

ORDINANCE NO. 19-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING AND RESTATING SUBSECTION 12.02.030(d) (NO PARKING ZONES) OF SECTION 12.02.030 (VIOLATIONS), REPEALING EXISTING SECTIONS 12.02.070, 12.02.080, 12.02.090, 12.02.100, AND 12.02.110 REGARDING ADVERTISING ON PARKED VEHICLES, ADDING NEW SECTION 12.02.070 (PENALTIES) OF CHAPTER 12.02 (STOPPING, STANDING AND PARKING), AND ADDING NEW CHAPTER 12.07 (ADVERTISING ON PARKED VEHICLES) OF TITLE 12 (VEHICLES AND TRAFFIC) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Purpose.

The purpose of this ordinance is to amend and restate Section 12.02.030(d) of the Rancho Santa Margarita Municipal Code regarding violations of No Parking Zones within the City in order to implement the City's new no-parking for street sweeping purposes zones. Additionally, existing Sections 12.02.070, 12.02.080, 12.02.090, 12.02.100, and 12.02.110 regarding Advertising on Parked Vehicles are to be deleted in their entirety, repealed, reorganized, and relocated within the Code to new Chapter 12.07 for purposes of clarification. Furthermore, new Section 12.02.070 is to be added in order to set forth an updated penalties provision related to violations of the parking restrictions listed in Chapter 12.02. Finally, this ordinance will add a new Chapter 12.07 relating to Advertising on Parked Vehicles to Title 12 (Vehicles and Traffic), thereby relocating those regulations from Chapter 12.02.

SECTION 2. Code Amendment.

Subsection 12.02.030(d) (No Parking Zones) of Section 12.020.030 (Violations) of Chapter 12.02 (Stopping, Standing, and Parking) of Title 12 (Vehicles and Traffic) of the Rancho Santa Margarita Municipal Code is hereby amended and restated in its entirety to read as follows:

Sec. 12.02.030 Violations.

(d) No-parking zones.

- (1) It shall be unlawful for any person to park in a designated "no-parking," "no-stopping," or any time-specific no-parking or no-stopping zone when signs or markings are placed giving notice of such prohibition.
- (2) It shall be unlawful for any person to park in a designated "no-parking for street sweeping purposes," zone when signs or markings are placed giving notice of such prohibition.

SECTION 3. Code Amendment.

Existing Sections 12.02.070 (Advertising on parked vehicles; purpose), 12.02.080 (Definitions), 12.02.090 (Violation), 12.02.100 (Exemption), and 12.02.110 (Penalties) of Chapter 12.02 (Stopping, Standing, and Parking) of Title 12 (Vehicles and Traffic) of the Rancho Santa Margarita Municipal Code are hereby deleted in their entirety and are repealed.

SECTION 4. Code Amendment.

New Section 12.02.070 (Penalties) of Chapter 12.02 (Stopping, Standing, and Parking) of Title 12 (Vehicles and Traffic) of the Rancho Santa Margarita Municipal Code is hereby added to read as follows:

Sec. 12.02.070. Penalties.

Violations of the parking restrictions set forth in this Chapter shall be prosecuted as civil administrative penalties, which civil penalties and fees shall be established by resolution of the City Council.

SECTION 5. Code Amendment.

New Chapter 12.07 (Advertising on parked vehicles) is hereby added to Title 12 (Vehicles and Traffic) of the Rancho Santa Margarita Municipal Code, which shall read as follows:

Chapter 12.07 Advertising on parked vehicles

Sec. 12.07.010 Purpose.

The purpose of this Chapter regulating the use of parked vehicles for the primary purpose of advertising is to promote traffic safety, to maximize the availability of highway parking for use by the general public, and to promote the aesthetic appearance of highways and adjacent properties.

Sec. 12.07.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising signs shall include, but not be limited to, any kind of display, printing, writing, or banner for the primary purpose of advertising the sale, purchase, or promotion of a product, business, or service.

Sec. 12.07.030 Violation.

No person shall park any vehicle on a public or private street, parking lot, or any public property or off-street parking facility with any advertising sign painted on, affixed to, or resting on the vehicle.

Sec. 12.07.040 Exemptions.

The following are exempted from the provisions of this Chapter:

- (a) Vehicles displaying signs, decals, or other inscriptions mandated or expressly authorized by statute or other City ordinances, but only to the extent such signs, decals, or other inscriptions are expressly authorized or mandated.
- (b) Signs permanently affixed to commercial vehicles while engaged in the ordinary business for which they are registered or maintained; provided, however, that a commercial vehicle parked in the same space for more than four hours shall be presumed not engaged in its ordinary business.
- (c) Taxicabs while engaged in the ordinary course of business.
- (d) Vehicles owned by public agencies.
- (e) Vehicles operated by entities subject to the jurisdiction of the Public Utilities Commission.
- (f) Vehicles parked within 300 feet of the residence of the registered owner of the vehicle.

Sec. 12.07.050 Penalties.

- (a) Any person violating this Chapter shall be guilty of an infraction.
- (b) Any person violating this Chapter more than one time in a 12-month period shall be guilty of a misdemeanor for the second and subsequent violations.

SECTION 6. Compliance With the California Environmental Quality Act. The code amendments set forth herein are categorically exempt from the California Environmental Quality Act pursuant to the Class 1, Existing Facilities exemption. (14 Cal. Code Regs. § 15301). This exemption applies to the operation of public facilities, including streets and highways, that involve no or negligible expansion of such facilities. In this case, the City is merely clarifying violations and penalties for No Parking restrictions for street sweeping purposes and rearranging other portions of the Code for purposes of clarification only. The City is not contemplating any actual physical improvements to widen or otherwise increase the capacity of these facilities.

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

SECTION 8. Certification / Publication. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

SECTION 9. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or his or her duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.


PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF APRIL, 2019, BY VOTE AS FOLLOWS:

AYES: Council Member Gamble, Mayor Pro Tempore McGirr and Mayor Holloway (3)

NOES: Council Members Beall, Figueroa (2)


ABSTAIN: None (0)

ABSENT: None (0)



JERRY HOLLOWAY, MAYOR

ATTEST:



AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 19-03 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 10th day of April, 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 24th day of April, 2019.



AMY DIAZ, CITY CLERK

AFFIDAVIT OF POSTING
AND PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

AMY DIAZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 19-03, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING AND RESTATING SUBSECTION 12.02.030(d) (NO PARKING ZONES) OF SECTION 12.02.030 (VIOLATIONS), REPEALING EXISTING SECTIONS 12.02.070, 12.02.080, 12.02.090, 12.02.100, AND 12.02.110 REGARDING ADVERTISING ON PARKED VEHICLES, ADDING NEW SECTION 12.02.070 (PENALTIES) OF CHAPTER 12.02 (STOPPING, STANDING AND PARKING), AND ADDING NEW CHAPTER 12.07 (ADVERTISING ON PARKED VEHICLES) OF TITLE 12 (VEHICLES AND TRAFFIC) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE

on the 3rd day of May, 2019, was published in the Coto De Caza News; and was in compliance with City Resolution No. 00-01-06-07, on the 3rd day of May, 2019, caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall
Fire Station 45
Trabuco Canyon Water District



AMY DIAZ, CITY CLERK
Rancho Santa Margarita, California