

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 11.98 OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE TO ADD SECTION 11.98.025 AUTHORIZING THE REMOVAL OF LARGE VEHICLES PARKED UPON A STREET, OR PORTIONS THEREOF, WHERE THE PARKING OF LARGE VEHICLES CREATES A SAFETY HAZARD FOR PEDESTRIANS OR VEHICLES; AND AMENDING SECTION 11.98.040 TO REQUIRE THE POSTING OF SIGNAGE AUTHORIZING THE REMOVAL OF LARGE VEHICLES PARKED IN “NO LARGE VEHICLE PARKING ZONES”

WHEREAS, on February 15, 1988, the City Council adopted Ordinance No. 22736, authorizing the City to designate, on a case by case basis, streets where no large vehicles may be parked to prevent large vehicles from visually obstructing or impeding the flow of traffic or creating special safety problems for pedestrians and vehicle operators; and

WHEREAS, the City Council has determined that it is necessary to authorize the removal of large vehicles illegally parked or left standing in violation of “no large vehicle parking zones” to prevent large vehicles from visually obstructing or impeding the flow of traffic or creating special safety problems for pedestrians and vehicle operators; and

WHEREAS, Subsection (n) of Section 22651 of Article 1 of Chapter 10 of Division 11 of the California Vehicle Code authorizes the removal of vehicles parked or left standing where a local authority, by resolution or ordinance, has prohibited parking and signs have been posted giving notice of the removal; and

WHEREAS, pursuant to the California Vehicle Code, the City Council is authorized to designate by resolution the removal of large vehicles parked or left standing in violation of a “no large vehicle parking zone;” and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance do not constitute a project under File No. PP17-008; and

WHEREAS, the City Council is the decision-making body for this proposed Ordinance; and

WHEREAS, the City Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this proposed Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. A new section 11.98.025 is added to Chapter 11.98 of Title 11 of the San José Municipal Code to be numbered, entitled and to read as follows:

11.98.025 Authority to Remove Large Vehicles.

Pursuant to authority under the California Vehicle Code Section 22561(n), as may be amended, vehicles parked in violation of Section 11.98.020 may be removed from designated no large vehicle parking zone(s) identified in a resolution of the City Council.

SECTION 2. Section 11.98.040 of Chapter 11.98 of Title 11 of the San José Municipal Code is amended to read as follows:

11.98.040 Posting of zone.

- A. If a zone is designated as a "no large vehicle parking zone," it shall be posted by signs or other markings which give notice that large vehicle parking is prohibited, and may be subject to removal.
- B. No such signs or markings shall be placed until fifteen days have elapsed from the date of the mailing of the director's notice of determination as required in Section 11.98.030.B.

PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk