

ORDINANCE NO. 4192

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
ADDING SECTION 10.40.265 TO CHAPTER 10.60 OF THE HUNTINGTON
BEACH MUNICIPAL CODE RELATING TO DISABLED PARKING
PLACARDS AND LICENSE PLATES

WHEREAS, California Vehicle Code Section 22511.57 authorizes the City to prohibit vehicles with a disabled person's placard or special license plate from parking on streets or public or private offstreet parking lots where Department of Motor Vehicle records indicate: (1) the placard or plate is expired, revoked, or stolen; (2) the vehicle is not being used to transport the person authorized to be transported in the vehicle with the special placard or plate; or, (3) the plate or placard is counterfeit, altered or mutilated;

WHEREAS, California Vehicle Code Section 40203.5(c)(1) states that parking penalties for a violation of an ordinance or resolution adopted pursuant to Section 22511.57 shall be collected as a civil penalty of not less than \$250 and not more than \$1,000. Section 40203.6(a) adds that the City shall levy an additional assessment equal to 10 percent of the penalty established pursuant to Section 40203.5, which assessment shall be deposited with the City;

WHEREAS, California Vehicle Code Section 40203.5(c)(1) states that any peace officer, or any regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of the City, may remove and have towed any vehicle in violation of the City Ordinance prohibiting misuse of disabled person's placard or special license plate pursuant to Vehicle Code Section 22511.57;

WHEREAS, the Legislature in enacting California Vehicle Code Section 22511.57 in 1994 stated that passage of Section 22511.57 would help eliminate "some measure of placard abuse thereby increase the availability of parking for those using legitimate placards as well as the general public," as the misuse of disabled placards belonging to unauthorized persons had reached "extremely high levels in urban areas where parking is in short supply," not only limiting the available parking for disabled persons using legitimate placards, but also depressing the parking revenue collections of local agencies;

WHEREAS, 25 years after Section 22511.57 was enacted, the misuse of disabled placards and license plates continues to remain at high levels in the City, depriving legitimately disabled drivers of reserved parking spaces close to their destinations, cheating the City out of public revenue, and allowing illegal users of disabled placards to occupy high-demand parking spots for free all day with no incentive to limit their stay;

WHEREAS, the misuse of disabled placards and license plates harms merchants in business districts, because there is no turnover of needed parking spaces when people improperly park all day in front of the same store, or on the same blocks in these districts, discouraging customers from visiting and shopping in the area;

WHEREAS, a person illegally using a disabled placard or license plate deprives a disabled person from finding or accessing a disabled space, which is designed to provide the extra room needed for a disabled person who requires the assistance of a wheel chair or other mobility device to safely enter or exit a vehicle, or to safely maneuver a wheelchair or other mobility device onto a sidewalk or other surface reserved for public ingress and egress;

WHEREAS, a person illegally using a disabled placard or license plate in order to park in a reserved space in close proximity to the entrance of a building creates a tremendous physical hardship on a disabled person whose physical disability prevents the person from walking for more than a very short distance;

WHEREAS, illegal use of reserved parking spaces for the disabled diminishes the quality of life not only for the physically disabled, but also for all residents of the City;

WHEREAS, setting the maximum penalty under state law for a violation of any subsection of Section 22511.57 is necessary since current City fines for misuse of a disabled placard have not had a sufficient deterrent effect in reducing the illegal use of disabled placards in the City; and

WHEREAS, reserved parking spaces for the disabled allow persons with limited mobility to access all parties of the City in order to fully participate, benefit, and contribute to community life within the City.

Now, therefore, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 10.40.265 is hereby added to the Huntington Beach Municipal Code to read as follows:

10.40.265 Misuse of Disabled Person Placard or License Plate

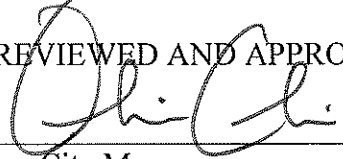
- A. This Section is enacted pursuant to California Vehicle Code Section 22511.57 authorizing local authorities to enforce the misuse of placards and special license plates intended for disabled persons or disabled veterans, as parking violations instead of misdemeanors.
- B. No person shall park or stand a vehicle on a street or highway, or in a parking stall or space in a privately or publicly owned or operated offstreet parking facility when the vehicle displays, in order to obtain special parking privileges, a disabled person placard or license plate, and any of the following conditions are met:
 - 1. The records of the Department of Motor Vehicles for the identification

1. The records of the Department of Motor Vehicles for the identification number assigned to the placard or license plate indicate that the placard or license plate has been reported as lost, stolen, surrendered, cancelled, revoked, or expired, or was issued to a person who has been reported as deceased for a period exceeding 60 days; or
 2. The placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying the placard or license plate; or
 3. The placard or license plate is counterfeit, forged, altered, or mutilated.
- C. Notwithstanding Section 1.16.010 of the Municipal Code, a violation of this Section is subject to a civil penalty established by Resolution of the City Council, and is not an infraction.
- D. A vehicle parked in violation of this Section is not only subject to a civil penalty, but alternatively or in addition to may be towed pursuant to California Vehicle Code Section 22652.6. Any peace officer or any regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of the City may initiate the tow of the vehicle.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2019.

ATTEST:

City Clerk

REVIEWED AND APPROVED:


City Manager

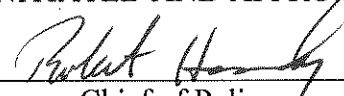
Mayor

APPROVED AS TO FORM:



City Attorney NW

INITIATED AND APPROVED:



Chief of Police