

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AMENDING TITLE 10 “VEHICLES AND TRAFFIC” AT CHAPTER 10.04 “DEFINITIONS”
AND CHAPTER 10.40 “STOPPING, STANDING AND PARKING” AND
CHAPTER 10.41 “CITY-WIDE PARKING PERMIT” PERTAINING TO THE
PARKING OF OVERSIZED VEHICLES.

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Chapter 10.04 “Definitions” is hereby amended by adding Sections 10.04.085 “Loading and unloading,” 10.04.104 “Out-of-town visitor,” 10.04.106 “Oversized vehicle” and 10.04.165 “Resident,” as follows:

A. Section 10.04.085 “Loading and unloading,” is added, to read as follows:

“10.04.085 LOADING AND UNLOADING.

“Loading and unloading” shall mean actively moving items to or from an oversized vehicle including the activities required to prepare the vehicle for travel or storage.”

B. Section 10.04.104 “Out-of-town visitor” is added, to read as follows:

“10.04.104 OUT-OF-TOWN VISITOR.

“Out-of-town visitor” shall mean any person who does not reside in the City of Santa Cruz, who is temporarily visiting as a guest of a resident of the city, and who has applied for and obtained an oversized vehicle overnight parking permit.”

C. Section 10.04.106 “Oversized Vehicle” is added, to read as follows:

“10.04.106 OVERSIZED VEHICLE.

“Oversized vehicle” shall mean any motorized vehicle as defined of Section 670 of the Vehicle Code or combination of motorized vehicles and/or non-motorized vehicles or trailers that meets or exceeds twenty-two feet in length at any time or a combination of the two following criteria, exclusive of fixtures, accessories or property: seven feet in height and seven feet in width.

(a) To determine the height, width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments as allowed by Section 35109, 35110 or 35111 of the Vehicle Code as may be amended shall not be included.

(b) Oversized vehicle does not include pickup trucks, vans, or sport utility vehicles, which are less than twenty-five feet in length and eight feet in height.”

D. Section 10.04.165 “Resident” is added, to read as follows:

“10.04.165 RESIDENT.

“Resident” shall mean a person who customarily resides and maintains a place of abode or who owns land within the City of Santa Cruz. It shall not mean a person who maintains an address at a post office box, mailbox drop, or who rents a room without it being the primary place of abode.”

Section 2. Chapter 10.40 “Stopping, standing and parking” is hereby amended by adding Sections 10.40.120 “Parking of Oversized Vehicles,” to read as follows:

“10.40.120 PARKING OF OVERSIZED VEHICLES.

(a) No person shall stop, stand, park or leave standing any oversized vehicle on any public highway, street or city parking lot at any time between the hours of 8:00 p.m. and 8:00 a.m. unless otherwise authorized by this article.

(b) No person shall permit, cause or allow any electrical, water, gas, telephone or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street or city parking lot.

(c) Oversized vehicles shall not be parked at any place within 100 feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.

(d) The provisions of Subsection (a) shall not apply to any of the following:

(1) Oversized vehicles owned by a resident or out-of-town visitor displaying a permit for overnight parking issued by the city manager or his/her designee in accordance with this article. The issuance of a permit shall not allow any other activity otherwise prohibited by law.

(2) Oversized vehicles displaying a permit issued by the city manager to a hotel as defined in Sections 24.22.450 and 24.22.550, respectively, for the exclusive use of its registered guests.

(3) Oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for twenty-four consecutive hours where an oversized vehicle is left standing at the roadside because of mechanical breakdown or because of the driver’s physical incapacity to proceed.

(4) Oversized vehicles belonging to federal, state or local authorities or public utilities that are temporarily parked while the operator of the oversized vehicle is conducting official business.

(5) Oversized vehicles actively engaged in the loading and unloading and deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to any adjacent building or structure.

ORDINANCE NO. 2015-17

- (6) Parking of any oversized vehicle during the pendency of any state of emergency declared to exist within the City of Santa Cruz by the city council, city manager or governor.
- (e) Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to his/her residence. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle belonging to an out-of-town visitor. The city manager or his/her designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town visitor subject to the following provisions:
 - (1) The oversized vehicle shall be owned, leased, rented by, or registered to, a resident or out-of-town visitor.
 - (2) The oversized vehicle shall park at the street curb immediately adjacent to the residence, or within four hundred feet of that person's residence if this area is not available for parking due to curb configuration or codified parking restrictions.
 - (3) The oversized vehicle overnight parking permit shall be prominently displayed in the lower driver's side of the windshield or the nearest window of the vehicle. The permit shall be clearly visible from the exterior of the oversized vehicle and shall not cover the Vehicle Identification Number. Trailers shall display the permit on the side of the trailer so that the permit is visible from the street.
 - (4) The oversized vehicle shall not be used for camping, lodging, residing or for accommodation purposes. Nothing in this section shall be construed to permit sleeping or camping in a vehicle as prohibited by the Santa Cruz Municipal Code.
 - (5) The city manager or his/her designee may deny or revoke an oversized vehicle overnight parking permit if, upon a review of the location where the oversized vehicle will be parked, the city manager or his/her designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow or access.
- (f) Overnight Parking Permit Duration.
 - (1) Each resident oversized vehicle overnight parking permit shall be valid for one year. A resident oversized vehicle permit allows a resident to park an oversized vehicle for four periods of up to seventy-two consecutive hours per calendar month. The oversized vehicle must be absent from the location authorized by Subsection (d)(2) for a minimum of twenty-four consecutive hours to be lawfully parked overnight at the location again.
 - (2) Each oversized vehicle overnight parking permit issued to an out-of-town visitor shall be valid for a maximum of seventy-two hours.
 - (3) No more than six out-of-town visitor permits shall be issued to a resident in a calendar year.
- (g) Parking Permit fee. The parking permit fee for oversized vehicles shall be established by city council resolution.

ORDINANCE NO. 2015-17

(h) **Fraudulent Permit Penalty.** Every person who displays a fraudulent, forged, altered or counterfeit oversized vehicle parking permit or permit number is guilty of an infraction for the first offense. Any subsequent offense within offense committed within one (1) calendar year of a previous citation may, at the discretion of the city attorney, be charged as an infraction or a misdemeanor.

(i) **Overnight Parking Permit Denial.** The city may deny the issuance of an oversized vehicle overnight parking permit for up to one year if the city manager or his/her designee finds that any of the following conditions exist:

- (1) The applicant or the person the applicant is visiting is not a bona fide resident.
- (2) The resident or out-of-town visitor guests of a resident have been issued two or more citations in the same calendar year for either exceeding the allotted seventy-two-hour permit time and/or parking greater than four hundred feet from the designated residence or land owned address.
- (3) The out-of-town visitor is not a guest of the resident applicant.
- (4) An owner of an oversized vehicle has procured any oversized vehicle parking permit through fraud or misrepresentation, for example, the information submitted by the applicant is materially false.
- (5) The hotel or motel establishment is issuing oversized vehicle permits to non-paying guests of the commercial establishment and/or the guests are camping in the vehicle rather than residing in the commercial establishment.

The fines assessed for violation of this section shall be established by city council resolution.

Section 3. Chapter 10.41 “Citywide Permit Parking” is hereby amended at Section 10.41.060 “Authority to Issue Parking Permits” to read as follows:

“10.41.060 AUTHORITY TO ISSUE PARKING PERMITS.

The local authority shall be authorized to issue parking permits for the city’s permit parking programs, pursuant to the requirements of this Chapter, for vehicles that do not fall within the definition of “oversized vehicles” as defined by Section 10.40.106.

Section 4. **Severability.** If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of this ordinance.

Section 5. This ordinance shall take effect and be in force thirty (30) days after final adoption.

ORDINANCE NO. 2015-17

PASSED FOR PUBLICATION this 24th day of November, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Noroyan; Vice Mayor Mathews.

NOES: Councilmember Posner; Mayor Lane.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

PASSED FOR FINAL ADOPTION this ____ day of ____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2015-17 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk Administrator