

**ORDINANCE NO. 860-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 12 OF CHAPTER 7, "TRAFFIC" WITHIN TITLE 4 OF THE PACIFICA MUNICIPAL CODE RELATING TO REGULATION OF PARKING OF OVERSIZED VEHICLES TO ADD EXEMPTION RELATING TO LOADING AND UNLOADING PERMIT**

**WHEREAS**, on January 27, 2020, the City Council of the City of Pacifica adopted Ordinance 855-C.S., relating to the regulation of parking of Oversized Vehicles; and

**WHEREAS**, at the public hearings on December 9, 2019 and January 27, 2020, City Council expressed a desire to add an exemption to the newly adopted regulations relating Oversized Vehicles to allow the temporary parking of recreational vehicles for the purpose of loading, unloading and cleaning of recreational vehicles; and

**WHEREAS**, the proposed ordinance would create a Temporary Recreational Vehicle Loading/Unloading Permit to allow owners of a recreational vehicle to park the recreational vehicle at or near their residence on streets for purposes of loading, unloading or cleaning the Recreational Vehicle.

**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 4-7.1205(b) 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 strikethrough and additions in underline: the Pacifica Municipal Code is hereby amended 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; or

(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 3. Amended.** Article 12, "Stopping, Standing and Parking Restricted or Prohibited," Chapter 7, "Traffic" within Title 4 of the Pacifica Municipal Code is hereby amended to add Section 4-7.1206 to read as follows with deletions in strikethrough and additions in underline:

**"Sec. 4-7.1206. – Temporary Recreational Vehicle Loading/Unloading Permits.**

(a) Purpose. The purpose of the Temporary Recreational Vehicle Loading/Unloading Permit is to allow owners of a Recreational Vehicle the opportunity, for a limited time period, to park or stand the Recreational Vehicle at or near their residence on streets where oversized vehicle parking is prohibited for purposes of loading, unloading or cleaning the Recreational Vehicle.

(b) Definitions. For purposes of this section, the following words and phrases shall mean and include:

(1) Person. "Person" shall mean an individual, firm, partnership or entity.

(2) 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.

(c) Permit Required. No Person shall park or stand a Recreational Vehicle for the purpose of loading or unloading or cleaning of the Recreational Vehicle in a location where such parking or standing is prohibited by section 4-7.1205 without first obtaining a Temporary Recreational Vehicle Loading/Unloading Permit from the City of Pacifica Police Department pursuant to section 4-7.1206(d).

(d) Issuance. Upon submission of an application for a Temporary Recreational Vehicle Loading/Unloading Parking Permit to the Chief of Police or his/her designee and payment of the applicable fee, as may be established by Resolution of the City Council, the Chief of Police or his/her designee shall commence review of the application. The Chief of Police or his/her

designee shall review the application for a Temporary Recreational Vehicle Loading/Unloading Parking Permit to ensure conformance with this section. Upon completion of review, the Chief of Police or his/her designee may issue the Temporary Recreational Vehicle Loading/Unloading Parking Permit or deny the application.

(e) Limitations.

(1) The holder of a Temporary Recreational Vehicle Loading/Unloading Parking Permit shall park the Recreational Vehicle in front of the residence where the Recreational Vehicle is registered or in front of the residence where the Person in control of the Recreational Vehicle resides. If the residence is a corner lot, the Recreational Vehicle may park on the side of the residence.

(2) A Temporary Recreational Vehicle Loading/Unloading Parking Permit shall be valid for a period of 36 hours from the date and time of issuance.

(3) A Temporary Recreational Vehicle Loading/Unloading Parking Permit shall be displayed on the windshield or passenger side front window of the vehicle, clear from obstruction and clearly visible from the exterior of the vehicle.

(4) No more than two (2) Temporary Recreational Vehicle Loading/Unloading Parking Permits will be issued per residence within a 30-day period. Exceptions to this limit may be granted by the Chief of Police or his/her designee.

(5) Any Temporary Recreational Vehicle Loading/Unloading Parking Permit obtained by providing false information during the application process may be deemed invalid by the Chief of Police or his/her designee.

(f) Appeal. Any Person aggrieved by the decision of the Chief of Police or his/her designee pursuant to this section 4-7.1206 may appeal to the City Manager by filing a written notice of appeal with the City Clerk within ten (10) calendar days after the date of the determination. All appeals shall state the name, address, telephone number of the person making the appeal and the reason(s) for the appeal. The failure to appeal the Chief of Police's decision or to file a timely appeal shall render the Chief of Police's decision final and the right to appeal is waived. The timeliness of an appeal shall be determined from the date the City Manager receives said appeal. The City Manager shall provide notice of the date, time and location of the appeal hearing to the appellant at the address stated in his or her appeal letter. Service of such notice shall be made by first class mail. The appellant's failure to receive a notice of hearing and his or her nonappearance shall not invalidate the appeal hearing. The City Manager shall conduct a hearing on a timely appeal and render a written decision within ten (10) City business days thereafter. The decision of the City Manager shall be final. No fee shall be charged for an appeal. The City Manager may delegate all of the duties of this subsection to another person.

(g) Revocation. The Chief of Police or his/her designee may revoke the Temporary Recreational Vehicle Loading/Unloading Parking Permit at any time for a violation of any provision in this section 4-7.1206.

(h) Violation. 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.

**Section 8. Effective Date.** This Ordinance shall be effective thirty (30) days after adoption.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of September, 2020, by the following vote:

AYES, Councilmembers: Martin, Beckmeyer, Vaterlaus, Bier, O'Neill.  
NOES, Councilmembers: n/a.  
ABSTAIN, Councilmembers: n/a.  
ABSENT, Councilmembers: n/a.

*Deirdre Martin*

Deirdre Martin (Oct 2, 2020 12:42 PDT)

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Deirdre Martin, Mayor

ATTEST:

*Sarah Coffey*

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Sarah Coffey, City Clerk

APPROVED AS TO FORM:

*Michelle Marchetta Kenyon*

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Michelle Marchetta Kenyon, City Attorney

# For Signature: OrdinanceNo860-CS\_RVLoading UnloadingPermitProgram-Approved

Final Audit Report

2020-10-02

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