ORDINANCE NO. 2020-1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA AMENDING CHAPTER 10.72 (CITY-OWNED OR OPERATED OFF-STREET PARKING FACILITIES) OF THE YORBA LINDA MUNICIPAL CODE TO INCORPORATE STATE LAW PROVISIONS FOR ENFORCEMENT OF DESIGNATED ELECTRIC VEHICLE PARKING STALLS OR SPACES EXCLUSIVELY FOR ELECTRICAL CHARGING PURPOSES

WHEREAS, California Vehicle Code Section 22519 authorizes local authorities by ordinance or resolution to prohibit, restrict or regulate the parking, stopping or standing of vehicles on any off-street parking facility which it owns or operates, provided signs giving notice thereof have been erected; and

WHEREAS, there will a public parking structure in Town Center, which includes several parking stalls that serve as electric vehicle charging stations; and; and

WHEREAS, the City also is in the process of designing and ultimately constructing a new public library and community arts center, which also will include electric vehicle charging stations; and,

WHEREAS, current Chapter 10.72 (City-owned or operated off-street parking facilities) of the Yorba Linda Municipal Code provides for the regulation of City-owned or operated parking facilities, including the enforcement of time, place and manner-related restrictions, and including provisions for towing of vehicles found to be in violation of said restrictions; and,

WHEREAS, recent changes to state law allow a local authority, by ordinance or resolution, to designate parking stalls in an off-street parking facility owned or operated by the local authority for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes;

WHEREAS, the proposed modifications to Chapter 10.72 (City-owned or operated off-street parking facilities) of the Yorba Linda Municipal Code are intended to incorporate these new state law changes; and,

WHEREAS, the City Council held a duly noticed public meeting on this Ordinance on April 7, 2020, at which it considered all evidence presented, both written and oral; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Recitals. The foregoing recitals are true and correct and are incorporated herein as though set forth in full.

Section 2: Chapter 10.72 of the Yorba Linda Municipal Code is hereby amended to add new section 10.72.040 as follows:
“10.72.040 Parking of vehicles in stalls for electric charging purposes.

A. Pursuant to California Vehicle Code Section 22511, the City hereby designates certain stalls and spaces in City owned off-street parking facilities to be for the exclusive purpose of parking and charging a vehicle that is connected for electric charging purposes.

B. The City Traffic Engineer, or City Director of Public Works, are authorized to post signs in accordance with California Vehicle Code Section 22511(d)(1) at certain stalls and spaces in City owned off-street parking facilities that require vehicles parked in such stalls and spaces to be connected for electric charging purposes.

C. In accordance with California Vehicle Code Section 22511(c)(1), the City may cause the removal and towing or issue fines for electric vehicle charging violations in accordance with the Uniform Parking Bail Schedule for a vehicle parked in a space or stall that is posted for electric charging purposes that is not connected for electric charging purposes.

D. This section does not interfere with other or existing laws allowing the City to regulate parking in City owned off-street parking facilities within the City.”

Section 3: CEQA Determination. In adopting this Ordinance, the City Council finds that the adoption of the Municipal Code amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14 California Code of Regulations Sections 15061(b)(3) and 15378, in that it can be seen with certainty that the adoption of the Municipal Code amendment is not a project, and further, that it proposes no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Section 4: 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 and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this ___ day of __________, 2020.
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/s/
BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:

/s/
MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA
APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

/s/
CITY ATTORNEY

STATE OF CALIFORNIA )
COUNTY OF ORANGE )

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the ___ day of __________, 2020, and was carried by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

/s/
MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA