

ORDINANCE NO. 11-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GOLETA AMENDING TITLE 10 CHAPTER 10.01 TO ADD
PARKING RESTRICTIONS FOR LARGE VEHICLES AND
TRAILERS ON CITY STREETS**

WHEREAS Title 10 of the Goleta Municipal Code sets forth the requirements, restrictions and penalties for parking vehicles in the City of Goleta; and

WHEREAS the requirements, restrictions and penalties for parking vehicles are set forth in the municipal code to ensure the health, safety and welfare of the public; and

WHEREAS the long-term parking of large vehicles and trailers on city streets presents an on-going safety hazard to pedestrians, motorists and cyclists due to limiting sight-distance at driveways and intersections, presenting potential conflicts between vehicles on the roadway and pedestrians, motorists, and cyclists entering or crossing that roadway; and

WHEREAS the parking of large vehicles and trailers on city streets may impede the access of emergency response vehicles; and

WHEREAS the Goleta Police Department and Community Services Department receive a significant number of traffic complaints from residents involving the long-term parking of large vehicles and trailers on city streets; and

WHEREAS large vehicles and trailers, especially recreational vehicles, hold large quantities of gasoline and propane, thus posing a potentially highly volatile fire hazard; and

WHEREAS detached trailers parked on the street constitute a safety hazard as they are not required to have an independent braking system; and

WHEREAS the negative aesthetic impacts of large parked vehicles and trailers, increased noise and noxious gases emitted from parked vehicle generators and engines, and odors emanating from engines and sewage holding tanks in some parked large vehicles and trailers detracts from the quality of life of city residents; and

WHEREAS owners of large vehicles and trailers should have the opportunity to have limited use of city streets for short periods of time to accomplish specific purposes; and

WHEREAS current regulations are inadequate to address the impacts created by parking large vehicles and trailers on city streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

Chapter 10.01 Article VII is added to the Goleta Municipal Code to read as follows:

“Article VII. Large Vehicle and Trailer Parking Restrictions.

10.01.400 Definitions. For the purposes of this section the following words or phrases shall be defined as follows:

Commercial Areas. “Commercial Areas” shall mean those areas of the city identified in the Goleta Municipal Code as commercial or industrial zoning districts.

Commuter Vehicles. “Commuter Vehicles” shall mean buses and vans which serve as a means of mass public transportation. A commuter vehicle shall be considered to serve as a means of mass public transportation if the vehicle provides transportation for more than 10 persons and is either:

- i. Maintained and used primarily for the work-related transportation of adults, or
- ii. Maintained and used primarily for the school-related transportation of students.

Out-of-Town Visitor. “Out-of-Town Visitor” shall mean any natural person who does not reside in the city and who is temporarily visiting a resident of the city.

Oversized Vehicle. “Oversized Vehicle” shall mean any vehicle, as that word is defined in section 670 of the California Vehicle Code, or a combination of connected vehicles and/or trailers, as defined in this Section, that exceeds twenty-five (25) feet in length or eighty (80) inches in width or eighty-two (82) inches in height, exclusive of such projecting lights or devices as are expressly allowed under the California Vehicle Code. Oversized Vehicle shall not mean or include pickup trucks or sport utility vehicles, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.

Act of God. “Act of God” shall mean any acts of God, war, riots, fire, explosion, flood, or any cause beyond the control of a person.

Residential Areas. “Residential Areas” shall mean those areas of the City identified in the Goleta Municipal Code as residential zoning districts.

Street. “Street” shall mean any public street, road, or highway, as those words are defined in sections 360, 527, and 590 of the California Vehicle Code.

Trailer. “Trailer” shall mean any trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer coach, or fifth-wheel travel trailer as defined in sections 242, 243, 324, 550, 630, 635, and 636 of the California Vehicle Code.

10.01.410 Oversized Vehicle and Trailer Parking Restrictions. Except as provided in sections 10.01.420 and 10.01.430 of this code, no person may park or leave standing any oversized vehicle or trailer for more than 24 hours total within three consecutive days, including holidays, upon any street within a residential area or a commercial area of the City.

10.01.420 Exceptions. The prohibitions in section 10.01.410 shall not apply to:

- A.** Any person who has been issued and is in possession of a current valid Oversized Vehicle Parking Permit pursuant to section 10.01.430;
- B.** Any person who is in possession of a current valid Hotel Guest Bus Parking Permit issued pursuant to section 10.01.440;
- C.** Any person while actually engaged in the current loading or unloading of an oversized vehicle or trailer;
- D.** Any person while actually engaged in using an oversized vehicle or trailer in providing services to a residential or commercial building including, but not limited to cleaning services, repair services, construction services, and pool care or maintenance services; or
- E.** Any properly authorized and licensed towing vehicles in the course of providing automobile towing or maintenance services;
- F.** Any person while actually engaged in making temporary or emergency repairs to an oversized vehicle or trailer which preclude removal to a permitted parking area;
- G.** Any person parking an oversized vehicle and/or trailer properly displaying a valid handicapped parking permit.
- H.** Any public agency emergency response vehicle;

I. If a primary residence becomes uninhabitable due to an act outside the control of the resident, a recreational vehicle may be parked on a public street for 6 months or until the residence is repaired, whichever is shorter.

J. Any person parking a commuter vehicle.

10.01.430 Oversized Vehicle Parking Permit. An Oversized Vehicle Parking Permit shall be considered valid subject to the requirements and limitations set forth in this section.

A. Purpose. The purpose of authorizing the issuance of Oversized Vehicle Parking Permits is to allow owners of oversize vehicles and trailers additional time to park their oversize vehicles and trailers on a public street near their residences or businesses for the purpose of loading or unloading such oversize vehicles and trailers, and to allow an out-of-town visitor to park on a street near the residence that the out-of-town visitor is visiting for a limited time period.

B. Application. The Applicant shall file with the Police Chief a completed city application form providing all information requested. The application must include the following information:

1. The license plate number of the oversized vehicle or trailer;
2. The Goleta address of the business or residence where the oversized Vehicle or trailer will be parked or left;
3. Contact information, including permanent address and phone number of resident or business owner where oversized vehicle or trailer will be parked or left;
4. The Applicant's contact information, including permanent address and phone number.

The Applicant and owner of the business or residence that the oversized vehicle or trailer will be parked shall attest to the accuracy of the information contained in the Permit under penalty of perjury.

Each Applicant desiring an Oversized Vehicle Parking Permit must pay any applicable processing fee as approved by resolution of the City Council.

C. Issuance. Oversized Vehicle Parking Permits shall be issued on a form approved by the Police Chief. The permit shall be issued and valid only for the specified parking use indicated on the permit. The permit must include the following:

1. The license plate number of the oversized vehicle or trailer;
2. The Applicant's name;
3. The address or location adjacent to which the oversized vehicle or trailer is approved to park; and
4. The date the permit was issued; and
5. The date the permit expires.

D. Display. All permits shall be placed in the lower driver's side of the windshield of the oversized vehicle or trailer in a manner that is clearly visible from the exterior. If the oversized vehicle or trailer does not have a windshield, the Permit must be properly affixed to the outside of the oversized vehicle or trailer on the left side of the front of the vehicle. Failure to properly display the permit shall constitute a violation of this section.

E. Permitted Parking Location. A vehicle with a current and valid Oversized Vehicle Parking Permit shall only park on the public street immediately adjacent to the address noted on the issued permit and may not park adjacent to any address not indicated on the issued permit.

F. Overnight Accommodations. A valid Oversized Vehicle Parking Permit shall not at any time permit the Applicant to use the subject vehicle or trailer for overnight accommodation or sleeping purposes.

G. Duration; Expiration. An Oversized Vehicle Parking Permit shall be valid for a period not to exceed five (5) consecutive calendar days and shall expire at 11:59 a.m. on the expiration date indicated on the permit. After expiration, the Oversized Vehicle Parking Permit shall be invalid, and continued parking of the oversized vehicle or trailer on City streets shall be a violation of this Section unless otherwise excepted by the provisions of this Article.

H. Extension; Maximum Parking Limit. An applicant may apply for an extension of the duration of the permit if the conditions for obtaining a permit, as set forth above, exist. In no event shall Oversized Vehicle Parking Permits be issued or extended for a specific person, address, or vehicle for a total of more than fifteen (15) days within any consecutive six (6) month period.

10.01.430 Hotel Guest Bus Parking Permit. A Hotel Guest Bus Parking Permit shall be considered valid subject to the requirements and limitations set forth in this section.

A. Purpose. The purpose of authorizing the issuance of Parking Permits is to allow owners of buses used to transport out-of-town guests to local hotels additional

time to park their oversize vehicles on a public street near the hotel for a limited time period.

B. Application. The Applicant shall file with the Police Chief a completed city application form providing all information requested. The application must include the following information:

1. The Goleta address of the hotel the oversized Vehicle or trailer is associated with;
2. Contact information, including business address and phone number of the Hotel manager or owner that the oversized vehicle or trailer is associated with;
3. The Applicant's contact information, including permanent address and phone number.
 - a. The Applicant and owner or manager of the Hotel that the oversized vehicle or trailer is associated with shall attest to the accuracy of the information contained in the Permit under penalty of perjury.
 - b. Each Applicant desiring a Hotel Guest Bus Parking Permit must pay any applicable processing fee as approved by resolution of the City Council.

C. Issuance. Hotel Guest Bus Parking Permits shall be issued on a form approved by the Police Chief. The permit shall be issued and valid only for the specified parking use indicated on the permit.

D. Display. All permits shall be placed in the lower driver's side of the windshield of the oversized vehicle or trailer in a manner that is clearly visible from the exterior. If the oversized vehicle or trailer does not have a windshield, the Permit must be properly affixed to the outside of the oversized vehicle or trailer on the left side of the front of the vehicle. Failure to properly display the permit shall constitute a violation of this section.

E. Permitted Parking Location. A vehicle with a current and valid Hotel Guest Bus Parking Permit shall only park on a public street located within 500 feet from the address noted on the issued permit where on street parking is otherwise permitted..

F. Overnight Accommodations. A valid Hotel Guest Bus Parking Permit shall not at any time permit the Applicant to use the subject vehicle or trailer for overnight accommodation or sleeping purposes.

G. Duration; Expiration. A Hotel Guest Bus Parking Permit shall be valid for a period not to exceed one (1) year and shall expire at 11:59 a.m. on the expiration date indicated on the permit. After expiration, the Hotel Guest Bus Parking Permit shall be invalid.

10.01.450 Cord, Hose and Cable Restrictions. In no event shall a person run for a consecutive duration longer than four (4) hours electrical cords, extension cords, hoses, cables, or other items across, above or on the parkway or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a street.

10.01.460 Enforcement. Enforcement actions may be taken as follows:

A. Parking Violations. Any person who violates any provision of this section is guilty of an infraction and shall be subject to citation, pursuant to section 40202 of the California Vehicle Code, and fees as established by a schedule of fees adopted by resolution of the City Council. If an oversized vehicle or trailer is left illegally parked or standing on a City street for seventy-two (72) consecutive hours in violation of this Section, the oversized vehicle or trailer is subject to removal pursuant to section 22651, subsection (k) of the California Vehicle Code.

B. Hearings. Any person who is issued notice of a parking violation pursuant to this Section may request review of that notice under section 40215 et seq. of the California Vehicle Code.

C. Forged, Altered, or Counterfeit Permits. Any person who forges, alters, or counterfeits an Oversized Vehicle Parking Permit, or displays a forged, altered, or counterfeit Oversized Vehicle Parking Permit shall be guilty of a misdemeanor.

10.01.470 Signs. Signs giving reasonable notice of the prohibitions contained in this section shall be posted at all entrances to the City as required by California Vehicle Code section 22507.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof may be declared invalid or unconstitutional.

SECTION 4. Effective Date

This ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 5. Publication

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in a manner prescribed by law.

INTRODUCED ON the _____day of July, 2011.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2011.

ATTEST:

DEBORAH CONSTANTINO
CITY CLERK

MARGARET CONNELL, MAYOR

APPROVED AS TO FORM:

TIM W. GILES
CITY ATTORNEY

DRAFT

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 09-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2011, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

DRAFT

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK