

ORDINANCE NO. 5163

**AN ORDINANCE OF THE BOARD OF SUPERVISORS,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
AMENDING CHAPTER 12A AND CHAPTER 24A OF THE SANTA BARBARA
COUNTY CODE TO REGULATE USE OF OFF-STREET COUNTY PARKING
FACILITIES**

WHEREAS, the County of Santa Barbara is authorized under California Vehicle Code section 22519 to restrict or regulate parking, stopping, and standing of vehicles on any off-street parking facility which it owns or operates; and

WHEREAS, the unauthorized use of County parking facilities, including unauthorized overnight parking in County parking facilities, has negative impacts on public, vendor, and employee access to county facilities; and

WHEREAS, the County needs the ability to have clear access to County parking facilities for maintenance, repair, and installation of such things as electric vehicle charging equipment; and

WHEREAS, restrictions and regulations set forth in any ordinance adopted pursuant to California Vehicle Code section 22519 do not apply until signs giving notice thereof have been erected.

NOW THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1: Chapter 12A Ordinance Amendment

The following new Article V is added to Chapter 12A of the Santa Barbara County Code to read as provided herein:

12A-22 – County Parking Lots.

Pursuant to Section 22519 of the California Vehicle Code, the Santa Barbara County Board of Supervisors amends this chapter to regulate the use of all off-street parking facilities owned or operated by the County of Santa Barbara, including all designated County parking lots. This chapter does not apply to County parking lots that are part of a County park or County recreation area, use of which is governed by County Code Chapter 26.

12A-23 - General Restrictions.

(a) No person shall stop, stand, or park a motor vehicle within any off-street County parking facility in violation of any posted parking regulations and time limits.

(b) No person shall stop, stand, or park a motor vehicle within any off-street County parking facility outside designated parking stall markings, in whole or in part. No person shall stop, stand, or park a motor vehicle within any off-street County parking facility in a manner that occupies more than one designated parking stall.

(c) No person shall stop, stand, or park a motor vehicle within any off-street County parking facility in any area designated a "no parking zone." A "no parking zone" is the paved area in front of any red-painted curbing or any other area designated by signage, including signs stating "No Parking" or "No Parking Anytime."

(d) No person shall stop, stand, or park a motor vehicle within any off-street County parking facility for the purpose of overhaul, maintenance or repair of such vehicle except for emergency repairs requiring less than two hours to complete.

(e) No person shall use any area of an off-street County parking facility for storage of any kind, including the parking of detached trailers, fifth wheels, and other equipment, or for storage of any personal property, or for any use other than parking a motor vehicle and accessing adjacent public facilities, unless authorized by the Director of General Services or the director's designee.

12A-24 - Overnight parking prohibited.

(a) Except as specifically authorized by the Director of the Department of General Services, or as otherwise validly authorized pursuant to County ordinance or resolution, it is unlawful for any person to stop, stand, or park any vehicle between the hours of eleven p.m. and five a.m. in any off-street parking area owned or operated by the County of Santa Barbara.

(b) Some County parking lots are designated for overnight parking through the County's Safe Parking Program. Consistent with *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584, anyone in need of overnight parking or housing may contact the County Community Services Department to find out information about applying to the Safe Parking Program or other housing opportunities and programs.

(c) Overnight parking for the purposes of electric vehicle charging at County charging stations located in County parking lots is allowed.

12A-25 – Electric Vehicle Charging Station Parking Stalls.

(a) Unless specifically authorized by the Director of the Department of General Services, it shall be unlawful to park in a designated electric vehicle charging station parking stall unless the vehicle is an electric vehicle that is actively charging its battery.

(b) An electric vehicle shall be a "motor vehicle" as defined in California Vehicle Code section 415, which either (i) displays the State of California Air Board ZEV (zero emission vehicle) sticker; or (ii) has the capability to charge a battery from an off-vehicle electric energy source that cannot be connected or coupled to the vehicle in any manner while the vehicle is being driven.

(c) An electric vehicle is "charging" when it is electrically connected to the charging station equipment and its battery has not reached full capacity.

12A-26 - Enforcement Authority and Procedures.

(a) The following county officers or employees shall have the authority to enforce the provisions of this chapter:

- (1) Director of General Services or designee;
- (2) Sheriff or designee;
- (3) County retained security staff.

(b) The persons listed above are hereby authorized to remove, or cause to be removed, or issue citations to, any vehicle found to be in violation of parking laws or regulations, including sections 22658, 21113 and 22651 of the Vehicle Code of the State of California and any other parking ordinances of the county. Enforcement may include issuance of administrative penalty citations under Chapter 24A or civil penalty citations under California Vehicle Code Section 40200, et seq., as applicable. The persons listed above shall also have the authority to take all such steps as are required by law to notify the California Department of Motor Vehicles of those persons who fail to pay the civil penalties for violations of County parking ordinances, unless such functions have been delegated by resolution of the board of supervisors to a public or private processing center with which the board has executed a contract pursuant to California Vehicle Code Section 40200.5.

(c) The Director of General Services and such persons as they may designate shall have the authority to tow any vehicle on County property that is in violation of Sections 12A-23, 12A-24 and 12A-25. If a vehicle in violation of any of these sections has not been removed within seventy-two hours after notice of the violation has been given, the County may utilize the local law enforcement agency to remove vehicles from such county property as authorized by California Vehicle Code section 22651(n).

(d) The Director of General Services and such persons as they may designate shall have the authority to remove property located on County-owned parking lots which is in violation of Sections 12A-23 through 12A-25 after providing forty-eight-hour notice of intention to remove such property. Notwithstanding the above, the Director of General Services and such persons as they may designate shall have the authority to immediately remove property that constitutes an immediate threat to public health or safety, or is evidence of a crime, or contraband. Any property removed will be stored at a designated location, and if unclaimed, subject to disposition in accordance with Civil Code section 2080.6 and County Code section 2-64.

(e) Notwithstanding anything to contrary in subsection (c) of this section, the Director of General Services and such persons as they may designate shall have the authority to impound any shopping carts left in County-owned parking lots to the extent and in the manner permitted by Section 22435.7 of the California Business and Professions Code.

(f) It shall be unlawful for any person to remove, obstruct, or obscure a mark or designation on or around a vehicle parked in a county parking lot with the intent to interfere with an officer or employee ensuring that a vehicle has not been parked in violation of posted time restrictions.

12A-27 - Violations Subject to Administrative or Civil Penalties.

Any violation of the provisions of this article shall not be a criminal violation but shall instead be subject to an administrative penalty pursuant to Chapter 24A of this code, or alternatively as a civil penalty if the violation constitutes a parking violation subject to enforcement under California Vehicle Code Section 40200, et seq.

SECTION 2: Chapter 24A Ordinance Amendment

The following sections of Chapter 24A of the Santa Barbara County Code are amended to read as provided herein:

Sec. 24A-1. - Administrative fines or penalties in addition to other remedies—Authority, definitions.

In addition to any other remedy allowed by this Code or applicable law, any violation of the provisions of Santa Barbara County Code chapters 3, 6 (article III), 7, 9A, 10, 11, 12A

(article V), 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (article I), 18C (articles I, II and III), 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 and 44, shall be subject to an administrative fine or penalty, enforcement and collection proceedings, as set forth in this chapter and authorized by California Government Code Section 53069.4. For purposes of this article, "director" shall include the treasurer-tax collector, the director of animal services, the director of general services, the director of planning and development, the agricultural commissioner, the fire chief, the director of public works, the director of environmental health services, the director of community services, and their designees. Unless otherwise specified, "owner" shall include the owner of property upon which a violation of this article exists, the occupant of that property and any other party responsible for the violation.

Sec. 24A-2. - Procedures.

(a) The treasurer-tax collector or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 6 (article III). The director of animal services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 7. The director of planning and development or his or her designee shall be responsible for implementing the procedures, set forth in this chapter with respect to violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and 35 of the Santa Barbara County Code. The director of general services or his or her designee shall be responsible for implementing procedures, set forth in this chapter with respect to violations of chapter 12A (article V). The agricultural commissioner or designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations involving agriculture under chapter 3, violations involving native oak tree removal under chapter 14 and violations of the weights and measures registration requirements under chapter 34C of the Santa Barbara County Code. The fire chief or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 15. The director of environmental health services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 16, 18 (article I), 18C (articles I, II and III), 34A and 34B of the Santa Barbara County Code. The director of public works or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 17, 23 (article III) and 29 (articles I, III and IV) of the Santa Barbara County Code. The director of community services, or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 26, 37 and 44.

(b) Upon determining that a violation of any provision of chapters 3, 6 (article III), 9A, 10, 11, 12A (article V), 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (article I), 18C (articles I, II and III), 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 or 44 of this Code exists with respect to any property, the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended. The notice of violation shall specify:

- (1) The conditions constituting violations;
- (2) A specified time period not less than thirty days from receipt of the notice of violation within which the violation must be abated;

- (3) That the conduct, activity or circumstances constituting the violation must be stopped immediately or immediate steps must be taken to make the correction;
- (4) That, in the event the violation is not corrected by the expiration of the specified time period ("effective date of the notice of violation"), the owner shall be subject to an administrative fine under this chapter; and
- (5) That the owner may submit in writing, to the director, any information relating to a determination of the existence of a violation or the amount of the fine to be imposed. If the director determines that an effort is being made to correct the violation, he or she may grant an additional period of time for correction of the violation.

(c) Notwithstanding subsection (b) of this section, the director may require immediate correction of a violation if the violation creates an immediate danger to the health and safety of persons or property.

(d) The director may condition any building permit, grading permit or land use permit issued to remediate a violation to require that the work or project described in the permit be completed by a certain date or in a certain period of time. Failure to complete the work or project by the date or within the time stated in a permit condition shall be good cause in the discretion of the director to:

- (1) Issue a stop work order; and/or
- (2) Suspend or revoke the permit; and/or
- (3) Impose administrative fines for the permit violation.

Sec. 24A-3. - Amount of fine—General.

Any person who violates any provision of chapters 3, 6 (article III), 7, 10, 11, 12A (article V), 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (article I), 18C (articles I, II and III), 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 or 44 of this Code, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine up to the maximum amounts as set forth below.

Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding five hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding one thousand dollars for each additional violation of the same ordinance within one year of the first violation.

Sec. 24A-7. - Appeals.

(a) Any person upon whom an administrative fine is imposed by the director may appeal such fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the director within ten working days of personal service or the date of mailing of the notice of determination of fine. The written appeal shall contain:

- (1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty;
- (2) A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted.

(b) An appeal of an administrative fine imposed for violations of chapter 6, (article III) shall be heard by the treasurer-tax collector as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 7 of this Code shall be heard by the director of animal services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and/or chapter 35 of this Code shall be heard by the director of planning and development as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 12A (article V) shall be heard by the director of general services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 3 involving agriculture, chapter 14 involving native oak tree removal or violations of the weights and measures registration requirements under chapter 34C shall be heard by the agricultural commissioner as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 15 of this Code shall be heard by the fire chief as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 16, 18 (article I), 18C (articles I, II and III), 34A and/or 34B of this Code shall be heard by the director of environmental health services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 17, 23 (article III) and/or 29 (articles I, III and IV) of this Code shall be heard by the director of public works as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 26, 37 and/or 44 shall be heard by the director of community services. The above-specified hearing examiner may, at his or her discretion, appoint an alternate hearing examiner. The administrative fine appeal hearing shall be set no sooner than twenty days and no later than forty-five days following a request for an appeal hearing, unless otherwise waived by the appellant in writing. Notice of the appeal hearing shall be mailed at least twelve calendar days before the date set for the hearing. Failure to appear timely will cause the administrative fine to become a final order or decision.

(c) In reviewing the fine, the hearing examiner shall consider the factors set forth in subsection (a) of this section, and shall uphold the fine imposed by the director or his or her designee, eliminate the fine, or modify it. The decision of the hearing examiner shall constitute the final administrative order or decision of the local agency within the meaning of Government Code Section 53069.4(b)(1) and (c). The hearing examiner shall serve a copy of his or her written decision on the appellant by first class mail to the address provided by appellant in the written notice of appeal.

(d) Alternate Hearing Examiner. Should the specified hearing examiner deem it appropriate to appoint an alternate hearing examiner, such alternate hearing examiner shall have the experience, subject matter expertise and/or knowledge of administrative procedure to properly perform those duties. An experienced public agency employee, licensed professional (attorney, engineer, accountant, health professional, etc.) or qualified administrative law judge may, as deemed appropriate by the specified hearing officer, be appointed to such duties

SECTION 3: Parts Not Affected

Those sections of Chapter 12A and Chapter 24A not set forth in this Ordinance shall remain in full force and effect.

SECTION 4: Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: Publication and Effective Date

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara as set forth in Government Code Section 25124.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa Barbara, State of California, on this 4th day of October, 2022 by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Nelson, and Lavagnino

NAYS: None

ABSENT: None

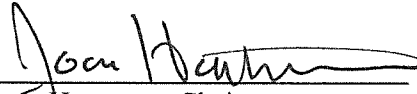
ABSTAIN: None


ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICE

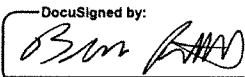
COUNTY OF SANTA BARBARA

CLERK OF THE BOARD

By: 
Joan Hartmann, Chair
Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

DocuSigned by:
By: 
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Deputy County Counsel