Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: September 17, 2014

TO: Sonia Pickens, Office of the City Clerk

FROM: Ryan P. Gerrity

SUBJECT: Correcting Numbering Errors in Municipal Code Sections 86.0139 to 86.0144

Ordinance No. O-2013-77 was adopted May 22, 2013, amending the San Diego Municipal Code (Municipal Code) regarding the parking of oversized, non-motorized, and recreational vehicles in the City of San Diego. Subsequently, there were a number of amendments and revisions made. The relevant legislative history for this section of the Municipal Code is:

1) O-2013-77 (May 22, 2013)
2) O-2013-77 REVISED (September 3, 2013)
3) O-2014-114 (May 29, 2014)
4) O-2014-114 CORRECTED (June 10, 2014)
5) O-2014-114 REVISED (July 31, 2014)

During this process, several numbering errors occurred within internal section references contained in section 86.0139 through 86.0144. The numbering of these references must be corrected so that they point to the correct code sections. Additionally, due to the numbering error, section 86.0138 was given an Editor's Note to describe the effects of the Sunset Provision in Section 86.0144. The Sunset Provision should not apply to section 86.0138 and the Editor's Note should be removed for section 86.0138. At all other relevant sections, including the beginning of Article 6, the Editor's Note should be revised to refer to the correct section numbers.

San Diego Municipal Code section 11.0207 states that the "City Attorney, in consultation with the City Clerk and other affected departments, is hereby granted the authority to establish and modify, as necessary, the numbers for the various chapters, articles, divisions, sections, and parts of each within the Municipal Code without the necessity for City Council action." Therefore, the City Attorney is authorized to make such revisions by memorandum. Please find attached to this memorandum a strikeout copy of the relevant sections that reflects the necessary changes.

Thank you for your assistance in this matter.

JAN I. GOLDSMITH, City Attorney

By: _____
Ryan P Gerrity
Deputy City Attorney

Enclosures:

1) Municipal Code Section 86.0138-0144 Strikeout.
2) O-2013-77 (May 22, 2013)
3) O-2013-77 REVISED (September 3, 2013)
4) O-2014-114 (May 29, 2014)
5) O-2014-114 CORRECTED (June 10, 2014)
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MUNICIPAL CODE SECTIONS STRIKEOUT

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

§86.0138 Authority to Remove Vehicles for Sale

(a) Purpose. The Council of the City of San Diego finds that the display of vehicles for sale on its streets creates a distraction for drivers and pedestrians, thereby creating a hazard; creates a nuisance for the community; and decreases the parking available for businesses and residents. Council further finds that numerous methods are available and necessary to alleviate this problem in the method most appropriate for the affected community. The purpose of this Section is to authorize and empower the City Manager to take various actions when the use of public streets for the private sale of vehicles adversely affects communities in the City of San Diego.

(b) It is unlawful to park a vehicle on a street designated pursuant to Section 86.0138(e) when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale.

(c) A notice of violation for Section 86.0138(b) must be accompanied by:

(1) A warning that an additional violation of Section 86.0138(b) may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this section, so long as the sign or placard offering the vehicle for sale remains on the vehicle.

(2) A list of the streets subject to this section.

(d) The City Manager has the authority to order the removal of any vehicle from any designated street when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale, and when the vehicle has previously been issued a notice of violation for Section 86.0138(b) within the last 30 days, but not less than 24 hours. The City Manager may order removal of a vehicle even if the vehicle has been moved to a different street, so long as that street is also a designated street pursuant to Section 86.0138(e) and all the requirements of this section are satisfied

(e) The streets subject to this section shall be determined by Resolution of the Council.

(Renumbered from former Section 86.23.1, and amended 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

~~[**Editors Note:** Sections 86.0138 through 86.0143 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0138, 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]~~
~~Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf]~~

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

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

Except as provided in section 86.0~~139~~ 140 or otherwise expressly provided to the contrary herein, or unless such *parking* or *standing* is authorized by the City Manager and appropriate signs permitting such *parking* or *standing* are posted:

(a) It is unlawful for any person to park or leave standing upon any public street, park road or park parking lot, any oversized, non-motorized or recreational vehicle between the hours of 2:00 a.m. and 6:00 a.m.

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

[**Editors Note:** Sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]
Click the link to view ~~the Strikeout Ordinance highlighting~~ changes to prior language ~~http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf~~]

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

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

(a) Section 86.0~~138~~ 139(a) does not apply to any oversized vehicle on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.

(b) Section 86.0~~138~~ 139(a) does not apply to any oversized vehicle on a public street when such oversized vehicle is parked or left standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such oversized vehicle is parked or left standing.

(c) Section 86.0~~138~~ 139 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0~~138~~ 139(a) 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 86.0~~138~~ 139 does not apply to commercial loading zones.

(f) Section 86.0~~138~~ 139(a) does not apply to any vehicle displaying a valid permit issued pursuant to section 86.0~~142~~ 143.

[**Editors Note:** Sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]
Click the link to view ~~the Strikeout Ordinance highlighting~~ changes to prior language ~~http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf~~]

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

§86.0141 Notice

(a) The prohibitions and restrictions contained in section 86.0~~138~~ 139 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 86.0~~138~~ 139.

[**Editors Note:** Sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]
Click the link to view ~~the Strikeout Ordinance highlighting~~ changes to prior language ~~http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf~~]

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

§86.0142 Enforcement Remedies

A violation of section 86.0~~138~~ 139 shall be an infraction punishable by a fine of $100. (*"Enforcement Remedies" added 8-5-2013 by O-20281 N.S.*; *effective* 9-4-2013.)

[[**Editors Note:** Sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]
Click the link to view ~~the Strikeout Ordinance highlighting~~ changes to prior language ~~http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf~~]

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

§86.0143 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; and

(2) the appropriate fees as described in section 86.0~~142~~ 143(g) are paid.

(b) The permit shall state the address of the resident and the permit shall only street.

(c) The duration of the permit shall not exceed twenty-four hours.

(d) Permits may be issued, but not exceed, three consecutive twenty-four hour periods.

(e) No more than 72 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.

[[**Editors Note:** Sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division as adopted by O-20382 shall remain in effect for two years, at which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.]
Click the link to view ~~the Strikeout Ordinance highlighting~~ changes to prior language ~~http://docs.sandiego.gov/municode_strikeout_ord/O-20382-SO.pdf~~]

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

§86.0144 Sunset Provision

This section and sections 86.0~~138~~ 139 through 86.0~~143~~ 144 of this Division shall remain in effect for two years from which time sections 86.0~~138~~ 139, 86.0~~139~~ 140, 86.0~~140~~ 141, 86.0~~141~~ 142, 86.0~~142~~ 143, and 86.0~~143~~ 144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

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

(O-2013-77)
Citywide

ORDINANCE NUMBER O-20281 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 05 2013

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; RENUMBERING DIVISION 0 TO DIVISION 1 AND ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT," 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, 81.01.22, 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; AND BY ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; FURTHER AMENDING CHAPTER 8, ARTICLE 1, AND AMENDING ARTICLES 2, 4, AND 5 BY RENUMBERING AND REORGANIZING 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 DIVISION 00 TO DIVISION 1, ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND 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 RENUMBERING SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 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 SECTIONS 86.12 AND 86.23; BY ADDING SECTIONS 86.0138, 86.0139, 86.0140, 86.0141, 86.0142, AND 86.0143; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY RENUMBERING SECTIONS 86.27, 86.28, 86.29, 86.30, AND 86.31; 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 citywide; 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 renumbering Division 0 to Division 1, adding title "Definitions, Authority, and Enforcement," 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, and adding 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 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 27 feet in length and 7 feet in height.

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

Park road means a right-of-way within a *public park* that is not a publicly dedicated street.

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* who goes or travels on foot.

Person has the same meaning as in Municipal Code 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 guideway means the rails, fixed guideway, or other permanently fixed device upon which a *public mass transit vehicle* travels and includes a two-foot wide strip parallel to and measured from the outermost portion of the rail, guideway, or device.

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 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 ("ATV") or 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.

Sightseeing bus means any *bus* which:

(a) transports passengers for 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 *sightseeing 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 *sightseeing 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.

Sightseeing bus zone means that space adjacent to a curb or edge of a roadway reserved for the exclusive use of *sightseeing 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, buses, school buses*, trailers, and semitrailers 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 3. That Chapter 8, Articles 1, 2, 4 and 5 of the San Diego Municipal Code are amended by renumbering and reorganizing sections 81.02 through 81.11 of Article 1 as follows: 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, to read as follows:

§81.0104 Public Employees to Obey Traffic Regulations

[Renumbered from §81.05; no change in text.]

§81.0105 Exemption to Certain Vehicles

[Renumbered from §81.06; no change in text.]

§82.26 Authority of Police and Fire Department Officials

[Renumbered from §81.02; no change in text.]

§82.27 Traffic Control and Direction

[Renumbered from §81.03; no change in text.]

§82.28 Obedience to Authorized Personnel and Traffic Regulations

[Renumbered from §81.04; no change in text.]

§82.29 Authority of Police in Crowds

[Renumbered from §81.08; no change in text.]

§82.30 Police Personnel Authorized to Remove Vehicles from Highway

[Renumbered from §81.09; no change in text.]

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

[Renumbered from §81.10; no change in text.]

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

[Renumbered from §81.11; no change in text.]

§85.11 Report of Damage to Certain Property

[Renumbered from §81.07; no change in text.]

§85.12 Charges for Police Services

[Renumbered from §81.07.1; no change in text.]

Section 4. 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:

Article 6: Stopping, Standing, Parking of Vehicles, and Impound Procedures

Division 1: General Parking Regulations

§86.0101 Nonenforcement Days

[Renumbered from §86.01; no change in text.]

§86.0102 Parking

[Renumbered from §86.02; no change in text.]

§86.0102(a) Exception

[Renumbered from §86.02.2; no change in text.]

§86.0103 One-Way Street Parking

[Renumbered from §86.02.1; no change in text.]

§86.0104 Angle Parking

[Renumbered from §86.03; no change in text.]

§86.0105 Passenger Loading Zones

[Renumbered from §86.03.1; no change in text.]

§86.0106 Parking Time Limit

[Renumbered from §86.04; no change in text.]

§86.0107 Tow-Away Zones

[Renumbered from §86.05; no change in text.]

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

[Renumbered from §86.06; no change in text.]

§86.0109 Temporary No Parking

[Renumbered from §86.07; no change in text.]

§86.0110 Vehicles Backed to Curb

[Renumbered from §86.08; no change in text.]

§86.0111 Parking on a Grade

[Renumbered from §86.08.1; no change in text.]

§86.0112 Standing or Parking in Specified Places Prohibited

[Renumbered from §86.09; no change in text.]

§86.0113 Parking on Private Property — Prohibited

[Renumbered from §86.09.1; no change in text.]

§86.0114 Parking or Standing in Disabled Persons Parking Zones

[Renumbered from §86.09.2; no change in text.]

§86.0115 Parking or Standing in Consular Parking Zones

[Renumbered from §86.09.3; no change in text.]

Section 5. 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 6. 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

[Renumbered from §86.09.05; no change in text.]

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

[Renumbered from §86.09.06; no change in text.]

§86.0119 Stopping or Standing in Loading Zones

[Renumbered from §86.10; no change in text.]

§86.0120 Same — Bus Loading Zone

[Renumbered from §86.10.2; no change in text.]

§86.0121 Parking in Alleys

[Renumbered from §86.10.3; no change in text.]

Section 7. 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 — Sightseeing 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 *sightseeing bus*, to *stop*, leave *standing*, or *park* said vehicle in any *sightseeing bus zone*.

Section 8. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.11 to read section 86.0123, by renumbering section 86.12 to read section 86.0124 and amending, by renumbering 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

[Renumbered from §86.11; no change in text.]

§86.0124 Parking Meters — Parking Regulated

(a) The City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street adjacent to each single-space *parking meter* for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any single-space *parking meter* shall park within the lines or markings so established, and the City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street in any *parking meter* zone that is controlled by a multi-space *parking meter* that does not produce a receipt to be used by the parking user as proof of valid parking as described in section 86.0126.

(b) through (d) [No change in text.]

§86.0125 Parking Meter Zones — Established

[Renumbered from §86.13; no change in text.]

§86.0126 Parking Meter — Overtime

[Renumbered from §86.14; no change in text.]

§86.0127 Parking Meter — Extra Time Prohibited

[Renumbered from §86.15; no change in text.]

§86.0128 Parking Meter — Time of Operation

[Renumbered from §86.16; no change in text.]

§86.0129 Parking Meter — Tampering With

[Renumbered from §86.17; no change in text.]

§86.0130 Parking Meter — Slug or Device Prohibited

[Renumbered from §86.18; no change in text.]

§86.0131 City Parking Facilities — Regulated

[Renumbered from §86.19; no change in text.]

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

[Renumbered from §86.19.1; no change in text.]

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

[Renumbered from §86.19.2; no change in text.]

§86.0134 Disabled Parking in City Parking Facilities

[Renumbered from §86.19.3; no change in text.]

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

[Renumbered from §86.19.4; no change in text.]

§86.0136 Display of Warning Devices When Commercial Vehicle Disabled

[Renumbered from §86.22; no change in text.]

Section 9. 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 10. 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, 86.0142, and 86.0143, to read as follows:

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

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:

(a) 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 2:00 a.m. and 6:00 a.m.

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

§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 the same block as the resident's address, on either side of the street.

(c) The duration of the permit shall not exceed twenty-four hours.

(d) Permits may be issued, but not exceed, three consecutive twenty-four hour periods.

(e) No more than 72 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.

§86.0143 Sunset Provision

This section and sections 86.0138 through 86.0142 of this Division shall remain in effect for two years from the date they are effectively certified by the California Coastal Commission, at which time sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 11. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.24 to read section 86.0144, section 86.24.1 to read section 86.0145, section 86.25 to read section 86.0146 and section 86.26 to read section 86.0147.

§86.0144 Stopping, Standing or Parking On Grade Separations

[Renumbered from §86.24; no change in text.]

§86.0145 Removal of Vehicles From Grade Separations

[Renumbered from §86.24.1; no change in text.]

§86.0146 Parking On Median Strip Prohibited

[Renumbered from §86.25; no change in text.]

§86.0147 Parking On Parkway Restricted

[Renumbered from §86.26; no change in text.]

Section 12. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.27 to section 86.0148, to read as follows:

§86.0148 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 13. 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, section 86.30 to read section 82.34, and section 86.31 to read section 82.35, to read as follows.

§82.32 Police-Initiated Impounds – Compliance with California Vehicle Code

[Renumbered from §86.28; no change in text.]

§82.33 Police-Initiated Impounds – Notice of Stored Vehicles

[Renumbered from §86.29; no change in text.]

§82.34 Police Initiated Impounds – Conduct of Post-Storage Hearing

[Renumbered from §86.30; no change in text.]

§82.35 Police Initiated Impounds – Costs Related to Post-Storage Hearing

[Renumbered from §86.31; no change in text.]

Section 14. 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
66.0102	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
86.05	81.09	82.30
86.07	81.09	82.30
86.03.1	86.01	86.0101
86.02	86.02.1	86.0103
86.02	86.02.2	86.0102(a)
86.02.02	86.02	86.0102
86.09.05	86.06	86.0108
86.10.3	86.06	86.0108
81.09	86.07	86.0109
82.06	86.11	86.0123
82.06	86.14	86.0126
82.06	86.15	86.0127
86.19.4	86.19.2	86.0133

Section 15. That a full reading of this ordinance is dispensed with prior to passage, since a written or printed copy was made available to the City Council and the public prior to the day of its passage.

Section 16. With the exception of Section 10, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage. Section 10 shall take effect and be in force on the thirtieth day from and after its final passage or on the date it is effectively certified by the California Coastal Commission, whichever occurs later.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Katherine Anne Malcolm
Deputy City Attorney

(O-2013-77)
Citywide

KAM:mb:als
05/22/13
Or.Dept:C.Dist 2
Doc.No:539706

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 23 2013.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: 8/2/13
(date)

BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

This resolution is effective August 5, 2013, which represents the day this resolution was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on JUL 23 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☐	☑	☐	☐
Kevin Faulconer	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☐	☑	☐	☐
Marti Emerald	☐	☐	☑	☐

Date of final passage AUG 05 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

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

By _____, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 08 2013, and on AUG 05 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage~~.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20281

(O-2013-77 REV.)
Citywide

ORDINANCE NUMBER O-20281 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 05 2013

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; RENUMBERING DIVISION 0 TO DIVISION 1 AND ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT," 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, 81.01.22, 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; AND BY ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; FURTHER AMENDING CHAPTER 8, ARTICLE 1, AND AMENDING ARTICLES 2, 4, AND 5 BY RENUMBERING AND REORGANIZING 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 DIVISION 00 TO DIVISION 1, ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND 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 RENUMBERING SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 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 SECTIONS 86.12, 86.23, AND 86.23.1; BY ADDING NEW SECTIONS 86.0139, 86.0140, 86.0141, 86.0142, 86.0143, AND 86.0144; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY RENUMBERING SECTIONS 86.27, 86.28, 86.29, 86.30, AND 86.31; 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 citywide; 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 renumbering Division 0 to Division 1, adding title "Definitions, Authority, and Enforcement," 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, and adding 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 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 27 feet in length and 7 feet in height.

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

Park road means a right-of-way within a *public park* that is not a publicly dedicated street.

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* who goes or travels on foot.

Person has the same meaning as in Municipal Code 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 guideway means the rails, fixed guideway, or other permanently fixed device upon which a *public mass transit vehicle* travels and includes a two-foot wide strip parallel to and measured from the outermost portion of the rail, guideway, or device.

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 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 ("ATV") or 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.

Sightseeing bus means any *bus* which:

(a) transports passengers for 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 *sightseeing 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 *sightseeing 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.

Sightseeing bus zone means that space adjacent to a curb or edge of a roadway reserved for the exclusive use of *sightseeing 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, buses, school buses*, trailers, and semitrailers 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 3. That Chapter 8, Articles 1, 2, 4 and 5 of the San Diego Municipal Code are amended by renumbering and reorganizing sections 81.02 through 81.11 of Article 1 as follows: 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, to read as follows:

§81.0104 Public Employees to Obey Traffic Regulations

[Renumbered from §81.05; no change in text.]

§81.0105 Exemption to Certain Vehicles

[Renumbered from §81.06; no change in text.]

§82.26 Authority of Police and Fire Department Officials

[Renumbered from §81.02; no change in text.]

§82.27 Traffic Control and Direction

[Renumbered from §81.03; no change in text.]

§82.28 Obedience to Authorized Personnel and Traffic Regulations

[Renumbered from §81.04; no change in text.]

§82.29 Authority of Police in Crowds

[Renumbered from §81.08; no change in text.]

§82.30 Police Personnel Authorized to Remove Vehicles from Highway

[Renumbered from §81.09; no change in text.]

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

[Renumbered from §81.10; no change in text.]

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

[Renumbered from §81.11; no change in text.]

§85.11 Report of Damage to Certain Property

[Renumbered from §81.07; no change in text.]

§85.12 Charges for Police Services

[Renumbered from §81.07.1; no change in text.]

Section 4. 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:

Article 6: Stopping, Standing, Parking of Vehicles, and Impound Procedures

Division 1: General Parking Regulations

§86.0101 Nonenforcement Days

[Renumbered from §86.01; no change in text.]

§86.0102 Parking

[Renumbered from §86.02; no change in text.]

§86.0102(a) Exception

[Renumbered from §86.02.2; no change in text.]

§86.0103 One-Way Street Parking

[Renumbered from §86.02.1; no change in text.]

§86.0104 Angle Parking

[Renumbered from §86.03; no change in text.]

§86.0105 Passenger Loading Zones

[Renumbered from §86.03.1; no change in text.]

§86.0106 Parking Time Limit

[Renumbered from §86.04; no change in text.]

§86.0107 Tow-Away Zones

[Renumbered from §86.05; no change in text.]

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

[Renumbered from §86.06; no change in text.]

§86.0109 Temporary No Parking

[Renumbered from §86.07; no change in text.]

§86.0110 Vehicles Backed to Curb

[Renumbered from §86.08; no change in text.]

§86.0111 Parking on a Grade

[Renumbered from §86.08.1; no change in text.]

§86.0112 Standing or Parking in Specified Places Prohibited

[Renumbered from §86.09; no change in text.]

§86.0113 Parking on Private Property — Prohibited

[Renumbered from §86.09.1; no change in text.]

§86.0114 Parking or Standing in Disabled Persons Parking Zones

[Renumbered from §86.09.2; no change in text.]

§86.0115 Parking or Standing in Consular Parking Zones

[Renumbered from §86.09.3; no change in text.]

Section 5. 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 6. 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

[Renumbered from §86.09.05; no change in text.]

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

[Renumbered from §86.09.06; no change in text.]

§86.0119 Stopping or Standing in Loading Zones

[Renumbered from §86.10; no change in text.]

§86.0120 Same — Bus Loading Zone

[Renumbered from §86.10.2; no change in text.]

§86.0121 Parking in Alleys

[Renumbered from §86.10.3; no change in text.]

Section 7. 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 — Sightseeing 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 *sightseeing bus*, to *stop*, leave *standing*, or *park* said vehicle in any *sightseeing bus zone.*

Section 8. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.11 to read section 86.0123, by renumbering section 86.12 to read section 86.0124 and amending, by renumbering 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

[Renumbered from §86.11; no change in text.]

§86.0124 Parking Meters — Parking Regulated

(a) The City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street adjacent to each single-space *parking meter* for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any single-space *parking meter* shall park within the lines or markings so established, and the City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street in any *parking meter* zone that is controlled by a multi-space *parking meter* that does not produce a receipt to be used by the parking user as proof of valid parking as described in section 86.0126.

(b) through (d) [No change in text.]

§86.0125 Parking Meter Zones — Established

[Renumbered from §86.13; no change in text.]

§86.0126 Parking Meter — Overtime

[Renumbered from §86.14; no change in text.]

§86.0127 Parking Meter — Extra Time Prohibited

[Renumbered from §86.15; no change in text.]

§86.0128 Parking Meter — Time of Operation

[Renumbered from §86.16; no change in text.]

§86.0129 Parking Meter — Tampering With

[Renumbered from §86.17; no change in text.]

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

[Renumbered from §86.18; no change in text.]

§86.0131 **City Parking Facilities — Regulated**

[Renumbered from §86.19; no change in text.]

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

[Renumbered from §86.19.1; no change in text.]

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

[Renumbered from §86.19.2; no change in text.]

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

[Renumbered from §86.19.3; no change in text.]

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

[Renumbered from §86.19.4; no change in text.]

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

[Renumbered from §86.22; no change in text.]

Section 9. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering sections 86.23 to section 86.0137 and 86.23.1 to section 86.0138 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.

§86.0138 Authority to Remove Vehicles for Sale

(a) [No change in text.]

(b) It is unlawful to park a vehicle on a street designated pursuant to Section 86.0138(e) when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale.

(c) A notice of violation for Section 86.0138(b) must be accompanied by:

(1) A warning that an additional violation of Section 86.0138(b) may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this section, so long as the sign or placard offering the vehicle for sale remains on the vehicle.

(2) [No change in text.]

(d) The City Manager has the authority to order the removal of any vehicle from any designated street when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale, and when the vehicle has previously been issued a notice of violation for Section 86.0138(b) within the last 30 days, but not less

than 24 hours. The City Manager may order removal of a vehicle even if the vehicle has been moved to a different street, so long as that street is also a designated street pursuant to Section 86.0138(e) and all the requirements of this section are satisfied.

(e) [No change in text.]

Section 10. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by adding new sections 86.0139, 86.0140, 86.0141, 86.0142, 86.0143, and 86.0144 to read as follows:

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

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:

(a) 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 2:00 a.m. and 6:00 a.m.

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

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

(a) Section 86.0139(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 86.0139(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 86.0139 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0139(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 86.0139 does not apply to commercial *loading zones*.

(f) Section 86.0139(a)(1) does not apply to any vehicle displaying a valid permit issued pursuant to section 86.0143.

§86.0141 Notice

(a) The prohibitions and restrictions contained in section 86.0139 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 86.0139.

§86.0142 Enforcement Remedies

A violation of section 86.0139 shall be an infraction punishable by a fine of $100.

§86.0143 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 86.0143(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 twenty-four hours.

(d) Permits may be issued, but not exceed, three consecutive twenty-four hour periods.

(e) No more than 72 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.

§86.0144 Sunset Provision

This section and sections 86.0139 through 86.0143 of this Division shall remain in effect for two years from the date they are effectively certified by the California Coastal Commission, at which time sections 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 11. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by renumbering section 86.24 to read section 86.0145, section 86.24.1 to read section 86.0146, section 86.25 to read section 86.0147 and section 86.26 to read section 86.0148.

§86.0145 Stopping, Standing or Parking On Grade Separations

[Renumbered from §86.24; no change in text.]

§86.0146 Removal of Vehicles From Grade Separations

[Renumbered from §86.24.1; no change in text.]

§86.0147 Parking On Median Strip Prohibited

[Renumbered from §86.25; no change in text.]

§86.0148 Parking On Parkway Restricted

[Renumbered from §86.26; no change in text.]

Section 12. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by amending and renumbering section 86.27 to section 86.0149, to read as follows:

§86.0149 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 13. 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, section 86.30 to read section 82.34, and section 86.31 to read section 82.35, to read as follows.

§82.32 Police-Initiated Impounds – Compliance with California Vehicle Code

[Renumbered from §86.28; no change in text.]

§82.33 Police-Initiated Impounds – Notice of Stored Vehicles

[Renumbered from §86.29; no change in text.]

§82.34 Police Initiated Impounds – Conduct of Post-Storage Hearing

[Renumbered from §86.30; no change in text.]

§82.35 Police Initiated Impounds – Costs Related to Post-Storage Hearing

[Renumbered from §86.31; no change in text.]

Section 14. 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
66.0102	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
86.05	81.09	82.30
86.07	81.09	82.30
86.03.1	86.01	86.0101
86.02	86.02.1	86.0103
86.02	86.02.2	86.0102(a)
86.02.02	86.02	86.0102
86.09.05	86.06	86.0108
86.10.3	86.06	86.0108
81.09	86.07	86.0109
82.06	86.11	86.0123
82.06	86.14	86.0126
82.06	86.15	86.0127
86.19.4	86.19.2	86.0133

Section 15. That a full reading of this ordinance is dispensed with prior to passage, since a written or printed copy was made available to the City Council and the public prior to the day of its passage.

Section 16. With the exception of Section 10, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage. Section 10 shall take effect and be in force on the thirtieth day from and after its final passage or on the date it is effectively certified by the California Coastal Commission, whichever occurs later.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Katherine Anne Malcolm
Deputy City Attorney

(O-2013-77 REV.)
Citywide

KAM:als
05/22/13
09/03/13 REV.
Or.Dept:C.Dist 2
Doc.No:539706_2

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 23 2013.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____ _____
(date) BOB FILNER, Mayor

Vetoed: _____ _____
(date) BOB FILNER, Mayor

(See attached memo and signature page.)

Office of
The City Attorney
City of San Diego

MEMORANDUM

RECEIVED
CITY CLERK'S OFFICE
13 SEP -3 PM 3:44
SAN DIEGO, CALIF.

DATE: September 3, 2013

TO: Raquel Rodgers, Office of the City Clerk

FROM: Katherine A. Malcolm

SUBJECT: O-2013-77 – Parking of Oversized Vehicles (O-20281)

In your email of August 29, 2013, you brought a numbering omission to our attention. Ordinance No. O-20281 was adopted August 5, 2013, amending the San Diego Municipal Code (Municipal Code) to prohibit parking of oversized, non-motorized, and recreational vehicles on any public street in the City of San Diego between 2:00 a.m. and 6 a.m., or within 50 feet of any intersection at any time. Additionally, this ordinance made other housekeeping changes, including the renumbering of Municipal Code sections in Chapter 8, Articles 1 and 6. The renumbering of Municipal Code section 86.23.1, entitled "Authority to Remove Vehicles for Sale" was not included in the text of Chapter 8, Article 6, Division 1. With the addition and renumbering of Municipal Code section 86.23.1, additional and renumbered sections shall also be renumbered accordingly. In accordance with San Diego Municipal Code section 11.0207, the City Attorney is authorized to make such revisions by memorandum.

The following changes (provided in strikeout format) need to be made:

~~§86.23.1~~ <u>86.0138</u> Authority to Remove Vehicles for Sale

(a) [No change in text.]

(b) It is unlawful to park a vehicle on a street designated pursuant to Section ~~86.23.1~~ <u>86.0138</u>(e) when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale.

(c) A notice of violation for Section ~~86.23.1~~ <u>86.0138</u>(b) must be accompanied by:

(1) A warning that an additional violation of Section ~~86.23.1~~ 86.0138(b) may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this section, so long as the sign or placard offering the vehicle for sale remains on the vehicle.

(2) [No change in text.]

(d) The City Manager has the authority to order the removal of any vehicle from any designated street when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale, and when the vehicle has previously been issued a notice of violation for Section ~~86.23.1~~ 86.0138(b) within the last 30 days, but not less than 24 hours. The City Manager may order removal of a vehicle even if the vehicle has been moved to a different street, so long as that street is also a designated street pursuant to Section ~~86.23.1~~ 86.0138(e) and all the requirements of this section are satisfied.

(e) [No change in text.]

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

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:

(a) 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 2:00 a.m. and 6:00 a.m.

(b) it is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley* or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street or *alley*, any *oversized, non-motorized* or *recreational vehicle* at any time.

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

(a) Section 86.0139(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 86.0139(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 86.0139 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0139(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 86.0139 does not apply to commercial *loading zones.*

(f) Section 86.0139(a)(1) does not apply to any vehicle displaying a valid permit issued pursuant to section 86.0143.

§86.0141 Notice

(a) The prohibitions and restrictions contained in section 86.0139 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 86.0139.

§86.0142 Enforcement Remedies

A violation of section 86.0139 shall be an infraction punishable by a fine of $100.

§86.0143 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 86.0143(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 twenty-four hours.

(d) Permits may be issued, but not exceed, three consecutive twenty-four hour periods.

(e) No more than 72 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.

§86.0144 Sunset Provision

This section and sections 86.0139 through 86.0143 of this Division shall remain in effect for two years from the date they are effectively certified by the California

Coastal Commission, at which time sections 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

§~~86.24~~ 86.0145 **Stopping, Standing or Parking On Grade Separations**

[No change in text.]

§~~86.24.1~~ 86.0146 **Removal of Vehicles From Grade Separations**

[No change in text.]

§~~86.25~~ 86.0147 **Parking On Median Strip Prohibited**

[No change in text.]

§~~86.26~~ 86.0148 **Parking On Parkway Restricted**

[No change in text.]

§~~86.27~~ 86.0149 **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.~~

Thank you for your assistance in this matter.

JAN I. GOLDSMITH, City Attorney

By: _____
Katherine A. Malcolm
Deputy City Attorney

KAM:als
Enclosure: Ordinance No. O-2013-77 – Revised Clean, Strikeout, and Digest
Doc. No.: 626320

(O-2013-77)
Citywide

KAM:mb:als
05/22/13
Or.Dept:C.Dist 2
Doc.No:539706

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 23 2013.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: 8/2/13
(date)

BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

This ordinance is effective August 5, 2013, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike Out~~
NEW LANGUAGE: Underlined

ORDINANCE NUMBER O-20281 (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING ARTICLE 1; RENUMBERING DIVISION 0 TO DIVISION 1 AND ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT," 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, 81.01.22, 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; AND BY ADDING SECTIONS 81.0101, 81.0102, AND 81.0103; FURTHER AMENDING CHAPTER 8, ARTICLE 1, AND AMENDING ARTICLES 2, 4, AND 5 BY RENUMBERING AND REORGANIZING 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 DIVISION 00 TO DIVISION 1, ADDING TITLE "DEFINITIONS, AUTHORITY, AND ENFORCEMENT" AND 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 RENUMBERING SECTION 86.10.4; BY RENUMBERING SECTIONS 86.11; 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 SECTIONS 86.12, 86.23, AND 86.23.1; BY ADDING NEW SECTIONS 86.0139, 86.0140, 86.0141, 86.0142, 86.0143, AND 86.0144; BY RENUMBERING SECTIONS 86.24, 86.24.1, 86.25, AND 86.26; AND BY RENUMBERING SECTIONS 86.27, 86.28, 86.29, 86.30, AND 86.31; ALL REGARDING TRAFFIC, VEHICLES, AND PARKING IN THE CITY OF SAN DIEGO.

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

Division ~~0~~ 1

Definitions, Authority, and Enforcement

~~§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.~~

§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 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 27 feet in length and 7 feet in height, excluding *recreational vehicles.*

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

Park road means a right-of-way within a *public park* that is not a publicly dedicated street.

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* who travels on foot.

Person has the same meaning as in Municipal Code 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 guideway means the rails, fixed guideway, or other permanently fixed device upon which a *public mass transit vehicle* travels and

includes a two-foot wide strip parallel to and measured from the outermost portion of the rail, guideway, or device.

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 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 ("ATV") or 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.

Sightseeing bus means any *bus* which:

(a) transports passengers for 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 *sightseeing 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 *sightseeing 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.

Sightseeing 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, buses, school buses*, trailers, and semitrailers 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 Authority of Police and Fire Department Officials**~~

[Renumbered to §82.26; no change in text.]

~~**§81.03 Traffic Control and Direction**~~

[Renumbered to §82.27; no change in text.]

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

[Renumbered to §82.28; 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~~ ~~**Report of Damage to Certain Property**~~

[Renumbered to §85.11; no change in text.]

~~§81.07.1~~ ~~**Charges for Police Services**~~

[Renumbered to §85.12; no change in text.]

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

[Renumbered to §82.29; no change in text.]

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

[Renumbered to §82.30; no change in text.]

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

[Renumbered to §82.31; no change in text.]

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

[Renumbered to §84.17; no change in text.]

Article 6: Stopping, Standing, Parking of Vehicles, and Impound Procedures

Division ~~00:~~ 1: General Parking Regulations

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

[No change in text.]

~~§86.02~~ 86.0102 **Parking**

[No change in text.]

§~~86.02.2~~ 86.0102(a) Exception

[No change in text.]

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

[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**

(a) The City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street adjacent to each single-space *parking meter* for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any single-space *parking meter* shall park within the lines or markings so established, and the City Manager is instructed to have lines or markings painted or placed upon the curb or upon the street in any *parking meter* zone that is controlled by a multi-space *parking meter* that does not produce a receipt to be used by the parking user as proof of valid parking as described in section ~~86.14~~ 86.0126.

(b) through (d) [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).~~

~~§86.23.1~~ 86.0138 Authority to Remove Vehicles for Sale

(a) [No change in text.]

(b) It is unlawful to park a vehicle on a street designated pursuant to Section ~~86.23.1~~ 86.0138(e) when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale.

(c) A notice of violation for Section ~~86.23.1~~ 86.0138(b) must be accompanied by:

(1) A warning that an additional violation of Section ~~86.23.1~~ 86.0138(b) may result in the impoundment of the vehicle, even if the vehicle is moved to another street designated under this section, so long as the sign or placard offering the vehicle for sale remains on the vehicle.

(2) [No change in text.]

(d) The City Manager has the authority to order the removal of any vehicle from any designated street when, because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to display to the public that the vehicle is for sale, and when the vehicle has previously been issued a notice of violation for Section ~~86.23.1~~ 86.0138(b) within the last 30 days, but not less than 24 hours. The City Manager may order removal of a vehicle even if the vehicle has been moved to a different street, so long as that street is also a designated street pursuant to Section ~~86.23.1~~ 86.0138(e) and all the requirements of this section are satisfied.

(e) [No change in text.]

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

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:

(a) 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 2:00 a.m. and 6:00 a.m.

(b) it is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley* or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street or *alley*, any *oversized, non-motorized* or *recreational vehicle* at any time.

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

(a) Section 86.0139(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 86.0139(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 86.0139 does not apply to any vehicle on a public street belonging to federal, state, or local authorities, or a public utility.

(d) Section 86.0139(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 86.0139 does not apply to commercial *loading zones*.

(f) Section 86.0139(a)(1) does not apply to any vehicle displaying a valid permit issued pursuant to section 86.0143.

§86.0141 Notice

(a) The prohibitions and restrictions contained in section 86.0139 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 86.0139.

§86.0142 Enforcement Remedies

A violation of section 86.0139 shall be an infraction punishable by a fine of $100.

§86.0143 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 86.0143(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 twenty-four hours.

(d) Permits may be issued, but not exceed, three consecutive twenty-four hour periods.

(e) No more than 72 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.

§86.0144 Sunset Provision

This section and sections 86.0139 through 86.0143 of this Division shall remain in effect for two years from the date they are effectively certified by the California Coastal Commission, at which time sections 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

§~~86.24~~ 86.0145 Stopping Standing or Parking On Grade Separations

[No change in text.]

§~~86.24.1~~ 86.0146 Removal of Vehicles From Grade Separations

[No change in text.]

§~~86.25~~ 86.0147 Parking On Median Strip Prohibited

[No change in text.]

§~~86.26~~ 86.0148 **Parking On Parkway Restricted**

[No change in text.]

§~~86.27~~ 86.0149 **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 **Police-Initiated Impounds – Compliance with California Vehicle Code**

[Renumbered from §86.28; no change in text.]

§~~86.29~~ 82.33 **Police-Initiated Impounds – Notice of Stored Vehicles**

[Renumbered from §86.29; no change in text.]

§~~86.30~~ 82.34 **Police Initiated Impounds – Conduct of Post-Storage Hearing**

[No change in text.]

§~~86.31~~ 82.35 Police-Initiated Impounds – Costs Related to Post-Storage Hearing

[No change in text.]

KAM:als
05/22/13
09/03/13 REV.
Or.Dept:C.Dist 2
Doc.No:539714_2

Passed by the Council of The City of San Diego on JUL 23 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☐	☑	☐	☐
Kevin Faulconer	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☐	☑	☐	☐
Marti Emerald	☐	☐	☑	☐

Date of final passage AUG 05 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

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

By _____, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 08 2013, and on AUG 05 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage~~.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20281

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 86.0102, 86.0139, 86.0142 AND 86.0143, ALL RELATING TO PARKING OF OVERSIZED, NON-MOTORIZED, AND RECREATIONAL VEHICLES AND GENERAL PARKING REGULATIONS.

§86.0102 Parking

No person shall park, stand or stop any vehicle unless both right wheels are within eighteen inches (18") of the curb or edge of the street, subject, however, to the provisions of Sections ~~86.02.1~~ 86.0102(a) and ~~86.02.2~~ 86.0104. When lines indicating parking stalls are designated on the surface of a street, no person shall park, stand, or stop any vehicle unless such vehicle is entirely within the limits of such parking stall.

§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) [No change in text.]

(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) [No change in text.]

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

§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; and

(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) through (h) [No change in text.]

§86.0143 Sunset Provision

This section and sections 86.0138 through 86.0142 of this Division shall remain in effect for two years from ~~the date they are effectively certified by the California Coastal Commission~~ _____, at which time sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

RPK:cfq:mb
05/29/14
Or.Dept:T&SW
Doc.No:796607

#51
7/1/14

(O-2014-114)
COR.COPY

ORDINANCE NUMBER O- 20382 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 17 2014

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 86.0102, 86.0139, 86.0142 AND 86.0143, ALL RELATING TO PARKING OF OVERSIZED, NON-MOTORIZED, AND RECREATIONAL VEHICLES AND GENERAL PARKING REGULATIONS.

WHEREAS, on August 5, 2013 the City Council passed amendments to the San Diego Municipal Code intended to regulate the parking of oversized, non-motorized, and recreational vehicles within the City (Ordinance O-20281); and

WHEREAS, Sections 86.0138 through 86.0143 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code were to become effective upon approval of the California Coastal Commission; and

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

WHEREAS, the City now desires to remove the contingency of the California Coastal Commission's approval and to implement its regulations on the parking of oversized, non-motorized, and recreational vehicles within the City; and

WHEREAS, this ordinance will also amend Sections 86.0102 and 86.0139 to correct citations to renumbered Section references; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 1, of the San Diego Municipal Code is amended by amending Sections 86.0102, 86.0139, 86.0142 and 86.0143, to read as follows:

§86.0102 Parking

No person shall park, stand or stop any vehicle unless both right wheels are within eighteen (18") of the curb or edge of the street, subject, however to the provisions of Sections 86.0102(a) and 86.0104. When lines indicating parking stalls are designated on the surface of a street, no person shall park, stand, or stop any vehicle unless such vehicle is entirely within the limits of such parking stall.

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

(a) Section 86.0138(a) does not apply to any *oversized vehicle* on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.

(b) Section 86.0138(a) does not apply to any *oversized vehicle* on a public street when such *oversized vehicle* is *parked* or left *standing* in connection with, and in aid of, the performance of a service to or on a property in the block in which such *oversized vehicle* is *parked* or left *standing*.

(c) [No change in text.]

(d) Section 86.0138(a) 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) [No change in text.]

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

§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; and

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

(b) through (h) [No change in text.]

§86.0143 Sunset Provision

This section and sections 86.0138 through 86.0142 of this Division shall remain in effect for two years from _____, at which time sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

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

Section 3. Sections 86.0138, 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code shall take effect on the effective date of this ordinance.

Section 4. The City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank spaces provided in San Diego Municipal Code section 86.0143.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Ryan P. Kohut
Deputy City Attorney

RPK:cfq:mb
05/29/14
06/10/14 Cor.Copy
Or.Dept: T&SW
Doc.No:802627

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 01 2014.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: 7/16/14
(date)

_____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

The date of final passage is July 17, 2014, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on JUL 01 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☑	☐	☐	☐
Ed Harris	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☑	☐	☐	☐
Marti Emerald	☑	☐	☐	☐

Date of final passage JUL 17 2014.

AUTHENTICATED BY:

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

(Seal)

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

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUN 17 2014, and on JUL 17 2014.

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

(Seal)

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

Office of the City Clerk, San Diego, California

Ordinance Number O-20382

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: August 1, 2014

TO: Sonia Pickens, Office of the City Clerk

FROM: Ryan P Kohut

SUBJECT: O-2014-114 – Parking of Oversized Vehicles (O-20382)

In your email of July 30, 2014, you brought a numbering omission to our attention. Ordinance No. O-20382 was adopted July 17, 2014, amending the San Diego Municipal Code (Municipal Code) regarding the parking of oversized, non-motorized, and recreational vehicles in the City of San Diego. Additionally, this ordinance inadvertently renumbered sections in Chapter 8, Article 6, Division 1 of the Municipal Code. Municipal Code section 86.0139 should remain titled "Prohibition of Parking of Oversized, Non-Motorized and Recreational Vehicles" as codified within Ordinance No. O-20281, adopted August 5, 2013. The following Municipal Code sections should be numbered and titled as follows:

> SDMC 86.0140 "Exceptions to Prohibition on Parking of Oversized, Non-Motorized and Recreational Vehicles"
>
> SDMC 86.0143 "Permit Process for Temporary Overnight Parking on Public Streets:
>
> SDMC 86.0144 "Sunset Provision"

Please find attached to this memorandum a revised Ordinance O-20382 that reflects these changes. In accordance with San Diego Municipal Code section 11.0207, the City Attorney is authorized to make such revisions by memorandum.

Thank you for your assistance in this matter.

JAN I. GOLDSMITH, City Attorney

By: _____
Ryan P Kohut
Deputy City Attorney

Enclosure: Ordinance No. O-2014-114 – Revised Clean, Strikeout, and Digest

(O-2014-114)
(REV.COPY)

ORDINANCE NUMBER O-20382 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 17 2014

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 86.0102, 86.0140, 86.0143 AND 86.0144, ALL RELATING TO PARKING OF OVERSIZED, NON-MOTORIZED, AND RECREATIONAL VEHICLES AND GENERAL PARKING REGULATIONS.

WHEREAS, on August 5, 2013 the City Council passed amendments to the San Diego Municipal Code intended to regulate the parking of oversized, non-motorized, and recreational vehicles within the City (Ordinance O-20281); and

WHEREAS, Sections 86.0138 through 86.0143 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code were to become effective upon approval of the California Coastal Commission; and

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

WHEREAS, the City now desires to remove the contingency of the California Coastal Commission's approval and to implement its regulations on the parking of oversized, non-motorized, and recreational vehicles within the City; and

WHEREAS, this ordinance will also amend Sections 86.0102 and 86.0140 to correct citations to renumbered Section references; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 1, of the San Diego Municipal Code is amended by amending Sections 86.0102, 86.0140, 86.0143 and 86.0144, to read as follows:

§86.0102 Parking

No person shall park, stand or stop any vehicle unless both right wheels are within eighteen (18") of the curb or edge of the street, subject, however to the provisions of Sections 86.0102(a) and 86.0104. When lines indicating parking stalls are designated on the surface of a street, no person shall park, stand, or stop any vehicle unless such vehicle is entirely within the limits of such parking stall.

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

(a) Section 86.0138(a) does not apply to any *oversized vehicle* on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.

(b) Section 86.0138(a) does not apply to any *oversized vehicle* on a public street when such *oversized vehicle* is *parked* or left *standing* in connection with, and in aid of, the performance of a service to or on a property in the block in which such *oversized vehicle* is *parked* or left *standing*.

(c) [No change in text.]

(d) Section 86.0138(a) 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) [No change in text.]

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

§86.0143 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; and

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

(b) through (h) [No change in text.]

§86.0144 Sunset Provision

This section and sections 86.0138 through 86.0143 of this Division shall remain in effect for two years from AUG 16 2014, at which time sections 86.0138, 86.0139, 86.0140, 86.0141, 86.0142 and 86.0143 shall be automatically repealed unless an extension is approved by majority vote of the City Council.

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

Section 3. Sections 86.0138, 86.0139, 86.0140, 86.0141, 86.0142, and 86.0143 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code shall take effect on the effective date of this ordinance.

Section 4. The City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank spaces provided in San Diego Municipal Code section 86.0144.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Ryan P. Kohut
Deputy City Attorney

RPK:cfq:mb
05/29/14
06/10/14 Cor.Copy
07/31/14 REV.COPY
Or.Dept: T&SW
Doc.No:802627

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 01 2014.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____ _____
(date) KEVIN L. FAULCONER, Mayor

Vetoed: _____ _____
(date) KEVIN L. FAULCONER, Mayor