

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 “VEHICLES AND TRAFFIC” AT CHAPTERS 10.04 “DEFINITIONS,” 10.40 “STOPPING, STANDING AND PARKING,” 10.41 “CITY-WIDE PARKING PERMIT,” PERTAINING TO THE PARKING OF OVERSIZED VEHICLES AND AMENDING CHAPTER 16.19 “STORM WATER AND URBAN RUNOFF POLLUTION CONTROL” AT SECTION 16.19.070 “DISCHARGE OF SEWAGE PROHIBITED”

WHEREAS, over the last decade, the community has worked on addressing the public health, public safety and environmental impacts of oversized vehicles parked on city streets, and these impacts affect both individuals who are housed and those who are unhoused; and

WHEREAS, our City is committed to the well-being of all and therefore is establishing a set of parameters to facilitate time and manner of oversized vehicle parking on city roads as well as alternative safe parking sites; and

WHEREAS, Chapter 6.36 of the Municipal Code allows for religious assembly uses to host six or fewer oversized vehicles and for businesses to host three or fewer oversized vehicles on a site, and pursuant to such regulations, safe overnight parking locations currently exist within the City to serve individuals experiencing homelessness who reside in their vehicles; and

WHEREAS, the City is now committing itself to further expand programs that provide parking and/or shelter options available to those living in oversized vehicles without the economic means to find non-vehicle shelter or safe legal parking locations; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 10.04 “Definitions” is hereby amended by adding Sections 10.04.065 “Current Address,” 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. “10.04.065 CURRENT ADDRESS. “Current Address” shall mean the street name and postal address number, along with the city, state, and zip code, of the primary physical residence where an individual resides. If the individual has more than one address, it shall be the location where they are registered to vote. If they are not registered to vote, it shall be the location where they spend the most time during the year.
- B. “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.”
- C. “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.”

- D. “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: (1) meets or exceeds twenty feet in length at any time, or (2) both of the two following criteria, exclusive of fixtures, accessories, or property: eight 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 that are less than twenty feet in length and eight feet in height.”
- E. “10.04.165 RESIDENT “Resident” shall mean a person who customarily resides and maintains a place of abode with a street address number in the City of Santa Cruz or who owns land within the City of Santa Cruz with a street address number. 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 Section 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, alley, or city parking lot at any time between the hours of midnight and 5:00 a.m. unless explicitly permitted by Section 10.40.120(g).
- (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) No person shall establish or maintain an open fire on any public highway, street, alley or city parking lot, (such as camp fires, bonfires, BBQs, recreational fires, burning of garbage, or portable outdoor fireplaces) without a permit from the City. In addition, it shall be unlawful to intentionally or negligently set fire to or cause the burning of combustible material on any public highway, street, alley or city parking lot in such a manner as to endanger the safety of persons or property. A violation of this subsection is a misdemeanor.
- (d) No person, who owns or maintains an oversized vehicle, shall permit the area

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surrounding the oversized vehicle to be maintained in an unsafe, untidy, and/or unsanitary/unhygienic fashion. Surrounding areas must be kept free from litter, debris, waste, discarded food products, discarded hypodermic needles, discarded property, improperly disposed gray or black water, unleashed animals, and garbage. A violation of this subdivision shall be a misdemeanor, and may subject the vehicle to towing pursuant to Vehicle Code section 22651(h)(1)

(e) Unattached trailers are prohibited from being parked on any city street or alley at any time, unless in the process of actively being loaded or unloaded.

(f) 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.

(g) The prohibitions contained in 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 their 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 commercial 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.

(6) Parking of any oversized vehicle during the pendency of a non-pandemic related state of emergency declared to exist within the City of Santa Cruz by the city council, city manager or governor.

(7) A person and oversized vehicle that are, collectively, registered and participating in a safe parking program or other safe sleeping or transitional shelter

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program operated or sanctioned by the City, but do not have access to a safe parking space or other shelter options under such programs due to a lack of capacity.

(8) Any oversized commercial vehicle that has been issued and is displaying a contractor's oversized vehicle parking permit.

(h) Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to their 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 their designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town guest of a resident 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 address for which the oversized vehicle parking permit has been granted, or within four hundred feet of that address if the area immediately adjacent to the address is not available for parking due to curb configuration; due to the adjacent parking spaces being occupied by vehicles belonging to someone other than the owner, permittee, or a visitor of the owner or permittee; or due to the immediately adjacent parking resulting in a violation of Section 10.40.120(f) .

(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. Attached trailers shall display the permit on the side of the trailer so that the permit is visible from the street.

(4) Any oversized vehicle present in conjunction with a short-term rental shall need a valid permit to park and shall park immediately adjacent to the short-term rental if that space complies with Section 10.40.120(f), or if the immediately adjacent space is unavailable, within 400 feet of the short-term rental.

(5) The city manager or their 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 their designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow, bike lanes, or access. Upon the filing of the application, the City may make such an investigation as necessary to determine whether such a permit should be issued. The application for a permit must contain:

a. Name, current address, phone number, and current valid driver's license number of the resident applicant.

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- b. The vehicle license plate number, make, model and type of vehicle for which an overnight parking permit is requested.
- c. The name and current address of the registered owner of the vehicle
- d. Proof of ownership and current registration of said vehicle
- e. The dates for which the permit is requested.
- f. A statement that the applicant declares under penalty of perjury that all statements in the application are true; and
- g. The signature of the applicant and date of application.

In addition, the application shall include:

- a. Valid California Driver's License for the vehicle's owner
- b. Proof of current registration
- c. Proof of current utility bill which matches the resident's address indicated in the permit application

(6) Permits are not transferable. Individuals who are found to have sold or transferred their permit will lose future permit privileges.

(i) 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 (h) (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 in respect of any address in a calendar year. No more than one resident oversized vehicle overnight parking permit shall be issued in respect of any address at one time.

(j) Parking Permit fee. The parking permit fee for oversized vehicles shall be established by city council resolution.

(k) 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 committed within twelve months of a previous citation is a misdemeanor. Pursuant to Section 4.04.010(3), any misdemeanor offense be charged and prosecuted as an infraction or a misdemeanor.

(l) Overnight Parking Permit Denial. The city shall 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, as defined by section 10.04.165 above.

(2) The resident or out-of-town visitor guests of a resident have been issued five or more citations for violations in the twelve calendar months prior to application.

(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.

(m) City Operated or Sponsored Safe Parking Programs. In addition to the private property allowances authorized through Chapter 6.36.030, the City may operate, sponsor, or authorize safe parking programs for vehicles on any City owned or leased properties in the City, or any City-sanctioned private parking lots. The City Manager shall develop a policy that establishes operational criteria for safe parking programs.

(n) A person may obtain a contractors oversized vehicle parking permit for a specific oversized commercial vehicle if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet and agree to each the following conditions:

(1) The person owns or lawfully possesses an oversized commercial vehicle which is registered with the Department of Motor Vehicles as a commercial vehicle and displays identifiable California commercial license plates;

(2) The person possesses a valid business license issued pursuant to Chapter 5.04 of the Santa Cruz Municipal Code and has paid all other applicable City taxes;

(3) The oversized commercial vehicle is necessary for use in the business for

which the city business license has been issued;

(4) The oversized commercial vehicle will at no time be parked unattended in any location that creates or exacerbates a dangerous traffic safety condition; and

(5) The contractor's oversized commercial vehicle shall bear a clearly visible notice in the driver's side window which includes contact information which would allow City safety or enforcement personnel to contact the vehicle operator.

(o) A violation of any of the provisions of this chapter, except those provisions specifically identified as misdemeanors and/or provisions related to parking or standing vehicles, shall be punishable as an infraction. Violations of any of the provisions of this chapter related to parking or standing vehicles shall be subject to a \$50.00 civil penalty (parking ticket), the enforcement of which shall be governed by the civil administrative procedures set forth in Division 17, Chapter 1, Article 3 (commencing with Section 40200) of the California Vehicle Code.

(p) The City Manager is authorized to promulgate and publish rules and regulations to interpret and implement this section.

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. Chapter 16.19 "Storm Water and Urban Runoff Pollution Control" is hereby amended at Section 16.19.070 "Discharge of Sewage Prohibited" to read as follows:

"16.19.070 DISCHARGE OF SEWAGE PROHIBITED.

No person shall cause the discharge of sewage or grey water to the storm drain system including, but not limited to, discharges of recreational vehicle holding tanks. In addition, if the director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or storm drain system, the director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with Section 16.19.180.

Section 5. 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

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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 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 26th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2021-XX and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator