

ORDINANCE NO. 866-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA REPEALING SECTION 4-7.1114 of ARTICLE 11, "STOPPING, STANDING AND PARKING," OF CHAPTER 7, "TRAFFIC" WITHIN TITLE 4 OF THE PACIFICA MUNICIPAL CODE AND AMENDING ARTICLE 12 OF CHAPTER 7, "TRAFFIC" WITHIN TITLE 4 OF THE PACIFICA MUNICIPAL CODE RELATING TO REGULATION OF PARKING

WHEREAS, Pursuant to existing law, cities are authorized to regulate the stopping, parking, or standing of vehicles; and

WHEREAS, On January 27, 2020 the City of Pacifica adopted Ordinance No. 855-N.S., Amending Articles 11 and 12 of Chapter 7, "Traffic" within Title 4 of the Pacifica Municipal Code Relating to Oversized Vehicle Parking; and

WHEREAS, Since the City's adoption of Ordinance No. 855-N.S., the need for certain clarifying amendments to the Pacifica Municipal Code have become apparent; and

WHEREAS, Pacifica Municipal Code Section 4-7.1114 generally prohibits the use or occupancy of vehicles for human habitation on public property during overnight hours, which prohibition was enacted in 1987; and

WHEREAS, Since the City's adoption of Pacifica Municipal Code Section 4-7.1114, there have been developments in case law calling into question the enforceability of such a provision; and

WHEREAS, Because of changes in the legal landscape, the City has not enforced Pacifica Municipal Code Section 4-7.1114 for a number of years, thereby making it appropriate to repeal this provision to accurately reflect the City's practice.

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 in its entirety as follows with deletions in ~~striketrough~~ and additions in underline:

"Sec. 4-7.1204. - Parking of Oversized Vehicles and Boats on Public Streets.

(a) *Definitions.* For purposes of this 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.
 - (3) "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.
- (b) *Authorized.* The Traffic Engineer is hereby authorized to erect signs indicating no parking of ~~an oversized vehicle 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~~ also hereby authorized to erect signs to indicate no parking of an oversized vehicle ~~and or~~ boats where, ~~in the Traffic Engineer's~~ has found 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 an oversized vehicle or boat contrary to the provisions of such signs.
- (d) *Appeal.* Any person aggrieved by the decision of the Traffic Engineer pursuant to this section may appeal to the City Manager by filing a written notice of appeal with the City Clerk within ten (10) days after the date of the installation of the sign in question.
- (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 4-7.1205 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 in its entirety as follows with deletions in ~~strike through~~ and additions in underline:

"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: ~~(1) public streets with a road width of less than forty (40) feet of width, except where the Traffic Engineer has determined that oversized vehicle SV parking is not unsafe; and (2) or on public streets with that have width constraints which that make that cause oversized vehicle OSV parking the street to be unsafe for traffic.~~ These public streets shall ~~may~~ be identified by resolution of the city council ~~and/or as identified~~ posted with a sign indicating no parking pursuant to a finding of ~~by the Traffic Engineer pursuant to Section 4-7.1204(b).~~

(2) It shall be unlawful to park or leave standing any oversized vehicle within one hundred (100) feet of any uncontrolled intersection on a public streets, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street. These public streets shall ~~may~~ be identified by resolution of the city council ~~and/or posted with a sign indicating no parking pursuant to a finding of the Traffic Engineer pursuant to Section 4-7.1204(b).~~ 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 a public streets where parking of an oversized vehicle encroaches upon an identified bicycle lane with defined boundaries. These public streets shall ~~may~~ be identified by resolution of the city council ~~and/or posted with a sign indicating no parking pursuant to a finding of~~ as identified by the Traffic Engineer pursuant to Section 4-7.1204(b).

(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 ten (10) feet wide. These public streets shall ~~may~~ be identified by resolution of the city council ~~and/or as posted with a sign indicating no parking pursuant to a finding of~~ identified by the Traffic Engineer pursuant to Section 4-7.1204(b).

(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 shall ~~may~~ be identified by resolution of the city council ~~and/or posted with a sign indicating no parking pursuant to a finding of~~ as identified by the Traffic Engineer pursuant to Section 4-7.1204(b).

(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 (8) 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;

- (4) Recreational vehicles displaying a valid temporary recreational vehicle loading/unloading permit issued by the City of Pacifica pursuant to section 4-7.1206.
- (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 4. Repeal. Section 4-7.1114 of Article 11, “Stopping, Standing and Parking,” Chapter 7, “Traffic” within Title 4 of the Pacifica Municipal Code is hereby repealed in its entirety. All other sections within Article 11 shall remain unchanged in full force and effect.

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.

Section 8. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

PASSED AND ADOPTED this 12th day of July, 2021, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: O’Neill.

ABSTAIN, Councilmembers: n/a.



Sue Beckmeyer, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney









For Signature--OrdinanceNo866-CS_Revising 4-7.1204 and 1205 and Revoking 4.7.1114 6.23.21_OSVParking

Final Audit Report

2021-08-02

Created:	2021-07-23
By:	Sarah Coffey (coffeys@ci.pacifica.ca.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbMIKhNply_C9C_pdhCS-04vtsthUViy6

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2021-08-02 - 10:05:51 PM GMT- IP address: 54.176.163.143
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