

**ORDINANCE NO. 855-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLES 11 AND 12 OF CHAPTER 7, "TRAFFIC" WITHIN TITLE 4 OF THE PACIFICA MUNICIPAL CODE RELATING TO REGULATION OF PARKING OF OVERSIZED VEHICLES**

**WHEREAS**, California Vehicle Code ("CVC") Section 22507 allows local authorities to, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including but not limited to, vehicles that are six (6) feet or more in height, within one hundred (100) feet of any intersection on certain streets or highways during all or certain hours of the day; and

**WHEREAS**, the City has experienced a significant increase in the number of oversized vehicles, including motorhomes and trailers, that are regularly or routinely parked on City streets for long periods of time for work, recreation or habitation purposes; and

**WHEREAS**, the regular or routine parking of oversized vehicles on the City's narrow streets can pose traffic safety concerns because the size of the vehicles on narrow streets encroach into the vehicle lane of travel, thereby increasing the risk of collisions involving bicycles and vehicles; and

**WHEREAS**, the regular or routine parking of oversized vehicles on City streets can also create visibility concerns with the presence of oversized vehicles because oversized vehicles can block a driver's line of sight and prevent visibility at intersections and around curves; and

**WHEREAS**, the regular or routine parking of oversized vehicles results in the constant presence of oversized vehicles on certain City streets, creating public safety hazards to motor vehicle, bicycle and pedestrian traffic attempting to travel on those streets and prevents safe ingress and egress; and

**WHEREAS**, the regular or routine parking of oversized vehicles on City streets also poses serious public health risks, environmental contamination, mixed waste accumulation that are detrimental to the general welfare of the community; and

**WHEREAS**, significant City resources have been expended to address complaints relating to the parking of oversized vehicles and to address the discharge of environmental contaminants, to dispose of and clean up large quantities of mixed waste, and to investigate and respond to nuisance activities associated with the parking of oversized vehicles on City streets for prolonged periods; and

**WHEREAS**, the City has held a public meeting on November 12, 2019 to consider this issue to identify possible methods to address this parking issue, due to the significance of the health and safety issues, Council determined that the City must take steps now to address the health and safety issues presented by the parking of oversized vehicles; and

**WHEREAS**, restricting parking of oversized vehicles on certain City streets will promote the safety of the public roadways for motorists, bicyclists and pedestrians by eliminating such impediments and the general health and safety of the community by removing the serious traffic safety risks and other dangers associated with the regular or routine parking of oversized vehicles on certain City streets.

**NOW, THEREFORE**, the City Council of the City of Pacifica does ordain as follows:

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amended.** Section 4-7.1204 of Article 12, "Stopping, Standing and Parking Restricted or Prohibited," Chapter 7, "Traffic" within Title 4 of the Pacifica Municipal Code is hereby amended to read as follows with deletions in ~~strike through~~ and additions in underline: the Pacifica Municipal Code is hereby amended to read in its entirety as follows:

**"Sec. 4-7.1204. - Parking of Recreational Vehicles, Boats and Mobile Homes Oversized Vehicles and Boats on Public Streets.**

(a) *Definitions.* For purposes of this ~~section~~ chapter, the following words and phrases shall mean and include:

(1) "Boat" shall mean a boat or motorboat as defined in Section 651 of the California Harbors and Navigation Code, as may be amended from time to time.

(2) "Oversized Vehicle" shall mean any of the following:

(i) a single vehicle, or combination of vehicles, twenty-two (22) feet or more in length;

(ii) a single vehicle, or combination of vehicles, seven (7) feet or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), mobile homes and campers; or

(iii) a single vehicle, or combination of vehicles, eight (8) feet or more in height, exclusive of projecting lights or devices allowed by sections 35109 and 35110 of the California Vehicle Code and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), mobile homes and campers.

~~(2) *Mobile home.* "Mobile home" shall mean a structure as defined in Section 18008 of the California Health and Safety Code, as may be amended from time to time.~~

~~(3) *Person.* "Person" shall mean an individual, firm, partnership, joint venture, entity, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination active as a unit, excepting the United States of America, the State, and any political subdivision of either thereof.~~

~~(4) *Recreational vehicle.* "Recreational vehicle" shall mean a motor home, trailer, camper, or similar structure as defined in Section 18010 of the California Health and Safety Code, as may be amended from time to time.~~

(b) *Authorized.* The Traffic Engineer is hereby authorized to erect signs indicating no parking of an Oversized Vehicle ~~mobile homes, recreational vehicles or Boats~~ on public streets where such parking, in her or his professional opinion, would interfere with aesthetics, ocean views, parking, traffic, or otherwise create a safety concern. The Traffic Engineer is also hereby authorized to erect signs to indicate no parking of an Oversized Vehicle and Boats where, in the Traffic Engineer's opinion, the conditions identified in section 4-7.1205(a) exist.

(c) *Obedience.* Where official signs authorized by the provisions of this section are in place, no person shall stop, stand or park a ~~mobile home, recreational vehicle,~~ an Oversized Vehicle or Boat contrary to the provisions of such signs.



(d) *Appeal.* Any person aggrieved by the decision of the Traffic Engineer ~~to place official signs pursuant to this section~~ may appeal to the City Manager Health and Safety Commission by filing a written notice of appeal with the City Clerk within ~~seven (7)~~ ten (10) days after the date of the installation of the sign in question.

~~Any person aggrieved by any other decision of the Traffic Engineer pursuant to this section may appeal to the Health and Safety Commission by filing a written notice of appeal with the City Clerk within seven (7) ten (10) days after the decision of the Traffic Engineer. The decision of the Health and Safety Commission City Council on the appeal shall be final.~~

(e) *Violations: Penalties.* Any person violating any provision of this section shall be guilty of an infraction, and upon conviction, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.”

**Section 3. Amended.** Section 4-7.1106(a) of Article 11, “Stopping, Standing and Parking,” Chapter 7, “Traffic” within Title 4 of the Pacifica Municipal Code is hereby amended to read in its entirety as follows with deletions in ~~strikethrough~~ and additions in underline:

**“Sec. 4-7.1106. - Narrow streets: Signs.**

(a) *Authorized.* The Traffic Engineer is hereby authorized to place signs or marking on improved streets indicating no parking, or restricted parking, upon both sides of any street where the width of the roadway does not exceed twenty (20’) feet or upon one side of a street, as indicated by such signs or markings, where the travel lane width of the roadway does not exceed thirty (30’) is less than ten (10’) feet. The Traffic Engineer is hereby also authorized to place signs and/or pavement markings on unimproved streets indicating that parking of vehicles upon any City street is prohibited unless an unobstructed distance of not less than six (6’) feet is maintained to the centerline of the improved or the main traveled portion of the street.”

**Section 4. Added.** Section 4-7.1205 of Article 12, “Stopping, Standing and Parking Restricted or Prohibited,” Chapter 7, “Traffic” within Title 4 of the Pacifica Municipal Code is hereby added to read in its entirety as follows:

**“Sec. 4-7.1205. –Unlawful Parking of Oversized Vehicles.**

(a) Except as otherwise provided by this Chapter or as authorized by the Traffic Engineer, parking of any Oversized Vehicle in the following manner shall be deemed unlawful at any time of the day or night and is prohibited.

(1) It shall be unlawful to park or leave standing any Oversized Vehicle on public streets with a road width of less than forty (40) feet of width or on public streets that have width constraints which cause the street to be unsafe for traffic. These public streets may be identified by resolution of the city council or as identified by the Traffic Engineer pursuant to section 4-7.1204.

(2) It shall be unlawful to park or leave standing any Oversized Vehicle within one hundred (100) feet of any uncontrolled intersection on public streets, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street. These public streets may be identified by resolution of the city council or as identified by the Traffic Engineer pursuant to section 4-7.1204.

(3) It shall be unlawful to park or leave standing any Oversized Vehicle on public streets where parking of an Oversized Vehicle encroaches upon an identified bicycle lane with defined boundaries. These public streets may be identified by resolution of the city council or as identified by the Traffic Engineer pursuant to section 4-7.1204.

(4) It shall be unlawful to park or leave standing any Oversized Vehicle on any public streets that restricts the travel lane to less than 10 feet wide. These public streets may be identified by resolution of the city council or as identified by the Traffic Engineer pursuant to section 4-7.1204.

(5) It shall be unlawful to park or leave standing any Oversized Vehicle on any public streets where parking of an Oversized Vehicle encroaches on a public bus route. These public streets may be identified by resolution of the city council or as identified by the Traffic Engineer pursuant to section 4-7.1204.

(b) Exemptions. This section shall not apply to the following:

(1) Any Person actively engaged in the loading or unloading of materials, supplies, or goods in the delivery of goods, wares, merchandise, or other materials from an Oversized Vehicle parked or standing at an adjacent business or residence for a period of less than eight hours; or

(2) Construction vehicles with a valid City of Pacifica - issued encroachment permit; or

(3) Areas of public streets identified as commercial loading zones.

(c) Violations: Penalties. Any person violating any provision of this section shall be guilty of an infraction, and upon conviction, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.”

**Section 5. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

**Section 6. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 7. Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

Ordinance No. 855-C.S.

**Section 8. Effective Date.** This Ordinance shall be in full force and effective on March 30, 2020, unless the City Council of the City of Pacifica adopts a resolution prior to March 30, 2020 to further extend the effective date, and shall be published and posted as required by law.


**PASSED AND ADOPTED** this 27<sup>th</sup> day of January, 2020, by the following vote:

AYES, Councilmembers: Beckmeyer, Vaterlaus, Bier, O'Neill.

NOES, Councilmembers: Martin.

ABSTAIN, Councilmembers: None.


ABSENT, Councilmembers: None.



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Deirdre Martin, Mayor


ATTEST:



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Sarah Coffey, City Clerk

APPROVED AS TO FORM:



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Michelle Kenyon, City Attorney