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(O-2009-77)

ORDINANCE NUMBER O- 19824 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 23 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 8, ARTICLE 6, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 86.23.1, RELATING TO AUTHORITY TO REMOVE VEHICLES FOR SALE IN CERTAIN AREAS WITHIN THE PUBLIC RIGHT OF WAY.

WHEREAS, for the last several years, a number of residents from various communities throughout San Diego have expressed concerns that specific streets in their neighborhoods have become used car sales areas; and

WHEREAS, the prohibition of sales of vehicles in certain areas within the public right of way is permissible under state law; and

WHEREAS, the Council finds that it is in the public interest to prohibit the use of certain specified public streets for the parking of vehicles for the primary purpose of advertising those vehicles for sale; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 00 of the San Diego Municipal Code is amended by adding section 86.23.1, to read as follows:

§86.23.1 Authority to Remove Vehicles for Sale

(a) Purpose. The Council of the City of San Diego finds that the display of vehicles for sale on its streets creates a distraction for drivers and pedestrians, thereby creating a hazard; creates a nuisance for the community; and decreases the parking available for businesses and residents. Council further finds that numerous methods are available and

necessary to alleviate this problem in the method most appropriate for the affected community. The purpose of this Section is to authorize and empower the City Manager to take various actions when the use of public streets for the private sale of vehicles adversely affects communities in the City of San Diego.

(b) Removal of Vehicles Displayed For Sale. The City Manager has the authority to order the removal of any vehicle from any designated street when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale, and when the vehicle is known to have previously been issued a notice of parking violation under this section within the last 30 days, but not less than 24 hours. The notice of violation shall be accompanied by:

(1) a warning that an additional parking violation may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this Section 86.23.1, so long as the sign or placard offering the vehicle for sale remains on the vehicle, and


(2) a list of the street(s) subject to this Section 86.23.1.

(c) The street(s) subject to this Section 86.23.1 shall be determined by resolution.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Michael P. Calabrese  
Chief Deputy City Attorney

MPC:ca  
11/12/08  
Aud. Cert.: N/A  
Or.Dept: Council Dist 5  
O-2009-77

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 6 2009    .

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1.23.09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor