

**Article 5: Special Regulations**

**§85.01 Vehicles Prohibited**

It shall be unlawful for the driver of any of the following vehicles to drive or park the same in the central traffic district between the hours of 10:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays;

- (a) Any vehicle so loaded that any part of its load extends more than three (3) feet to the front, or more than ten (10) feet to the rear of said vehicle;
- (b) Any vehicle carrying building material that has not been loaded or is not to be unloaded at some point in the central traffic district;
- (c) Any freight vehicle with a trailer;
- (d) Any vehicle carrying crude oil.

The City Council is hereby authorized by resolution to establish over an appropriate street or streets and to designate by appropriate signs through traffic routes for the movement of vehicles of two or more tons capacity designed for carrying merchandise, freight, or material. When any such through traffic route or routes are established and designated by appropriate signs, the driver of any vehicle mentioned in this paragraph shall drive on such routes, and none other, except when it is impractical to do so, or when necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest freight route as is reasonably necessary.

*(Amended 9-15-2003 by O-19214 N.S.)*

**§85.02 Bus and Truck Parking Prohibited**

- (a) It shall be unlawful for the driver of a motor truck and/or equipment exceeding 24 feet in length to drive the same in, or to allow such motor truck and/or equipment to remain parked within the central traffic district of The City of San Diego between the hours of 10:00 o'clock a.m. and 6:00 o'clock p.m. of any day except Sundays and holidays.

- (b) The City Council may by resolution establish the location of bus or truck parking prohibited zones and bus or truck parking restricted zones outside of the central traffic district. Such prohibitions or restrictions shall be effective when appropriate signs giving notice thereof are erected upon such streets.
- (c) When bus or truck parking prohibited zones or bus or truck parking restricted zones are established by the Council it shall be unlawful for the driver, owner, or lessee, lessor, consignee or consignor of a bus, motor truck or equipment, to allow such bus, truck and/or equipment to remain parked at upon such street in violation of the established prohibition or restriction.
- (d) Definitions:
  - (1) A “bus,” as used in this section, shall mean a commercial vehicle designed or constructed primarily for the purpose of carrying more than 15 persons.
  - (2) The term “equipment,” as used in this Section, shall mean and include, but without limitation, trailer, semi-trailer, pole or pipe dolly, special mobile equipment, specially constructed vehicle, reconstructed vehicle, and/or any load placed thereon.
  - (3) The term “truck,” as used in this section, shall mean a motorized commercial vehicle with gross vehicle weight rating of over 10,000 lbs. and includes a truck tractor with or without an attached trailer or equipment.

*(Amended 1-22-1985 by O-16362 N.S.)*

**§85.03 Livestock in Central Traffic District**

No person shall ride, drive or lead any livestock or drive any animal-drawn vehicle into or within the Central Traffic District unless he shall have first obtained a permit therefor from the Chief of Police.

*(Amended 4-10-1956 by O-6936 N.S.)*

**§85.04 Commercial Vehicles Prohibited on Certain Streets**

- (a) The City Council may by resolution designate and describe any street or portion thereof as a street the use of which is prohibited by any commercial vehicle of the rated capacity of one (1) ton or more. The City Manager shall erect and maintain appropriate signs on such streets.

- (b) No person shall operate a commercial vehicle of the rated capacity of one (1) ton or more on a street designated and posted as established in (a) of this section. The provisions of this section shall not apply to passenger buses or public utility vehicles under the jurisdiction of the Public Utility Commission nor to commercial vehicles having a destination or point of origin on such street.

*(Amended 4-10-1956 by O-6936 N.S.)*

**§85.05 Regulation of Speed by Traffic Signals**

The City Manager is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

*(Amended 4-10-1956 by O-6936 N.S.)*

**§85.06 Variation of State Speed Limit**

- (a) Whenever the City Manager determines, upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under the Vehicle Code, the City Manager may determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour, or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving such notice thereof are erected upon said street.
- (b) Whenever the City Manager determines upon the basis of an engineering and traffic survey that the maximum speed limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such maximum speed limit of 65 miles per hour is applicable under the Vehicle Code, the City Manager may determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon such street.
- (c) The provisions of this section shall not apply to any state highway or extension thereof.

- (d) Any Councilmember may file a request with the City Clerk for a review of the determination of a speed limit set pursuant to subsection (a) or (b) of this section.

The City Clerk shall immediately transmit a copy of said request to the Committee Consultant who shall thereupon set a time and place for the hearing and shall so notify the requesting Councilmember. The hearing shall be held within thirty (30) days after the request is filed. At the hearing, the Councilmember may present evidence in support of his contentions. Any interested persons may be allowed to participate in the hearing and present evidence. After the conclusion of the hearing the Committee on Land Use and Housing of the City Council may, based upon the engineering and traffic survey, sustain or modify in whole or in part the Manager's determination. If the committee modifies in whole or in part, the City Manager's determination, it shall make findings as to the appropriate speed limit and the reasonableness thereof based upon the engineering and traffic survey. The decision of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

*(Amended 3-4-1996 by O-18266 N.S.)*

**§85.07 Shrubbery Obstructing Visibility of Intersection, Traffic Signal, or Traffic Control Devices**

Whenever the City Manager finds that any hedge, shrubbery, tree, or other foliage obstructs the view of any intersection of any traffic upon the streets approaching an intersection, or the view of any traffic signal or traffic control device, he shall cause the hedge, shrubbery, tree or other foliage to be immediately removed or trimmed so as to permit visibility of such intersection, traffic signal or traffic control device.

*(Amended 8-24-1977 by O-12133 N.S.)*

**§85.10 Intoxicated Person in Vehicles — Prohibited**

No person who is under the influence of intoxicating liquor or narcotic drugs shall be in or about any motor vehicle, while such vehicle is in or upon any street or other public place.

*(“Intoxicated Person in Vehicles — Prohibited” added 2-4-1958 by O-7748 N.S.)*

**§85.21 Overload Moving — Permit Required**

- (a) Purpose and Intent. It is the purpose and intent of the Council to permit the controlled operation and moving of vehicles or loads upon highways under its jurisdiction in excess of size and weight of vehicles allowed to be moved or operated on highways under the provisions of the Vehicle Code of the State of

California, and protect the public safety and welfare by requiring a permit and the filing of a policy of insurance protecting the public against personal injury and property damage.

- (b) **Transportation Permit Required.** No person shall move or cause to be moved over or across any public right of way under the jurisdiction of The City of San Diego any vehicle, load, trailer, or combinations thereof, which exceed the height, width, length, size or weight of vehicle or load limitations provided in Division 15 of the Vehicle Code of the State of California, without first obtaining a transportation permit therefor from the City Engineer.

Said permit may be designated by the City Engineer as either a single-move transportation permit for the movement of a vehicle or load over a designated route and for a move on a specified date or dates, or a continuing transportation permit issued for the period specified on the permit but not to exceed six (6) months. Continuing transportation permits may be issued on the type of vehicle carrying the load in the case of nonself-propelled vehicles and on the specific vehicle in the case of the self-propelled vehicles. Continuing permits shall authorize the movement of the vehicles or loads specified on the permit; provided, however, that the vehicle or load shall not exceed a width of thirteen (13) feet, a height of sixteen (16) feet, or a length of one hundred (100) feet. If the load proposed under the continuing transportation permit exceeds the weight limits as prescribed in Division 15 of the Vehicle Code of the State of California by more than twenty-five per cent (25%), said move shall be subject to such route restrictions as designated by the City Engineer.

*(“Overload Moving — Permit Required” added 3-17-1964 by O-8982 N.S.)*

**§85.22 Overload Moving — Application — Insurance Required**

Any person desiring a transportation permit shall make application in writing to the City Engineer, which application shall specifically describe the vehicle or load to be operated or moved, the type of permit requested, and such other information as the City Engineer may require.

Thereafter, the City Engineer may issue a transportation permit to applicant when:

- (a) Applicant has provided the City Engineer with a policy of insurance which has been approved by the City Attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the State of California, by the terms of which said insurance company assumes responsibility for injuries to persons and property as a result of moving the vehicle or load by permittee, in the following amounts, to wit:

Fifty Thousand Dollars (\$50,000.00) for property damage;

One Hundred Thousand Dollars (\$100,000.00) for death or injuries to any person in any one occurrence;

Three Hundred Thousand Dollars (\$300,000.00) for death or injuries to two or more persons in any one occurrence.

Governmental agencies, including the State of California and its political subdivisions, shall not be required to provide the insurance required by this Article, but shall be required to hold the City harmless as hereinafter provided.

- (b) The City Engineer has satisfied himself as to qualifications of applicant and that applicant has complied with all requirements of this Division.
- (c) All fees provided for in Section 85.25 have been paid.

Duplicate copies of a transportation permit designated as a continuing permit may be obtained when the permit is intended to authorize the movement of more than one nonself-propelled vehicle. Transportation permits shall be carried on the vehicle whose movement is authorized by such permit and shall be available for inspection by any police officer or any authorized agent of The City of San Diego. Transportation permits issued pursuant hereto shall be nontransferable.

*(“Overload Moving — Application — Insurance Required” added 3-17-1964 by O-8982 N.S.)*

**§85.23 Overload Moving — Permit Denial**

The City Engineer shall not issue a transportation permit if any one of the following exists:

- (a) If the overweight per axle exceeds the limits provided in Division 15 of Vehicle Code of the State of California by fifty per cent (50%);
- (b) If the move is determined by the City Engineer to be prohibitive from the standpoint of public safety or contrary to the public interest;
- (c) If the applicant has repeatedly violated conditions of previously issued permits, or if the applicant has unsettled claims against him for damages resulting from past moves.

*(“Overload Moving — Permit Denial” added 3-17-1964 by O-8982 N.S.)*

**§85.24 Overload Moving — Regulations**

- (a) All moving operations under a transportation permit shall be in conformance with all general and special conditions set forth by the City Engineer on said permit.
- (b) The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an overheight load is authorized (over thirteen (13) feet, six (6) inches), the permittee shall check all underpasses, bridges, overhead wires, and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or damage by his move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with State and local regulations.
- (c) For any move involving a load or vehicle whose vertical height is twenty (20) feet or over, the permittee shall submit to the agencies whose facilities will be affected by such move the proposed route for approval at least seventy-two (72) hours in advance of the move. No permit shall be issued until clearances have been received from the Fire Department, power company, and telephone company. Clearance or objection by such departments or companies must be submitted to the City Engineer within three (3) working days after receipt of the application by such company or department. Applicant shall be responsible for obtaining such clearances.
- (d) Permittee shall hold the City harmless from any loss arising out of injury to persons or damage to property resulting directly or indirectly from the operation permitted by the overload permit, including the defense of any action arising therefrom at no cost to City.

*(“Overload Moving — Regulations” added 3-17-1964 by O-8982 N.S.)*

**§85.25 Overload Moving — Permit Fees**

Transportation permit fees shall be established by the City Manager and collected by the City Engineer. The fees established shall be filed in the City Clerk’s office and included in the City’s “Ratebook of Fees and Charges.” The fees shall be reviewed annually by the City Manager and revised at that time to assure that the fees accurately represent the City cost.

Governmental agencies, including the State of California and any of its political subdivisions, shall make application for permits under the provisions of this Article and shall be issued a no-fee permit in accordance with the provisions herein. A contractor working for a governmental agency shall not be considered to be acting on behalf of that governmental agency and shall not be exempt from the payment of fees.

An extension of the effective date or an amendment to a single- move permit may be made without payment of additional fees if approved by the City Engineer, provided that the request for such extension or amendment is received before the expiration of the permit.

*(Amended 2-12-1979 by O-12578 N.S.)*

**§85.26 Overload Moving — Emergency Moves**

For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of The City of San Diego, the City Engineer, Director of Public Works, or Chief of Police, or authorized representatives thereof, may grant interim approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day.

*(“Overload Moving — Emergency Moves” added 3-17-1964 by O-8982 N.S.)*

**§85.27 Overload Moving — Moves Excluded**

The requirements of this Article shall not affect the requirements of any other Article of the Municipal Code requiring permits, fees, and bonds, including the requirements for moving and relocating structures as provided in Article 1, Chapter 9.

*(“Overload Moving — Moves Excluded” added 3-17-1964 by O-8982 N.S.)*

**§85.28 Train Whistle Use - Prohibited**

- (a) Purpose and Intent. The Council finds that an effect of sustained economic growth in the San Diego region is an increase in freight train traffic through residential areas. The Council finds that it is the current practice of freight train engineers and crew members to use a whistle of ninety decibels or louder as a warning device when approaching any at-grade crossing or railroad tracks. The train whistle is used regardless of the time of day or speed of the train, presence or absence of pedestrians, or vehicles at or in close proximity to the crossing. The Council finds that the whistle is activated during late night hours through residential areas of the City for sustained periods of time lasting up to a minute or longer. The Council finds that this use of the train whistle seriously affects the quality of life for residents and visitors in these residential areas. Therefore, it is necessary to enact regulations governing the

use of train whistles under certain specific conditions.

- (b) Prohibition. Except as provided in Section 85.28(c), the use of a locomotive air siren, steam whistle, air whistle, or other similar device is prohibited during the hours of 11:00 p.m. to 6:00 a.m., in The City of San Diego at all gate-protected grade crossings between Eighth Avenue and Hawthorne Street and 69<sup>th</sup> Street and Euclid Avenue.
- (c) Emergency Exception. Notwithstanding Section 85.28(b), a locomotive siren, steam whistle, air whistle, or other similar device may be activated to avert an immediate threat to life or property.  
*(“Train Whistle Use - Prohibited” added 1-31-2000 by O-18744 N.S.)*