

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 11.36 OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE TO ADD SECTION 11.36.255 TO PROHIBIT THE OVERNIGHT PARKING OF VEHICLES UPON A STREET, OR PORTIONS THEREOF; AND AMENDING CHAPTER 11.56 OF TITLE 11 TO ADD SECTION 11.56.060 AUTHORIZING THE REMOVAL OF VEHICLES PARKED WHERE THE OVERNIGHT PARKING OF VEHICLES IS PROHIBITED

WHEREAS, the City Council has determined that it is necessary to authorize the removal of vehicles illegally parked or left standing overnight in violation of “no overnight parking zones” in order to provide for the public’s efficient use of affected contiguous properties and the free or unrestricted flow of traffic; 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 vehicles parked or left standing in violation of a “no overnight 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 11.36.255 is added to Chapter 11.36 of Title 11 of San Jose Municipal Code to be numbered, entitled and to read as follows:

11.36.255 Stopping, standing and parking – No Overnight Parking.

- A. No person shall stop, stand, or park any vehicle on or along those streets or highways, or portions thereof that have been designated as a no overnight parking zone between 10:00 PM and 6:00 AM.
- B. Signs shall be posted to provide notice of the prohibition under this Section.
- C. No overnight parking zones may be designated by the traffic engineer on the basis of traffic engineering studies which address the need for efficient use by the public of affected contiguous properties taking into account available parking facilities.

SECTION 2. A new section 11.56.060 is added to Chapter 11.56 of Title 11 of San Jose Municipal Code to be numbered, entitled and to read as follows:

11.56.060 Removal of vehicles parked in violation of no overnight parking zones.

Pursuant to the requirements of California Vehicle Code Section 22561(n), the City Council may, by resolution, authorize the removal of vehicles parked in a no overnight parking zone defined by Section 11.36.255.

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