

ORDINANCE NO. 1484-26 (CM)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AMENDING EXISTING SECTIONS 4-5.1301 AND 4-5.1302 OF ARTICLE 13 (RESTRICTED USE OF CERTAIN STREETS) OF CHAPTER 5 (TRAFFIC) OF TITLE 4 (PUBLIC SAFETY) OF THE WATSONVILLE MUNICIPAL CODE TO AMEND EXISTING RESTRICTIONS RELATED TO USE OF PUBLIC STREETS AND AMEND EXISTING RESTRICTIONS RELATED TO ADVERTISING VEHICLES EQUIPPED WITH SOUND-AMPLIFYING DEVICES; AND ADDING A NEW SECTION 4-5.1306 OF ARTICLE 13 (RESTRICTED USE OF CERTAIN STREETS) OF CHAPTER 5 (TRAFFIC) OF TITLE 4 (PUBLIC SAFETY) OF THE WATSONVILLE MUNICIPAL CODE TO ESTABLISH A PROHIBITION ON PARKING OF OVERSIZED VEHICLES

WHEREAS, the City of Watsonville is a charter city; and

WHEREAS, pursuant to Article XI, Sections 5(a) and 7 of the California Constitution, and the City's authority as a charter city to exercise the full measure of its police power regarding municipal affairs, the City is empowered and charged with responsibility for the health, safety, and welfare of its residents; and

WHEREAS, Vehicle Code section 22507 authorizes the City to prohibit or restrict the stopping, parking, or standing of oversized vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, the parking of oversized vehicles can create public safety concerns; and

WHEREAS, oversized vehicles can obstruct access to rights-of-way, reduce sight distance, and reduce visibility at intersections and crosswalks; and

WHEREAS, these obstructions, in turn, can create increased hazardous traffic conditions and risks of collision and endanger motorists, bicyclists, pedestrians, and other members of the public; and

WHEREAS, the City Council desires to limit parking of oversized vehicles on City streets and prohibit encroachments on City streets; and

WHEREAS, the City Council wishes to provide limited exceptions to the prohibitions on oversized vehicles in the public right-of-way; and

WHEREAS, the City Council desires to update the Watsonville Municipal Code to enact an oversized vehicle parking restriction.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council of the City of Watsonville does hereby find that the above referenced recitals are true and correct and material to the adoption of this ordinance.

Section 2. Amendment.

Section 4-5.1301 (Certain vehicles prohibited in business districts) of the Watsonville Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Amendment.

Section 4-5.1302 (Advertising vehicles) of the Watsonville Municipal Code is hereby amended to read as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 4. Amendment.

A new section 4-5.1306 (Removal of vehicles parked in violation of oversized vehicle restriction) is hereby added to the Watsonville Municipal Code as set forth in Exhibit C, attached hereto and incorporated herein by this reference.

Section 5. Environmental Determination.

The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§15060, subds. (c)(2), (c)(3), 15061, subd. (b)(3).)

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date.

This ordinance shall take effect thirty (30) days after passage by the City Council.

Section 8. Publication.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

Exhibits

- A. Section 4-5.1301 (Certain vehicles prohibited in business districts) Amendment
- B. Section 4-5.1302 (Advertising vehicles) Amendment
- C. Section 4-5.1306 (Removal of vehicles parked in violation of oversized vehicle restriction) Addition

Exhibit A

Section 4-5.1301 Certain vehicles prohibited in business districts. (additions in underline, deletions in ~~strikethrough~~):

- (a) No person shall operate any of the following vehicles in the business district between the hours of 7:00 a.m. and 6:00 p.m. of any day:
- (1) Any freight vehicle more than eight and one-half (8 1/2') feet in width with load or any freight vehicle so loaded that any part of its load extends more than twenty (20') feet to the front or rear of such vehicle;
 - (2) Any vehicle carrying building materials which have not been loaded or are not to be unloaded at some point within the business district;
 - (3) Any freight vehicle with a trailer; or
 - (4) Any vehicle carrying crude or fuel oil.
- (b) ~~The Chief of Police~~The Chief of Police or Designee by written permit, may authorize the operation of such vehicles for the purpose of making necessary emergency deliveries to or from points within the business district.

Exhibit B

Section 4-5.1302 (Advertising vehicles) (additions in underline, deletions in ~~striketrough~~):

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud-speaking device upon any street or alley, ~~without the payment of the City license tax.~~

Exhibit C

Section 4-5.1306 Removal of vehicles parked in violation of oversized vehicle restriction (additions in underline, deletions in ~~strikethrough~~):

Section 4-5.1306 Removal of vehicles parked in violation of oversized vehicle restriction

(a) Purpose.

The purpose of this section is to reduce the adverse impacts associated with oversized vehicle parking and increase roadway visibility, increase the safety of pedestrians and motorists using public roadways and other public spaces, and to further protect the public health and safety by eliminating the discharge of septic waste, wastewater, garbage, and trash into the city's storm sewer and sanitary sewer.

(b) Definitions.

The following words and terms, as used in this section, shall have the following meanings:

(1) "Oversized vehicle" means a motor vehicle under Vehicle Code section 670 which also meets one or more of the following criteria: exceeds eight (8) feet in height; or exceeds seven and a half (7 1/2') feet in width; or exceeds twenty-two (22') feet in length; or having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more.

(2) "Trailer" means any camping trailer, camper, fifth wheel travel trailer, house car, mobile home, trailer, trailer coach, as defined in Vehicle Code sections 242, 243, 324, 362, 396, 630, 635, or any recreational vehicle as defined in Health and Safety Code section 18010.

(c) Parking of oversized vehicles prohibited.

Except as provided in subsection (d) below, it shall be unlawful to park any oversized vehicle or trailer or combination of oversized vehicle and trailer on any public street, roadway, alley, City owned or maintained parking lot, or other public place. The city manager or their designee, shall place signage on streets sufficient to give adequate notice of this prohibition.

(d) Exemptions.

The prohibition in subsection (c) shall not apply to any of the following:

(1) Oversized vehicles actively engaged in loading and unloading deliveries of persons, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to an adjacent residence or building.

(2) Oversized vehicles that are parked while the operator is actively engaged in performing a service to or on a property on the same City block where the oversized vehicle is parked.

(3) Oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for eight consecutive hours where an oversized vehicle is left parked on a city street because of a mechanical breakdown or because of physical incapacity of the driver or owner.

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

(5) Oversized vehicles that are wheelchair-accessible or passenger vans parked for the purpose of providing access or transportation services to an individual.

(6) Oversized vehicles and/or trailers owned or operated by vendors for City-permitted special events, issued pursuant to Section 5-12 of this code, and parked within the designated special event area.

(7) Oversized vehicles and/or trailers parked on streets exempted from this Section by resolution of the City Council.

(8) Recreational vehicles or camping trailers that are parked at Pinto Lake City Park and have paid the daily reservation fees.

(9) Oversized vehicles and/or trailers parked in an area with the zoning designation of Industrial Park or General Industrial owned by a company licensed by the City to tow other vehicles.

(e) Administrative regulations.

The Chief of Police or their designee shall adopt administrative regulations governing the implementation of this Section. Said regulations may include notice, vehicle storage, and property inventory policies.

(f) Violations.

Violators shall be subject to citation, towing, or both. Any member of the police department authorized by the Chief of Police may remove a vehicle that is stopped, standing, or parked in violation of this Section, from the street or highway in the manner and subject to the requirements of Vehicle Code section 22650 et seq. Any vehicle parked in violation of the prohibition set forth in this article will be subject to removal at the owner's expense.