-98 N.S.)

14.40.055 - Vehicle gross weight limitation.

Unless otherwise exempted, no person shall stop, stand, park or leave standing in any place or location any vehicle whose gross weight is in excess of the posted weight limit, established pursuant to Section 14.52.050 of this code, on any street which necessarily must have been used to gain access to the place where such vehicle is located. Any police officer may enter upon private property for the purpose of issuing a citation under this section.

(Added by Ordinance No. 11-81 N.S.)

14.40.060 - Overnight parking of vehicles intended for sale prohibited.

No motor vehicle dealer, salesman, or leasing agency, nor any employee, agent or servant of such dealer, salesman or leasing agency shall park any motor vehicle under the custody and control of such motor vehicle dealership, or leasing agency, on any city street for a period longer than one hour between the hours of one a.m. to six a.m. of any day.

(Amended by Ordinance No. 12-75 N.S.)

14.40.070 - Repairing or greasing vehicles on public streets.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

14.40.080 - Washing or polishing vehicles.

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city, when a charge is made for such service.

14.40.090 - Parking adjacent to schools.

- (a) The director of public works is authorized to erect signs indicating no parking, or limited parking during school hours, upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking, or limited parking during school hours, upon that side of a street adjacent to any school property, no person shall park a vehicle in violation of such signs.

14.40.100 - Parking prohibited on narrow streets.

- (a) The director of public works is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.
- (b) When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

14.40.110 - Parking on grades.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent without blocking the wheels of said vehicles by turning them against the curb or by other means.

14.40.120 - Parking by peddlers, vendors.

- (a) No person shall stand or park any business stand, lunch wagon, pushcart or vehicle from which goods, merchandise or articles of food are sold, displayed, solicited or offered for sale or bartered or exchanged on any portion of any street or sidewalk within the City without first obtaining from the Chief of Police a written permit which shall designate the specific location where such business stand, wagon, cart or vehicle shall stand or park. The provisions of this subsection shall not apply to any persons who:
 - (i) Stands or parks such wagon, cart or vehicle at the request of a bona fide purchaser for a period of time not to exceed thirty minutes at any one place; or
 - (ii) Delivers such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.
- (b) The Chief of Police may refuse to issue a permit or may revoke or suspend any permit issued pursuant to this section if he determines that:
 - (i) The applicant or permittee is engaging or has engaged in any conduct which violates any provision of this code or any law of the state of California; or
 - (ii) The activities of the applicant or permittee are interfering or will interfere with pedestrian or vehicular traffic on any street or sidewalk, or such activities are or will become detrimental to the health and welfare of the public.

The chief of police shall notify any applicant denied a permit in writing of the denial and the reasons therefor. Prior to the revocation or suspension of any permit, the chief of police shall give the permittee ten days' notice of his intention to revoke or suspend the permit and the reasons therefor.

- (c) Any person aggrieved by the decision of the chief of police in granting, denying, revoking or suspending a permit may appeal to the city council for a hearing within ten days from the date of such decision. Such appeal must be made in writing, delivered to the city clerk, and the appellant shall set forth all the facts upon which it is claimed that the action of the chief of police is improper. After receipt of the written appeal, the city clerk shall set the matter for hearing before the city council and he shall give the appellant at least seven days' notice of the time and place of such hearing. Pending the outcome of the appeal, any permit granted under this section shall remain in effect. The council may affirm, modify or reverse the action of the chief of police and its decision shall be final and conclusive.

(Amended by Ordinance No. 38-78 N.S.)

14.40.130 - Emergency parking signs.

- (a) Whenever the chief of police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the chief of police shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the chief of police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the chief of police shall cause such signs to be removed promptly thereafter.
- (b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

14.40.140 - Display of warning devices when commercial vehicle disabled.

Every motor truck having an unladen weight of four thousand pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during darkness shall be equipped with and carry at least two flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol. When any vehicle abovementioned or any trailer or semitrailer is disabled upon streets or highways outside of any business or residence district within this city and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred feet in advance of, and one hundred feet to the rear of, such disabled vehicle by the driver thereof. The continuous flashing of at least four approved

class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations. The warning signals mentioned in this section shall be displayed continuously during darkness while such vehicle remains disabled upon such street or highway.

14.40.150 - Parking in city-owned or operated lots.

- (a) In City-owned or operated parking lots where parking space markings have been installed by the Director of Public Works, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space except with permission of the Transportation Department pursuant to Richmond Municipal Code Section 14.46.
- (b) No vehicle shall be stopped, left standing or parked on any City-owned or operated parking lot for more than sixteen consecutive hours except with permission of the Transportation Department.
- (c) Any vehicle parked in violation of this section shall be considered an obstruction to the normal and safe use of said parking lot and may be cited for violation of this section by city authorized parking enforcement staff or removed by any police department authorized enforcement officer.
- (d) By resolution of the City Council, the Director of Public Works may place and maintain signs giving notification of parking limit time restrictions for parking of vehicles in City-owned or operated parking lots. When such signs authorized by the provisions of this section and Richmond Municipal Code section 14.46 are in place giving notice thereof, no person shall stop, stand or park any vehicle for a period of time longer than that indicated on such signs.
- (e) By resolution of the City Council, the Director of Public Works may place and maintain signs giving notification that no vehicle shall be stopped, left standing or parked in the City-owned and operated parking lot bordered by: City Auditorium to the east, 25th Street to the west, City parking lot to the north and Nevin Avenue to the south without a permit issued by the Transportation Department of the City of Richmond. When such signs are in place giving notice thereof, no person shall stop, stand or park any vehicle in such parking lots without a permit issued by the Transportation Department of the City of Richmond and displayed on the dash of said vehicle.

(Amended by Ordinance No. 210 N.S., 15-72 N.S. and 27-86 N.S.)

14.40.160 - Parking areas for official cars.

For the purpose of this section only, official cars shall be:

- (1) Vehicles belonging to the city;
- (2) Vehicles used by officers or employees of the city while on official city business; provided, that such last mentioned vehicles shall have in plain view in the driver's compartment a permit signed by the Transportation Department.

It is unlawful for any person to park any vehicle, other than official cars, in any space reserved for official cars.

14.40.170 - Parking area for Richmond police cars.

It is unlawful for the operator of any vehicle to leave such vehicle excepting vehicles owned by the city of Richmond and used by the police department of the city, standing in areas designated for official police use only.

The provisions of this section shall be further indicated by the erection of appropriate signs.

14.40.180 - Parking area for Richmond fire cars.

It is unlawful for the operator of any vehicle to leave such vehicle, excepting vehicles owned by the city of Richmond and used by the fire department of the city, standing in areas designated for official fire use only.

The provisions of this section shall be further indicated by the erection of appropriate signs.

14.40.190 - Vehicles on private property.

It is unlawful for any person to operate or drive or leave any vehicle in, over or upon any private property without express or implied permission of the owner thereof, or the person entitled to the possession thereof for the time being, or the authorized agent of either; except, that this section shall not apply to public or private parking lots.

(Source: Ordinance No. 1753) 14.40.200 - Parking areas for physically handicapped persons.

It is unlawful for the operator of any vehicle to leave such vehicle standing in areas designated by resolution of the city council pursuant to Sections 22511.7 or 22511.8 of the California Vehicle Code for the exclusive use of physically handicapped persons, excepting vehicles which display distinguishing license plates issued to disabled persons under Section 22511.5 of said code.

(Added by Ord. No. 36-76 N.S.)

14.40.210 – Parking areas for electric or low emission vehicles

It is unlawful for the operator of any vehicle to leave such vehicle excepting vehicles that are electric plug in, hybrid plug in, or hybrid gas vehicles with significant low emissions standing in areas designated for energy efficient vehicle parking.

SECTION 5. Chapter 14.08 is hereby amended in its entirety and shall read as follows:

SECTION 5. Chapter 14.08 is hereby amended in its entirety and shall read as follows:

Chapter 14.08 - TRAFFIC ADMINISTRATION

14.08.010 - Duty of uniformed division of public department.

It shall be the duty of the uniform division of the Police Department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the Director of Public Works and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specifically imposed upon the division by this Article.

14.08.020 - Traffic accident reports.

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the Director of Public Works.

14.08.030 - Police department to submit annual traffic safety report.

The Police Department shall annually prepare a traffic report which shall be filed with the City Council. Such report shall contain information on traffic matters in the City as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
3. The plans and recommendations of the division for future traffic safety activities.

14.08.040 - Director of public works.

The Director of Public Works shall exercise the powers and duties with respect to traffic as provided in this Article.

14.08.050 - Same—Powers and duties—Delegation.

It shall be the general duty of the Director of Public Works to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by laws of this City. Whenever, by the provisions of this Article a power is

granted to the Director of Public Works or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him. All proposed installations, changes or removal of traffic signs, signals, streets, or curb markings shall be approved by the Transportation Department before final action is taken.

14.08.060 - Emergency and experimental regulations.

- (a) The Chief of Police is hereby empowered to make regulations necessary to make effective the provisions of the traffic laws of this City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect more than ninety days. The Director of Public Work and the Transportation Department shall immediately be informed of any and all actions taken by the Chief of Police under provisions of this section.
- (b) The Director of Public Works may test traffic-control devices under actual conditions of traffic.

14.08.070 - Authority to give notice of violations—Parking enforcement representatives.

Those employees of the City of Richmond who are classified as Parking Enforcement Representatives, or who may hereafter be classified by some other appropriate designation with substantially the same duties and responsibilities as Parking Enforcement Representative, are hereby authorized to give the notice required by Sections 41102 and 41103(1) of the Vehicle Code of the State of California of violation of any provision of said Vehicle Code governing the standing or parking of a vehicle, or requiring the display of license plates or registration, or any tab, sticker or other suitable device in lieu thereof with respect to an unattended vehicle, or any provision of this chapter or of any ordinance enacted by the City of Richmond governing the standing or parking of a vehicle, or relating to parking meters, pay systems or parking meter standards, either on the public street, highway or right of way, or on municipal off-street parking lots.

(Source: Ordinance No. 1753, as amended by Ordinance No. 74 N.S.)

SECTION 6. Chapter 2.62 is hereby amended and shall read as follows:

Chapter 2.62 - ADMINISTRATIVE CITATIONS*

2.62.010 - Purpose.

- (a) This chapter provides for administrative citations pursuant to the City's Police Department, Fire Department, Transportation Department and Charter Powers.
- (b) The remedies provided by this chapter are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Code.
- (c) Use of this chapter shall be at the sole discretion of the City.

(Amended by Ordinance No. 18-06 N.S.; Ord. No. 26-13 N.S., § I, 12-17-2013)

2.62.020 - Enforcement officer—Defined—Authority.

- (a) For purposes of this chapter, "enforcement officer" means any City employee or agent of the City with the authority to enforce any provision of this Code.
- (b) Enforcement officers shall have authority to issue administrative citations pursuant to this chapter.

2.62.030 - Administrative citation.

- (a) Whenever an enforcement officer charged with the enforcement of any provision of this Code determines that a violation of that provision has occurred, the enforcement officer may issue an administrative citation to any person responsible for the violation.
- (b) Each administrative citation shall contain the following information:
 - (1) The date of the violation;
 - (2) The address or a definite description of the location where the violation occurred;
 - (3) The section of this Code violated and a description of the violation;

- (4) The amount of the fine for the Code violation;
 - (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - (6) An order prohibiting the continuation or repeated occurrence of the Code violation described in the administrative citation;
 - (7) An order to correct the Code violation described in the administrative citation if said violation is correctable as described in this section;
 - (8) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained and an advance deposit waiver; and
 - (9) The name and signature of the citing enforcement officer.
- (c) In addition to the administrative citation and penalty authorized by this chapter, an order to correct a violation under subsection (b)(7) of this section may be enforced as set forth in the chapter applicable to that violation.
- (d) In the case of a continuing violation pertaining to building, electrical, or other similar structural or zoning or fire code violation issues that do not create an immediate danger to health or safety, a reasonable time not to exceed six (6) months shall be provided to remedy or correct the violation prior to imposition of fines or penalties. In determining what is a reasonable time, the City may consider the estimate of local professionals including licensed contractors. In the case of such violations, the time within which the violation must be corrected in order to avoid a fine shall also be specified on the administrative citation.

(Ord. No. 26-13 N.S., § II, 12-17-2013)

2.62.040 - Amount of fines.

- (a) The amount of fines for Code violations imposed pursuant to this chapter are divided into two categories and shall be known as Tier One fines and Tier Two fines.
- (1) Tier One fines shall be imposed for Code violations other than those specifically listed below under Tier Two fines and shall be set as follows:
 - (A) First Citation—Two hundred fifty dollars (\$250.00) for the first violation;
 - (B) Second Citation—Five hundred dollars (\$500.00) for the second violation of the same provision of this Code within any 24-consecutive month period;
 - (C) Third and Additional Citations—One thousand dollars (\$1,000.00) for the third and any additional violation of the same provision of this Code within any 24-month consecutive period.
 - (2) Tier Two fines shall be imposed for the following Code violations only: section 6.20.020, which adopts by reference the State Housing Code codified as Health and Safety Code section 17920.3 et al (substandard dwelling structures); section 6.38 - Vacant Building Ordinance; section 6.10.020, which adopts by reference the Uniform Code of Abatement of Dangerous Buildings; and subsection 6.06.070(a) and (b) - Historic Structure code. Tier Two fines shall be set as follows:
 - (A) First Citation—One thousand dollars (\$1,000.00) for the first violation;
 - (B) Second Citation—Two thousand five hundred dollars (\$2,500.00) for the second violation of the same provision of this Code within any 24-consecutive month period;
 - (C) Third and Additional Citations—Five thousand dollars (\$5,000.00) for the third and any additional violations of the same provision of this Code within any 24-consecutive month period;
- (b) A ten percent (10%) late payment fee shall be imposed on any fine which is not paid within thirty (30) days of the issuance of the citation.

- (c) The administrative citations outlined in this chapter are levied in addition to any recovery of costs outlined in Chapter 2.34 of this Code.

(Amended by Ordinance No. 30-08)

2.62.050 - Payment of fine.

- (a) The fine shall be paid to the City within thirty days from the date of the administrative citation.
- (b) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

2.62.060 - Appeal.

Any recipient of an administrative citation may appeal an administrative citation, or any order issued under Section 2.62.030(b), to contest the existence of a violation of the Code or that he or she is the responsible party. The appeal process shall be as follows:

- (a) Case Review. The recipient may request an informal case review with the Code Enforcement Supervisor within ten (10) days of the date of the citation.
- (b) Hearing Officer Appeal. Within fourteen (14) days of the date of the determination of the Code Enforcement Supervisor the recipient may file an appeal with the administrative hearing officer. If the recipient wishes to forgo the case review, he or she must file the appeal with the administrative hearing officer within fourteen (14) days of the date of the citation. The appeal must be made by completing a request for hearing form and returning it to the City within fourteen (14) days from the date of the administrative citation or the date of determination of the case review by the Code Enforcement Supervisor, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 2.62.070.
- (c) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- (d) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of this report also shall be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

(Ord. No. 30-09 N.S., § 1, 10-6-2009)

2.62.070 - Advance deposit hardship waiver.

- (a) Any person who intends to request a hearing under Section 2.62.060 of this chapter and who is financially unable to make the advance deposit of the fine as required in Section 2.62.060(a), may file a request for an advance deposit hardship waiver.
- (b) The request shall be filed with the City on an advance deposit hardship waiver application form within ten (10) days of the date of the administrative citation.
- (c) The requirement of depositing the full amount of the fine as described in Section 2.62.060(a) shall be stayed unless or until the City makes a determination not to grant the advance deposit hardship waiver.
- (d) The City may grant the advance deposit hardship waiver only if the cited party submits a sworn declaration, together with any supporting documents or materials, which demonstrates his or her financial inability to deposit with the City the full amount of the fine in advance of the hearing.
- (e) If the City determines not to issue an advance deposit hardship waiver, the cited party shall remit the deposit to the City within ten (10) days of the date of that decision or thirty (30) days from the date of the administrative citation, whichever is later.
- (f) The City shall issue a written determination of its reasons for granting or denying an advance deposit hardship waiver. This written determination shall be final.
- (g) The written determination shall be served upon the applicant for the advance deposit hardship waiver by first class mail.

2.62.080 - Hearing officer.

The City Manager shall designate the hearing officer for administrative citation hearings.

2.62.090 - Hearing procedures.

- (a) No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance in accordance with Section 2.62.060 or an advance deposit hardship waiver has been granted in accordance with Section 2.62.070.
- (b) A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) days and not more than thirty (30) days from the date that the request for hearing is filed in accordance with the provisions of this chapter.
- (c) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.
- (d) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine, a failure to exhaust his or her administrative remedies and consent to any order issued pursuant to Sections 2.62.030(b)(6) and 2.62.030(b)(7).
- (e) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- (f) The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

2.62.100 - Hearing officer's decision.

- (a) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold, reduce or cancel the administrative citation and shall list in the decision the reasons for that decision.
- (b) If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the City shall be retained by the City pending final adjudication.
- (c) If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine.
- (d) If the hearing officer determines that the administrative citation should be canceled or reduced and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine or the amount paid in excess of the reduced fine together with interest at the average rate earned on the City's portfolio for the period of time that the fine or excess fine amount was held by the City.
- (e) The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.
- (f) The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount or number of administrative citation fines upheld by the hearing officer.

(Ord. No. 30-09 N.S., § 1, 10-6-2009)

2.62.105 - Appeal of hearing officer's decision.

The decision of the hearing officer shall be appealable to an appeals hearing officer to be designated by the City Manager within fourteen (14) days of the date of the hearing officer's written determination in the following manner and time:

- (a) The appeal must be made by completing a request for appeal form, including a brief and concise factual description of the issues on appeal and returning it to the City within fourteen (14) days of the date of the hearing officer's written findings.
- (b) The appeal shall be heard at a hearing before the appeals hearing officer. A hearing before the appeals hearing officer shall be set for a date that is not less than fifteen (15) days and not more than thirty (30) days from the date that the request for the appeal hearing is filed in accordance with the provisions of this chapter. The appellant and City staff shall each

provide evidence supporting or refuting the violation at the appeal hearing. At the conclusion of the taking of evidence, the appeals hearing officer shall make its ruling on the appeal which shall be entered. The determination of the appeals hearing officer shall be final.

(Ord. No. 30-09 N.S., § 1, 10-6-2009; Ord. No. 9-15 N.S., § II, 3-3-2015)

2.62.110 - Late payment charges.

Any person who fails to pay to the City any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines, as well as interest at the legal rate.

2.62.120 - Recovery of administrative citation fines and costs.

The City may collect any past due administrative citation fine or late payment charges by use of all available legal means, including, but not limited to, means available for the collection of judgments, liens and actions for recovery of money. The City also may recover its collection costs.

2.62.130 - Right to judicial review.

Any person aggrieved by an administrative decision of the appeals hearing officer on an appeal of an administrative citation may obtain judicial review of the administrative decision by filing a petition seeking review in accordance with Government Code Section 53069.4. This section shall be limited to proceedings under Chapter 2.62 of this Code only.

(Amended by Ordinance No. 18-06 N.S.; Ord. No. 30-09 N.S., § 1, 10-6-2009; Ord. No. 9-15 N.S., § II, 3-3-2015)

2.62.140 - Notices.

- (a) Whenever a notice or report is required to be given or provided under this chapter, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his/her last-known business or residential address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in a United States mail box.
- (b) Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.
- (c) Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(Source: Ordinance No. 2-04 N.S.)

SECTION 7. This ordinance shall be effective 30 days after passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on February 16, 2021, and finally passed and adopted at a regular meeting held on March 2, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

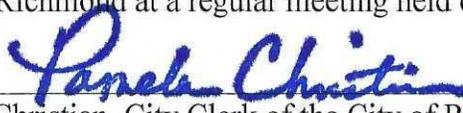
PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 01-21 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 2, 2021.



Pamela Christian, City Clerk of the City of Richmond