

ORDINANCE NUMBER O- 19870 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 25 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 AMENDING SECTION 86.23.1, RELATING TO AUTHORITY TO REMOVE VEHICLES FOR SALE IN CERTAIN AREAS WITHIN THE PUBLIC RIGHT OF WAY.

WHEREAS, state law authorizes any peace officer and any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, to remove vehicles for sale from streets and public lands, if all the requirements of California Vehicle Code section 22651.9 are satisfied; and

WHEREAS, on January 6, 2009, the City of San Diego, acting through the City Council, adopted Ordinance No. O-19824, "Authority to Remove Vehicles for Sale," which complies with Section 22651.9; and

WHEREAS, it is necessary to amend the ordinance to include a charging section so that the city can implement the ordinance and begin enforcement; and

WHEREAS, it is also necessary for the City Council to establish a parking penalty for violations of the ordinance; 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 amending section 86.23.1, to read as follows:

§86.23.1 Authority to Remove Vehicles for Sale

- (a) [No change in text.]

- (b) It is unlawful to park a vehicle on a street designated pursuant to Section 86.23.1(e) 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.
- (c) A notice of violation for Section 86.23.1(b) must be accompanied by:
 - (1) A warning that an additional violation of Section 86.23.1(b) may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this section, so long as the sign or placard offering the vehicle for sale remains on the vehicle.
 - (2) A list of the streets subject to this section.
- (d) 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 has previously been issued a notice of violation for Section 86.23.1(b) within the last 30 days, but not less than 24 hours. The City Manager may order removal of a vehicle even if the vehicle has been moved to a different street, so long as that street is also a designated street pursuant to Section 86.23.1(e) and all the requirements of this section are satisfied.

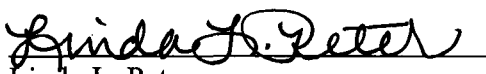
- (e) The streets subject to this section shall be determined by Resolution of the Council.

Section 2. That the City Council hereby establishes the penalty for a violation of this ordinance to be Fifty Dollars (\$50), to be added to the Parking Citation Fee Schedule on file in the office of the City Clerk, and subject to review and modification as the City Council deems appropriate.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Linda L. Peter
Deputy City Attorney

LLP:ar
05/14/09
Or.Dept: Police
O-2009-116

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 16 2009.

ELIZABETH S. MALAND
City Clerk

By *Jana Richardson*
Deputy City Clerk

Approved: 6-25-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor