

ORDINANCE NO. 1467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING CHAPTERS 10.32.150 AND 10.32.155 OF TITLE 10 OF THE DALY CITY
MUNICIPAL CODE OVERSIZED VEHICLES AND COMMERCIAL PARKING PERMITS

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

SECTION 1. Section 10.32.150(A) of Chapter 10.32 of the Daly City Municipal Code is amended to read as follows:

10.32.150 Parking of oversized vehicles.

A. No person shall park any oversized vehicle on any street between the hours of five p.m. and seven a.m. For the purpose of this section, "oversized vehicle" means:

1. A single vehicle or combination of vehicles having more than two axles;
2. A vehicle with more than two wheels upon any single axle;
3. A truck tractor designed and used primarily for drawing other vehicles whether or not other vehicles, trailers, or other wheeled loads are attached;
4. A single vehicle or combination of vehicles twenty-two feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width;
5. Any trailer as defined in Section 630 of the California Vehicle Code, with the wheels thereof either attached or detached;
6. A dump truck;
7. A commercial automobile transportation trailer or truck and trailer capable of transporting more than two automobiles;
8. A roofing asphalt kettle used to process, heat, or hold for heating roofing materials;
9. A commercial tank truck capable of transporting combustible or hazardous materials;
10. A vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more.
11. For purposes of this section, "vehicle" means any automobile or device, operable or inoperable, with or without wheels, by which any person or property may be propelled, moved, or drawn upon the street or highway, including but not limited to, automobiles, boats, mobile homes, house trailers, recreational vehicles and/or similar type trailers.

SECTION 2. Section 10.32.155(B) of Chapter 10.32 of the Daly City Municipal Code is hereby amended to read as follows:

10.32.155 Commercial preferential permit parking.

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, or of a business situated and operating in the city, and proof of current registration of the commercial vehicle to the resident or to the Daly City business. The Finance Department may develop administrative regulations for additional qualifications to obtain such a permit, as well as establish priorities as may be necessary.
 - a. No more than two permits shall be issued for each qualified resident or business.
 - 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 this code, or any amendments to Section 10.32.150 of this code; commercial limousines exceeding nineteen 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 any trailers that are not self-propelled, nor shall any 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. Hours of Permitted Preferential Parking. Commercial Vehicle Parking Zones are designated between the hours of five p.m. and seven a.m. everyday including weekends and holidays.
4. Availability of Parking. A preferential parking permit shall not guarantee or reserve to the holder thereof on-street parking space within any designated commercial preferential parking zone.

SECTION 3. Section 10.32.155(C)(2) of Chapter 10.32 of the Daly City Municipal Code is hereby amended to read as follows:

10.32.155 (C) Duration of Permit.

2. Permits otherwise valid pursuant to subsection (C)(1) of this section shall be renewed annually following the time of city renewal of business licenses (Chapter 5.04). Commercial parking permits will be valid from January 1 through December 31.

SECTION 4. Section 10.32.155(J) of Chapter 10.32 of the Daly City Municipal Code is here by added to read as follows:

10.32.155 J. Falsified or Fraudulent Permits. It shall be a violation of this Chapter for any person to display a falsified or fraudulent 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 Police Department shall issue a citation and the permittee will be required to remove the permit from the commercial vehicle and return to the Finance Department. The permit will be invalidated in the system for the remainder of the of the year in which the permit was issued and the permittee will be permanently restricted from participating in the program.

SECTION 5. Section 10.32.155(K) of Chapter 10.32 is here by amended to read as follows:

10.32.55 K. Illegal Dumping. Any permittee caught illegally dumping in violation of Chapter 8.32 will have the permit immediately invalidated in the system for the remainder of the year in which the permit was issued and the permittee will be permanently restricted from participating in the program.

SECTION 6. **Severability.** If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

SECTION 7. **Environmental Determination.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

SECTION 8. **Effective Date and Publication:** 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 it 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 26th day of June, 2023

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 10th day of July, 2023, by the following vote:

AYES, Councilmembers: DiGiovanni, Manalo,

Sylvester, Buenaventura

NOES, Councilmembers: None

ABSENT, Councilmembers: Daus-Magbual

K. Annette Hipona
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RAYMOND A. BUENAVENTURA
MAYOR OF THE CITY OF DALY CITY