

1 **ORDINANCE NO. _____**

2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
3 OF CARLSBAD, CALIFORNIA, AMENDING TITLE 10,
4 CHAPTER 10.40 BY ADDING SECTION 10.40.180 TO
5 ESTABLISH RULES OF CONDUCT REGARDING THE
6 PARKING OF OVERSIZED AND RECREATIONAL
7 VEHICLES ON CITY STREETS AND RIGHTS OF WAY.

8 WHEREAS, the City of Carlsbad has seen an increase in complaints
9 regarding the parking and/or storage of Oversized Vehicles in residential and
10 commercial areas throughout the City; and

11 WHEREAS, safety issues such as inadequate sight distance from
12 driveways and intersections result when such Oversized Vehicles are parked on
13 public streets or rights of way in the City; and

14 WHEREAS, health concerns resulting from the illegal dumping of sewage
15 waste from oversized vehicles is known to occur; and

16 WHEREAS, the parking and/or storage of oversized vehicles causes visual
17 blight in the City.

18 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
19 CARLSBAD, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

20 SECTION I. That Title 10, Chapter 10.40 of the Carlsbad Municipal
21 Code is amended with the addition of Section 10.40.180 as follows:

22 **PARKING OF OVERSIZED VEHICLES**

23 (a) Definitions. For purposes of this article, the following definitions shall
24 apply unless the context clearly indicates or requires a different
25 meaning.

26 (1) "Loading and Unloading" shall mean actively moving items to or from
27 an Oversized Vehicle including the activities required to prepare the
28 vehicle for travel or storage.

(2) "Out-of-Town Visitor" shall mean any person who does not reside in
the City of Carlsbad, 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.

1 (3) "Oversized Vehicle" shall mean any motorized vehicle as defined of
2 Section 670 of the Vehicle Code or combination of motorized vehicles
3 and/or non-motorized vehicles or trailers that meets or exceeds twenty-
4 two (22) feet in length at any time or a combination of the two following
5 criteria, exclusive of fixtures, accessories or property: seven (7) feet in
6 height and seven (7) feet in width.

7 (i) To determine the height, width or length of the vehicles
8 defined in this section, any extension to the vehicle caused by
9 mirrors, air conditioners, or similar attachments as allowed by
10 35109, 35110 or 35111 of the Vehicle Code as may be amended
11 shall not be included.

12 (ii) Oversized Vehicle does not include pickup trucks, vans, or
13 sport utility vehicles, which are less than twenty-five (25) feet in
14 length and eight (8) feet in height.

15 (4) "Resident" shall mean a person who customarily resides and
16 maintains a place of abode or who owns land within the City of
17 Carlsbad. It shall not mean a person who maintains an address at a
18 post office box, mailbox drop, or who rents a room without it being
19 the primary place of abode.

20 (b) Overnight Parking Prohibition. No person shall stop, stand, park or
21 leave standing any Oversized Vehicle on any public highway, street or city parking
22 lot at any time between the hours of 2:00 a.m. and 5:00 a.m. unless otherwise
23 authorized by this article.

24 (c) Utility Connections Prohibited. No person shall permit, cause or allow
25 any electrical, water, gas, telephone or other utility connection (such as electrical
26 cords, extension cords, hoses, cables, or other items) to encroach into any public
27 right of way including across or above any street or sidewalk from a residential or
28 commercial property to an Oversized Vehicle or trailer parked on a public highway,
street or city parking lot.

(d) Overnight Parking Exceptions to Prohibitions. The provisions of Section
10.40.180(b) 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.

1 (2) Oversized Vehicles displaying a permit issued by the City Manager
2 to a Hotel as defined in Carlsbad Municipal Code Section 21.04.185 or a Motel as
3 defined in Carlsbad Municipal Code Section 21.04.273 for the exclusive use of its
4 registered guests.

4 (3) Oversized Vehicles involved in an emergency or being repaired
5 under emergency conditions. Emergency parking may be allowed for twenty-four
6 (24) consecutive hours where an Oversized Vehicle is left standing at the roadside
7 because of mechanical breakdown or because of the driver's physical incapacity
8 to proceed.

8 (4) Oversized Vehicles belonging to federal, state or local authorities or
9 public utilities that are temporarily parked while the operator of the Oversized
10 Vehicle is conducting official business.

10 (5) Oversized Vehicles actively engaged in the Loading and Unloading
11 and deliveries of person, merchandise, wares, supplies, goods or other materials
12 in the course of construction or other work from or to any adjacent building or
13 structure.

13 (6) The prohibitions provided in this article shall not apply to the parking
14 of any Oversized Vehicle during the pendency of any state of emergency declared
15 to exist within the City of Carlsbad by the City Council, City Manager or Governor.

15 (e) Overnight Parking Permit Conditions. Any Resident may obtain an
16 Oversized Vehicle overnight parking permit to park an Oversized Vehicle
17 registered to them adjacent to his/her residence. Any Resident may obtain an
18 Oversized Vehicle overnight parking permit to park an Oversized Vehicle
19 belonging to an Out-of-Town Visitor.

19 The City Manager or his/her designee may issue a permit for overnight parking of
20 an Oversized Vehicle to any Resident or Out-of-Town Visitor subject to the
21 following provisions:

21 (1) The Oversized Vehicle shall be owned, leased, rented by, or
22 registered to, a Resident or Out-of-Town Visitor.

22 (2) The Oversized Vehicle shall park at the street curb immediately
23 adjacent to the residence, or within four hundred (400) feet of that
24 person's residence if this area is not available for parking due to curb
25 configuration or codified parking restrictions.

25 (3) The Oversized Vehicle overnight parking permit shall be prominently
26 displayed in the lower driver's side of the windshield or the nearest
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1 window of the vehicle. The permit shall be clearly visible from the
2 exterior of the Oversized Vehicle and shall not cover the Vehicle
3 Identification Number. Trailers shall display the permit on the side of
the trailer so that the permit is visible from the street.

4 (4) The Oversized Vehicle shall not be used for camping, lodging,
5 residing or for accommodation purposes. Nothing in this ordinance
6 shall be construed to permit sleeping or camping in a vehicle as
prohibited by the Carlsbad Municipal Code.

7 (5) All Oversized Vehicle permit holders shall comply with the City of
8 Carlsbad street sweeping parking regulations pursuant to the Carlsbad
Municipal Code Section 10.40.150.

9 (6) The City Manager or his/her designee may deny or revoke an
10 Oversized Vehicle overnight parking permit if, upon a review of the
11 location where the Oversized Vehicle will be parked, the City Manager
12 or his/her designee determines that it would create a traffic hazard or
otherwise would adversely affect public safety, traffic flow or access.

13 (f) Overnight Parking Permit Duration.

14 (1) Each Resident Oversized Vehicle overnight parking permit shall be
15 valid for one (1) year. A Resident Oversized Vehicle permit allows a
16 resident to park an Oversized Vehicle for four (4) periods of up to
17 seventy-two (72) consecutive hours per calendar month. The Oversized
18 Vehicle must be absent from the location authorized by section
10.40.180(e)(2) for a minimum of twenty-four (24) consecutive hours to
be lawfully parked overnight at the location again.

19 (2) Each Oversized Vehicle overnight parking permit issued to an Out-
20 of-Town Visitor shall be valid for a maximum of seventy-two (72) hours.

21 (3) No more than six (6) Out-of-Town Visitor permits shall be issued to a
22 Resident in a calendar year.

23 (g) Fraudulent Permit Penalty. Every person who displays a fraudulent,
24 forged, altered or counterfeit Oversized Vehicle parking permit or permit number is
guilty of a misdemeanor.

25 (h) Overnight Parking Permit Denial. The City may deny the issuance of an
26 Oversized Vehicle overnight parking permit for up to one year if the City Manager
27 or his/her designee finds that any of the following conditions exist:

28 (1) The applicant or the person the applicant is visiting is not a bona fide
Resident.

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EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the city clerk shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the _____ day of _____, 2013, and thereafter

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2013, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CELIA A. BREWER, City Attorney

MATT HALL, Mayor

ATTEST:

, City Clerk