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THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: September 11, 2008 **IBA Report Number:** 08-97

City Council Docket Date: September 15, 2008

Item Numbers: 200 & 201

City-Wide Parking Restrictions for Oversized, Non-Motorized, and Recreational Vehicles

OVERVIEW

On Monday, September 15, 2008 the City Council will consider two alternative proposals to restrict the parking of oversized, non-motorized, and recreational vehicles on public streets, alleys, and in parks between the hours of 10:00 P.M and 6:00 A.M. The ordinance would also prohibit parking of such vehicles within 50 feet of any intersection at any time. Violations would be an infraction with a fine of $100. City residents and their guests would be eligible to receive permits to park recreational vehicles for up to 72 hours, as long as the recreational vehicle is parked in the same block as the address of the residence. The cost of the permit for one, two, or three consecutive nights would be $3.50.

Two alternative proposals have been presented to the City Council for consideration, the first proposes to implement the ordinance for a pilot area encompassing west of Interstate 5, north of Downtown and south of Del Mar, and a portion of the City east of Interstate 5 across from Mission Bay. The Second proposal would implement the ordinance city-wide. The implementation of the ordinance falls into three distinct areas that have fiscal and policy ramifications:

- Implementation
- Permitting
- Enforcement

DIVERSITY BRINGS US ALL TOGETHER

Office of Independent Budget Analyst
202 C Street, MS 3A • San Diego, CA 92101
Tel (619) 236-6555 Fax (619) 236-6556

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FISCAL/POLICY DISCUSSION

Implementation

Staff has estimated implementation costs for the pilot area at $22,000 and $41,500 for city-wide. Depending on which alternative is approved, implementation costs include the installation of signs on every roadway entering the pilot area or city-wide. Additional costs are associated with public information and education programs. It is important to note that a funding source for the implementation costs has not been identified. However, staff has indicated in their April 4, 2008 Memorandum that they anticipate that these one-time implementation expenses will be recovered through permit and citation fees. More on cost recoverability of this program is discussed later in this report.

Permitting

Under both Proposals, City residents and their guests would be eligible to receive permits to park recreational vehicles for up to 72 hours, as long as the recreational vehicle is parked in the same block as the address of the residence. No more than 24 permits shall be issued relating to any one address in any one calendar year period (maximum of 72 days). Staff has proposed that the fee for obtaining a permit would be $3.50. The estimated permit processing costs for the pilot area is $173,654 and $228,645 for city-wide. However, it is unclear what initial expenditures will be necessary to implement the program. Staff is estimating that the total amount of fees that will be collected for permits is $175,000 for the pilot area (50,000 expected permits issued) and $262,000 for city-wide (75,000 expected permits issued). The revenue collected from permit fees will be used to help offset the cost of the program. The IBA recommends that the fee amount be reviewed on an annual basis to ensure that the permitting segment of the program is cost neutral to the City.

Enforcement

For this program to be most effective, a sound enforcement plan is essential. The Mayor's staff has proposed one option to enforce the program. The following section reviews the proposal presented by the Mayor's staff. However, due to the high cost of staff's proposal in an uncertain economic climate, the IBA offers two other enforcement proposals that could be less costly for City Council consideration. The two proposals presented by our office will require additional fiscal and operational review by the Mayor's staff.

Option I (Mayor's Proposal)

For both the pilot area and city-wide the Mayor's staff is proposing to add additional personnel to handle the enforcement of the program. Teams of two Parking Enforcement Officers (POEs) would patrol the City seven days a week. ***These teams would issue cites for all parking violations, not just oversized vehicle infractions. It is important to note that by approving one of these options, the City's parking enforcement program would expand to 24 hours, seven days a week, in some of the***

City's communities. The policy ramifications of this change are not discussed in the April 4, 2008 Memorandum. This is a major concern for the IBA. The implementation of either of the Mayor's proposals would require a change in POEs workdays and hours. This would require the City to Meet and Confer with the POE's labor union. If the Meet and Confer process was not successful, the responsibility of the enforcement of the program would fall to police officers who are already challenged with existing workloads. The following tables indicate the staffing and expenditures necessary to implement the Mayor's enforcement proposals:

Pilot Area	
FTE	**Expenditure**
4.00 Parking Enforcement Officers II ($75,503 Salary)	$302,012
1.00 Parking enforcement Supervisor	$80,062
Non-Personnel Expenses	$80,200
Total:	**$462,274**

City-wide	
FTE	**Expenditure**
16.00 Parking Enforcement Officers II ($75,503 Salary)	$1,208,048
2.00 Parking enforcement Supervisor ($80,062 Salary)	$160,124
Non-Personnel Expenses	$312,000
Total:	**$1,680,172**

Staff has indicated that the expenses related to the enforcement of the program would be offset by permit processing and parking citation fees. However, more analysis is necessary to verify this. Approval of either of the Mayor's enforcement proposals would likely result in significant cost increases to the City. If the city-wide option was approved, the Police Department's budget for POEs would increase by 27%.

Option II (Alternate Proposal)

Another enforcement option would be to approve the ordinance but use existing staff to enforce. Enforcement could be done by a combination of police officers and POEs. This proposal would still require negotiation through the Meet and Confer process to change POEs working hours. If the Meet and Confer process was not successful, the responsibility of the enforcement of the program would fall to police officers. The positives of this proposal include the possibility of a slight increase in revenue to the City due to the ability to issue oversized vehicle citations without incurring the costs associated with having to hire additional POEs. The negatives of this proposal could

potentially be a weak enforcement of the ordinance. If the hours of POEs were not changed, enforcement of the ordinance would be the responsibility of police officers that could take away from other critical responsibilities. In addition, oversized vehicle infractions would be a lower priority when compared to emergency calls. The reassigning of POEs from the day shift to the night to cover increased enforcement hours would result in a service level cut for daytime parking enforcement.

Option III (Alternate Proposal)

Another proposal is the enforcement of the ordinance through a complaint driven process. Complaints could be submitted using the same website used to purchase oversized vehicle permits. Existing staff could be utilized to respond to complaints until a determination could be made if additional staff would be required. The need for additional staff would be based on the level of complaints received by the City. The positives of this proposal are the ability to base the number of additional staff required for enforcement on the level of complaints submitted and a more focused response. This proposal would still require negotiation through the Meet and Confer process to change POEs working hours. If the Meet and Confer process was not successful, the responsibility of the enforcement of the program would fall to police officers who are already challenged with existing workloads.

Cost Recovery of Program

In the April 4, 2008 Memorandum to the City Council, staff states that they anticipate that the program will be cost neutral. Revenue collected from permit processing fees and parking citation fees are expected to offset the expenditure costs associated with implementing and enforcing the program. As noted earlier, we have not yet verified this presumption. Staff has indicated that they have taken a very conservative approach to estimating the revenue from citations. The citation revenue assumes that each team will issue an average of 40 cites per shift. ***As stated above, the estimated revenue assumes that the teams will issue cites for all parking violations discovered, not just oversized vehicle infractions and the increase in parking enforcement hours.***

If the ordinance is approved, the City should see an increase in revenue due to oversized vehicle infractions and an increase in service hours if additional staff is hired. However, it is important to note that the fees collected from parking citations in the last two fiscal years has indicated a slow down. The following table shows the budgeted revenue compared to the actual revenue collected for fiscal years 2007 and 2008:

Fiscal Year	Budgeted Revenue*	Actual Revenue**
2007	$18,553,901	$18,057,615
2008	$19,417,599	$16,558,210

*Includes only parking citation revenue accounts
**Unaudited figures

The decrease in revenue is believed to be attributed to vacancies in the department and increased compliance from the public with parking laws resulting in fewer citations being

issued. If parking revenues continue to decrease, the City's General Fund could be significantly impacted and the full cost recovery for the additional staff hired under the Mayor's enforcement proposal is questionable.

CONCLUSION

The two proposals presented to the City Council on Monday, September 15 will start to address problems associated with the parking of Oversized, Non-Motorized, and Recreational Vehicles in the City if properly implemented. If the City Council chooses to move forward with approving one of the Mayor's proposals the IBA recommends the following:

1. Request staff to return to the City Council within thirty days with the necessary expenditure amount, funding source, and timeline to implement the program. The proposed funding source should not come from the City's reserves.

2. Request staff to return to the City Council at a later date with a fiscal and operational review of the alternative enforcement proposals presented by the IBA. In addition, more information should be provided on the policy and service impacts of expanding the City's parking enforcement program to 24 hours.

Jeffrey Sturak
Fiscal & Policy Analyst

APPROVED: Andrea Tevlin
Independent Budget Analyst

001515

RECEIVED
APR 04 2008
COUNCIL MEMBER
SCOTT PETERS

THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: April 4, 2008

TO: Council President and City Council

FROM: Patti Boekamp, Director, Engineering & Capital Projects Department
Stacey LoMedico, Director, Park & Recreation Department
Captain Mary Cornicelli, San Diego Police Department
Gail Granewich, City Treasurer

SUBJECT: Fiscal Analysis of Proposed Oversized Vehicle Parking Ordinance

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This is in response to your request to provide a fiscal analysis of the proposed ordinance regulating the parking of oversized, non-motorized and recreational vehicles as presented at the City Council meeting of January 29, 2008. You requested the analysis of the proposed ordinance if implemented in a pilot area (west of I-5) as well as city-wide.

Councilmember Donna Frye also requested the Real Estate Assets Department to identify public properties in which these vehicles can be parked overnight. Please see attached memorandum from the Real Estate Assets Department.

The implementation of the ordinance requires the following elements:

1. Installation of signage and creation of a public awareness campaign
2. Setting up a permit issuance system
3. Enforcement of proposed regulations

I. Summary

The following table summarizes the expenditures and revenues associated with the implementation of the proposed ordinance in the pilot area and city-wide.

A detailed discussion of each item follows.

Expenditures	Pilot Area	City-Wide
Signage & public awareness	$ 22,000	$ 41,500
Permit processing	$173,654	$ 228,654
Enforcement		
- Initial equipment costs	$ 80,200	$ 12,000
- Annual personnel costs	$381,006	$1,362,112
- Citation processing	$110,240	$ 440,960
Total Expenditures	$767,100	$2,385,526
Revenues	**Pilot Area**	**City-Wide**
Permit fees	$175,000	$ 262,500
Citation fees	$606,601	$2,426,403
Total Revenues	$781,601	$2,688,903

II. Expenditures

Signage and Public Awareness Campaign

The proposed ordinance requires the posting of signs detailing the proposed regulations in order to be enforceable. In the proposed pilot area the signs must be installed on every roadway entering the pilot area and for city-wide implementation the signs must be installed on every roadway entering the City.

The cost to install the required signage in the proposed pilot area would be approximately $12,000 and for city-wide implementation, the cost would be approximately $31,500.

In addition, a public information program should be conducted between the time of approval of the ordinance and the posting of the signs. The public information program would consist of the following elements:

a) Press releases
b) Public notices in official newspapers
c) Notices sent to affected organizations

The cost for a public education program would be approximately $10,000 and would be the same for either a pilot area or city-wide implementation.

Also, existing signage in some parks and park roads would need to be modified with decals at a cost of approximately $1 per sign.

Permit Process

Permit application and issuance would be administered by the Office of the City Treasurer, Parking Administration Section. Permits would be issued to residents allowing the resident's recreational vehicle or resident's bona fide guest's recreational vehicle to be parked on the street from 10PM to 6AM.

The primary conduit for issuing permits would be a City website. Once implemented, residents would be able to register and purchase permits. After registering, the resident would be able to request the permit, remit payment by credit card and possibly electronic check, printout the permit document online and display it appropriately in or on the vehicle. Individuals without Internet access can register and purchase their permit online using computers and Internet access available in their local library or in-person at the Downtown Parking Administration office. We also would allow residents to register and obtain permits at Community Service Centers.

Before a permit is issued, the resident would be required to substantiate that the permitted recreational vehicle is either registered to the resident at the permitted address or registered to the resident's guest.

The permit system would provide an electronic list of permits issued which can be uploaded to a variety of devices for use by enforcement staff. New ticket writing handheld devices would allow enforcement staff to query and check permit status in real-time. The permit system would also maintain relevant data to track the number of permits sold, by time frame (day, week, or month), and by street, zip code, resident name, and type. Although highly speculative, it is anticipated that as many as 50,000 permits would be issued the first year in the pilot area and as many as 75,000 permits if implemented city-wide.

To fully recover the application and issuance costs associated with this ordinance, the proposed cost per transaction (to purchase a permit for one, two, or three consecutive nights) would be $3.50.

Enforcement

The ordinance proposed a $100 penalty for violations of its provisions. Enforcement and related parking citation processing cost and revenues are detailed below:

Enforcement and Citation Processing Costs[1]	Pilot Area	City-wide
Estimated Minimum Number of Citations	$ 20,800	$ 83,200
Enforcement Costs	$461,206	$1,674,112
Citation Processing Costs	$110,240	$ 440,960
Total Enforcement and Citation Processing Costs	$ 571,446	$2,115,072
Total Related Parking Citation Revenue	$ 606,601	$2,426,403

The first option is for enforcement only within the pilot area. The second option is for enforcing the proposed ordinance city-wide. It should be noted that the estimates are based on enforcement teams providing enforcement for all types of parking violations and not only violations related to the proposed ordinance.

The proposed ordinance restricts certain classes of vehicles from parking in the street without a permit from 10 p.m. to 6 a.m. In order to effectively enforce during these times, a dedicated team of Parking Enforcement Officers (PEOs) should be assigned to an 8:30 p.m. to 7 a.m. shift. Currently, no Parking Enforcement personnel work on Sundays or later than 7:30 p.m. As a result, enforcement of this ordinance by PEOs would require a change in their workdays and hours through the meet and confer process.

The teams of PEOs participating in the program must have large cab pickup trucks with Mobile Computer Terminals (MCTs), police radios and appropriate safety lighting. The MCTs would allow for the monitoring of the activity of these officers for both safety and program statistical purposes. With the MCTs, requests for service can be routed directly to the PEOs from Police Communications, with the data captured for analysis of the effectiveness and success of the program.

[1] Citation processing includes payment processing, customer service and appeals. These costs are fully recoverable in the citation penalty pursuant to the CVC and are not appropriate to recover through the permit fee.

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Pilot Area Option ($461,206): Two teams of two Parking Enforcement Officers and one Parking Enforcement Supervisor would be needed for enforcement seven days per week in the communities of the pilot program. One team would patrol Wednesday through Saturday; the other team would patrol Saturday through Tuesday. Saturday has been identified as the "barrel" day because weekends are known to have the greatest number of recreational vehicles in the coastal area.

The total annual personnel costs for this option are $381,006 and the total non-personnel expenses required at the beginning of the program are $80,200.

City-wide Option ($1,674,112): Eight enforcement teams would be required to enforce the ordinance city wide. This would provide four enforcement teams in the field each night.

The total annual personnel costs for this option are $1,362,112 and the total non-personnel expenses required at the beginning of the program are $312,000.

III. Revenues

The revenue sources for this program would be generated from permit processing fees and parking citation fees. The program would be cost neutral. The permit processing fees generated in the proposed pilot area would be approximately $175,000 and for city-wide implementation, the permit fee revenue would be approximately $262,500. The citation fees generated in the proposed pilot area would be approximately $606,601 and $2,426,403 for city-wide implementation.

Patti Boekamp
Director
Engineering & Capital Projects Department

Mary Cornicelli
Captain
San Diego Police Department

Gail Granewich
City Treasurer

Stacey LoMedico
Director
Park & Recreation Department

HYH:sg

Attachment

Attachment

001521

THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: March 17, 2008

TO: Councilmember Donna Frye

FROM: James F. Barwick, Director, Real Estate Assets Department

SUBJECT: Availability of City Land for Oversized Vehicle Storage During Pilot Program Implementation

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As a result the introduction of the Oversized Vehicle Storage Ordinance, Real Estate Assets was requested to locate parcels of City owned land that may be suitable for the storage of vehicles displaced by the ordinance.

The City has two parcels owned by the Water Department located near the pilot area that could be used on an interim basis for parking the oversized vehicles affected by the Ordinance. The first parcel is a 3.87 acre site located on the south side of Camino Del Rio North just east of Interstate 805 next to Dave and Buster's. The second is a 4.7 acre site at the end of Copley Drive which is located at the southeast quadrant of the intersection of Interstate 805 and Highway 52. Both sites have been graded and, in the past, have been leased to the private sector for vehicle storage. If the City were to utilize these properties for the storage requirement, it would need to pay ground rent to the Water Department since Water is an Enterprise Fund. The combined fair market rent for both parcels is approximately $450,000 per year.

In addition to rent, the City would incur maintenance costs for these properties. Another issue would be the significant liabilities associated with vehicle storage. Also, providing free storage for these vehicles may be unfair to private sector storage operators as well as their customers who are currently paying for their off-street storage space. For these reasons, READ does not recommend the use of these properties for the storage of vehicles displaced by the ordinance.

There is a site within the boundary of the pilot area, not owned by the City that might be a suitable alternative. The Airport Authority has an approximately 90 acre parcel located on the south side of Pacific Coast Highway with access from Washington Street and Sassafras Street. The property is graded and covered with a six inch aggregate base.

Portions of the property are currently used for airport parking, rental car storage and short term storage of trucks servicing Convention Center activities. There should be ample room to accommodate additional vehicle storage. It is unknown whether the Airport Authority would be willing to make a portion of this site available for oversized vehicle storage requirement. If directed, READ will make inquiries as to the availability of the site and the terms and conditions the Airport Authority would require for its use.

James F. Barwick, CCIM
Director, Real Estate Assets

cc: Jay Goldstone, Chief Operating Officer
William Anderson, FAICP, Deputy Chief, City Planning & Development
Patti Boekamp, Director, Engineering & Capital Projects
Council President Scott Peters, District 1
Councilmember Kevin Faulconer, District 2
Councilmember Toni Atkins, District 3
Council President Pro Tem Tony Young, District 4
Councilmember Brian Maienschein, District 5
Councilmember Jim Madaffer, District 7
Councilmember Ben Hueso, District 8

001523

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE O): 338

CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): CITY ATTORNEY

3. DATE: June 24, 2008 10/28

4. SUBJECT:
City-Wide Parking Restrictions for Oversized, Non-Motorized, and Recreational Vehicles

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Tom Zeleny, 236-7728, MS 59

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): Keely Sweeney, 236-6611, MS 10A

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED: ☐

8.COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT				
JOB ORDER				
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

See attached Fiscal Analysis dated April 4, 2008.

A funding source has yet to be identified to implement and enforce this proposed ordinance.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.		7/9/08	8	DEPUTY CHIEF		
2	E.O.C.			9	C.O.O.		
3	E.A.S.		7/10/08	10	CITY ATTORNEY		7/15/08
4	C.F.O. / F.M.			11	ORIG. DEPT.		
5	C.F.O. / AUDITOR						
6	E&CP		7/11/08	✓	DOCKET COORD: _____ COUNCIL LIAISON _____		
7					COUNCIL PRESIDENT ☐ SPOB ☐ CONSENT ☒ ADOPTION ☐ REFER TO: _____ COUNCIL DATE: 9/15/08		

11. PREPARATION OF: ☐ RESOLUTIONS ☒ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Adopt the proposed Ordinance amending the Municipal Code by repealing and renumbering various provisions of Chapter 8 and adding City-wide restrictions on parking of oversized, non-motorized, and recreational vehicles.

11A. STAFF RECOMMENDATIONS:
No recommendation from City staff.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): All

ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines section 15301(c).

ATTACHMENTS: Memo to Council President and City Council re Fiscal Analysis of Proposed Oversized Vehicle Parking Ordinance dated April 4, 2008.

CITY CLERK INSTRUCTIONS: Please forward a copy of the final ordinance to Tom Zeleny, MS #59.

. 001525

EXECUTIVE SUMMARY SHEET		
DATE REPORT ISSUED:	June 24, 2008	**REPORT NO.:**
ATTENTION:	Hon. Mayor and City Council	
ORIGINATING DEPARTMENT:	City Attorney	
SUBJECT:	City-Wide Parking Restrictions for Oversized, Non-Motorized, and Recreational Vehicles	
COUNCIL DISTRICT(S):	All	
STAFF CONTACT:	Tom Zeleny, Chief Deputy City Attorney	

REQUESTED ACTION:
Adopt one of two alternative proposals to restrict the parking of oversized, non-motorized, and recreational vehicles.

STAFF RECOMMENDATION:
No recommendation from City staff.

EXECUTIVE SUMMARY:

The need for an ordinance restricting the parking of oversized, non-motorized, and recreational vehicles on public streets, alleys, and parks was discussed at City Council on January 29, 2008. The proliferation of oversized vehicles, recreational vehicles, and trailers has risen to a level detrimental to public safety and quality of life issues. This is of particular concern in residential areas, where owners park large and often unsightly RVs in front of residents' homes for weeks or even months at a time, taking up precious parking spaces, blocking view corridors, and restricting access to driveways and alleys. The City Council requested that City staff conduct a fiscal analysis of the proposal, both for city-wide implementation and for a proposed pilot area, generally described as west of I-5, north of downtown and south of Del Mar. The fiscal analysis is attached. A source of funding for the placement of signs and enforcement of a pilot program has not been identified.

There are two alternative proposals being presented to the City Council for adoption. This proposed ordinance is for a city-wide restriction on the parking of oversized, non-motorized, and recreational vehicles. This ordinance would prohibit parking of such vehicles on public streets, alleys, and in parks between 10 p.m. and 6 a.m., with certain specified exceptions. It would also prohibit parking of such vehicles within 50 feet of any intersection at any time. Violations would be an infraction with a fine of $100. These restrictions would be implemented on a trial basis, effective for a period of two years after they are approved by the California Coastal Commission for the coastal zone.

City residents and their guests would be eligible to receive permits to park recreational vehicles for up to 72 hours, as long as the recreational vehicle is parked in the same block as the address of the residence. No more than 24 permits could be issued to any one address in any calendar year, and permits could not be issued for consecutive periods without at least 24 hours between permits. A fee would be charged for each permit, in order to recover the cost of implementation and enforcement of the proposed ordinance. The amount of the fee will be determined by City staff, and subject to approval of the City Council.

The ordinance also repeals and renumbers various provisions of Chapter 8 of the Municipal Code to bring these provisions into conformance with current formatting and numbering standards. For example, municipal code provisions now have only one decimal point, with only four numerals after the decimal point. Older provisions of the municipal code are gradually updated to this format as other amendments are processed.

FISCAL CONSIDERATIONS:

A funding source has yet to be identified to implement and enforce this proposed ordinance. Under the terms of the inance, signs must be posted in order for the ordinance to become effective and enforceable.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

LU&H in December, 2004, and April, 2005.
Citywide Parking Advisory Board in May, 2006.
City Council (for discussion only) on January 29, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Originating Department

Deputy Chief/Chief Operating Officer

338
10/28

(O-2009-60)

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; BY REPEALING SECTIONS 81.01 THROUGH 81.01.30; BY ADDING DIVISION 1 TITLED "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; BY RENUMBERING SECTIONS 81.02, 81.03, 81.04, 81.05, 81.06, 81.07, 81.07.1, 81.08, 81.09, 81.10, AND 81.11; AMENDING CHAPTER 8, ARTICLE 6 BY RENUMBERING SECTIONS 86.01, 86.02, 86.02.1, 86.02.2, 86.03, 86.03.1, 86.04, 86.05, 86.06, 86.07, 86.08, 86.08.1, 86.09, 86.09.1, 86.09.2, AND 86.09.3; BY AMENDING AND RENUMBERING SECTION 86.09.04; BY RENUMBERING SECTIONS 86.09.05, 86.09.06, 86.10, 86.10.2, AND 86.10.3; BY AMENDING AND RENUMBER SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.19.1, 86.19.2, 86.19.3, 86.19.4, AND 86.22; BY AMENDING AND RENUMBERING SECTION 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, AND 86.0142; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY AMENDING AND RENUMBERING SECTIONS 86.27, 86.28, 86.29, AND 86.30; ALL REGARDING TRAFFIC, VEHICLES, AND PARKING IN THE CITY OF SAN DIEGO.

This ordinance amends the San Diego Municipal Code to prohibit parking of oversized, non-motorized, and recreational vehicles on any public street or City park in the City of San Diego between 10:00 p.m. and 6:00 a.m., or within 50 feet of any intersection at any time. Oversized Vehicle, non-motorized vehicle, and recreational vehicle are all newly created defined terms. Exceptions are made for: oversized and non-motorized vehicles making pickups or deliveries; government or public utility vehicles; school buses transporting students; buses transporting youths or disabled persons during designated activities; vehicles otherwise lawfully

using commercial loading zones; and vehicles displaying placards or license plates issued to disabled persons. A permitting process for residents of the City or guests of residents who wish to park recreational vehicles in the same block as their homes on public streets while preparing for trips is also authorized. These restrictions on the parking of oversized, non-motorized, and recreational vehicles expire two years after signs are posted providing notice of the parking restrictions.

Additionally, this ordinance makes other housekeeping changes to Chapter 8, Articles 1 and 6 of the Municipal Code by cleaning up certain defined terms and redundant numbering used within sections, as well as renumbering sections. This ordinance also removes a reference to a repealed section of Municipal Code from a section regarding fire apparatus access roadways.

This ordinance contains a notice that a full reading of the ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

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

The parking restrictions on oversized, non-motorized, and recreational vehicles are not effective until signs are posted.

A complete copy of this ordinance is available in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA. 92101.

TCZ:mb
10/22/08
Or.Dept:CityAtty
O-2009-60

(O-2009-60)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; BY REPEALING SECTIONS 81.01 THROUGH 81.01.30; BY ADDING DIVISION 1 TITLED "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; BY RENUMBERING SECTIONS 81.02, 81.03, 81.04, 81.05, 81.06, 81.07, 81.07.1, 81.08, 81.09, 81.10, AND 81.11; AMENDING CHAPTER 8, ARTICLE 6 BY RENUMBERING SECTIONS 86.01, 86.02, 86.02.1, 86.02.2, 86.03, 86.03.1, 86.04, 86.05, 86.06, 86.07, 86.08, 86.08.1, 86.09, 86.09.1, 86.09.2, AND 86.09.3; BY AMENDING AND RENUMBERING SECTION 86.09.04; BY RENUMBERING SECTIONS 86.09.05, 86.09.06, 86.10, 86.10.2, AND 86.10.3; BY AMENDING AND RENUMBER SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.19.1, 86.19.2, 86.19.3, 86.19.4, AND 86.22; BY AMENDING AND RENUMBERING SECTION 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, AND 86.0142; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY AMENDING AND RENUMBERING SECTIONS 86.27, 86.28, 86.29, AND 86.30; ALL REGARDING TRAFFIC, VEHICLES, AND PARKING IN THE CITY OF SAN DIEGO.

WHEREAS, the proliferation of oversized vehicles, recreational vehicles, and trailers parked on city streets has a detrimental effect on public health, safety, welfare, and quality of life issues; and

WHEREAS, restricting the parking of such vehicles will increase the availability of parking for city residents and visitors, preserve the character of city neighborhoods, and benefit the health, safety and welfare of city residents; and,

WHEREAS, the City Council desires to adopt such restrictions on an trial basis; and,

WHEREAS, permits for temporary overnight parking of recreational vehicles will be authorized to accommodate city residents who are expecting guests, or who are preparing for or returning from vacations; and,

WHEREAS, other administrative changes to Chapter 8 of the Municipal Code are necessary to bring its provisions into conformance with current formatting and numbering standards; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 1, of the San Diego Municipal Code is amended by amending the title of Article 1, to read as follows:

Article 1: General Rules and Authority

Section 2. That Chapter 8, Article 1, of the San Diego Municipal Code is amended by repealing sections 81.01, 81.01.1, 81.01.2, 81.01.3, 81.01.4, 81.01.5, 81.01.6, 81.01.7, 81.01.8, 81.01.9, 81.01.10, 81.01.11, 81.01.12, 81.01.13, 81.01.14, 81.01.15, 81.01.16, 81.01.17, 81.01.18, 81.01.19, 81.01.20, 81.01.21, 81.01.21, 81.01.22, 81.01.23, 81.01.24, 81.01.25, 81.01.26, 81.01.27, 81.01.28, 81.01.29, and 81.01.30.

Section 3. That Chapter 8, Article 1, of the San Diego Municipal Code is amended by adding a new Division 1 titled "Definitions, Authority, and Enforcement," and new sections 81.0101, 81.0102, and 81.0103, to read as follows:

Division 1: Definitions, Authority, and Enforcement

§81.0101 Motor Vehicle Code Definitions

Whenever any words or phrases used in this Chapter are not defined in this Chapter but are defined in the *Vehicle Code*, the *Vehicle Code* definitions shall apply.

§81.0102 Definitions

Except as otherwise provided, for purposes of this Chapter:

Alley means any unnamed highway having a width of 25 feet or less and not provided with a sidewalk or sidewalks.

Bus(es) means any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

Bus loading zone means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of *buses* during loading and unloading of passengers.

CALTRANS means the State of California Department of Transportation or its successor agency.

Central Traffic District means that portion of the City of San Diego bounded and described as follows: Beginning at the intersection of the west line of Second Avenue and the north line of B Street; thence east to the west line of Fourth Avenue; thence north to the north line of A Street; thence east to the east line of Sixth Avenue; thence south to the north line of B Street; thence east to the east line of Eighth Avenue; thence south to the north line of Broadway; thence east to the west line of Ninth Avenue; thence south to the south line of Broadway; thence west to the east line of Eighth Avenue; thence south to the south line of F Street; thence west to the east line of Sixth Avenue; thence south to the south line of G Street; thence west to the west line of Fourth Avenue; thence north to the south line of F Street; thence west to the west line of Second Avenue; thence north to the south line of Broadway; thence west to the east line of First Avenue; thence north to the north line of Broadway; thence east to the west line of Second Avenue; thence north to the north line of B Street, the point of beginning.

Freeway means a divided arterial highway for through *traffic* with full control of access and with *grade separations* at intersections.

Grade separation means every structure by means of which any street passes over or under any stationary rails or tracks or another street.

Heavy duty commercial vehicle means a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

Interstate truck means a truck tractor and semi-trailer or trailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the *Vehicle Code.*

Interstate truck service area means an area within 1/2 of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to *interstate trucks.*

Limited access highway means a highway with partial control of access to give preference to through *traffic* to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

Loading zone means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Median strip means a directional separator located between two roadways carrying through *traffic* in opposite directions.

Non-motorized vehicle means any trailer or trailer bus, as defined in *Vehicle Code* sections 630 and 636.

Official traffic control devices means all signs, signals, markings and devices not inconsistent with this Chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding *traffic*.

Official traffic signals means any device, whether manually, electrically or mechanically operated, by which *traffic* is alternately directed to *stop* and proceed and which is erected by authority of a public body or official having jurisdiction.

Oversized vehicle means any vehicle, including any attached trailers, vehicles or loads thereon, that exceeds 22 feet in length or 7 feet in height.

Park parking lot means those parking lots contained within *public parks*.

Park road means those non-publicly dedicated right-of-ways contained within *public parks*.

Parking, *park* or *parked* means to stand or leave *standing* any unoccupied vehicle, other than temporarily for the purpose of and while actually engaged in loading or unloading passengers or materials.

Parking meter means a mechanical, electro-mechanical or electronic device installed for the purpose of controlling the period of time a vehicle occupies a parking space.

Parkway means that portion of the right-of-way not used either as a roadway or as a sidewalk.

Passenger loading zone means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian means any *person* afoot.

Person has the same meaning as in Municipal Codes section 11.0210.

Police Officer means every officer of the Police Department of the City of San Diego or any officer authorized to direct or regulate *traffic* or to make arrests for violations of *traffic* regulations.

Public mass transit vehicle means any vehicle, conveyance or device primarily used for the transport of people which travels upon rails or fixed guideways.

Public mass transit guideway means the rails, fixed guideway or other permanently fixed device upon which a *public mass transit vehicle* travels including those areas adjacent thereof to a width of two feet beyond the outermost portion of the rail, guideway or device.

Public park has the same meaning as in Municipal Code section 56.54.

Recreational vehicle means:

(a) any camp trailer, camper, trailer coach, or house car, as defined in *Vehicle Code* sections 242, 243, 635 or California Health and Safety Code section 18010; or

(b) any boat, dune buggy, all-terrain vehicle (or "ATV") and other motorized or towed vehicle designed, maintained or used primarily for recreational purposes.

Residence district has the same meaning as in *Vehicle Code* section 515.

School bus has the same meaning as in *Vehicle Code* section 545.

Sight seeing bus means any *bus* which:

(a) transports passengers for sight seeing purposes of showing points of interest over the public streets of the *City*; and

(b) charges a fee or compensation therefore; regardless of whether any fee or compensation is paid to the driver of such *sight seeing bus*, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such *sight seeing bus* with a driver to transport or convey any passenger; and irrespective of whether or not such driver receives any fee or compensation for his or her services as driver.

Sight seeing bus zone means that space adjacent to a curb or edge of a roadway reserved for the exclusive use of *sight seeing buses*.

Stop means the complete cessation of movement.

Stopping or *Standing* means the complete cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other *traffic* or in compliance with the directions of a *Police Officer* or *official traffic control device*.

Terminal means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and unloaded or at which *interstate trucks* are regularly maintained, stored or manufactured.

Traffic means *pedestrians*, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel.

Vehicle Code means the California Vehicle Code.

§81.0103 Official Standard Time

Whenever certain hours are named in this Chapter, they shall refer to the standard time or daylight savings time that is currently in use in the *City*.

Section 4. That Chapter 8, Article 1, of the San Diego Municipal Code is amended by renumbering section 81.02 to read section 82.26, section 81.03 to read section 82.27, section 81.04 to read section 82.28, section 81.05 to read section 81.0104, section 81.06 to read section 81.0105, section 81.07 to read section 85.11, section 81.07.1 to read section 85.12, section 81.08 to read section 82.29, section 81.09 to read section 82.30, section 81.10 to read section 82.31 and section 81.11 to read section 84.17.

§82.26 Authority of Police and Fire Department Officials

[No change in text.]

§82.27 Traffic Control and Direction

[No change in text.]

§82.28 Obedience to Authorized Personnel and Traffic Regulations

[No change in text.]

§81.0104 Public Employees to Obey Traffic Regulations

[No change in text.]

§81.0105 Exemption to Certain Vehicles

[No change in text.]

§85.11 Report of Damage to Certain Property

[No change in text.]

§85.12 Charges for Police Services

[No change in text.]

§82.29 Authority of Police in Crowds

[No change in text.]

§82.30 Police Personnel Authorized to Remove Vehicles from Highway

[No change in text.]

§82.31 Removal and Disposal of Abandoned, Etc., Vehicles Not on Highways

[No change in text.]

§84.17 Food and Beverage Prohibited on any Vehicle Operated as Common Carrier

[No change in text.]

Section 5. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by adding a new Division 1 titled "General Parking Regulations," and by renumbering section 86.01 to read section 86.0101, section 86.02 to read section 86.0102, section 86.02.1 to read section 86.0103, section 86.02.2 to read section 86.0102(a), section 86.03 to read section 86.0104, section 86.03.1 to read section 86.0105, section 86.04 to read section 86.0106, section 86.05 to read section 86.0107, section 86.06 to read section 86.0108, section 86.07 to read section 86.0109, section 86.08 to read section 86.0110, section 86.08.1 to read section 86.0111, section 86.09 to read section 86.0112, section 86.09.1 to read section 86.0113, section 86.09.2 to read section 86.0114 and section 86.09.3 to read section 86.0115; to read as follows:

Division 1: General Parking Regulations

§86.0101 Nonenforcement Days

[No change in text.]

§86.0102 Parking

[No change in text.]

§86.0102(a) Exception

[No change in text.]

§86.0103 One–Way Street Parking

[No change in text.]

§86.0104 Angle Parking

[No change in text.]

§86.0105 Passenger Loading Zones

[No change in text.]

§86.0106 Parking Time Limit

[No change in text.]

§86.0107 Tow–Away Zones

[No change in text.]

§86.0108 Parking, Standing, Loading Zones, Street Sweeping Zones

[No change in text.]

§86.0109 Temporary No Parking

[No change in text.]

§86.0110 Vehicles Backed to Curb

[No change in text.]

§86.0111 Parking on a Grade

[No change in text.]

§86.0112 Standing or Parking in Specified Places Prohibited

[No change in text.]

§86.0113 Parking on Private Property — Prohibited

[No change in text.]

§86.0114 Parking or Standing in Disabled Persons Parking Zones

[No change in text.]

§86.0115 Parking or Standing in Consular Parking Zones

[No change in text.]

Section 6. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.09.04 to section 86.0116, to read as follows:

§86.0116 Parking or Standing in Fire Apparatus Access Roadways

It is unlawful to *park* or leave *standing* any vehicle on public or private property in a Fire Apparatus Access Roadway at any time.

Section 7. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.09.05 to read section 86.0117, section 86.09.06 to read section 86.0118, section 86.10 to read section 86.0119, section 86.10.2 to read section 86.0120 and section 86.10.3 to read section 86.0121.

§86.0117 Parking or Standing in Designated Street Sweeping Zones at Certain Posted Times

[No change in text.]

§86.0118 Parking in Excess of Seventy-Two (72) Hours Prohibited

[No change in text.]

§86.0119 Stopping or Standing in Loading Zones

[No change in text.]

§86.0120 Same — Bus Loading Zone

[No change in text.]

§86.0121 Parking in Alleys

[No change in text.]

Section 8. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.10.4 to section 86.0122, to read as follows:

§86.0122 Standing or Loading only in Certain Places — Sight Seeing Bus Zone

Between the hours of 6:00 a.m. and 6:00 p.m., Sundays and holidays included, it shall be unlawful for the driver of any vehicle, other than a *sight seeing bus*, to *stop*, leave *standing*, or *park* said vehicle in any *sight seeing bus zone*.

Section 9. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.11 to read section 86.0123, section 86.12 to read section 86.0124, section 86.13 to read section 86.0125, section 86.14 to read section 86.0126, section 86.15 to read section 86.0127, section 86.16 to read section 86.0128, section 86.17 to read section 86.0129, section 86.18 to read section 86.0130, section 86.19 to read section 86.0131, section 86.19.1 to read section 86.0132, section 86.19.2 to read section 86.0133, section 86.19.3 to read section 86.0134, section 86.19.4 to read section 86.0135 and section 86.22 to read section 86.0136.

§86.0123 Parking Meter Zones and Rates—Authority

[No change in text.]

§86.0124 Parking Meters — Parking Regulated

[No change in text.]

§86.0125 Parking Meter Zones — Established

[No change in text.]

§86.0126 Parking Meter — Overtime

[No change in text.]

§86.0127 Parking Meter — Extra Time Prohibited

[No change in text.]

§86.0128 Parking Meter — Time of Operation

[No change in text.]

§86.0129 Parking Meter — Tampering With

[No change in text.]

§86.0130 Parking Meter — Slug or Device Prohibited

[No change in text.]

§86.0131 City Parking Facilities — Regulated

[No change in text.]

§86.0132 City Parking Facilities — Parking in Marked Zones and Stalls

[No change in text.]

§86.0133 City Parking Facilities — Penalty, Impounding of Vehicles Authorized

[No change in text.]

§86.0134 Disabled Parking in City Parking Facilities

[No change in text.]

§86.0135 City–Owned Parking Facilities — Santa Clara Point — Parking of Boats Prohibited

[No change in text.]

§86.0136 Display of Warning Devices When Commercial Vehicle Disabled

[No change in text.]

Section 10. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.23 to section 86.0137, to read as follows:

§86.0137 Prohibition of Use of Streets for Storage, Service or Sale of Vehicles or for Habitation

(a) It is unlawful for any *person* to leave *standing* or *park* any vehicle upon any street while selling merchandise therefrom unless authorized by other provisions of this Municipal Code.

(b) It is unlawful for any *person* to leave *standing* or *park* any vehicle upon any street for the purpose of servicing or repairing such vehicle, except in an emergency.

(c) It is unlawful for any *person* to leave *standing* or *park* any vehicle upon any street in any business district or upon any through highway for the purpose of washing or polishing such vehicle.

(d) It is unlawful for any *person* who deals in, or whose business involves the sale, lease, rental, or charter of vehicles to store, *park*, or leave *standing* any such vehicle upon any public street, except while such vehicle is under lease, rental, or charter by a customer.

(e) It is unlawful for any *person* whose business involves the repair, servicing of vehicles or vehicle components to store, leave *standing*, or *park* any vehicle on any public street after that *person* has accepted custody of the vehicle from the customer.

(f) It is unlawful for any *person* to use a vehicle while it is *parked* or *standing* on any street as either temporary or permanent living quarters, abode, or place of habitation either overnight or day by day.

(g) It is unlawful for any *person* to store, or cause to be stored, any vehicle on any street. A vehicle shall be considered stored when it has been left *standing* on a street without having been moved more than 1/10 of a mile within a seventy–two consecutive hour period.

(h) It is unlawful for any *person* to leave *standing*, or cause or allow to be left *standing*, any inoperable vehicle on any street for more than four consecutive hours. A vehicle is considered to be inoperable when it is wrecked, burned, dismantled, when it lacks a motor, transmission, or wheels, when it is on blocks, or when it is otherwise incapable of being driven upon the highways in conformity with the requirements of the *Vehicle Code*.

(i) It is unlawful for any *person* to *park* an unattached semi-trailer or auxiliary dolly on any street except for the purpose of loading or unloading it.

Section 11. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by adding new sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142 to read as follows:

§86.0138 Prohibition of Parking of Oversized, Non-Motorized and Recreational Vehicles

(a) Except as provided in section 86.0139 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:

(1) it is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road* or *park parking lot*, any *oversized*, *non-motorized* or *recreational vehicle* between the hours of 10:00 p.m. and 6:00 a.m.

(2) 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*, *non-motorized* or *recreational vehicle* at any time.

(b) This section and sections 86.0139 through 86.0142 shall remain in effect for two years after signs have been posted in accordance with Section 86.0140, when these provisions shall expire.

§86.0139 Exceptions to Prohibition on Parking of Oversized, Non-Motorized and Recreational Vehicles

(a) Section 86.0138(a)(1) does not apply to any *oversized* or *non-motorized 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 86.0138(a)(1) does not apply to any *oversized* or *non-motorized vehicle* on a public street when such *oversized* or *non-motorized 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* or *non-motorized vehicle* is *parked* or left *standing*.

(c) Section 86.0138 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0138(a)(1) does not apply to any *school bus* on a public street involved in the transportation of students, or to any *bus* on a public street

used for the transportation of youths or disabled persons during the course of the activity for which they were transported.

(e) Section 86.0138 does not apply to commercial *loading zones.*

(f) Section 86.0138(a)(1) does not apply to any *recreational vehicle* displaying a valid permit issued pursuant to section 86.0142.

(g) Section 86.0138 does not apply to any vehicle less than 22 feet long displaying a valid placard or license plate issued to disabled persons, pursuant to California Vehicle Code Section 22511.5(a)(1)(A).

(h) Section 86.0138 does not apply to any vehicle displaying a valid placard or license plate issued to disabled persons, if the dimensions of such vehicle are a reasonable accommodation for a disability under state or federal law.

§86.0140 Notice

(a) The prohibitions and restrictions contained in section 86.0138 shall be effective upon the posting of signs providing notice.

(b) The City Manager shall post and maintain appropriate signs providing notice of the prohibitions contained in section 86.0138.

§86.0141 Enforcement Remedies

A violation of section 86.0138 shall be an infraction punishable by a fine of $100.

§86.0142 Permit Process for Temporary Overnight Parking on Public Streets

(a) The City Manager has the authority to adopt procedural rules and regulations governing the permit process, and to issue a parking permit for the *parking* of a *recreational vehicle* on a public street to any resident of the *City* or a bona fide guest of such resident, if:

(1) a written application is made to the City Manager including the address of the resident;

(2) the appropriate fees as described in section 86.0142(g) are paid; and

(3) the City Manager determines that the vehicle will not create a safety hazard.

(b) The permit shall state the address of the resident and the permit shall only be valid within the same block as the resident's address, on either side of the street.

(c) The duration of the permit shall not exceed seventy-two hours.

(d) Permits may not be issued for consecutive periods without at least twenty-four hours between the permitted periods.

(e) No more than 24 permits shall be issued relating to any one address in any one calendar year period.

(f) Proof of residency and proof of *recreational vehicle* ownership or *recreational vehicle* use and control shall be demonstrated in a manner determined by the City Manager.

(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) The *recreational vehicle* shall not be used for overnight camping, lodging or for accommodation purposes while parked on the public street.

Section 12. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.24 to read section 86.0143, section 86.24.1 to read section 86.0144, section 86.25 to read section 86.0145 and section 86.26 to read section 86.0146.

§86.0143 Stopping, Standing or Parking On Grade Separations

[No change in text.]

§86.0144 Removal of Vehicles From Grade Separations

[No change in text.]

§86.0145 Parking On Median Strip Prohibited

[No change in text.]

§86.0146 Parking On Parkway Restricted

[No change in text.]

Section 13. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.27 to section 86.0147, to read as follows:

§86.0147 Parking of Heavy Duty Commercial Vehicles in Residence Districts

It is unlawful for any *person* to *park* any *heavy duty commercial vehicle* on a street in any *residence district* except:

(a) while loading or unloading property, or

(b) when such vehicle is *parked* in connection with, and in aid of, the performance of a service to or on a property in the block in which the vehicle is *parked*, or

(c) the vehicle is *parked* immediately in front of or along side of premises actively devoted to industry or commerce and lying contiguous to the street.

Section 14. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.28 to read section 82.32, section 86.29 to read section 82.33 and section 86.30 to read section 82.34.

§82.32 Post-Storage Hearings for Impounded Vehicles

[No change in text.]

§82.33 Conduct of Hearing

[No change in text.]

§82.34 Decisions of The Hearing Officers and Their Effect

[No change in text.]

Section 15. That the various sections listed below in the San Diego Municipal Code are amended by renumbering section references appearing within the text of those sections to refer to different section numbers, to read as follows:

Municipal Code Section	Section Reference Deleted	New Section Reference
66.0101(b)	81.01.5	81.0102
22.4014	81.03	82.27
22.4020	81.03	82.27
82.24(a)	81.06	81.0105
86.2011	81.06	81.0105
86.2108(b)	81.06	81.0105
86.0107	81.09	82.30
86.0109	81.09	82.30
86.0105	86.01	86.0101
86.0102(a)	86.02	86.0102
86.0102	86.02.1	86.0103
86.0102	86.02.2	86.0102(a)
86.0117	86.06	86.0108
86.0120	86.06	86.0108
82.30	86.07	86.0109
82.06	86.11	86.0123
82.06	86.12	86.0124
82.06	86.14	86.0126
82.06	86.15	86.0127
86.0135	86.19.2	86.0133

Section 16. That the above renumbering and reformatting of the Municipal Code is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3).

Section 17. That the above restrictions on the parking of oversized vehicles, non-motorized vehicles, and recreational vehicles are categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301(c), as the operation or minor alteration of existing highways and streets involving negligible or no expansion of use.

Section 18. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 19. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Thomas C. Zeleny
Chief Deputy City Attorney

TCZ:mb
10/22/08
Aud.Cert:N/A
Or.Dept:CityAtty
O-2009-60

(O-2009-60)

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____ _____
(date) JERRY SANDERS, Mayor

Vetoed: _____ _____
(date) JERRY SANDERS, Mayor

OLD LANGUAGE – ~~STRICKEN~~

NEW LANGUAGE – UNDERLINED

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; BY REPEALING SECTIONS 81.01 THROUGH 81.01.30; BY ADDING DIVISION 1 TITLED "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; BY RENUMBERING SECTIONS 81.02, 81.03, 81.04, 81.05, 81.06, 81.07, 81.07.1, 81.08, 81.09, 81.10, AND 81.11; AMENDING CHAPTER 8, ARTICLE 6 BY RENUMBERING SECTIONS 86.01, 86.02, 86.02.1, 86.02.2, 86.03, 86.03.1, 86.04, 86.05, 86.06, 86.07, 86.08, 86.08.1, 86.09, 86.09.1, 86.09.2, AND 86.09.3; BY AMENDING AND RENUMBERING SECTION 86.09.04; BY RENUMBERING SECTIONS 86.09.05, 86.09.06, 86.10, 86.10.2, AND 86.10.3; BY AMENDING AND RENUMBER SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.19.1, 86.19.2, 86.19.3, 86.19.4, AND 86.22; BY AMENDING AND RENUMBERING SECTION 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, AND 86.0142; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY AMENDING AND RENUMBERING SECTIONS 86.27, 86.28, 86.29, AND 86.30; ALL REGARDING TRAFFIC, VEHICLES, AND PARKING IN THE CITY OF SAN DIEGO.

Article 1: ~~Definitions, Authority Enforcement and Obedience~~
General Rules and Authority

~~§81.01 Definitions of Words and Phrases~~

~~The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article.~~

~~§81.01.1 Motor Vehicle Code Definitions to be Used~~

~~Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full.~~

§81.01.2 Alley
ALLEY shall mean any unnamed highway having a width of 25 feet or less and not provided with a sidewalk or sidewalks.

§81.01.3 Bus
BUS shall mean any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

§81.01.4 Bus Loading Zone
BUS LOADING ZONE shall mean the space adjacent to a curb or edge of a roadway

§81.01.5 Central Traffic District
The Central Traffic District is hereby defined and its limits declared to be that portion of The City of San Diego bounded and described as follows: Beginning at the intersection of the west line of Second Avenue and the north line of B Street; thence east to the west line of Fourth Avenue; thence north to the north line of A Street; thence east to the east line of Sixth Avenue; thence south to the north line of B Street; thence east to the east line of Eighth Avenue; thence south to the north line of Broadway; thence east to the west line of Ninth Avenue; thence south to the south line of Broadway; thence west to the east line of Eighth Avenue; thence south to the south line of F Street; thence west to the east line of Sixth Avenue; thence south to the south line of G Street; thence west to the west line of Fourth Avenue; thence north to the south line of F Street; thence west to the west line of Second Avenue; thence north to the south line of Broadway; thence west to the east line of First Avenue; thence north to the north line of Broadway; thence east to the west line of Second Avenue; thence north to the north line of B Street, the point of beginning.

§81.01.6 Freeway
FREEWAY shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

§81.01.7 Grade Separation
GRADE SEPARATION shall mean every structure by means of which any street passes over or under any stationary rails or tracks or another street.

§81.01.8 Limited Access Highway
LIMITED ACCESS HIGHWAY shall mean a highway with partial control of access to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

§81.01.9 Loading Zone
The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

~~**§81.01.10 Median Strip**~~
~~MEDIAN STRIP shall mean a directional separator located between two roadways carrying through traffic in opposite directions.~~

~~**§81.01.11 Official Time Standard**~~
~~Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City.~~

~~**§81.01.12 Official Traffic Control Devices**~~
~~OFFICIAL TRAFFIC CONTROL DEVICES shall mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.~~

~~**§81.01.13 Official Traffic Signals**~~
~~OFFICIAL TRAFFIC SIGNALS shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.~~

~~**§81.01.14 Parking**~~
~~PARKING shall mean to stand or leave standing any unoccupied vehicle, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.~~

~~**§81.01.15 Parking Meter**~~
~~PARKING METER shall mean a mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle.~~

~~**§81.01.16 Parkway**~~
~~PARKWAY shall mean that portion of the right-of-way not used either as a roadway or as a sidewalk.~~

~~**§81.01.17 Passenger Loading Zone**~~
~~PASSENGER LOADING ZONE shall mean the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers.~~

~~**§81.01.18 Pedestrian**~~
~~PEDESTRIAN shall mean any person afoot.~~

~~**§81.01.19 Police Officer**~~
~~POLICE OFFICER shall mean every officer of the Police Department of the City of San Diego or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.~~

§81.01.20 Sightseeing Bus Zone
SIGHTSEEING BUS ZONE shall mean that space adjacent to a curb or edge of a roadway reserved for the exclusive use of Sightseeing Buses.

§81.01.21 Stop
STOP, when required, means complete cessation of movement.

§81.01.22 Stopping or Standing
STOPPING OR STANDING, when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

§81.01.23 Traffic
TRAFFIC shall mean pedestrians, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel.

§81.01.24 Vehicle Code
VEHICLE CODE shall mean the Vehicle Code of the State of California.

§81.01.25 Public Mass Transit Vehicle
Public Mass Transit Vehicle shall mean any vehicle, conveyance or device primarily used for the transport of people which travels upon rails or fixed guideways.

§81.01.26 Public Mass Transit Guideway
Public Mass Transit Guideway shall mean the rails, fixed guideway or other permanently fixed device upon which a public mass transit vehicle travels including those areas adjacent thereof to a width of two feet beyond the outermost portion of the rail, guideway or device.

§81.01.27 Terminal
Terminal shall mean any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off loaded or at which the interstate trucks are regularly maintained, stored or manufactured.

§81.01.28 Interstate Truck
Interstate Truck shall mean a truck tractor and semi-trailer or trailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the California Vehicle Code.

§81.01.29 Interstate Truck Service Area
Interstate truck service area shall mean an area within one half (1/2) of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to interstate trucks.

§81.01.30 Caltrans
"CALTRANS" shall mean the State of California Department of Transportation or its successor agency.

Division 1: Definitions, Authority, and Enforcement

§81.0101 Motor Vehicle Code Definitions

Whenever any words or phrases used in this Chapter are not defined in this Chapter but are defined in the *Vehicle Code*, the *Vehicle Code* definitions shall apply.

§81.0102 Definitions

Except as otherwise provided, for purposes of this Chapter:

Alley means any unnamed highway having a width of 25 feet or less and not provided with a sidewalk or sidewalks.

Bus(es) means any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

Bus loading zone means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of *buses* during loading and unloading of passengers.

CALTRANS means the State of California Department of Transportation or its successor agency.

Central Traffic District means that portion of the City of San Diego bounded and described as follows: Beginning at the intersection of the west line of Second Avenue and the north line of B Street; thence east to the west line of Fourth Avenue; thence north to the north line of A Street; thence east to the east line of Sixth Avenue; thence south to the north line of B Street; thence east to the east line of Eighth Avenue; thence south to the north line of Broadway; thence east to the west line of Ninth Avenue; thence south to the south line of Broadway; thence west to the east line of Eighth Avenue; thence south to the south line of F Street; thence west to the east line of Sixth Avenue; thence south to the south line of G Street;

thence west to the west line of Fourth Avenue; thence north to the south line of F Street; thence west to the west line of Second Avenue; thence north to the south line of Broadway; thence west to the east line of First Avenue; thence north to the north line of Broadway; thence east to the west line of Second Avenue; thence north to the north line of B Street, the point of beginning.

Freeway means a divided arterial highway for through *traffic* with full control of access and with *grade separations* at intersections.

Grade separation means every structure by means of which any street passes over or under any stationary rails or tracks or another street.

Heavy duty commercial vehicle means a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

Interstate truck means a truck tractor and semi-trailer or trailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the *Vehicle Code.*

Interstate truck service area means an area within 1/2 of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to *interstate trucks.*

Limited access highway means a highway with partial control of access to give preference to through *traffic* to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

Loading zone means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Median strip means a directional separator located between two roadways carrying through *traffic* in opposite directions.

Non-motorized vehicle means any trailer or trailer bus, as defined in *Vehicle Code* sections 630 and 636.

Official traffic control devices means all signs, signals, markings and devices not inconsistent with this Chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding *traffic*.

Official traffic signals means any device, whether manually, electrically or mechanically operated, by which *traffic* is alternately directed to *stop* and proceed and which is erected by authority of a public body or official having jurisdiction.

Oversized vehicle means any vehicle, including any attached trailers, vehicles or loads thereon, that exceeds 22 feet in length or 7 feet in height, excluding *recreational vehicles*.

Park parking lot means those parking lots contained within *public parks*.

Park road means those non-publicly dedicated right-of-ways contained within *public parks*.

Parking, park or *parked* means to stand or leave *standing* any unoccupied vehicle, other than temporarily for the purpose of and while actually engaged in loading or unloading passengers or materials.

Parking meter means a mechanical, electro-mechanical or electronic device installed for the purpose of controlling the period of time a vehicle occupies a parking space.

Parkway means that portion of the right-of-way not used either as a roadway or as a sidewalk.

Passenger loading zone means the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian means any *person* afoot.

Person has the same meaning as in Municipal Codes section 11.0210.

Police Officer means every officer of the Police Department of the City of San Diego or any officer authorized to direct or regulate *traffic* or to make arrests for violations of *traffic* regulations.

Public mass transit vehicle means any vehicle, conveyance or device primarily used for the transport of people which travels upon rails or fixed guideways.

Public mass transit guideway means the rails, fixed guideway or other permanently fixed device upon which a *public mass transit vehicle* travels including those areas adjacent thereof to a width of two feet beyond the outermost portion of the rail, guideway or device.

Public park has the same meaning as in Municipal Code section 56.54.

Recreational vehicle means:

(a) any camp trailer, camper, trailer coach, or house car, as defined in *Vehicle Code* sections 242, 243, 635 or California Health and Safety Code section 18010; or

(b) any boat, dune buggy, all-terrain vehicle (or "ATV") and other motorized or towed vehicle designed, maintained or used primarily for recreational purposes.

Residence district has the same meaning as in *Vehicle Code* section 515.

School bus has the same meaning as in *Vehicle Code* section 545.

Sight seeing bus means any *bus* which:

(a) transports passengers for sight seeing purposes of showing points of interest over the public streets of the *City*; and

(b) charges a fee or compensation therefore; regardless of whether any fee or compensation is paid to the driver of such *sight seeing bus*, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such *sight seeing bus* with a driver to transport or convey any passenger; and irrespective of whether or not such driver receives any fee or compensation for his or her services as driver.

Sight seeing bus zone means that space adjacent to a curb or edge of a roadway reserved for the exclusive use of *sight seeing buses*.

Stop means the complete cessation of movement.

Stopping or *Standing* means the complete cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other *traffic* or in compliance with the directions of a *Police Officer* or *official traffic control device*.

Terminal means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and unloaded or at which *interstate trucks* are regularly maintained, stored or manufactured.

Traffic means *pedestrians*, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel.

Vehicle Code means the California Vehicle Code.

§81.0103 Official Standard Time

Whenever certain hours are named in this Chapter, they shall refer to the standard time or daylight savings time that is currently in use in the *City*.

~~§81.02~~ §82.26 Authority of Police and Fire Department Officials

[No change in text.]

~~§81.03~~ §82.27 Traffic Control and Direction

[No change in text.]

~~§81.04~~ §82.28 Obedience to Authorized Personnel and Traffic Regulations

[No change in text.]

~~§81.05~~ §81.0104 Public Employees to Obey Traffic Regulations

[No change in text.]

~~§81.06~~ §81.0105 Exemption to Certain Vehicles

[No change in text.]

~~§81.07~~ §85.11 Report of Damage to Certain Property

[No change in text.]

~~§81.07.1~~ §85.12 Charges for Police Services

[No change in text.]

~~§81.08~~ 82.29 **Authority of Police in Crowds**

[No change in text.]

~~§81.09~~ 82.30 **Police Personnel Authorized to Remove Vehicles from Highway**

[No change in text.]

~~§81.10~~ 82.31 **Removal and Disposal of Abandoned, Etc., Vehicles Not on Highways**

[No change in text.]

~~§81.11~~ 84.17 **Food and Beverage Prohibited on any Vehicle Operated as Common Carrier**

[No change in text.]

Division 1: General Parking Regulations

~~§86.01~~ 86.0101 **Nonenforcement Days**

[No change in text.]

~~§86.02~~ 86.0102 **Parking**

[No change in text.]

~~§86.02.1~~ 86.0103 **One–Way Street Parking**

[No change in text.]

~~§86.02.2~~ 86.0102(a) **Exception**

[No change in text.]

~~§86.03~~ 86.0104 **Angle Parking**

[No change in text.]

~~§86.03.1~~ 86.0105 **Passenger Loading Zones**

[No change in text.]

~~§86.04~~ 86.0106 **Parking Time Limit**

[No change in text.]

~~§86.05~~ 86.0107 **Tow–Away Zones**

[No change in text.]

~~§86.06~~ 86.0108 Parking, Standing, Loading Zones, Street Sweeping Zones

[No change in text]

~~§86.07~~ 86.0109 Temporary No Parking

[No change in text.]

~~§86.08~~ 86.0110 Vehicles Backed to Curb

[No change in text.]

~~§86.08.1~~ 86.0111 Parking on a Grade

[No change in text.]

~~§86.09~~ 86.0112 Standing or Parking in Specified Places Prohibited

[No change in text.]

~~§86.09.1~~ 86.0113 Parking on Private Property — Prohibited

[No change in text.]

~~§86.09.2~~ 86.0114 Parking or Standing in Disabled Persons Parking Zones

[No change in text.]

~~§86.09.3~~ 86.0115 Parking or Standing in Consular Parking Zones

[No change in text.]

~~§86.09.4~~ 86.0116 Parking or Standing in Fire Apparatus Access Roadways

~~No person shall park or stand any vehicle on public or private property in a Fire Apparatus Access Roadway where signs prohibiting the obstruction of such roadway have been posted pursuant to Section 55.10.207 of this Code. This prohibition against parking or standing vehicles in designated Fire Apparatus Access Roadways shall be operative twenty-four (24) hours a day (Sundays and holidays included.)~~ It is unlawful to *park* or leave *standing* any vehicle on public or private property in a Fire Apparatus Access Roadway at any time.

~~§86.09.05~~ 86.0117 **Parking or Standing in Designated Street Sweeping Zones at Certain Posted Times**

[No change in text.]

~~§86.09.06~~ 86.0118 **Parking in Excess of Seventy-Two (72) Hours Prohibited**

[No change in text.]

~~§86.10~~ 86.0119 **Stopping or Standing in Loading Zones**

[No change in text.]

~~§86.10.2~~ 86.0120 **Same — Bus Loading Zone**

[No change in text.]

~~§86.10.3~~ 86.0121 **Parking in Alleys**

[No change in text.]

~~§86.10.4~~ 86.0122 **Standing or Loading only in Certain Places — Sight Seeing Bus Zone**

Between the hours of 6:00 ~~o'clock~~ a.m. and 6:00 ~~o'clock~~ p.m., ~~(~~ Sundays and holidays included ~~)~~, it shall be unlawful for the driver of any vehicle, other than a *sight seeing bus*, to *stop*, ~~stand~~ leave *standing*, or *park* said vehicle in any *sight seeing bus* ~~loading~~ *zone.*

~~§86.11~~ 86.0123 **Parking Meter Zones and Rates—Authority**

[No change in text.]

~~§86.12~~ 86.0124 **Parking Meters — Parking Regulated**

[No change in text.]

~~§86.13~~ 86.0125 **Parking Meter Zones — Established**

[No change in text.]

~~§86.14~~ 86.0126 **Parking Meter — Overtime**

[No change in text.]

~~§86.15~~ 86.0127 **Parking Meter — Extra Time Prohibited**

[No change in text.]

~~§86.16~~ 86.0128 **Parking Meter — Time of Operation**

[No change in text.]

~~§86.17~~ 86.0129 **Parking Meter — Tampering With**

[No change in text.]

~~§86.18~~ 86.0130 **Parking Meter — Slug or Device Prohibited**

[No change in text.]

~~§86.19~~ 86.0131 **City Parking Facilities — Regulated**

[No change in text.]

~~§86.19.1~~ 86.0132 **City Parking Facilities — Parking in Marked Zones and Stalls**

[No change in text.]

~~§86.19.2~~ 86.0133 **City Parking Facilities — Penalty, Impounding of Vehicles Authorized**

[No change in text.]

~~§86.19.3~~ 86.0134 **Disabled Parking in City Parking Facilities**

[No change in text.]

~~§86.19.4~~ 86.0135 **City-Owned Parking Facilities — Santa Clara Point — Parking of Boats Prohibited**

[No change in text.]

~~§86.22~~ 86.0136 **Display of Warning Devices When Commercial Vehicle Disabled**

[No change in text.]

~~§86.23~~ 86.0137 **Prohibition of Use of Streets for Storage, Service or Sale of Vehicles or for Habitation ~~Prohibited~~**

(a) It is unlawful for any *person* to ~~stand~~ leave *standing* or *park* any vehicle upon any street while selling merchandise therefrom unless authorized by other provisions of this Municipal Code.

(b) It is unlawful for any *person* to ~~stand~~ leave *standing* or *park* any vehicle upon any street for the purpose of servicing or repairing such vehicle, except in an emergency.

(c) It is unlawful for any *person* to ~~stand~~ leave *standing* or *park* any vehicle upon any street in any business district or upon any through highway for the purpose of washing or polishing such vehicle.

(d) It is unlawful for any *person* who deals in, or whose business involves the sale, lease, rental, or charter of vehicles to store, *park*, or ~~stand~~ leave *standing* any such vehicle upon any public street, except while such vehicle is under lease, rental, or charter by a customer. ~~Section 86.23(d) does not apply to vehicles regulated by sections 75.0101 through 75.0603 of this Code.~~

(e) It is unlawful for any *person* whose business involves the repair, servicing of vehicles or vehicle components to store, ~~stand~~ leave *standing*, or *park* any vehicle on any public street after that *person* has accepted custody of the vehicle from the customer.

(f) It is unlawful for any *person* to use a vehicle while it is *parked* or *standing* on any street as either temporary or permanent living quarters, abode, or place of habitation either overnight or day by day.

(g) It is unlawful for any *person* to store, or cause to be stored, any vehicle on any street. A vehicle shall be considered stored when it has been left *standing* on a street without having been moved more than ~~one-tenth~~ 1/10 of a mile within a seventy–two consecutive hour period.

(h) It is unlawful for any *person* to leave *standing*, or cause or allow to be left *standing*, any inoperable vehicle on any street for more than four consecutive hours. A vehicle is considered to be inoperable when it is wrecked, burned, dismantled, when it lacks a motor, transmission, or wheels, when it is on blocks, or when it is otherwise incapable of being driven upon the highways in conformity with the requirements of the ~~California~~ *Vehicle Code.*

(i) It is unlawful for any *person* to *park* an unattached semi-trailer or auxiliary dolly on any street except for the purpose of loading or unloading it. ~~Camp trailers, utility trailers, and auxiliary dollies used in conjunction with a camp trailer or a utility trailer are exempt from Section 83.26(i).~~

§86.0138 Prohibition of Parking of Oversized, Non-Motorized and Recreational Vehicles

(a) Except as provided in section 86.0139 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:

(1) it is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road* or *park parking lot*, any *oversized, non-motorized* or *recreational vehicle* between the hours of 10:00 p.m. and 6:00 a.m.

(2) 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, non-motorized* or *recreational vehicle* at any time.

(b) This section and sections 86.0139 through 86.0142 shall remain in effect for two years after signs have been posted in accordance with Section 86.0140, when these provisions shall expire.

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

(a) Section 86.0138(a)(1) does not apply to any *oversized* or *non-motorized 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 86.0138(a)(1) does not apply to any *oversized* or *non-motorized vehicle* on a public street when such *oversized* or *non-motorized 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* or *non-motorized vehicle* is *parked* or left *standing*.

(c) Section 86.0138 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0138(a)(1) does not apply to any *school bus* on a public street involved in the transportation of students, or to any *bus* on a public street used for the transportation of youths or disabled persons during the course of the activity for which they were transported.

(e) Section 86.0138 does not apply to commercial *loading zones*.

(f) Section 86.0138(a)(1) does not apply to any *recreational vehicle* displaying a valid permit issued pursuant to section 86.0142.

(g) Section 86.0138 does not apply to any vehicle less than 22 feet long displaying a valid placard or license plate issued to disabled persons, pursuant to California Vehicle Code Section 22511.5(a)(1)(A).

(h) Section 86.0138 does not apply to any vehicle displaying a valid placard or license plate issued to disabled persons, if the dimensions of such vehicle are a reasonable accommodation for a disability under state or federal law.

§86.0140 Notice

(a) The prohibitions and restrictions contained in section 86.0138 shall be effective upon the posting of signs providing notice.

(b) The City Manager shall post and maintain appropriate signs providing notice of the prohibitions contained in section 86.0138.

§86.0141 Enforcement Remedies

A violation of section 86.0138 shall be an infraction punishable by a fine of $100.

§86.0142 Permit Process for Temporary Overnight Parking on Public Streets

(a) The City Manager has the authority to adopt procedural rules and regulations governing the permit process, and to issue a parking permit for the *parking* of a *recreational vehicle* on a public street to any resident of the *City* or a bona fide guest of such resident, if:

(1) a written application is made to the City Manager including the address of the resident;

(2) the appropriate fees as described in section 86.0142(g) are paid; and

(3) the City Manager determines that the vehicle will not create a safety hazard.

(b) The permit shall state the address of the resident and the permit shall only be valid within the same block as the resident's address, on either side of the street.

(c) The duration of the permit shall not exceed seventy-two hours.

(d) Permits may not be issued for consecutive periods without at least twenty-four hours between the permitted periods.

(e) No more than 24 permits shall be issued relating to any one address in any one calendar year period.

(f) Proof of residency and proof of *recreational vehicle* ownership or *recreational vehicle* use and control shall be demonstrated in a manner determined by the City Manager.

(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) The *recreational vehicle* shall not be used for overnight camping, lodging or for accommodation purposes while parked on the public street.

§~~86.24~~ 86.0143 **Stopping, Standing or Parking On Grade Separations**

[No change in text.]

§~~86.24.1~~ 86.0144 **Removal of Vehicles From Grade Separations**

[No change in text.]

§~~86.25~~ 86.0145 **Parking On Median Strip Prohibited**

[No change in text.]

§~~86.26~~ 86.0146 **Parking On Parkway Restricted**

[No change in text.]

§~~86.27~~ 86.0147 **Parking of Heavy Duty Commercial Vehicles in Residence Districts**

~~No person shall park~~ It is unlawful for any *person* to *park* any *heavy duty commercial vehicle* on a street in any *residence district* except:

(a) while loading or unloading property, or

(b) when such vehicle is *parked* in connection with, and in aid of, the performance of a service to or on a property in the block in which ~~such~~ the vehicle is *parked*, or

(c) ~~such~~ the vehicle is *parked* immediately in front of or along side of premises actively devoted to industry or commerce and lying contiguous to the street.

~~For the purpose of this section, certain terms shall be defined as follows:~~

~~(a) Heavy duty commercial vehicle shall mean a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.~~

~~(b) Residential district shall mean any district zoned residential in accordance with the zoning definitions established in Chapter 10 of the Municipal Code.~~

§~~86.28~~ 82.32 Post–Storage Hearings for Impounded Vehicles

[No change in text.]

§~~86.29~~ 82.33 Conduct of Hearing

[No change in text.]

§~~86.30~~ 82.34 Decisions of The Hearing Officers and Their Effect

[No change in text.]

Municipal Code Section	Section Reference Deleted	New Section Reference
66.0101(b)	81.01.5	81.0102
22.4014	81.03	82.27
22.4020	81.03	82.27
82.24(a)	81.06	81.0105
86.2011	81.06	81.0105
86.2108(b)	81.06	81.0105
86.0107	81.09	82.30
86.0109	81.09	82.30
86.0105	86.01	86.0101
86.0102(a)	86.02	86.0102
86.0102	86.02.1	86.0103
86.0102	86.02.2	86.0102(a)
86.0117	86.06	86.0108
86.0120	86.06	86.0108
82.30	86.07	86.0109
82.06	86.11	86.0123
82.06	86.12	86.0124
82.06	86.14	86.0126
82.06	86.15	86.0127
86.0135	86.19.2	86.0133

TCZ:mb
10/22/08
Aud.Cert:N/A
Or.Dept:CityAtty
O-2009-60