

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE REGULATING THE PARKING OF OVER-SIZED VEHICLES

City Attorney Impartial Analysis

In 2018, the Salinas City Council adopted regulations prohibiting the parking of certain over-sized vehicles on public streets and other public spaces. Those regulations are codified at Article XVIII of Chapter 20 of the Salinas Municipal Code. This Ordinance amends the definition of “Emergency vehicles” set forth in Section 20-18.030 to make that exception from the parking regulations applicable only to “authorized emergency vehicles” as that term is defined in the California Vehicle Code.

WHEREAS, the City Council desires to preserve the health and the safety of the City’s residents and the safety and the attractiveness of the City’s roadways and public spaces, as well as the safety of others who use the City’s roadways and public spaces; and

WHEREAS, the public roadways of Salinas are frequently used to regularly or routinely park or store over-sized vehicles used for work purposes or for human recreation and habitation, including recreational vehicles, campers, trailers, motorhomes, and boats; and

WHEREAS, on-street parking of over-sized vehicles, including recreational vehicles, has negative effects on both the performance and the safety of the public roadways; and

WHEREAS, the regular or the routine parking and/or storage of over-sized vehicles and recreational vehicles (as more specifically defined in this ordinance) on City roadways and public spaces often creates driver’s line of sight obstructions from intersections and driveways; and

WHEREAS, the regular or the routine parking and/or storage of over-sized vehicles and recreational vehicles on City roadways and public spaces creates hazards to vehicular and pedestrian travel and reduces the effective ingress and egress of emergency and critical service vehicles; and

WHEREAS, the American Association of State Highway and Transportation Officials manual (AASHTO Geometric Design, 2011) and the Transportation Research Board manual (TRB Highway Capacity Manual, 2010) confirm that on-street parking reduces through-traffic capacity, interferes with the free-flow speed of adjacent traffic and increases collision potential. These negative effects are compounded by the on-street parking of over-sized vehicles, including recreational vehicles; and

WHEREAS, over-sized vehicles, including recreational vehicles and trucks with trailers and box containers, tend to be relatively opaque when compared to smaller-sized passenger vehicles; and thereby becoming visual barriers around curves and corners where sight lines are critical to a drivers’ ability to recognize and react to roadway conditions; and

WHEREAS, recreational vehicles and other over-sized vehicles often contain storage receptacles for human waste and wastewater, the discharge of which will enter the City’s storm drain system and negatively affect waters and waterways. The routine parking and/or storage of such

recreational and other over-sized vehicles creates a public health and safety hazard due to the occurrence of illegal and illicit discharges of septic waste, wastewater, fuels, trash, or garbage from such vehicles into City streets, sewers, or storm drains in violation of the City's National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Program; and

WHEREAS, the City has seen an increase in the number of complaints of traffic and pedestrian dangers and the health concerns arising from the long-term, routine and regular parking and/or storage of over-sized vehicles, including recreational vehicles, on the City's roadways and other public spaces; and

WHEREAS, the City has 290.2 centerline miles (664.7 lane miles or about 57.3 million square feet) of roadway to maintain; and

WHEREAS, the City recently commissioned a survey of the condition of the pavement on the City's roadways as a part of the update to the City's Pavement Management System. (Refer to the March 6, 2018 Report to the City Council regarding the Pavement Management System, CIP No. 9672). The Pavement Management System was developed by Metropolitan Transportation Commission (MTC) and its sub-consultant, Adhara Systems, Inc.; and

WHEREAS, the survey results show that the City's overall Pavement Condition Index (PCI) is 54. The PCI is a numerical index between 0 and 100 which is used to indicate the general condition of a pavement, with 100 representing the best possible condition and 0 representing the worst possible condition. The PCI rating of 54 places the City's roadway network condition in low position of the "Good" category; and

WHEREAS, parked over-sized vehicles interfere with and obstruct visual access to streets, traffic control signals, other vehicles, pedestrians, bicycles, and sidewalks, thereby substantially increasing the risk of collisions between vehicles, as well as collisions between vehicles, bicycles, and pedestrians, at intersections, near driveways, and on all streets in the city; and

WHEREAS, parked or stopped over-sized vehicles, particularly recreational vehicles, are frequently left with engines running, refrigeration systems and generators running, thereby contributing to the deterioration of local air quality and quiet neighborhoods; and

WHEREAS, the Salinas City Council finds that regulating the parking of over-sized vehicles, including recreational vehicles, will promote the safety of public roadways for motorists, pedestrians by improving visibility and driving conditions, by slowing the wear and the deterioration of pavement, and will improve the health and the safety of the entire community by minimizing the use of City roadways and other spaces from the illegal discharge of septic waste, wastewater, garbage, and trash; and

WHEREAS, the City is aware of over-crowding conditions in its residential neighborhoods which results in a limited available supply of on-street parking; vehicles being parked in the front and side yards of residential units, thereby affecting the physical condition of the City's residential neighborhoods. Residents of neighborhoods throughout the city are exploring the possibility of residential parking permit programs. The City has a substantial interest in assuring and increasing

the availability of on-street parking in its neighborhoods, both during the daytime and overnight; and

WHEREAS, California Vehicle Code section 22507 authorizes a city to “prohibit or restrict the stopping, parking, or standing of vehicles...on certain streets or highways, or portions thereof, during all or certain hours of the day.” This provision permits a city to prohibit or restrict the parking of over-sized vehicles, including recreational vehicles, on some or all streets of a city with appropriate signage; and

WHEREAS, the Salinas City Council finds that the adoption of this ordinance would provide limitations on the use of public streets for parking, and is therefore categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use.

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

SECTION 1. Section 20-18.030 of the Salinas Municipal Code is hereby amended, as follows:

Sec. 20-18.030. Exceptions.

- (a) Commercial vehicles. Commercial vehicles may be parked on those streets bounded by industrial zones on all sides or for such period when the commercial vehicles is [are] picking up or delivering goods, wares, or merchandise from or to any building or structure located on a restricted street or place or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street or place where a building permit, demolition permit, or similar permit has previously been issued by the city. For purposes of this section, the term "commercial vehicle" means a vehicles intended for the purpose of picking up or delivering goods, wares, or merchandise or for the purpose of delivering materials or people to be used or to work on the actual and bona fide repair, alteration, remodeling, or construction of any building or structure.
- (b) Loading and unloading. The prohibition on parking otherwise set forth in this article does not apply if the registered owner of the non-commercial vehicle (including recreational vehicle) or trailer or combination of non-commercial vehicles (including recreational vehicles) or trailers is a resident of or a visitor to a residence on a public street or roadway where the vehicle(s) or trailer(s) is parked for no longer than forty-eight hours for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel or recreational use.
- (c) Catering vehicles. The prohibition on parking otherwise set forth in this article does not apply to catering vehicles permitted to operate pursuant to this chapter.
- (d) Authorized emergency vehicles. Any authorized emergency vehicle. An authorized emergency vehicle is defined is:
 - (1). Any publicly owned and operated ambulance, lifeguard or lifesaving equipment or any privately owned or operated ambulance used to respond to emergency calls and operated under license issued by the commissioner of the California highway patrol.

(2) Any publicly owned vehicle operated by the following persons, agencies, or organizations:

(a) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code;

(b) Any federal, state, or local agency, or department, or district employing peace officers as that term is defined in chapter 4.5 (commencing with section 830) of part 2 of title 3 of the Penal Code, for use by those officers in the performance of their duties

(c) Any vehicle owned by the state or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment;

(d) Any state owned vehicle used in responding to emergency fire, rescue or communication calls and operated either by the office of emergency services or by any public agency or industrial fire department to which the office of emergency services has assigned the vehicle;

(e) Any vehicle owned or operated by any department or agency of the United States government when such vehicle is used in responding to emergency fire, ambulance or lifesaving calls, or is actively engaged in law enforcement work;

(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the commissioner of the California highway patrol.

SECTION 2. CEQA CONSIDERATIONS. The adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3).]

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED THIS _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney