

ORDINANCE NUMBER O- 20571 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 20 2015

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW SECTIONS 86.0152 AND 86.0153, ALL RELATING TO THE MISUSE OF DISABLED PERSON PLACARDS AND RELATED ENFORCEMENT.

WHEREAS, the California Department of Motor Vehicles issues disabled person placards and disabled person license plates to applicants showing a legitimate need, affording them preferential parking privileges; and

WHEREAS, disabled person placards and license plates allow vehicles to park for free in metered spots disregarding time limits; and

WHEREAS, disabled person placards and license plates allow vehicles to use preferential parking spaces; and

WHEREAS, disabled person placards and license plates are for display on vehicles being used to transport the person to whom the placard or license plate was issued; and

WHEREAS, misuse of disabled person placards is a Citywide problem; and

WHEREAS, the San Diego Police Department issues approximately 400 misdemeanor citations per year for misuse of disabled person placards; and

WHEREAS, Assembly Bill 144 (A.B. 144) allows local jurisdictions to enforce violations relating to misuse of disabled person placards and license plates as parking violations; and

WHEREAS, the San Diego City Council (City Council) finds that it would save law enforcement resources and contribute to judicial economy to enforce and adjudicate misuse of

disabled person placards and license plates as parking violations instead of misdemeanors;

NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6 of the San Diego Municipal Code is amended by adding sections 86.0152 and 86.0153, to read as follows:

§86.0152 Misuse of Disabled Person Placard or License Plate

- (a) Purpose. This section is enacted pursuant to California Vehicle Code section 22511.57 authorizing local authorities to enforce misuse of distinguishing placards or special license plates, intended for disabled persons or disabled veterans, as parking violations instead of misdemeanors.
- (b) No person shall park or stand a vehicle on a street or highway, or in a parking stall or space in a privately or publicly owned or operated offstreet parking facility when the vehicle displays, in order to obtain special parking privileges, a disabled person placard or license plate, and any of the following conditions are met:
 - (1) The records of the Department of Motor Vehicles for the identification number assigned to the placard or license plate indicate that the placard or license plate has been reported as lost, stolen, surrendered, cancelled, revoked, or expired, or was issued to a person who has been reported as deceased for a period exceeding 60 days; or

- (2) The placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or
 - (3) The placard or license plate is counterfeit, forged, altered, or mutilated.
- (c) Notwithstanding section 12.0201 of the Municipal Code, a violation of section 86.0152 is subject to a civil penalty, and is not an infraction.


§86.0153 Authority to Remove Vehicles for Misuse of Disabled Person Placard or License Plate

- (a) Purpose. This section is enacted pursuant to California Vehicle Code section 22652.6.
- (b) Any peace officer or any regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of the City may remove any vehicle parked or standing on a street or highway or from a stall or space of a privately or publicly owned or operated offstreet parking facility within the City when the vehicle is in violation of section 86.0152.

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

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

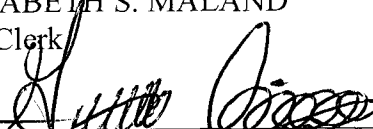
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Linda L. Peter
Deputy City Attorney

LLP:amt
September 25, 2015
10/7/15 COR. COPY
Or.Dept:Police
Doc. No.: 1089605_6

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of 10/20/2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/20/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

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- stolen, surrendered, cancelled, revoked, or expired, or was issued to a person who has been reported as deceased for a period exceeding 60 days; or
- (2) The placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or
- (3) The placard or license plate is counterfeit, forged, altered, or mutilated.
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§86.0153

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operated offstreet parking facility within the City when the vehicle is in
violation of section 86.0152.

LLP:amt
September 25, 2015
10/7/15 COR. COPY
Or.Dept:Police
Doc. No. 1088973_6

Passed by the Council of The City of San Diego on OCT 20 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 20 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], 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

OCT 06 2015

OCT 20 2015

, and on _____

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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