

ORDINANCE NO.

12236

(New Series)

DEC 14 1977

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 6
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 20, RELATING TO TRAFFIC AND VEHICLES.

BE IT ORDAINED, by the Council of The City of San
Diego, as follows:

Section 1. That Chapter VIII, Article 6, of the
San Diego Municipal Code be and the same is hereby amended by
adding Division 20, to read as follows:

Division 20

RESIDENTIAL PERMIT PARKING PROGRAM

SEC. 86.2001 LEGISLATIVE PURPOSE

This Division is enacted in response to the
serious adverse effects caused certain areas and
neighborhoods of the City of San Diego by motor
vehicle congestion, particularly the parking of
motor vehicles on the streets of such areas and
neighborhoods by non-residents thereof. As set
forth in more specific detail in Section 86.2002
of this Division, such long-term parking by non-
residents threatens the health, safety and welfare
of all the residents of the City of San Diego. In
order to protect and promote the integrity of
these areas and neighborhoods, it is necessary to
enact parking regulations restricting unlimited
parking by non-residents therein, while providing

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the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and non-residents alike would not serve the public interest. Rather such regulation would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to non-residents. For the reasons set forth in this Division, a system of preferential resident parking is enacted hereby for the City of San Diego

SEC. 86.2002 LEGISLATIVE FINDINGS.

(a) General Finding. The City Council finds as a result of public testimony, evidence generated by both professional planning studies and derived from other sources, that the continued vitality of the City of San Diego depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that the flight of residents and property owners from major metropolitan cities can be traced in part to the deterioration of such cities as attractive and comfortable places in which to reside. The Council further finds that one factor that has contributed to this deterioration is the excessive and burdensome practice of non-residents of certain areas and neighborhoods parking

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their motor vehicles for extended periods of time therein. Since there is in certain areas of the city at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the city and thus promote the general public welfare.

(b) Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this Division. They are intended as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

(1) The safety, health and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;

(2) It is a fact of modern living in the city that a large number of San Diego residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences;

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(3) Certain neighborhoods and areas of the city do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes;

(4) Such areas as described in (3) above are often further burdened by influxes of motor vehicles owned by non-residents which compete for the inadequate available on-street parking spaces;

(5) There further exist certain parking "attractors" within the City of San Diego, i.e., hospital, university, and industrial complexes, military bases, beaches, and locations convenient for commuter parking, which further aggravate resident parking problems;

(6) Unnecessary vehicle miles, noise, pollution, and strains on inter-personal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility, aesthetics and other values available in a residential environment;

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(7) If allowed to continue unchecked, these adverse effects on the residents of the city will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within said city and consequent injury to the general public welfare;

(8) A system of preferential residential parking as enacted in this Division will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.

SEC. 86.2003 DEFINITIONS

(a) "Residential area" shall mean a contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell;

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(b) "Commuter vehicle" shall mean a motor vehicle parked in a residential area in which it is not registered with the State of California Department of Motor Vehicles;

(c) "Resident vehicle" shall mean a motor vehicle parked in a residential area in which it is registered with the State of California Department of Motor Vehicles;

(d) "Residential permit parking area" shall mean a residential area designated as herein provided wherein resident motor vehicles displaying a valid permit as described herein shall be exempt from parking time restrictions established pursuant to this Division.

(e) "Owns" shall mean that a person has at least a one-quarter interest in a parcel of real property within a residential permit parking area;

(f) "Lease" shall mean that a person pays rent or other remuneration for use of a parcel of real property as his residence or place of business;

(g) "Motor vehicle" shall include an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation;

(h) "Person" shall mean natural person, joint venture, joint stock company, partnership,

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association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(i) "Genders." Any gender includes the other genders.

SEC. 86.2004 DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS

The City Council shall, upon recommendation of the City Manager, consider for designation as residential permit parking areas those residential areas meeting and satisfying the objective criteria therefor established in this Division. It may in its discretion then designate by resolution certain residential areas as residential permit parking areas in which resident motor vehicles displaying a valid parking permit may stand or be parked without limitation by parking time restrictions established by this Division. Said resolution shall also state the applicable time limitation and period of the day for its application, and the fee to be charged upon permit insurance.

SEC. 86.2005 DESIGNATION CRITERIA

(a) A residential area shall be deemed eligible for consideration as a residential permit parking area if based on surveys and studies prepared at the direction of the City Manager or his designee, objective criteria establish that the

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residential area is impacted by commuter vehicles for any extended period during the day or night, on weekends, or during holidays.

(b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Manager and the City Council shall take into account factors which include but are not limited to the following:

(1) The extent of the desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith;

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

(3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles rather than resident vehicles; and

(4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.

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SEC. 86.2006 DESIGNATION PROCESS

(a) Upon receipt of a verified petition by residents of at least 50% of the living units in the area proposed for designation, the City Manager or his designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking. Such surveys or studies shall be completed within 90 days of receipt of a petition calling for such surveys or studies to be undertaken, unless otherwise provided by the City Council.

(b) Within thirty days of the completion of surveys and studies to determine whether designation criteria are met, the City Manager or his designee shall notice as herein provided a public hearing or hearings in or as close to the neighborhood as possible on the subject of the eligibility of the residential area under consideration for residential permit parking. Said hearing or hearings shall also be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate time limitation on parking and the period of the day for its application.

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The City Clerk shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation printed and published in this city. The first publication shall be not less than ten days prior to the date of such hearing.

The City Manager or his designee shall direct the Superintendent of Streets to, and such Superintendent shall cause notice of such hearing to be conspicuously posted in the proposed residential permit parking area.

The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to appropriate rules of order adopted by the City Manager or his designee.

SEC. 86.2007 RECOMMENDATION OF THE CITY MANAGER

(a) Within sixty days of the completion of the hearing or hearings conducted with regard to a particular residential area, the City Manager shall recommend by written report to the City Council, based on the record of such hearing or hearings and the surveys and studies performed,

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whether to designate the residential area under consideration as a residential permit parking area.

(b) In the report of the City Manager, he shall set forth the evidence generated as a result of surveys and studies performed, significant subjects and concerns raised at the public hearing or hearings conducted, the findings relative to those designation criteria listed in Section 86.2005 deemed applicable to the residential area and conclusions as to whether the findings justify preferential residential parking for that particular area, the proposed boundaries of the residential permit parking area, a proposed time limitation and period of the day for its application.

(c) The designation process and designation criteria set forth in this Division shall also be utilized by the City Manager and the City Council in determining whether to remove designation as a residential permit parking area from a particular residential area.

SEC 86.2008 ISSUANCE OF PERMITS

(a) The City Manager is hereby authorized and directed to issue, upon written application therefor, a parking permit. Each such permit shall be designated by the City Manager or designee to state or reflect thereon the particular residential

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permit parking area as well as the license number of the motor vehicle for which it is issued. No more than one parking permit shall be issued to each motor vehicle for which application is made. The City Manager is authorized to issue such rules and regulations, not inconsistent with this Division, governing the manner in which persons shall qualify for parking permits;

(b) Parking permits may be issued for motor vehicles only upon application of the following persons;

(1) A legal resident of the residential permit parking area who has a motor vehicle registered in his name, or who has a motor vehicle for his exclusive use and under his control;

(2) A person who owns or leases commercial property and actively engages in business activity within a residential permit parking area. However, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

(c) Proof of residency or ownership shall be demonstrated in a manner determined by the City Manager.

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(d) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the City Manager.

SEC. 86.2009 POSTING OF RESIDENTIAL PERMIT PARKING
AREA

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the City Manager pursuant to Section 82.01 of this Code shall cause appropriate signs to be erected in the area indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom.

SEC. 86.2010 DISPLAY OF PERMITS

Permits shall be displayed in a manner determined by the Chief of Police.

SEC. 86.2011 PERMIT PARKING EXEMPTIONS

A resident motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this Division. Said resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority

other than this Division. All other motor vehicles other than vehicles specified in Section 81.06 of this Code and vehicles where the operator or the passenger being transported by said vehicle is physically disabled and the vehicle displays a license issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code, parked within a residential permit parking area shall be subject to the time restrictions adopted as provided in this Article as well as the penalties provided for herein.

A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

SEC. 86.2012 APPLICATION FOR AND DURATION OF PERMIT

Each parking permit issued by the City Manager or designee shall be valid for one year from the date of issuance. Permits may be renewed annually upon reapplication in the manner required by the City Manager. Each application or re-application for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a residential permit parking area, and the license number of the motor vehicle

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for which application is made, and such other information that may be deemed relevant by the City Manager.

SEC. 86.2013 PERMIT FEES

The fee for a residential parking permit shall be ten dollars (\$10.00) a year for each vehicle applied for by an eligible applicant. There shall be a one dollar (\$1.00) transfer charge for those with permits in one residential permit parking area who move to another residential permit parking area and apply for a permit in the new area of residence. In such cases the new permit shall expire at the same time as the former permit would have.

SEC. 86.2014 PENALTY PROVISIONS

(a) It shall be unlawful and a violation of this Division unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation established pursuant hereto. Said violation shall be punishable by a fine not exceeding ten dollars (\$10.00), imprisonment of not more than ten (10) days, or both;

(b) It shall be unlawful and a violation of this Division for a person to falsely represent

himself as eligible for a parking permit or to furnish false information in an application therefor;

(c) It shall be unlawful and a violation of this Division for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this Division both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued;

(d) It shall be unlawful and a violation of this Division for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Manager or designee. It shall further be unlawful and a violation of this Division for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area. Upon conviction thereof, a person shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months, or both.

SEC. 86.2015 REVOCATION OF PERMIT


The City Manager or designee is authorized to revoke the residential parking permit of any person found to be in violation of this Division and, upon written notification thereof, the person shall surrender such permit to the City Manager or designee. Failure when so requested, to surrender a residential parking permit so revoked shall constitute a violation of law and of this Division.

SEC. 86.2016 SEVERABILITY

The provisions of this Division are severable and if any provisions, clause, sentence, subsection, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the Division or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Division would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or if such person or circumstance to which the Division or part thereof is held inapplicable had been specifically exempted therefrom.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:brv
10/27/77
Or. Dept.: Transp. & Land Use Committee

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Passed and adopted by the Council of The City of San Diego on DEC 14 1977,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 23 1977

, and on

DEC 14 1977

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt, Deputy.

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 SAN DIEGO CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number 12236 Adopted DEC 14 1977
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ATTORNEY(S)

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Allyn D. Nevitt

CERTIFICATE OF PUBLICATION

No. 12236

IN THE MATTER OF

TRAFFIC AND VEHICLES

I, **PATRICIA M. SPAULDING** hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 12236

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

December 29, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

January 18, 1978

Patricia M. Spaulding
(Signature)

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ORDINANCE NO. 12236
(New Series)
AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 8 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 20 RELATING TO TRAFFIC AND VEHICLES.
BE IT ORDAINED, by the Council of The City of San Diego, as follows:
Section 1. That Chapter VIII, Article 8, of the San Diego Municipal Code be and the same is hereby amended by adding Division 20, to read as follows:
Division 20
RESIDENTIAL PERMIT PARKING PROGRAM
SEC. 88.2001. LEGISLATIVE PURPOSE
This division is enacted in response to the serious adverse effects caused certain areas and neighborhoods of the City of San Diego by motor vehicle congestion, particularly the parking of motor vehicles on the street of such areas and neighborhoods by non-residents thereof. As set forth in more specific detail in Section 88.2002 of this Division, such long-term parking by non-residents threatens the health, safety and welfare of all the residents of the City of San Diego. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by non-residents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and non-residents alike would not serve the public interest. Rather such regulation would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to non-residents. For the reasons set forth in this Division, a system of preferential resident parking is hereby enacted for the City of San Diego.

SEC. 86.2002 LEGISLATIVE FINDINGS

(a) General Finding. The City Council finds as a result of public testimony, evidence generated by both professional planning studies and derived from other sources, that the continued vitality of the City of San Diego depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that the flight of residents and property owners from major metropolitan cities can be traced in part to the deterioration of such cities as attractive and comfortable places in which to reside. The Council further finds that one factor that has contributed to this deterioration is the excessive and burdensome practice of non-residents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in certain areas of the city at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the city and thus promote the general public welfare.

(b) Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustration of the need compelling the enactment of this Division. They are intended as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

(1) The safety, health and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;

(2) It is a fact of modern living in the city that a large number of San Diego residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences;

(3) Certain neighborhoods and areas of the city do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes;

(4) Such areas as described in (3) above are often further burdened by influxes of motor vehicles owned by non-residents which compete for the inadequate available on-street parking spaces;

(5) There further exist certain parking "attractors" within the City of San Diego, i.e., hospital, university, and industrial complexes, military bases, beaches, and locations convenient for commuter parking, which further aggravate resident parking problems;

(6) Unnecessary vehicle miles, noise, pollution, and strains on inter-personal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility, aesthetics and other values available in a residential environment;

(7) If allowed to continue unchecked, these adverse effects on the residents of the city will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within said city and consequent injury to the general public welfare;

(8) A system of preferential residential parking as enacted in this Division will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.

SEC. 86.2003 DEFINITIONS

(a) "Residential area" shall mean a contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell;

(b) "Commuter vehicle" shall mean a motor vehicle parking in a residential area in which it is not registered with the State of California Department of Motor Vehicles;

(c) "Resident vehicle" shall mean a motor vehicle parked in a residential area in which it is registered with the State of California Department of Motor Vehicles;

(d) "Residential permit parking area" shall mean a residential area designated as herein provided wherein resident motor vehicles displaying a valid permit as described herein shall be exempt from parking time restrictions established pursuant to this Division.

(e) "Owns" shall mean that a person has at least a one-quarter interest in a parcel of real property within a residential permit parking area.

(f) "Leases" shall mean that a person has a leasehold interest in a parcel of real property at his residence or place of business.

(g) "Motor vehicle" shall include an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation;

(h) "Person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(i) "Genders." Any gender includes the other genders.

SEC. 86.2004 DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS

The City Council shall, upon recommendation of the City Manager, consider for designation as residential permit parking areas those residential areas meeting and satisfying the objective criteria hereof established in this Division. It may in its discretion then designate by resolution certain residential areas as residential permit parking areas in which resident motor vehicles displaying a valid parking permit may stand or be parked without limitation by parking time restrictions established by this Division. Said resolution shall also state the applicable time limitation and period of the day for its application, and the fee to be charged upon permit insurance.

SEC. 86.2005 DESIGNATION CRITERIA

(a) A residential area shall be deemed eligible for consideration as a residential permit parking area if based on surveys and studies prepared at the direction of the City Manager or his designee, objective criteria establish that the residential area is impacted by commuter vehicles for any extended period during the day or night, on weekends, or during holidays.

(b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Manager and the City Council shall take into account factors which include but are not limited to the following:

(1) The extent of the desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith;

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

(3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles and rather than resident vehicles; and

(4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.

SEC. 86.2006 DESIGNATION PROCESS

(a) Upon receipt of a verified petition by residents of at least 50% of the living units in the area proposed for designation, the City Manager or his designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking. Such surveys or studies shall be completed within 90 days of receipt of a petition calling for such surveys or studies to be undertaken, unless otherwise provided by the City Council.

(b) Within thirty days of the completion of surveys and studies to determine whether designation criteria are met, the City Manager or his designee shall notice as herein provided a public hearing or hearings in or as close to the neighborhood as possible on the subject of the eligibility of the residential area under consideration for residential permit parking. Said hearing or hearings shall also be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate time limitation on parking and the period of the day for its application.

The City Clerk shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation printed and published in this city. The first publication shall be not less than ten days prior to the date of such hearing.

The City Manager or his designee shall direct the Superintendent of Streets to, and such Superintendent shall cause notice of such hearing to be conspicuously posted in the proposed residential permit parking area.

The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to appropriate rules of order adopted by the City Manager or his designee.

SEC. 86.2007 RECOMMENDATION OF THE CITY MANAGER

(a) Within sixty days of the completion of the hearing or hearings conducted with regard to a particular residential area, the City Manager shall recommend by written report to the City Council, based on the record of such hearing or hearings and the surveys and studies performed, whether to designate the residential area under consideration as a residential permit parking area.

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...the findings relative to those designation efforts listed in Section 86.2006 deemed applicable to the residential area and conclusions as to whether the findings justify preferential residential parking for that particular area, the proposed boundaries of the residential permit parking area, a proposed time limitation and period of the day for its application.

(c) The designation process and designation criteria set forth in this Division shall also be utilized by the City Manager and the City Council in determining whether to remove designation as a residential permit parking area from a particular residential area.

SEC. 86.2006 ISSUANCE OF PERMITS

(a) The City Manager is hereby authorized and directed to issue, upon written application therefor, a parking permit. Each such permit shall be designated by the City Manager or designee to state or reflect thereon the particular and residential permit parking area as well as the license number of the motor vehicle for which it is issued. No more than one parking permit shall be issued to each motor vehicle for which application is made. The City Manager is authorized to issue such rules and regulations, not inconsistent with this Division, governing the manner in which persons shall qualify for parking permits.

(b) Parking permits may be issued for motor vehicles only upon application of the following persons:

(1) A legal resident of the residential permit parking area who has a motor vehicle registered in his name, or who has a motor vehicle for his exclusive use and under his control.

(2) A person who owns or leases commercial property and actively engages in business activity within a residential permit parking area. However, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such person.

(c) Proof of residency or ownership shall be demonstrated in a manner determined by the City Manager.

(d) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the City Manager.

SEC. 86.2009 POSTING OF RESIDENTIAL PERMIT PARKING AREA

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the City Manager pursuant to Section 82.01 of this Code shall cause appropriate signs to be erected in the area indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom.

SEC. 86.2010 DISPLAY OF PERMITS

Permits shall be displayed in a manner determined by the Chief of Police.

SEC. 86.2011 PERMIT PARKING EXEMPTIONS

A resident motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this Division. Said resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this Division. All other motor vehicles other than vehicles specified in Section 81.06 of this Code and vehicles where the operator or the passenger being transported by said vehicle is physically disabled, and the vehicle displays a license issued under the provisions of Section 91.05 of Section 22511.5 of the California Vehicle Code, parked within a residential permit parking area shall be subject to the time restrictions adopted as provided in this Article as well as the penalties provided for herein.

A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

SEC. 86.2012 APPLICATION FOR ANTI-DURATION OF PERMIT

Each parking permit issued by the City Manager or designee shall be valid for one year from the date of issuance. Permits may be renewed annually upon reapplication in the manner required by the City Manager. Each application or re-application for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a residential permit parking area, and the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the City Manager.

SEC. 86.2013 PERMIT FEE

There shall be a residential parking permit fee of ten dollars (\$10.00) a year for each vehicle applied for by an eligible applicant. There shall be a one dollar (\$1.00) transfer charge for those with permits in one residential permit parking area who move to another residential permit parking area and apply for a permit in the new area of residence. In such cases, the new permit shall expire at the same time as the former permit would have.

SEC. 86.2014 PENALTY PROVISIONS

(a) It shall be unlawful and a violation of this Division unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitations established pursuant hereto. Said violation shall be punishable by a fine not exceeding ten dollars (\$10.00), imprisonment of not more than ten (10) days, or both.

(b) It shall be unlawful and a violation of this Division for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor.

(c) It shall be unlawful and a violation of this Division for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this Division both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued.

(d) It shall be unlawful and a violation of this Division for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Manager or designee. It shall further be unlawful and a violation of this Division for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area. Upon conviction thereof, a person shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months, or both.

SEC. 86.2015 REVOCATION OF PERMIT

The City Manager or designee is authorized to revoke the residential parking permit of any person found to be in violation of this Division and, upon written notification thereof, the person shall surrender such permit to the City Manager or designee. Failure when so requested, to surrender a residential parking permit so revoked shall constitute a violation of law and of this Division.

SEC. 86.2016 SEVERABILITY

The provisions of this Division are severable and if any provisions, clause, sentence, subsection, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the Division or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Division would have been adopted if such illegal, invalid or unconstitutional provisions, clause, sentence, subsection, section, word or part had not been included therein, or if such person or circumstance to which the Division or part thereof is held inapplicable had been specifically exempted therefrom.

Section 2. This ordinance shall take effect and be in force on the third day from and after its passage.

Introduced on November 23, 1977.
Passed and adopted by the Council of The City of San Diego on December 14, 1977.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
By ALLYN D. NEVITT, Deputy

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Pub. Dec. 29, 1977

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