

**CITY OF OJAI
URGENCY ORDINANCE NO. 932**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF OJAI, CALIFORNIA ADDING OJAI
MUNICIPAL CODE SECTION 3-2.19 (STOPPING,
STANDING, AND PARKING OF TOUR BUSES) AND
DECLARING THE URGENCY THEREOF IN ACCORD
WITH GOVERNMENT CODE SECTION 36937.**

WHEREAS, the Ojai Municipal Code Title 3, Chapter 2 regulates parking to ensure the safety of pedestrians, cyclists and motorists; and

WHEREAS, increasing numbers of visitors to downtown Ojai have brought greater congestion and more foot traffic to downtown and adjacent residential areas; and

WHEREAS, recent, excessive, unregulated tour bus parking, including in crosswalks, and idling in residential neighborhoods has impacted the health and safety of the Ojai community by blocking access for pedestrians and persons with disabilities, creating line-of-sign issues, and producing noxious sound and air pollution; and

WHEREAS, the City Council intends to preserve the community's character and protect the public's health and safety by adopting this urgency ordinance intended to correct the identified issue; and

WHEREAS, Government Code Section 36937, subdivision (b) authorizes the adoption of ordinances that take effect immediately for the purpose of preserving the public peace, health or safety, provided such ordinances are approved by four-fifths (4/5) vote of the City Council.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI FINDS that the adoption of this Ordinance is necessary to protect the public safety, health and welfare by prohibiting tour bus parking in residential areas authorizing the Public Works director to designate areas for tour bus parking and that it should adopt this interim urgency zoning ordinance under Government Code Sections 36937.

SECTION 1. Recitals. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Urgency Findings. The City Council finds as follows, pursuant to Government Code Section 36937, subdivision (b):

The careful regulation of parking in residential areas is critical for maintaining and strengthening the public's safety, health, and welfare. Tour bus parking on residential streets creates an immediate hazard, as pedestrians cannot see over the large busses and

motorists may not see pedestrians and cyclists entering the roadway. The noxious noise and fumes created by idling busses affect not only the character of our community, but the health and safety of those living on the residential streets on which they park. Further, as evidenced by recent community experience, tour buses parking on crosswalks blocks safe access for pedestrians, bicylists, and persons with disabilities to cross the City's streets.

Accordingly, the adoption of this urgency ordinance is necessary to immediately preserve the public peace, health, and safety, as permitted under Government Code Section 36937, subdivision (b).

Section 3. Urgency Code Amendment. Ojai Municipal Code Section 3-2.19 (Stopping, Standing, and Parking of Tour Buses) is added to the Ojai Municipal Code, to read as follows.

Section 3-2.19 STOPPING, STANDING, AND PARKING OF TOUR BUSES

Sec. 3-2.1901 Definition

“Tour bus” means any bus or other commercial vehicle operated for hire to transport sightseers or tourists wherever licensed, exceeding a maximum gross weight limit of three tons and used primarily for transport of passengers for compensation. It does not include school buses or buses transporting passengers over regular, scheduled routes within Ojai where the routes are specifically designated by the California Public Utilities Commission (PUC) or approved by the City or Gold Coast Transit District.

Sec. 3-2.1902 Parking, Stopping or Standing.

It is unlawful for tour buses to park, stop or stand (except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic-control device) anywhere in the City other than designated Tour Bus Parking areas as determined by the Public Works department. The following exceptions apply:

- A. Emergencies;
- B. Tour buses may park, stop, or stand in a residential district no longer than 15 minutes solely for the purpose of loading or unloading passengers, then must travel to a designated Tour Bus Parking Area;
- C. Tour buses may park within the off-street parking areas of lawfully permitted hotels and motels as defined in Section 10-2.3203 where passengers stay overnight;
- D. Designated Tour Bus Parking Areas where tour buses shall be allowed to stop, stand, or park in designated parking areas established by the Public Works department on either a permanent or temporary basis.

Sec. 3-2.1903 Fees

The tour bus owner, representative of the owner, or person operating the bus may be required to pay a fee for parking in a designated tour bus parking stall, said fee is to be established by the City Manager or her/his designee.

Sec. 3-2.1904 Implementation and Enforcement

Copies of this Ordinance shall be sent to the California Public Utilities Commission and each tour bus company known by the City to operate within the City. The first time a tour bus is found operating in violation of the Ordinance, the driver shall be given a warning consisting of a copy of the Ordinance, and a written request that the ordinance and amendments be delivered to the management of the company operating the bus. Further violations may result in a citation issued to the tour bus company and the driver if they have been issued a previous warning. Additionally, any person violating any of the provisions of this chapter may be subject to the penalty provisions of Chapter 2, Title 1 of this Code. The remedies specified in this chapter shall be cumulative and the City may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

Sec. 3-2.1905 Signage

The Director of Public Works is directed to place appropriate signs, which will give reasonable notice of the tour bus parking areas and parking restrictions.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that this amendment to the Municipal Code is exempt from review under the California Environmental Quality Act (CEQA). The City Council has considered all of the evidence in the record, including the staff reports, the comments received during the public meeting on the matter held by the City Council, and hereby determines that the adoption of this ordinance will not have a significant effect on the environment as the ordinance regulates certain tour bus parking locations and does not authorize any development nor significant physical change in the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

City of Ojai
Ordinance No. 932

SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Effective Date. This urgency Ordinance shall take effect immediately after its passage and adoption by a 4/5 vote of the Ojai City Council under Government Code Section 36937.

CITY OF OJAI, CALIFORNIA

By Betsy Stix

Betsy Stix, Mayor

7/28/22

Date signed

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

Matthew T. Summers

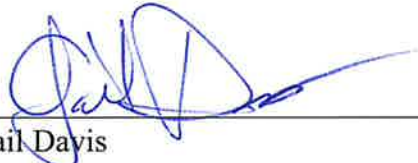
Matthew T. Summers, City Attorney

City of Ojai
Ordinance No. 932

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Urgency Ordinance was adopted at a special meeting of the City Council of the City of Ojai held on July 12, 2022 by the following vote:

AYES:	Blatz, Francina, Haney, Stix, Weirick
NOES:	None
ABSTAIN:	None
ABSENT:	None



Gail Davis
Deputy City Clerk for the City of Ojai