

000303

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY) 332  
1/29

TO: Council President Scott Peters  
2. FROM (ORIGINATING DEPARTMENT): Council President Scott Peters  
3. DATE: January 8, 2007

4. SUBJECT: REGULATION OF OVERSIZED VEHICLES

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Betsy Kinsley, 236-6611, MS 10A

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:

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIGINATING DEPARTMENT	<i>Betsy Kinsley</i> BETSY KINSLEY, CHIEF OF STAFF	1/8/07	8				
2				9				
3				10	CITY ATTORNEY			
4				11	ORIGINATING DEPARTMENT	<i>Betsy Kinsley</i> BETSY KINSLEY, CHIEF OF STAFF	1/8/07	
5					DOCKET COORD: _____	COUNCIL LIAISON: _____		
6					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> ADOPTION
7					<i>ms</i>	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 1/29/07	

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

- (a) Request that the Mayor or his designee provide a written report to the City Council and the City Attorney within 60 days to present a fiscal analysis of the draft Oversized Vehicle Ordinance, including but not limited to the cost of signage, enforcement, administration, permit fees, potential funding sources, and any of the Mayor's preferred alternatives to the draft ordinance.
- (b) Request that the City Attorney or his designee to prepare the appropriate ordinances and resolutions within 30 days after receipt of the report from the Mayor, so that the City Council can consider whether to implement the oversized vehicle regulations.

11A. STAFF RECOMMENDATIONS:

**12. SPECIAL CONDITIONS:**

COUNCIL DISTRICT(S): 1, 2, and 6

COMMUNITY AREA(S): La Jolla, Pacific Beach, Mission Beach, Peninsula, Clairemont, Linda Vista

ENVIRONMENTAL IMPACT: THIS ACTIVITY IS NOT A "PROJECT" AND IS THEREFORE NOT SUBJECT TO CEQA PER CEQA GUIDELINES SECTION 15060(C)(2).

HOUSING IMPACT: NONE

OTHE ISSUES: NONE

## EXECUTIVE SUMMARY SHEET

Attention: Honorable Mayor and City Council  
 Origination Department: Council President Scott Peters  
 Councilmember Kevin Faulconer  
 Councilmember Donna Frye  
 Subject: Oversized Vehicle Ordinance Pilot Program  
 Council District(s): Districts 1, 2, and 6  
 Staff Contact: Keely Sweeney, (619) 236-6611

REQUESTED ACTION:

1. Request that the Mayor or his designee provide a written report to the City Council and the City Attorney within 60 days to present a fiscal analysis of the draft Oversized Vehicle Ordinance, including but not limited to the cost of signage, enforcement, administration, permit fees, potential funding sources, and any of the Mayor's preferred alternatives to the draft ordinance;
2. Request that the City Attorney or his designee prepare the appropriate ordinances and resolutions within 30 days after receipt of the report from the Mayor, so that the City Council can consider whether to implement the oversized vehicle regulations.

EXECUTIVE SUMMARY:

Offering its residents and visitors a multitude of recreational opportunities, San Diego is proud of its attractive beaches, bays, and parkland. Travelers come to enjoy San Diego's coastal living, bringing recreational vehicles ("RVs") as well as trailer hitches to haul boats and aquatic sportcraft.

Although San Diegans are pleased to share these regional assets and appreciate the benefits that accrue to local businesses as a result of the tourist industry, the proliferation of oversized vehicles and trailers has risen to a level that must be addressed by ordinance. This public safety and quality of life issue 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.

Currently, there is a 72-hour rule that applies to all vehicles, including these recreational and oversized vehicles. It stipulates that a vehicle may not remain in the same parking spot for a period longer than 72 hours at a time. In theory, this municipal code provision should control the problem, but in practice it has proven woefully inadequate.

Enforcement of this law is extraordinarily challenging for police and parking enforcement officers and frustrating for residents. First, enforcement is complaint-driven, meaning a resident has to report the offending vehicle in order to initiate the process. When a resident reports that a vehicle is in violation, he or she can expect a significant delay before an officer is able to arrive on site to observe the vehicle. This is due to the sheer volume of complaints the police department receives about this issue, and the accompanying backlog. Then the officer must wait at least another 72 hours before returning to check on the vehicle. Again, because of the backlog, officers are rarely able to return within that period of time. Only when the officer returns may a ticket be issued, although officers often issue warnings instead, which do little but to educate a violator how best to avoid citation in the future. This means that vehicles must be parked in the same spot for at least one week before the process can begin, though in practice, it routinely takes far longer.

Second, persistent violators are aware of the parameters of the existing municipal code provision. Some serial violators undermine the intent of the law by first waiting to be observed by the officer called to the scene and then moving 1/10 mile, the minimum required by the law in order to avoid citation. This does nothing to protect homeowners from a practically permanent stationing of RVs on their streets. Although living in one's vehicle is also illegal under the current municipal code, the police report that they are also often unable to enforce this provision; savvy violators take refuge under constitutional protections pertaining to search and seizure by refusing to respond when the officer knocks.

Although this problem is prevalent throughout the City, it is a particularly troublesome issue for coastal neighborhoods. Families who live in areas near the beach and bay report that their residential streets are often crowded with extended-stay oversized vehicles. Their guests are unable to locate parking spaces within a reasonable distance from their homes, residents experience difficulty navigating around oversized vehicles parked on both sides of the street, have trouble exiting their own driveways, and are pinned into their parking spaces. On several occasions, RV owners have exhibited aggressive and dangerous behavior when confronted by residents or police and asked to move their vehicles. These circumstances threaten public safety and diminish the quality of life in San Diego's residential neighborhoods.

It is possible to balance the interests of residents and oversized vehicle operators with an ordinance that allows oversized vehicles via permit. The attached draft ordinance takes into account the efforts of other cities that have done so successfully, such as Del Mar and Coronado

For some time, the Councilmembers who receive the highest volume of complaints about oversized vehicles have attempted to address this persistent issue. The Land Use & Housing Committee heard a presentation on the issue of oversized vehicle regulation in December 2004. In April 2005, the draft ordinance was presented to the committee but did not adequately address the committee members' concerns. The committee formed a working group to analyze the issue, consisting of proponents and

opponents of the ordinance and including representatives from the San Diego Police Department and traffic enforcement officers, among other City staff and community members. The working group presented its proposal to the Citywide Parking Advisory Board ("PAB") in May 2006, at which time the PAB requested that a pilot program be implemented. The draft ordinance before Council today incorporates the goals expressed throughout the community process: to restrict the overnight parking of oversized vehicles on City streets while allowing a reasonable number of permits.

In developing a manageable area for a pilot program, the City should consider including areas that are most impacted by the proliferation of these vehicles. Given that the coastal communities and the area around Tecolote Canyon seem to experience the worst impact from oversized vehicles, it makes sense to initiate a pilot program there to determine if a new form of regulation can fairly and effectively control the problem.

Today's action is to request that the Mayor provide the City Council with a report on the potential fiscal impact of such oversized vehicle regulations. It also asks the Mayor to provide the City Attorney with any information needed to complete the task of writing ordinances and resolutions necessary for the implementation of oversized vehicle regulations, such as information pertaining to the costs of enforcement, signage, and permitting.

Attachments: 1. Draft Ordinance  
2. Draft City Attorney Digest



Elizabeth B. Kinsley  
Originating Department

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 86.09.5, 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. BY AMENDING AND RENUMBERING SECTION 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, AND 86.01472; 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 OVERSIZE VEHICLES ON CITY STREETS.

This ordinance amends the San Diego Municipal Code to prohibit parking of oversized, non-motorized, and recreational vehicles on any public street within a designated pilot area 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 the following on public streets: oversized vehicles making pickups or deliveries; government or public utility vehicles; school buses transporting students; buses transporting youths or disabled persons during designated activities; and oversized or non-

(O-2008-18)

motorized vehicles otherwise lawfully using commercial loading zones. A permitting process for residents of the City or guests of residents who wish to park recreational vehicles in front of their homes on public streets while preparing for trips is also authorized. This ordinance also amends an existing Municipal Code section to completely prohibit the parking of unattached semi-trailers or auxiliary dollies on city streets, removing any previously existing exceptions:

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.*

Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its passage. Within the Coastal Overlay Zone, this ordinance shall be in full force and effect on the date it is effectively certified by the California Coastal Commission and a Coastal Development Permit is issued.

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.

SM:TCZ:cfq:mb  
08/08/07  
Or.Dept:E&CP  
O-2008-18

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 86.09.4; BY RENUMBERING SECTIONS 86.09.5, 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. BY AMENDING AND RENUMBERING SECTION 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, AND 86.01472; 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 OVERSIZE VEHICLES ON CITY STREETS.

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 and 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*.

*Stationary storage container* means any sort of storage container of any size used for the transportation of goods, wares or merchandise.

*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.]

FOR DISCUSSION ONLY

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. Section 86.0137(d) does not apply to vehicles regulated by sections 75.0101 through 75.0603 of this Municipal Code.
- (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 are only applicable within the boundaries of the pilot area described as that portion of the City of San Diego south of the northern City limits, west of Interstate 5, north of West Laurel Street and San Diego Bay, and east of the Pacific Ocean; and that portion of the City of San Diego east of Interstate 5, south of Balboa Avenue, west of Tecolote Canyon Natural Park, the University of San Diego, Linda Vista Road and Morena Boulevard; and north of Interstate 8; all as further illustrated in Figure 1 below.

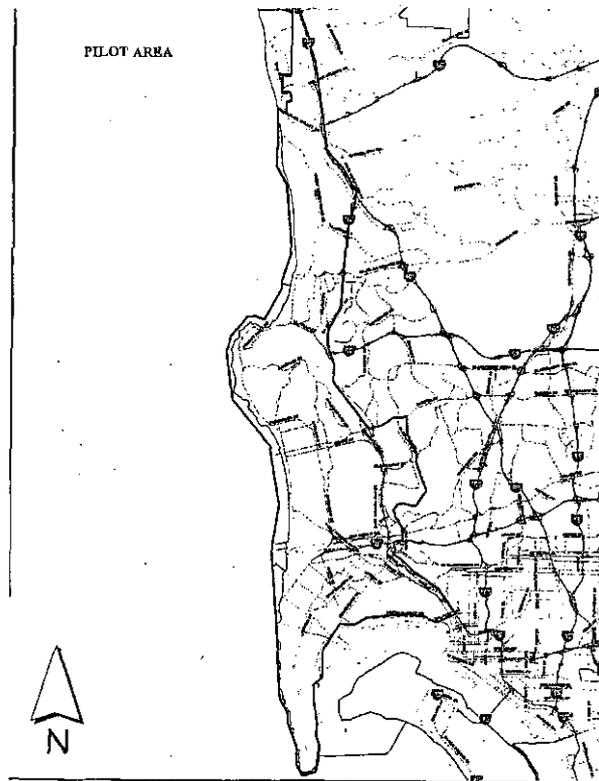


Figure 1

- (c) This section and sections 86.0139 through 86.0142 shall remain in effect until midnight on December 31, 2009, 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 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 vehicle* on a public street when such *oversized vehicle* is *parked* or *left standing* in connection with, and in aid of, the performance of a service to or on a property in the block in which such *oversized vehicle* is *parked* or *left standing*.
- (c) 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 vehicle displaying a valid permit issued pursuant to section 86.0142.

**§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 150 feet of the resident's address.
- (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:

<u>Municipal Code Section</u>	<u>Section Reference Deleted</u>	<u>New Section Reference</u>
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
86.0134	86.19.2	86.1033

Section 16. 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 17. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its passage. Within the Coastal Overlay Zone, this ordinance shall be in full force and effect on the date it is effectively certified by the California Coastal Commission and a Coastal Development Permit is issued.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

\_\_\_\_\_  
 Thomas C. Zeleny  
 Deputy City Attorney

SM:TCZ:cfq:mb  
08/08/07  
Or.Dept:E&CP  
O-2008-18

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

PREPARED FOR DISCUSSION