



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: June 20, 2018
TO: Public Safety Committee
FROM: Chantell O'Neal
AGENDA ITEM TITLE: Receive Report and Provide Recommendations for Revisions to the Master Traffic Resolution Section H Restricted Parking on Private Property

ISSUE:

Fort Bragg Municipal Code Section 10.20.035 "Parking on Private Property" states:

The City Council finds and declares that there are privately owned and maintained off street parking facilities within the City which are generally held open for use by the public for purposes of vehicular parking.

Code section 10.20.035 is employed in the Master Traffic Resolution Section H which restricts parking on private property. This Resolution section identifies 66 privately owned and maintained off-street parking facilities subject to the provisions and penalties of Title 10 of the Fort Bragg Municipal Code, Sections 22350, 23109 and the provision of Division 16.5, commencing with Section 38000 of the Vehicle Code. Unfortunately, the intent of the enforcement policy of this code section is contradicted by the signs posted at many of the private parking lots.

SUMMARY:

The interpretation of the "intent" of code section 10.20.035 can be appropriately applied to a parking lot which is "lending" a private area for the use of public parking. The enforcement of traffic laws by City Forces may make sense when a parking lot is "generally held open for use by the public" as it serves a public good. However, after a thorough review of the locations hosting these signs; a vast majority of the businesses using this law have signage with verbiage which indicates the "parking is for business customers only" and on residential lots "for tenant parking only". See sample sign Figures 1-4 below.



Figures 1-4; sample site signage displaying FBMC 10.20.035

In addition to the inconsistent application of the code section, several other concerns arose during site visits completed during the recent Resolution update.

1. There are many locations throughout the City which no longer have the signage posted on site.
2. Many sites are no longer displaying signs.
3. Some locations are displaying prohibited “No parking signs” in the public right-of-way.
4. Several locations are utilizing private tow company signage in addition to the City Code signage.
5. The use of this code section for enforcement in non-public locations like apartment complexes is not supported by this code section.

There is a lot of inconsistency in the implementation of this regulation and the accompanying signage and some uncertainty about the “intent” of the code section. In

order to best determine how to proceed with this section of the Resolution, please consider:

1. Does the City want to enforce public traffic laws in areas where the public is not truly free to park?
2. Is it more appropriate that the sites that choose to limit their parking be required to enforce their lots via private signage? In these instances, the private property owners would make their own enforcement, including any towing arrangements.
3. What is the public benefit of this code section? Does it out-weigh the costs of enforcement?
4. For those sites, who are no longer utilizing the City signage, should they be removed from the Resolution, or should a letter be sent to the current owner to determine if they wish to re-post the signage?

RECOMMENDATION:

The Committee can choose to do one or more the following:

- Remove section H from the Master Traffic Resolution all together in recognition of the fact that private parking lots are no longer intended for general public use
- Remove only all residential lots from section H
- Request sites retaining signage remove “customer only” verbiage
- Remove all sites from list who no longer bear signage (with or without notification)
- Do more analysis to include business owners comments about the effectiveness of the signage and/or enforcement
- Do code enforcement on the unauthorized “no parking” signage in the Central Business District

ATTACHMENTS:

Attachment 1. Master Traffic Resolution Excerpt Section H -redline