

ORDINANCE NO. 1986

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA ADDING "10.36.040 O" OF THE UPLAND MUNICIPAL CODE REGARDING PARKING OF VEHICLES IN GOVERNMENT OWNED PUBLIC PARKING LOTS TO REGULATE SAFETY, PREVENT CRIME, DECREASE BLIGHT, AND PREVENT STORAGE OF VEHICLES IN GOVERNMENT OWNED PUBLIC PARKING LOTS IN THE CITY

WHEREAS, the City desires to maintain order and enhance public safety; and

WHEREAS, the City desires to regulate parking of vehicles overnight in government owned public parking lots; and

WHEREAS, the City desires to prevent the storage of vehicles in government owned public parking lots thus allowing access for parking of vehicles for the intended use at the government facility; and

WHEREAS, the California Constitution, article XI, section 7, authorizes the City to adopt and enforce local ordinances and resolutions that do not conflict with the general laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Upland Municipal Code ("UMC") Section 10.36.040 O is hereby added to read in its entirety as follows:

"O. Parking of Vehicles in Public Parking Lots

1. No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any government owned public parking lot within the City between the hours of 3:00 a.m. and 5:00 a.m. A violation of this section is an infraction.
 - a. An individual is exempt from this provision when parking at the Police Department for the purpose of active and lawful business with the Police Department such as, but not limited to reporting a crime or conducting a custody exchange.
2. No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any government owned public parking lot within the City for more than 72 consecutive hours. To comply, the vehicle must be completely removed from the government owned public parking lot and remain away from the parking lot for at least 6 hours. A vehicle parked more than 72 consecutive hours in any government owned public

parking lot is subject to be towed and stored provided the following exists:

- a. The City's designated enforcement official has made a reasonable effort to locate the operator of the vehicle in an attempt to get the operator to move the vehicle prior to the vehicle being towed and stored by the City.
 - b. The enforcement official has placed a 72-hour warning on the vehicle that specifies the time the enforcement official located the vehicle, the vehicle's license plate, vehicle identification number, make, model, and color. The warning shall include language specifying that failing to remove the vehicle within the 72-hour period will result in the vehicle being towed and stored.
 - c. Signs are posted by the City at all entrances to the government owned public parking lot displaying this section and language summarizing this section.
 - d. Vehicles towed and stored through this section are subject to the same administrative fees as adopted by the City.
3. Notwithstanding the foregoing, residents in the downtown Upland area who have obtained a Yearly Residential Parking Permit or a Yearly Visitor Parking Permit (for their visitors) are approved to park at government owned public parking lots between the hours of 3:00 a.m. and 5:00 a.m. and for a duration over 72 consecutive hours provided they follow the procedures below. The applicable downtown Upland area is defined as the area between A Street and D Street (to the south and north) and 1st Avenue and 3rd Avenue (to the west and east). Yearly Residential Parking Permits and Yearly Visitor Parking Permits may be obtained through City Hall during normal business hours.
- a. Individuals residing in the downtown Upland area may be issued a Yearly Residential Parking Permit free of charge after showing proof of residency in the downtown Upland area.
 - b. Each resident showing proof of residency in the Upland downtown area may be issued up to two Yearly Visitor Parking Permits per year free of charge. The City may approve additional Yearly Visitor Parking Permits for downtown Upland residents on a case by case basis.
 - c. Yearly Residential Parking Permits and Yearly Visitor Parking Permits must be displayed in clear view on the vehicle that the permit is assigned to by the City.

- d. Vehicles exempt under this provision shall be parked in the downtown government owned City parking lot nearest the residence associated with the vehicle in the permit.
 - e. The possession of a Yearly Residential Parking Permit or a Yearly Visitor Parking Permit does not absolve the owner or operator of the vehicle from compliance with other applicable local, state, or federal law.
4. Subdivisions of subsection "O" do not apply to City of Upland vehicles and do not apply to employees or contractors of the City when in the performance of their duties."

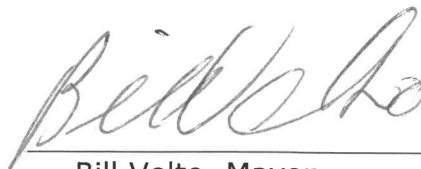
Section 3. Compliance with California Environmental Quality Act. The Upland City Council ("City Council") finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations, title 14, chapter 3 ("CEQA Guidelines"), sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project, the City Council finds that this Ordinance is exempt pursuant to CEQA Guidelines section 15061(b)(3).

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 6. Publication. The City Clerk shall certify the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 26th day of February, 2024.



Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 12th day of February, 2024, and was adopted at a regular meeting of the City Council of the City of Upland on the 26th day of February, 2024, by the following vote:

AYES: Mayor Velto, Councilmembers Breitling, Garcia, Maust, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk