

ORDINANCE NO. 2021-

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 AND CHAPTER 16.19 “STORM WATER AND URBAN
RUNOFF POLLUTION CONTROL” AND AMEND SECTION 16.19.070 “DISCHARGE OF
SEWAGE PROHIBITED”

WHEREAS, over the last decade, the community has been working on addressing the public health, public safety and environmental impacts of oversized vehicles parked on residential streets from individuals who are housed and unhoused; and

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

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 10.04.085 “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 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 that are less than twenty 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, except for a person living in a vehicle, with no fixed place of residence, with a vehicle registered with an address in the City of Santa Cruz for at least six months prior to applying for an oversized vehicle parking permit pursuant to Section 10.40.120(h)(1).

E. Section 10.04.165 “CURRENT ADDRESS” is added, to read as follows:

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.

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 actively engaged in commercial activities, or in the event of a declared state of emergency, unless otherwise authorized by this article. This prohibition does not apply to a person and vehicle that are, collectively, eligible to participate in the City's expanded safe parking program, but are unable to participate due to lack of parking capacity.

(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 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 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 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) Oversized vehicles participating in city-sanctioned programs.

(h) 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 of the resident who obtained the oversized vehicle parking permit, or within four hundred feet of that person's residence if the area immediately adjacent to the residence 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. 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 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, 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:

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

(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 within an 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.

(l) 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, 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 same calendar year.
- (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. The City Manager shall develop a policy that establishes operational criteria for safe parking programs and shall submit that policy to the Council for review and approval.

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. Chapter 16.19 “Storm Water and Urban Runoff Pollution Control” is hereby amended at Section 16.19.070 “Discharge of Sewage Prohibited” is hereby amended 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 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 provided, however, that enforcement of Section 10.40.020(a) shall not commence until the Council passes a resolution confirming that either (a) the City has implemented an enhanced safe parking permit program for unhoused City residents who have a vehicle registered with an address in the City of Santa Cruz for at least six months prior to permit issuance, and/or (b) the County of Santa Cruz has implemented an equivalent safe parking program in Santa Cruz County for unhoused residents of Santa Cruz County with a vehicle registered in Santa Cruz County for at least six months prior to permit issuance.

PASSED FOR PUBLICATION this 21st day of September, 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