ORDINANCE NO. 2024-393

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ADDING SECTIONS 4-5-314 AND 4-5-315 OF THE WINDSOR MUNICIPAL CODE TO UPDATE THE TOWN'S MOTOR VEHICLE AND TRAFFIC REGULATIONS

WHEREAS, the State of California does not preclude local governments from imposing parking regulations, and therefore, the City can enact reasonable regulations relating to parking within the Town; and

WHEREAS, staff has identified the need to add a new section relating to the regulation of parking for electric vehicle charging in accordance with California Vehicle Code 22511; and

WHEREAS, staff has also identified that it would be prudent to include a citation to California Vehicle Code Section 40203.5 in the Windsor Municipal Code, which authorizes local agencies to establish a schedule of parking penalties for parking violations and late payment penalties; and

WHEREAS, the Town Council of the Town of Windsor now desires to add sections 4-5-314 and 4-5-315 to Title IV, Chapter 5 of the Windsor Municipal Code to update the Town's regulations of vehicles and traffic.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.
The above recitals are true and correct and hereby made a part of this ordinance.

Section 2. Addition of Section 4-5-314 to the Windsor Municipal Code.
Section 4-5-314 is hereby added to the Windsor Municipal Code and shall read as follows:

4-4-315 Parking Penalty Provisions.

A. Intent. It is the intent of the Windsor Town Council to exercise its full authority granted by California Vehicle Code Section 40203.5(a), to establish a schedule of parking penalties for parking violations which may include, late fees, collection fees and other related charges in addition to all state mandated fees. A violation of any provision of this Chapter shall have a civil penalty under the provisions of this Title and shall be required to pay the established penalty provided on the schedule of parking penalties for parking laws and regulations. Any surcharges or assessments to parking penalties that are mandated by state law shall be added to the civil penalty imposed for the violation.
B. Procedure for Establishment. Subject to any limitations imposed by state law, the Council shall, by resolution, establish parking penalties, late payment penalties, administrative fees, and collection fees. The Town Manager is authorized to amend the schedule of parking penalties to incorporate any changes to State-mandated surcharges, fees or fines related to the provisions of the California Vehicle Code for violations that can be issued on a notice of parking violation.

Section 3. Addition of Section 4-5-315 to the Windsor Municipal Code.
Section 4-5-315 is hereby added to the Windsor Municipal Code and shall read as follows:

A. Designation of Parking Spaces. The Town Engineer or their designee is authorized in accordance with the purposes of this Chapter to designate areas of both on-street and off-street public parking facilities for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.
B. Signs or Markings. Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to subsection A of this Section, the Public Works Department shall place signs or markings stating that the charging stalls or spaces are restricted and to be used only for electric vehicles and that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not be enforced on the designated parking spaces until the sign or markings have been placed. Signs and/or markings shall be in compliance with the requirements set forth in Section 22511 of the California Vehicle Code.
C. Only electric vehicles permitted to charge in stalls designated by the use of markings and/or posting as electric vehicle charging stations for charging events during designated hours.
D. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station for longer than the posted time limit.
E. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.
F. The Police Department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code Section 22511.

Section 4. Environmental Findings.
The Town Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

Section 5. Severability.
If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The Town Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared to be invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6. Effective Date.
This ordinance takes effect thirty (30) days from the date of its adoption.

Section 7. Publication.
The Town 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 Town of Windsor, pursuant to all legal requirements.

PASSED, APPROVED AND ADOPTED this 6th day of November 2024, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK