

ORDINANCE NO. 1300

**AN ORDINANCE OF THE CITY OF DALY CITY AMENDING TITLE 10 OF THE
DALY CITY MUNICIPAL CODE BY ADDING §10.32.155 TO CHAPTER 10.32
AND AMENDING §10.32.150 OF CHAPTER 10.32
COMMERCIAL VEHICLE PERMIT PARKING IN DESIGNATED ZONES**

Section 1: Authority to Establish Preferential Commercial Parking Zones. Pursuant to California Vehicle Code §22507, a city council may designate, by resolution, certain streets or any portion thereof as preferential parking zones for the benefit of residents, merchants or designated groups or vehicles within such zone in which vehicles displaying a permit may be exempt from parking prohibitions or restrictions otherwise posted, marked or noticed. The City Council of the City of Daly City hereby finds that commercial preferential parking zones are required in Daly City to enhance or protect the quality of life of the City and its residents currently threatened by noise, traffic hazards, environmental pollution, parking congestion or devaluation of real property resulting from nonresident commercial vehicle parking throughout the City; and that such zones are necessary to provide reasonably available and convenient specific parking for the benefit of local commercial vehicles without unduly impacting Daly City residents.

The City Council of the City of Daly City DOES ORDAIN as follows:

Section 2: Section 10.32.155 is hereby added to Chapter 10.32 of Title 10 of the Daly City Municipal Code to read as follows:

10.32.155 Commercial Preferential Permit Parking.

A. Establishment of Specific Zones.

Upon receipt of a report from the Department of Public Works, the City Council shall conduct a public hearing thereon, for the purpose of determining whether a commercial preferential parking zone should be established by resolution. Notice of such public hearing shall be given at least ten (10) days prior to the hearing, by publication in a newspaper of general circulation.

B. Issuance of Permits.

1. The Department of Finance shall issue permits, in the form of adhesive labels or decals, for commercial preferential parking to qualified applicants who have completed an application form supplied by the Department of Finance. Applicants for such permits shall present such proof as may be required of residence within the City of Daly City, or of a business situated and operating in the City of Daly City, and proof of current registration of the commercial vehicle to the resident or to the Daly City business.

(a) No more than two permits shall be issued for each qualified resident or business. Applicants requesting more than two permits may be granted additional permits by the Director of Finance with approval from the Chief of Police, or his/her designee, upon a showing that there are more than two qualified commercial vehicles registered at the address or to the local business and that insufficient alternative off-street parking is available to the applicants during the effective hours of the commercial preferential parking zone.

(b) Commercial vehicles used by Daly City residents in their employment, wherein the commercial vehicle is: (i) not owned by the resident, and (ii) registered to the employer, may secure a commercial vehicle preferential parking permit for such vehicle upon satisfactory showing to the City that the resident needs such commercial vehicle in proximate location to his/her residence for valid employment or emergency purposes.

(c) The Finance Department shall collect a commercial parking permit fee as set by resolution of the City Council.

2. "Commercial Vehicles" that may secure commercial preferential parking permits shall be those commercial vehicles as described in Section 10.32.150 of the City Code, or any amendments to Section 10.32.150 of the City Code; commercial limousines exceeding nineteen (19') feet in length; or other such similar commercial vehicles. A commercial vehicle must be self-propelled, or a trailer attached to a motor truck (Vehicle Code §410); commercial preferential parking permits shall not be issued to trailers that are not self-propelled, nor shall a trailer be permitted to park in a commercial preferential parking permit zone during the hours of permitted preferential parking without being attached to a motor truck. "Commercial vehicles" do not include recreational vehicles, boats, private towing trailers, roofing asphalt kettles, hazardous materials tank trucks or horse trailers.

3. Availability of Parking. A preferential parking permit shall not guarantee or reserve to the holder thereof on on-street parking space within any designated commercial preferential parking zone.

C. Duration of Permit.

1. Permits issued pursuant to this section shall remain effective so long as the applicant continues to reside at the address set forth on the application and continues to own the commercial vehicle to which the permit is attached; or for local businesses, so long as the applicant continues to maintain a viable and operating business in the City at the address set forth on the application and continues to own the commercial vehicle to which the permit is attached.

2. Permits otherwise valid pursuant to subsection (1) above shall be renewed annually at the time of City renewal of Residential Parking Permits (Chapter 10.40).

D. Placement.

Permits shall be placed upon the left rear bumper of each vehicle to be accorded commercial preferential parking privileges. Vehicles lawfully permitted to have a front license plate only (Vehicle Code §4850.5) may place the issued permit upon the left front bumper.

E. Conditions of Permit.

Each permit shall be subject to all conditions and restrictions set forth in this section and of the commercial preferential parking zone in which the commercial vehicle is parked. The issuance of such a permit shall not be construed to be a permit for, or approval of, any violation of any provision of this code or any other laws or regulations.

F. Fees.

Such fees as may be required herein shall be set from time to time by resolution of the city council. Permit fees shall cover the cost of establishing and maintaining the preferential parking zone and administrative costs of producing and administering the permits and signage and policing of the zones.

G. Prohibitions.

1. No vehicle shall be parked or stopped adjacent to any curb in a commercial preferential parking zone in violation of any posted or noticed prohibition or restriction unless such vehicle shall have prominently

displayed upon the left rear bumper thereof a permit indicating the exemption from such restriction or prohibition.

2. It shall be unlawful for any person to sell, rent or lease, or cause to be sold, rented or leased, for any value or consideration, any commercial preferential parking permit. Upon conviction of a violation of this paragraph, all commercial preferential parking permits issued to, or for the benefit of, the residence or business to which the sold, rented or leased permit is authorized shall be void.

3. It shall be unlawful for any person to buy or otherwise acquire for value or use any preferential parking permit, except as provided for in this section.

H. Exemptions.

1. A motor vehicle identified as owned by or operated under contract to a utility, whether privately, municipally or publicly owned, when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated commercial preferential parking zone.

2. A motor vehicle identified as owned by or operated under contract to a governmental agency, when used in the course of official government business, to and including SamTrans buses and public school buses.

3. A commercial vehicle or trailer engaged in loading or unloading property, or parked in connection with or in aid of the performance of a service to or on a property located in the block in which such vehicle is parked.

I. Termination of Preferential Parking Zones.

The Public Works Director and Chief of Police may jointly recommend to the City Council that any preferential parking zone be terminated. Upon such a recommendation by the Public Works Director and Chief of Police, the City Council shall conduct a public hearing thereon, and upon determining whether a proper basis exists for terminating such commercial preferential parking zone may act accordingly.

J. Revocation of Commercial Preferential Parking Permit.

Where any permit issued under this Section has been procured through fraud or misrepresentation, or where the permittee has violated provisions of this Section, the Director of Finance shall hold a hearing, with notice of the time and place of

such hearing mailed to the permittee at least ten (10) days preceding the hearing. If the permit is revoked following the hearing, the permittee shall be mailed written notice of the revocation and the reasons therefor.

K. Violation—Penalty.

1. The violation of any of the above provisions of this Section shall be an infraction, and the penalty shall be by fine to be established by resolution of the City Council for parking within a commercial preferential permit parking zone during the hours of permit parking without a lawful commercial parking permit by:

- (a) a commercial vehicle;
- (b) a non-commercial vehicle.

2. In addition, the below offenses may be prosecuted by the City Attorney's Office as either a misdemeanor or an infraction as permitted by California Penal Code §17:

(a) It shall be a criminal violation of for a person to falsely represent himself or herself as eligible for a commercial preferential parking permit or to furnish false information in an application therefor to the City.

(b) It shall be a criminal violation for a person holding a valid commercial preferential parking permit to permit its use or display by anyone who does not qualify for the permit.

(c) It shall be a criminal violation for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit commercial preferential parking permit in order to evade the parking regulations of this Section.

Section 3. Subsection A of Section 10.32.150 of the Daly City Municipal Code is hereby amended within the first sentence of Subsection A to reflect the application of Section 10.32.150 between:

“the hours of two a.m. and six a.m.”

Section 4. Notwithstanding any other provision of this Ordinance limiting or restricting the parking or standing of vehicles on certain streets or highways, or portions thereof during all or certain hours of the day, all vehicles whether displaying the appropriate preferential parking permit as hereinabove provided or not, may park on streets or portions thereof designated for commercial preferential parking by resolution of the City Council and shall not be subject to the penalties hereof unless and until signs or markings giving notice thereof are installed and in place

Section 5. Severability.

If any provision of this Ordinance is held by any court or by any Federal or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision thereof which had previously been held invalid or modified is no longer in conflict with such law, rule or regulation, said provision shall thereupon return to full force and effect and shall thereafter be binding.

Section 6. Environmental Determination.

The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption within CEQA's Class 1 categorical exemption for activities involving the operation or minor alteration of existing public facilities that do not (or negligibly) expand existing use [CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329)].

Section 7. Publication/Summary.

Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

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Introduced this 12th day of May, 2003.


Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 27th day of May, 2003, by the following vote:

AYES, Councilmembers Gomez, Guingona, Klatt,

Torres, Tissier

NOES, Councilmembers None

Absent, Councilmembers: None


CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

ADRIENNE TISSIER
MAYOR OF THE CITY OF DALY CITY