

ORDINANCE NUMBER O- 20655 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 22 2016

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTIONS 86.0139 AND 86.0140; BY AMENDING SECTION 86.0143; AND BY REPEALING SECTION 86.0144, ALL RELATING TO PARKING OF OVERSIZED VEHICLES, NON-MOTORIZED VEHICLES, AND RECREATIONAL VEHICLES.

WHEREAS, the San Diego City Council (Council) amended the San Diego Municipal Code (Municipal Code) to regulate the parking of “oversized vehicles,” “non-motorized vehicles,” and “recreational vehicles” within the City (San Diego Ordinance O-20281 (Aug. 5, 2013)); and

WHEREAS, these regulations are codified in Municipal Code sections 86.0138 through 86.0143 and are collectively referred to as the Neighborhood Parking Protection Ordinance (NPPO), also known as the Oversized Vehicle Ordinance (OVO); and

WHEREAS, the NPPO contains a sunset provision whereby the NPPO will expire on August 15, 2016, unless an extension is approved by a majority vote of the Council (San Diego Ordinance O-20382 (July 17, 2014)); and

WHEREAS, the parking of oversized vehicles, non-motorized vehicles, and recreational vehicles on public streets for extended periods of time negatively impacts the quality of life of all San Diego residents, including visitors and businesses; and

WHEREAS, the unregulated parking of oversized vehicles, non-motorized vehicles, and recreational vehicles on public streets and in public parking lots detracts from a healthy and safe environment by causing the deterioration of air quality, safety, tranquility, aesthetics, and other similar values; and

WHEREAS, certain neighborhoods and areas of the City do not have sufficient on or off-street space to accommodate the convenient parking of oversized vehicles, non-motorized vehicles, and recreational vehicles, and residents are adversely affected by transient populations who park these types of vehicles overnight in residential neighborhoods; and

WHEREAS, the parking of such vehicles, especially by non-residents, creates serious adverse effects in many areas and neighborhoods of the City of San Diego and in order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact regulations restricting unlimited parking of oversized vehicles, non-motorized vehicles, and recreational vehicles, while providing the opportunity for residents to park near their homes; and

WHEREAS, since the NPPO took effect on August 16, 2014, police officers and parking enforcement officers have responded to approximately 3,226 calls for service, and issued 2,028 warnings and 3,190 citations related to the regulations; and

WHEREAS, the Council now desires to permanently codify the NPPO; and

WHEREAS, Municipal Code Chapter 8, Article 1, Division 1 of the Municipal Code defines the types of vehicles the NPPO regulates: “oversized vehicles,” “non-motorized vehicles,” and “recreational vehicles”; and

WHEREAS, the Council wishes to clarify the intent of the NPPO by using the complete and correct terms as defined in Municipal Code section 81.0102; and

WHEREAS, the term “oversized, non-motorized, or recreational vehicle,” is proposed to be changed to “oversized vehicle, non-motorized vehicle, or recreational vehicle” to clarify that a vehicle need not be both oversized and non-motorized to be subject to the regulations; and

WHEREAS, Municipal Code section 81.0102 defines “parking lot” to mean those contained within “public parks” and therefore the word “park” in front of “parking lot” in

Municipal Code section 86.0139 is proposed to be removed to eliminate any confusion or redundancy; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 1 of the San Diego Municipal Code is amended by amending and retitling sections 86.0139 and 86.0140, by amending section 86.0143, and by repealing section 86.0144, to read as follows:

**§86.0139 Prohibition of Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles**

Except as provided in section 86.0140 or otherwise expressly provided to the contrary herein, or unless such *parking* or *standing* is authorized by the City Manager and appropriate signs permitting such *parking* or *standing* are posted:

- (a) It is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road*, or *parking lot*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* between the hours of 2:00 a.m. and 6:00 a.m.
- (b) It is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley*, or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street or *alley*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* at any time.

**§86.0140 Exceptions to Prohibition on Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles**

- (a) Section 86.0139(a) does not apply to any *oversized vehicle* on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.
- (b) Section 86.0139(a) does not apply to any *oversized vehicle* on a public street when such *oversized vehicle* is parked or left standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such *oversized vehicle* is parked or left standing.
- (c) through (f) [No change in text.]

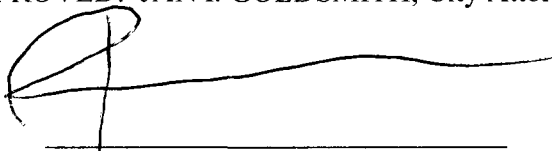
**§86.0143 Permit Process for Temporary Overnight Parking on Public Streets**

- (a) through (b) [No change in text.]
- (c) The duration of the permit shall not exceed 24 hours.
- (d) Permits may be issued, but not exceed, three consecutive 24-hour periods.
- (e) through (f) [No change in text.]
- (g) The fee for obtaining a permit shall be established by resolution of the *Council* based upon the recommendation of the City Manager. A copy of the fee schedule shall be filed in the ratebook of *City* fees and charges on file in the Office of the City Clerk.
- (h) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the 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   
\_\_\_\_\_  
Paige E. Folkman  
Deputy City Attorney

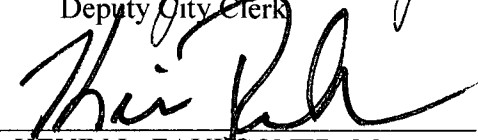
PEF:amt  
April 14, 2016  
Or.Dept:Police  
Doc. No.: 1252553\_9

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2016.

ELIZABETH S. MALAND  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 6/22/16  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

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

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTIONS 86.0139 AND 86.0140; BY AMENDING SECTION 86.0143; AND BY REPEALING SECTION 86.0144, ALL RELATING TO PARKING OF OVERSIZED VEHICLES, NON-MOTORIZED VEHICLES, AND RECREATIONAL VEHICLES.

**§86.0139 Prohibition of Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles**

Except as provided in section 86.0140 or otherwise expressly provided to the contrary herein, or unless such *parking* or *standing* is authorized by the City Manager and appropriate signs permitting such *parking* or *standing* are posted:

- (a) It is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road*, or ~~park~~-*parking lot*, any oversized vehicle, non-motorized vehicle, or recreational vehicle between the hours of 2:00 a.m. and 6:00 a.m.
- (b) It is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley*, or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross

street or *alley*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* at any time.

**§86.0140 Exceptions to Prohibition on Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles**

- (a) Section 86.0139(a) does not apply to any ~~oversized vehicle~~oversized vehicle on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.
- (b) Section 86.0139(a) does not apply to any ~~oversized vehicle~~oversized vehicle on a public street when such ~~oversized vehicle~~oversized vehicle is parked or left standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such ~~oversized vehicle~~oversized vehicle is parked or left standing.
- (c) through (f) [No change in text.]

**§86.0143 Permit Process for Temporary Overnight Parking on Public Streets**

- (a) through (b) [No change in text.]
- (c) The duration of the permit shall not exceed ~~twenty-four~~ 24 hours.
- (d) Permits may be issued, but not exceed, three consecutive ~~twenty-four~~ 24-hour periods.
- (e) through (f) [No change in text.]
- (g) The fee for obtaining a permit shall be established by resolution of the *Council* based upon the recommendation of the City Manager. A copy of the fee schedule shall be filed in the ratebook of *City* fees and charges on file in the ~~e~~Office of the City Clerk.
- (h) [No change in text.]

~~§86.0144~~ **Sunset Provision**

~~This section and sections 86.0139 through 86.0144 of this Division shall remain in effect for two years from August 16, 2014, at which time sections 86.0139, 86.0140, 86.0141, 86.0142, 86.0143, and 86.0144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.~~

~~The California Coastal Commission has determined that this ordinance regulating the parking of oversized, non-motorized, and recreational vehicles is not subject to their approval.~~

PEF:amt  
April 14, 2016  
Or.Dept:Police  
Doc. No.: 1252463\_9



Passed by the Council of The City of San Diego on JUN 14 2016, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 22 2016

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 *Janette Spants*, 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

MAY 17 2016

JUN 22 2016

, 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 *Janette Spants*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-\_\_\_\_\_

**20655**