

TITLE 12 MOTOR VEHICLES AND TRAFFIC

CHAPTER 12.04 GENERAL

12.04.010 Definitions of Words and Phrases.

The following words and phrases when used in this title chapter shall for the purpose of this chapter have the following meanings respectively ascribed to them in this chapter:

- (a) ~~Motor vehicle code~~ **California Vehicle Code definitions to be used.** Whenever any words or phrases used herein are not defined, but are defined in the ~~vehicle~~ Vehicle Code of the State of California and amendments thereto, such definitions shall apply.
- (a)(b) ~~City Engineer~~ **City Engineer** means the licensed professional engineer as appointed by the City Manager of the City of San Marcos.
- (c) **City Traffic Engineer** means the City Engineer of the City of San Marcos or their designee, as appointed by the City Manager.
- (b)(d) ~~Commission~~ **Commission** As used in this chapter, the word ~~commission~~ shall refer to means the Traffic Safety Commission Traffic Commission.
- (e)(e) ~~Committee~~ **Committee** As used in this chapter, the word ~~committee~~ shall refer to means the Vehicle Abatement Committee.
- (d)(f) ~~Council~~ **Council** As used in this chapter, the word ~~Council~~ shall refer to means the City Council of the City of San Marcos.
- (e)(g) ~~Holidays~~ **Holidays** Within the meaning of this chapter, holidays are:
 - January 1st, "New Year's Day"
 - Third Monday in January, "Martin Luther King Jr.'s Birthday"
 - ~~February 12th, known as "Lincoln's Birthday"~~
 - Third Monday in February, known as "Washington's BPresident's Dayirthday"
 - March 31st, "Cesar Chavez Day"
 - Last Monday in May, known as "Memorial Day"
 - July 4th, "Independence Day"
 - First Monday in September, known as "Labor Day"
 - ~~September 9th, known as "Admission Day"~~
 - ~~Second Monday in October, known as "Columbus Day"~~
 - ~~November 11th, known as "Veteran's Day"~~
 - Fourth Thursday and Friday in November, known as "Thanksgiving DayHoliday"
 - December 25th, "Christmas Day"
- (f)(h) ~~Loading zone~~ **Loading zone** ~~is~~ means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (g)(i) ~~Manager~~ **Manager** As used in the chapter, the word ~~manager~~ shall refer to means the City Manager of the City of San Marcos or their designee.

- (h)(j) ~~Mobile living unit.~~ **Mobile living unit** means a camp car, commercial coach, mobile home, recreational vehicle, or travel trailer, or as such of these terms are defined in Division 13 of the Health and Safety Code of the State of California, and a camp trailer, house car, or trailer coach, as each of these terms is defined in Division 1 (Section 100-675) of the Vehicle Code, or any other vehicle or structure originally designed, or permanently altered in such a manner as will permit occupancy or use thereof for living or sleeping purposes and so designed or equipped with wheels or capable of being mounted on wheels as used as a conveyance on public streets or highways, propelled or drawn by its own or other motor, excepting a vehicle or device used exclusively upon stationary rails or tracks.
- (h)(k) ~~Motorcade.~~ **Motorcade** means an organized procession containing 25 or more vehicles upon any public street, sidewalk, or alley.
- (h)(l) **Official time standard.** Whenever certain hours are named herein, they shall mean standard time or Daylight Savings Time as may be in current use in this City.
- (k)(m) ~~Parade or Rally.~~ **Parade/rally** means any motorcade or any march, assembly, or procession consisting of people, animals, or vehicles, or combination thereof, upon any public street, sidewalk, Public Place, or alley that which does not comply with normal and usual traffic regulations and controls.
- (h)(n) **Passenger loading zone.** **Passenger loading zone** is the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- (m)(o) ~~Police or Police Department.~~ **Police or Police Department** is the Sheriff or Deputy Sheriff of the County of San Diego, or the Police Department of the City of San Marcos.
- (p) **Public Place** means any highway, public street, way, right-of-way, place, alley, sidewalk, trail, park, square, or any other public property owned or controlled by any government agency in a governmental capacity.
- (h)(q) **Recreation Vehicle** means any vehicle designed or intended primarily for recreational use, including but not limited to, campers, campcars, travel trailers, motor homes, boats, boat trailers and vehicle carriers designed or intended to convey another recreational vehicle. The term recreational vehicle shall not include motorcycles, motor-driven cycles or pickup/camper combinations.
- (r) ~~Residential District.~~ For the purposes of this chapter, the term **Residential District** shall be deemed to mean any property shown within a residential zone in the currently adopted City of San Marcos Zoning Map or any area matching the characteristics of a Residence District as defined in the Vehicle Code. includes any property zoned R-1, R-2, R-3 and E-1-20.
- (s) **They and their** as used herein are the gender-neutral singular pronoun (such as he/she/they) and the associated possessive (his/hers/theirs).
- (e)(t) ~~Vehicle Code.~~ **Vehicle code** is means the Vehicle Code of the State of California.

12.04.020 Authority to Establish, Amend Traffic Schedules.

The Council shall establish and may amend by ordinance or resolution, the following traffic schedules:

- (a) ~~U turns;~~
- (b)(a) Through streets;
- (c)(b) Stop intersections;
- (d)(c) Railroad stops;
- (e) ~~No parking zones;~~

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- ~~(f) Limited parking zones;~~
 - ~~(g) Time parking zones;~~
 - ~~(h)(d) One-way streets;~~
 - ~~(i)(e) Yield intersection;~~
 - ~~(j)(f) Speed Zones;~~
 - ~~(k)(g) Bail schedule;~~
 - ~~(l) Vehicle code enforcement of private property.~~

12.04.030 Applicability of This Chapter to Vehicles on Emergency Call.

The provisions of this chapter regulating the operation, parking, and standing of vehicles shall not apply to any vehicles operated by the Police or Fire Department, any public ambulance, or any public utility vehicle or private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the vehicle code in response to an emergency call.

12.04.040 Duty Obligation of Operators of Vehicles Exempt From This Chapter.

The exemptions contained in Section 12.04.030 shall not, however, relieve the operator of any such vehicle from the obligation to exercise due care for the safety of others.

CHAPTER 12.08 ADMINISTRATION AND ENFORCEMENT

ARTICLE I. GENERALLY

12.08.010 Unauthorized Directing of Traffic.

No person other than an officer of a Police Department or member of a Fire Department, or a person deputized by the Chief of Police, or person authorized by law, shall direct or attempt to direct traffic by voice, hand, or other signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the City Traffic Engineer.

ARTICLE II. ENFORCEMENT

12.08.020 Police Administration.

It shall be the duty of the traffic division with such aid as may be rendered by other members of the Police Department to enforce the street traffic regulations of this City and all of the state vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with the City Manager Traffic Engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said traffic division by this chapter and the traffic ordinances of this City.

12.08.030 Enforcement of Non-Moving Violations.

Authority is hereby given to issue citations for violations ~~this title and/or of the California Vehicle Code and City Traffic Code (Title 12)~~ as it relates to stopping, standing, and parking.

- (a) The City Manager may appoint parking enforcement personnel who shall be authorized to issue such citations ~~for violations of the California Vehicle Code~~ Vehicle Code ~~and City Traffic Code (Title 12) as it related to stopping, standing and parking of a vehicle.~~
- ~~(b) Personnel designated per Subsection 12.08.030(a) shall be guided by the provisions of the California Vehicle Code~~ Vehicle Code ~~and City Traffic Code (Title 12) in the issuance of said citations.~~
- ~~(c)~~ (b) Personnel designations in Subsections 12.08.030(a) ~~and (b)~~ do not alter in any manner authority already given to others as set forth in the San Marcos Municipal Code, Title 12, Article II.

12.08.040 Fines for Citations of Violations.

- (a) Fees set forth in these sections are due and payable to the City ~~Finance Director~~ Manager upon issuance of a violation notice. In reference to Unsigned Citations, in the event the fee is not paid within ten days of issuance, said fee shall increase to the amount set forth in Section 12.08.040(c).

~~Editor's note(s) — "Exhibit 1" has been omitted as it is no longer applicable.~~

- (b) Amendment to Fee Schedule. Any amendment or addition to fees set forth in this schedule shall be by amendment of this resolution.
- (c) Fees. The following fees shall be charged for the violations of the ~~California Vehicle Code~~ Vehicle Code and for violations of the San Marcos City Code as listed on Exhibits 1 and 2.

~~{Res. No. 81-1581, Secs. 1—3, 4-28-81}~~

ARTICLE III. CITY TRAFFIC ENGINEER

12.08.050 City Traffic Engineer.

The office of the City Traffic Engineer is hereby established. The City Traffic Engineer shall be appointed by the City Manager and ~~he~~ shall exercise the powers and duties as provided in this ~~Chapter~~. Whenever the City Traffic Engineer is required or authorized to place or maintain official traffic control devices or signals, ~~he~~ they may cause such devices or signals to be placed or maintained.

12.08.060 Powers and Duties of the City Traffic Engineer.

It shall be the general duty of the City Traffic Engineer to:

- (a) Determine the installation, location, and operation of traffic-control devices such as signs, signals, and markings.
 - (b) Conduct engineering analyses of traffic accidents and to devise remedial measures.
 - (c) Conduct traffic engineering studies and present recommendations on speed limit zoning, traffic volumes, parking, and transportation planning.
 - (d) Cooperate and consult with other City officials on development plans, street design, driveway design, and location, public transportation, planning, street lighting, and other topics of the safe and efficient
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movements of pedestrians, bicyclists, automobiles, trucks, and buses on or adjacent to ~~public rights-of-way~~ Public Places.

(e) Maintain a suitable system of filing traffic accident reports or cards referring to them and to file them systematically.

~~(e) Prepare annually a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in the City as follows:~~

~~(1) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent data on the safety activities of the police.~~

~~(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.~~

~~(3) The plans and recommendations of the division for future traffic safety activities.~~

(f) Carry out the additional powers and duties imposed by ordinances of this City, and as designated by the City Manager.

~~Whenever under the provisions of this chapter, a power is granted to the City Traffic Engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.~~

ARTICLE IV. TRAFFIC COMMISSION

12.08.070 Commission Established.

There is hereby established the Traffic Commission, consisting of seven regular members and two alternate members. The members shall be appointed by the Mayor with consent of the City Council.

(Ord. No. 2013-1375, 3-26-13)

12.08.080 Term of Office; Removal or Vacancy.

The terms of all members shall be as follows:

- (a) All Traffic Commissioners must reside within the City of San Marcos and be qualified electors (registered voters) of the City. All Commissioners shall serve at the pleasure of the City Council. The alternate Commissioners shall sit and vote in the absence of, or where a conflict exists for, any regular Commissioner.
- (b) Except as provided herein, regular and alternate Commissioners shall serve for a term of four years. ~~As of April 26, 2013, existing Commissioners shall serve their remaining term as assigned.~~ Except as provided otherwise herein, ~~additional~~ terms shall be staggered in rotations determined by the City Clerk and commence the first day of the calendar year.
- (c) Any ~~member~~ Commissioner may be removed by a majority vote of the City Council. A vacancy for a regular or alternate seat shall be filled in the same manner as an original appointment in accordance with State law. If a vacancy shall occur other than by expiration of a term for a regular or alternate Commissioner, it shall be filled by an available alternate Commissioner until such time as the City Council appoints an individual to fill the position during the annual appointment process.
- (d) A Commissioner position shall be deemed vacant when a Commissioner is absent from three successive regular meetings of the Commission without cause; absence for cause is permitted due to

illness or unavoidable absence where written notice is given to the City ~~Manager Engineer or his/her~~
~~appointed designee~~ on or before the day of the missed regular meeting.

(Ord. No. 2013-1375, 3-26-13)

12.08.090 Rules.

The Commission shall adopt rules and regulations for the conduct of its business. ~~four~~ Four voting members shall constitute a quorum. The affirmative or negative vote of a majority of the Commissioners ~~members~~ present at a meeting shall be necessary for the Commission to take action.

(Ord. No. 2013-1375, 3-26-13)

12.08.100 Secretary; Staff Services.

The City Traffic Engineer, ~~in charge of the traffic function~~, or ~~his~~ their designated representative, shall provide the staff services necessary to ensure the effective functioning of the Traffic Commission.

(Ord. No. 2013-1375, 3-26-13)

12.08.110 Meetings.

The Traffic Commission shall hold ~~at least one regular meetings per month~~ at the discretion of the Commission, or at the direction of the City Council, unless the City Traffic Engineer determines that there is no such business to conduct. Special meetings may be held in accordance with the provisions of Section 54956 of the Government Code of the State of California.

(Ord. No. 2013-1375, 3-26-13)

12.08.120 Election of Officers.

At the first meeting of each calendar year, the Traffic Commission, shall elect a Chairman and Vice-Chairman from among its ~~members~~ Commissioners to serve for a term of one year and until the successor of each takes office.

(Ord. No. 2013-1375, 3-26-13)

12.08.130 Duties and Responsibilities.

- (a) The duties of the Traffic Commission shall consist of making decisions regarding the implementation of the City's traffic safety measures, including those that involve all modes of transportation such as vehicular, pedestrian, bicycle, or public transit. Those duties will be limited to those that cannot readily be addressed directly by City staff through the application of standard traffic engineering practice or as mandated by the requirements of the Vehicle Code, State, and Federal regulations, guidelines, which include those contained in the current editions of the California Manual of Uniform Traffic Control Devices, the Caltrans Highway Design Manual, the San Marcos Municipal Code and the California Vehicle Code. Further, traffic safety issues that are likely to be controversial within neighborhoods will also be referred to the Traffic Commission.

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- (b) Requests for Commission action on traffic safety matters may either arise through citizen requests or staff referrals, whereby a staff report shall be prepared with the recommendations of the City Traffic Engineer or ~~his/her appointed~~ designee.
 - (c) The City Council may refer any matter regarding the implementation of traffic safety measures to the Traffic Commission for its recommendation. Additionally, the Traffic Commission shall receive regular staff reports and/or presentations at their meetings regarding transportation_ and traffic_-related capital improvement or land development projects in the City, which are in the planning, design_, or construction stages. The Commission may offer non-binding comments or recommendations to City staff regarding those projects.

(Ord. No. 2013-1375, 3-26-13)

12.08.140 Compensation of Members.

Each member of the Traffic Commission, including the Chair~~man~~, shall receive compensation as established by Resolution adopted by the City Council.

(Ord. No. 2013-1375, 3-26-13)

12.08.150 Appeal Process.

Purpose and Applicability. An appeal ~~offrom~~ a decision of the Traffic Commission may be submitted by an applicant or any person having an interest in the issue that is the subject of the decision to the City Council under the provisions of this chapter. The appeals process is illustrated in Figure 12.08-1, "Traffic Commission Appeals Process." The appeal process may only be applied to those situations where the Traffic Commission is authorized to make binding decisions regarding implementation of the City's traffic safety measures as provided in this chapter (see Subsection 12.08.130(a)). The decision of the City Council in the case of any such appeal shall be final.

**FIGURE 12.08-1
Appeals Process**



- (a) Filing an Appeal. The appeal may be taken by filing a written appeal with the City Clerk and paying any required fee within ten business days of the Traffic Commission decision. The appeal shall set forth the grounds upon which the appellant asserts the decision was erroneous.
- (b) Hearing. Upon the filing of an appeal and payment of any required fee, the City Engineer, ~~or their designee,~~ shall forward to the City Council the papers and documents applicable to such hearing, including the decision of the Commission. The parties shall be given reasonable notice of the date set for the hearing.
- (c) City Council Decision. The City Council shall consider the appeal at a public meeting and shall either:
 - 1. Affirm the decision of the Traffic Commission; or
 - 2. Render such decision as it considers appropriate.
- (d) Action Halted by an Appeal. An appeal stays all proceedings in furtherance of the action appealed from.
- (e) The administrative appeals process set forth in Chapter 2.14 shall not apply to appeals from decisions of the Traffic Commission.

(Ord. No. 2013-1375, 3-26-2013)

CHAPTER 12.12 TRAFFIC CONTROL DEVICES

12.12.010 Obedience Required.

The operator of a vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the City, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

12.12.020 Traffic Control Signs Required for Enforcement Purposes.

No provisions of the vehicle code or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

12.12.030 Authority to Install Traffic Control Devices.

- (a) The City Manager may by administrative resolution, or the City Council may, by resolution or ordinance, place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this Chapter.
- (b) The City Manager may place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this Chapter.
- (c) Whenever the ~~vehicle-Vehicle code-Code of the State~~ requires for the effectiveness of any provisions thereof that traffic control devices be installed to give notice to the public of the application of such law, the ~~Director of Public Works-City Manager~~ is hereby authorized to install the necessary devices, subject to any limitations or restrictions set forth in the laws applicable thereto.

~~The Director of Public Works is authorized to prohibit parking along the curb of any public street for a distance not to exceed 200 feet on any block. For purposes of this section, a block shall be defined as the section of public street between any two intersecting public streets or a cul-de-sac. The City's Traffic Safety Commission, prior to installation of such devices, shall be informed of such installations unless previously directed by the City Council.~~

(Ord. No. 97-1006, 1-14-97)

12.12.040 Authority to Place, Maintain Additional Devices; Determination of Location.

The ~~Director of Public Works~~City Manager may also place and maintain such additional traffic control devices as ~~he may~~they deem necessary or proper to regulate traffic or guide or warn traffic, but ~~he~~ shall make such determination only upon the basis of traffic investigation and in accordance with such standards, limitations, and rules as may be set forth by the Vehicle Code, ~~in the~~ traffic ordinances of the City, or as may be determined by ordinance or resolution of the Council.

12.12.050 Authority to Remove, Relocate and Discontinue Traffic Control Devices.

~~Subject to Traffic Safety Commission review, whenever it shall be deemed necessary, t~~The ~~Director of Public Works~~City Manager is hereby authorized to remove, or cause to be removed, to relocate, or to discontinue the operation of any traffic controlled device not specifically required by the ~~v~~Vehicle eCode or this chapter whenever ~~he shall~~they determine in any particular case that the conditions which warranted or required the installation no longer exist.

12.12.060 Traffic Control Devices; Hours of Operation.

The City Traffic Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this Code.

12.12.070 Unauthorized Painting of Curbs.

No person, unless authorized by this City, by special permit, shall paint any street or curb surface in any manner. (Curb house numbers painted on the curb shall be included in the general prohibition.)

12.12.080 Unauthorized Flashing Lights.

No person not authorized by the City Council shall erect or maintain any device which directs a beam of light in a flashing sequence toward any street or highway, nor shall any person erect or maintain any electric advertising sign or similar device that interferes with the visibility of any official traffic control devices or warning signal.

12.12.090 Authority to Sign One-Way Streets or Alleys.

Whenever any ordinance or resolution of this City designates any one-way street or alley, ~~the Director of Public Works~~City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where traffic movement in the opposite direction is prohibited.

12.12.100 Erecting Stop Signs.

(a) The City Traffic Engineer may, when a street or portion thereof has been designated and described as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, erect and maintain stop signs in accordance with the Vehicle Code and the provisions of this chapter.

(b) The City Traffic Engineer shall erect and maintain stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop has been deemed required by engineering practices, and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. ~~Whenever any ordinance or resolution of the City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the Director of Public Works shall erect and maintain stop signs as follows:~~

~~(a) Location of signs. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, at those entrances of other intersections where a stop is required, and at any railroad grade crossing so designated. (Supplement No. 3, 1994)~~

~~(b) Conformance to vehicle code. Every such sign shall conform with, and shall be placed as provided in the vehicle code.~~

12.12.110 Authority to Place Restricted Turn Signs.

The City Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the sign or they may be removed when such turns are permitted.

12.12.120 Authority to Place Yield Right-of-Way Signs.

~~The Director of Public Works~~City Traffic Engineer shall erect and maintain yield right-of-way signs on any street or intersection when such signs are ~~authorized by resolution or ordinance of the City Council~~deemed

necessary through engineering practices. When said yield right-of-way signs are erected as herein provided, every driver of a vehicle shall yield the right-of-way required by the ~~California~~ Vehicle Code.

12.12.130 Authority to Designate Course to be Traveled When Turning at Intersections.

The City Traffic Engineer is authorized to place, or cause to be posted, official traffic-control devices within or adjacent to intersections and indicate the course to be traveled by vehicles turning at such intersections.

12.12.140 Authority to Designate Multiple Lanes in Which to Make Turns.

The City Traffic Engineer is authorized to locate and indicate more than one lane of traffic from which operators of vehicles may make right or left turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

12.12.150 General Authority to Mark Lines, Lane Lines, and to Designate Useable Lanes.

The ~~Director of Public Works~~ City Traffic Engineer is hereby authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction regardless of the highway, ~~when such lines have been authorized and established by the City Traffic Engineer.~~

12.12.160 Distinctive Roadway Markings.

The ~~Director of Public Works~~ City Traffic Engineer is hereby authorized to place and maintain distinctive roadway markings as described in the ~~vehicle code~~ Vehicle Code of those streets or parts of streets where it is determined ~~by the City Traffic Engineer, that the volume of traffic or the vertical or other curvature of the roadway~~ through engineering practices, renders it hazardous to drive on the left side of such markings or signs and markings. Other such markings shall include bike lines, shoulder stripes, etc. Such markings or signs and markings shall ~~have the same effect as similar markings placed by the State Department of Transportation pursuant to provisions of the vehicle code~~ be consistent with the standards and practices established by the California Department of Transportation or Federal regulations.

12.12.170 Authority to Erect Temporary Signs Closing Streets.

Whenever the City Traffic Engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, ~~he~~ they shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as ~~he~~ they shall direct during the time such temporary signs are in place.

12.12.180 Removal of Temporary Signs.

Signs erected or posted pursuant to Section 12.12.170 shall remain in place only during the existence of such emergency and the City Traffic Engineer shall cause such signs to be removed promptly thereafter.

12.12.190 Authority to Install and, Maintain Temporary Traffic Control Devices ~~Where Need Exists to Alternately Interrupt, Release Traffic.~~

The City Traffic Engineer shall determine the need for and locations of temporary traffic- control devices at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard. The ~~Director of Public Works~~ City Traffic Engineer is hereby directed to install and maintain these traffic control devices as required and consistent with the standards of the California Department of Transportation and Federal regulations.

12.12.200 ~~Reserved. Determination of Location of Devices Which Alternately Interrupt, Release Traffic.~~

The City Traffic Engineer shall ascertain and determine the location where traffic signals referred to in Section 12.12.190 are required by resorting to field observation, traffic counts and other traffic information as may be pertinent, and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the State Department of Transportation following engineering practices and consistent with the standards of the California Department of Transportation and Federal regulations.

12.12.210 ~~When Installation and~~, Maintenance of Street Name Signs ~~Required.~~

Whenever any official traffic control device is placed at any intersection, a street name sign shall be clearly visible to traffic approaching from all directions. This section shall not apply if such street name signs have previously been placed and are maintained at such intersections.

CHAPTER 12.16 OPERATION

12.16.010 Driving Through Funeral Procession.

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade while they are in motion and when the vehicles in such procession are conspicuously so designated.

12.16.020 Driving, Riding, on New Pavement, Markings.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier, sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or markings, or when any such device is in place indicating that the street or any portion thereof is closed.

12.16.030 Cling to Moving Vehicle.

No person shall attach himself/herself/themselves with his/herby hands, or to catch on, or hold on to with his ~~hands~~ or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

12.16.040 Obedience to Barriers and Signs.

No person, public utility, or department in the City shall erect or place any barrier, sign, or other warning device, unless of a type approved by the City Traffic Engineer, or disobey the instructions, remove, tamper with, or destroy any barrier or sign lawfully placed on any street by any person, public utility, or by any department of this City.

12.16.050 Removal of Ignition Key Required; Enforcement; Effect of Violation.

- (a) No person shall leave a motor vehicle, except a commercial vehicle unattended on any street, alley, used car lot, or unattended parking lot without first stopping the engine locking the ignition and removing the ignition key therefrom.
- (b) Any officer of the police force, upon finding a motor vehicle unlocked and unattended as described above with the keys left therein, may remove said keys and deliver them forthwith to the police station where they will be impounded and held until called for by the owner thereof or his duly authorized agent.
- (c) Any violation of this section shall not mitigate the offense of stealing such vehicle, nor shall such violation be used to effect a recovery in any civil action for theft of such vehicle, or the insurance thereof, or have any other bearing in any civil action.

12.16.060 No Entrance into Intersection That Would Obstruct Traffic.

No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is a sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle ~~he is~~they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

12.16.070 Operating Vehicles on Private or Public Property.

No person shall operate or drive a motor vehicle, electric bicycle, motorcycle, minibike, dune buggy, motor scooter, jeep, or other form of motorized transportation upon the private property of another or upon any public property, which is not held open to the public for any vehicular use and which is not subject to provisions of the ~~vehicle~~Vehicle code~~Code~~, without having, and upon request of a peace officer, displaying written permission from the owner of such property or ~~an~~his agent or the person in lawful possession thereof, provided, however, the provisions of this section shall not apply to emergency vehicles, governmental agencies or to other persons driving upon such property with the written consent of the owner or person in lawful possession of such property, or to the owner himself, his family, employees, agents or lessees.

12.16.080 Emerging from Alley, Driveway or Building.

The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

12.16.090 Limited Access.

No person shall drive a vehicle onto or from any roadway except at such entrances and exits as are lawfully established.

12.16.100 Operation of Mobile Food Preparation Units.

- (a) No person shall drive or operate a mobile food preparation unit on any ~~Public Place~~street or private property unless all persons within such vehicle are seated.
- (b) No person shall drive or operate a mobile food preparation unit on any ~~Public Place~~street or private property while cooking or food preparation is going on in such vehicle.

CHAPTER 12.20 STOPPING, STANDING AND PARKING

ARTICLE I. GENERALLY

12.20.005 Authority to Establish On-Street Parking, Angle Parking, No Parking, and Time-Limited Parking.

- (a) The City Manager, by administrative resolution, or the City Council by resolution or ordinance, is authorized to prohibit parking along the curb of any public street or within any Public Place. The City Manager, by administrative resolution, or the City Council by resolution or ordinance, may designate locations of on-street parking, areas in which on-street parking is prohibited, and areas of time-limited parking in accordance with such standards, limitations, and rules as may be set forth in this Chapter or as may be determined by administrative resolution of the City Manager or by ordinance or resolution of the Council.
- (b) Whenever the City Council or the City Manager shall determine that the orderly, efficient conduct of the business of the City requires that parking or standing of vehicles on Public Places be prohibited, limited, or restricted, the City Traffic Engineer shall erect signs indicating that the parking of vehicles to that effect.
- (c) Pursuant to Vehicle Code Section 22503 and upon a report submitted by the City Traffic Engineer, the City Manager may designate any street or portion thereof within the City where angle parking is permitted. When angle parking is permitted on a street, or portion thereof, the City Traffic Engineer shall paint markings designating the angle parking places. When angle parking has been established for a street, or a portion thereof, no person(s) shall stop, stand, or park a motor vehicle except in a designated angle parking place.

12.20.010 Application of Regulations.

- (a) The provisions of this ~~Chapter~~article, prohibiting the stopping, standing, or parking of a vehicle, shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of a police officer, other authorized officer, or official traffic control device.
- (b) The provisions of this ~~article~~Chapter imposing a time limit on stopping, standing, or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the ~~vehicle code~~Vehicle Code or the ordinances of this City prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

12.20.020 Applicability of Article to City, Utility, Mail Vehicles.

The provisions of this ~~Chapter~~ article regulating the stopping, parking, or standing of vehicles shall not apply to any vehicle of a City department, ~~or~~ public utility while necessarily in ~~the~~ use for construction or repair work, or to any vehicle owned by the United States ~~Post Office Department~~ Postal Service while in use for the collection, transportation, or delivery of ~~United States~~ mail.

12.20.030 No Parking Areas.

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

- (a) In any area ~~established by resolution of the Council~~ designated as a no parking area, when such area is indicated by appropriate signs or an appropriate color of paint upon the curb surface as defined in Section 12.20.220.
- (b) Within any center median unless authorized and clearly indicated with appropriate signs or markings.
- ~~(b)(c)~~ Within any roundabout center.
- ~~(c)(d)~~ Within 20 feet of the approach to any traffic signal, ~~boulevard-stop sign~~, or official electrical flashing device.
- ~~(d)(e)~~ In any area established ~~by resolution of the Council~~, to limit parking for the purpose of street maintenance, sweeping, -and/or cleaning.
- ~~(e)(f)~~ On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, sweeping, repair, or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least 24 hours prior to the effective time of such no parking.
- (g) On any length of public street marked by a traffic control device prohibiting parking ~~and installed by the Public Works Director~~ City Engineer as set forth in Section 12.12.030 of the San Marcos Municipal Code.
- (h) Within any parkway, upon any sidewalk, or within a designated bike lane.
- (i) On ~~any~~ street or highway where parking or stopping of a vehicle would constitute a traffic hazard or endanger life or property.
- (j) Contrary to the directions or provisions of signage installed per Section 12.20.005.

(Ord. No. 97-1006, 1-14-97)

12.20.040 Parking to ~~Advertise~~, Perform Maintenance.

No person shall park a vehicle on any roadway or City right-of-way for the purpose of:

- ~~(a) Displaying such vehicle for sale.~~

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- (b)(a) Washing, greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency.

12.20.050 Parking on Grades.

No person shall park or leave standing any vehicle unattended on a street or highway when upon any grade exceeding three percent without blocking the wheels of said vehicle by turning them against the curb or by other means.

12.20.060 Parking Adjacent to Schools.

- (a) Subject to approval by resolution of the City Council, the ~~City Superintendent of Streets~~ City Traffic Engineer is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

12.20.070 Parking in Roadway Not to Obstruct Traffic.

No person shall park in any roadway in such a manner as to obstruct the flow of traffic thereon.

12.20.080 Stopping, Standing or Parking in Parkways or, Sidewalks, or Bike Lanes Reserved.

~~No person shall stop, stand or park a vehicle within any parkway, or upon any sidewalk, or within a designated bike lane.~~

12.20.090 Emergency or Temporary No Parking Signs.

- (a) Whenever the City Traffic Engineer ~~shall has determined that an emergency~~ traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions or for other reasons, the City Traffic Engineer shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking, or standing of vehicles is prohibited on such ~~streets and alleys~~ Public Places as the City Traffic Engineer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such public or private assemblages, gatherings, or functions ~~emergency~~ and the City Traffic Engineer shall cause such signs to be removed promptly thereafter.
- (b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs. Any vehicle so stopped or parked shall be subject to the tow away provisions of this Code whenever signs so marked are posted giving notice of the tow away provision.

12.20.100 Tow Away Authorized.

Any regularly employed and salaried officer of the Police Department ~~of the~~ City of San Marcos ~~staff as designated by the City Manager to enforce parking regulations~~ is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, pursuant to Vehicle Code 22650, 22651 and 22651.05, under the circumstances hereinafter enumerated:

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- (a) Bus Loading Zone Restriction. Any vehicle which is parked in a bus loading zone as established by ordinance or resolution of the City Council of the City of San Marcos, and which bus loading zone is appropriately signed, giving notice that such vehicle will be removed under authority of this section.
 - (b) Violation of Temporary No Parking. When any vehicle has been parked or left standing on a street or highway 24 hours or more in violation of temporary no parking signs which have been posted on said street or highway pursuant to this Chapter article.
 - (c) When Any Vehicle Has Been Cited More Than Five Times for the same parking violation in the same calendar year.
 - (d) Any violations of Sections 12.20.120, 12.20.130, and/or 12.20.140 hereunder.

12.20.110 Procedure ~~by Police.~~

Any officers removing a vehicle as provided herein shall comply with the procedures set forth in Section 22651 of the Vehicle Code of the State of California.

12.20.120 ~~Camping or Remaining on Public Property.~~

- (a) ~~No person shall camp or sleep overnight or loiter in, on or upon any public property, public facility, public right of way or property over which the City has been granted an easement.~~
- (b) ~~For purposes of this chapter, "camp" shall mean to establish a temporary means of shelter and/or living accommodations during day and/or evening hours by means which may include, but which shall not be limited to, the following: storing personal belongings; making a camp fire; using a tent or shelter or other structure for a living accommodation; carrying on cooking activities; digging or earth breaking activities.~~
- (c) ~~Nothing in this section shall be construed to prohibit camping in public campgrounds as otherwise authorized by resolution or ordinance.~~

~~(Ord. No. 2005-1257, 01-10-06)~~

12.20.130 ~~Camping or Remaining on Private Property Without Permission.~~

~~No person shall camp (as defined in Section 12.20.120 above) or sleep overnight or loiter in, on or upon any private property without the written permission of the owner or lessee of the property.~~

~~(Ord. No. 2005-1257, 01-10-06)~~

12.20.140 ~~Sleeping in Parked Automobiles.~~

~~No person shall sleep or recline in any automobile parked upon any public street or highway within the City limits of San Marcos for any period greater than two hours continuously.~~

12.20.150 Parking or Standing of Commercial Vehicles.

- (a) Except as provided in subsection (b) below, no commercial vehicle shall be parked or allowed to stand on any street or private premise in a residential district of the City if such vehicle is one or more of the following:
 - (1) A vehicle with a manufacturer's gross vehicle weight rating of 9,000 pounds or more
 - (2) A "truck tractor", as defined in ~~California Vehicle Code~~ Vehicle Code Section 655;

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- (3) A "semitrailer" or accessories thereto, as defined in ~~California Vehicle Code~~Vehicle Code Section 550;
 - (4) Construction equipment, as defined in ~~California Vehicle Code~~Vehicle Code Sections 565.
- (b) This Section shall not apply when such vehicle is:
- (1) Loading or unloading property;
 - (2) Parked in connection with the performance of a short-term service to or on a property;
 - (3) Engaged in the construction, installation, repair, or maintenance of a publicly or privately owned improvement located on the property, for which a construction permit has been issued by the City;
 - (4) Engaged in the lawful conduct of a legally nonconforming business operation and is not parked or allowed to stand in violation of any other zoning or regulatory ordinance of the City;
 - (5) Parked entirely within a completely enclosed garage, shed, or outbuilding conforming to the height, size, and setback requirements of the Zoning Ordinance, and having unobstructed, all-weather access from the nearest street. The following additional restrictions shall apply to vehicles parked in accord with this provision:
 - a. Painting and/or repair of such vehicle, other than regularly scheduled maintenance, shall be prohibited. For purposes of this Section, "regularly scheduled maintenance" shall mean minor tune-ups, lubrication, changing of fluids, and other minor work not involving physical repair to a vehicle.
 - b. The starting, running, or removal of such vehicle from the building in which it is stored shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
 - c. This provision shall apply only in those cases where the registered owner of such vehicle is the owner in fee or lawful occupant of the premises on which said vehicle is parked or standing.

(Ord. No. 88-805, 1-10-89)

12.20.160 Parking or Standing of Mobile Living Units and Recreation Vehicles in Residential Districts.

- (a) **On-Street:** Except as provided in Section 16.08.080 herein, no mobile living unit or recreation vehicle shall be parked or allowed to stand on any street or portion thereof, in a residential district of the City. This provision shall not apply to unoccupied pickup/camper combinations, provided such vehicles are parked in a manner permitting the free flow of traffic.
- (b) **Off-Street:** No portion of a front yard or street side yard on any lot containing a single-family or two-family dwelling shall be used for the parking of mobile living units or recreation vehicles. This prohibition shall not apply to surfaced driveways providing direct access to a garage or carport, provided no portion of a vehicle parked thereon shall be:
 - (1) Allowed to overhang a sidewalk or encroach upon a public right-of-way.
 - (2) Located closer than three feet to any lot line, main residence, accessory structure, or other vehicle.
- (c) Yard areas other than those specified in subsection (b), above, may be used for the parking of such vehicles, provided:

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- (1) No portion of a vehicle parked therein shall be located closer than three feet to any lot line, main residence, accessory structure, or other vehicle.
 - (2) Unobstructed all-weather access from the nearest street shall be provided to the affected yard area. Such access shall be of a width satisfactory to the ~~San Marcos Fire Protection District~~Fire Marshal.
 - (3) Use of such yard areas shall be incidental to the primary use of the lot as a place of residence.
 - (4) The registered owner of such vehicle shall be the owner in fee or lawful occupant of the lot on which said vehicle is parked.
 - (5) Affected yard areas shall be screened from view on adjoining lots and streets with a minimum six-foot high, solid wood, or masonry fence or by other adequate screening as determined by the City Manager and conforming to the setback requirements of the Zoning Ordinance.
- (d) Nothing in this Section shall prevent arrangements for the group parking of unoccupied mobile living units and recreation vehicles within screened, secured compounds on lots zoned for multiple-family dwellings, provided such use is not in violation of any other zoning or regulatory ordinance of the City.
 - (e) The setback requirement of subsections (b)(2) and (c)(1) above may be modified or waived by the Fire Marshal, provided satisfactory measures are taken to prevent the transmission of fire from the vehicle in question to adjoining structures or vehicles.
 - (f) Nothing in this Section shall prevent the parking of unoccupied mobile living units and recreation vehicles within a completely enclosed garage or outbuilding in any residential district of the City.

(Ord. No. 88-805, 1-10-89)

12.20.170 Commercial Vehicle, Mobile Living Unit, and Recreational Vehicle Parking Limitation.

- (a) It shall be unlawful to park or leave parked or unattended any vehicle of the types designated in Sections 12.20.150 and 12.20.160 on any ~~street or alley within the City~~Public Place between the hours of 2:00 a.m. and 6:00 a.m. of each day.
- (b) Nothing in this section shall be construed to prohibit camping in public campgrounds as otherwise authorized by resolution or ordinance.

(Ord. No. 88-805, 1-10-89)

12.20.180 Prima Facie Responsibility for Unattended Vehicles.

In the event that the driver of a vehicle found to be in violation of any section of this article cannot be located, then in accordance with Section ~~41102-40200~~ of the ~~California Vehicle Code~~Vehicle Code, the registered owner of any vehicle so unlawfully parked as determined from the registration, shall be deemed prima facie liable and responsible for the illegal parking of such vehicle.

12.20.190 Use of Streets for Storage of Vehicles.

No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any ~~street or alley within the City~~Public Place for more than a consecutive period of 72 hours. Successive acts of parking within the same one-tenth mile or in the same block between intersections, whichever is less, shall be

presumed to be a single act of parking when the vehicle is moved merely to avoid the parking limitation prescribed in this Section.

(Ord. No. 88-805, 1-10-89)

12.20.200 Removal of Vehicles Stored on a Public Street.

In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of 72 hours, any member of the City Staff authorized by the City Manager may remove said vehicle from the street in the manner prescribed and subject to the requirements of Vehicle Code, Section 22651(k).

~~12.20.205 Angle Parking.~~

~~Pursuant to Vehicle Code Section 22503 and upon a report submitted by the City Engineer, the City Council may, by Resolution, designate any street or portion thereof within the City where angle parking is permitted. When angle parking is permitted on a street, or portion thereof, the Superintendent of Streets shall paint markings designating the angle parking places. When angle parking has been established for a street, or a portion thereof, no person(s) shall stop, stand or park a motor vehicle except in a designated angle parking place.~~

~~(Ord. No. 91-895, 6-11-91)~~

12.20.205310 Parking Enforcement on Private Property.

- (a) The City Council may, by resolution, and after a request of the property owner, declare that there are privately owned and maintained off-street parking facilities that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by the City Council of such resolution, and after property owner compliance with Section 12.20.310(b), the City may enforce all pertinent motor vehicle and traffic regulations within that privately owned and maintained off-street parking facility.
- (b) Notwithstanding the provisions of Section 12.20.310(a), no resolution enacted thereunder shall apply to any off-street parking facility described therein unless the owner has caused to be posted in a conspicuous place at each entrance to such off-street parking facility, a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that such off-street parking facility is subject to public traffic regulations and control. No such resolution shall be enacted without a public hearing thereon and ten days' prior written notice to the owner of the privately owned and maintained off-street parking facility involved. All costs for such public hearing, posting and administrative fees shall be borne by the property owner requesting said hearing. The City shall not be required to provide patrol or enforce any provisions of this Code on any privately owned and maintained off-street parking facility other than those private properties which have been included under this section through Council resolution.

ARTICLE II. STOPPING FOR LOADING AND UNLOADING ONLY

12.20.210 Authority to Establish Loading Zones and Passenger Loading Zones.

- (a) The City Council may by resolution, ~~and t~~The City Traffic Engineer may otherwise is authorized to establish loading zones and passenger loading zones as follows:
- a. At any place in any business district.
 - b. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- (b) In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
- (c) Loading zones shall be indicated by yellow paint upon the top and side of all curbs within such zones.
- (d) Passenger loading zones shall be indicated by white paint upon the top and side of all curbs within such zones.

12.20.220 Authority to, Duty to Mark Curbs; Meaning of Colors.

The ~~Street Superintendent~~City Traffic Engineer is hereby authorized, subject to the provisions and limitations of this chapter, to place, and when required herein, shall place, ~~the following~~ curb markings to indicate parking or standing regulations; and said curb markings shall have the meanings as herein set forth: in Section 12.20.230.

- (a) ~~Red shall mean not stopping, standing or parking at any time except as permitted by the vehicle code, and except that a bus may stop in a red zone marked or signed as a bus zone.~~
- (b) ~~Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes or the loading or unloading of materials more than 20 minutes.~~
- (c) ~~White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes; and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.~~
- (d) ~~Blue shall mean stopping, standing and parking limited exclusively to the vehicles of the handicapped whose vehicles display a distinguished license plate issued to disabled persons by the Department of Motor Vehicles. Such marking shall be effective between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays unless signs are posted further restricting or authorizing other days and hours.~~

12.20.230 Painting of Curbs for Parking Regulations.

- (a) Red shall mean not stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

~~No parking shall be painted red on both the top and face of the curb for the entire length of the zone.~~

- (b) Yellow shall mean no stopping, standing, or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or

materials, provided that the loading or unloading of passengers shall not consume more than three minutes or the loading or unloading of materials more than 20 minutes.

~~(a) Loading zones shall be painted yellow on both the top and face of the curb with black stenciled letters, "loading only," upon the top of all curbs within such zones.~~

(c) White shall mean no stopping, standing, or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes; and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

~~(b) Passenger loading zones shall be painted white on both the top and face of the curb with black stenciled letters, "passenger loading only," upon the top of all curbs within such zones.~~

~~(c)(d) Green shall mean time limit parking for a duration to be identified by the supplemental sign identifying the time limit. Twenty minute parking zones shall be painted green on both the top and face of the curb with white stenciled letters, "20 minutes only," upon the top of all curbs within such zones.~~

~~(d)(e) Blue shall mean stopping, standing, and parking limited exclusively to the vehicles of disabled persons whose vehicles display a distinguished license plate or placard issued to disabled persons by the Department of Motor Vehicles. Handicapped parking zones shall be painted blue on both the top and face of the curb with white stenciled letters, "handicapped parking only." In addition, a standard handicapped sign will be placed in a conspicuous location noting the location of such handicapped parking zone.~~

12.20.240 Standing in a Loading Zone.

No person shall stop, stand, or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 12.20.220(b).

12.20.250 Standing in Passenger Loading Zone.

No person shall stop, stand, or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 12.20.220(c).

12.20.260 Authority to Establish Bus Zones.

The City Traffic Engineer is hereby authorized to establish bus zones opposite curb spaces for the loading and unloading of buses or common carriers of passengers and to determine the location thereof subject to the directives and limitations set forth herein.

12.20.270 Length of Bus Zones.

No bus zone shall exceed 80 feet in length except that when satisfactory evidence has been presented to the City Traffic Engineer showing the necessity therefore, they ~~he~~ may extend bus zones not to exceed a total length of 150 feet.

12.20.280 Direction of Bus Zones From Intersection.

Bus zones shall normally be established on the far side of an intersection unless otherwise designated by ordinance.

12.20.290 Painting of Bus Zone.

The City Traffic Engineer shall cause to have painted a red line stenciled with black letters "no standing," together with the words "bus zone" upon the top or side of all curbs and places specified as a bus zone. There shall also be signs erected at such zones.

12.20.300 Standing in a Bus Zone.

No person shall stop, stand, or park any vehicle except a bus in a bus zone. Vehicles in violation of this section are subject to tow away per Section 12.20.100(a).

~~12.20.310 Parking Enforcement on Private Property~~

~~(a) The City Council may, by resolution, and after a request of the property owner, declare that there are privately owned and maintained off-street parking facilities that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by the City Council of such resolution, and after property owner compliance with Section 12.20.310(b), the City may enforce all pertinent motor vehicle and traffic regulations within that privately owned and maintained off-street parking facility.~~

~~(b)(a) Notwithstanding the provisions of Section 12.20.310(a), no resolution enacted thereunder shall apply to any off-street parking facility described therein unless the owner has caused to be posted in a conspicuous place at each entrance to such off-street parking facility, a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that such off-street parking facility is subject to public traffic regulations and control. No such resolution shall be enacted without a public hearing thereon and ten days' prior written notice to the owner of the privately owned and maintained off-street parking facility involved. All costs for such public hearing, posting and administrative fees shall be borne by the property owner requesting said hearing. The City shall not be required to provide patrol or enforce any provisions of this Code on any privately owned and maintained off-street parking facility other than those private properties which have been included under this section through Council resolution.~~

CHAPTER 12.24 PEDESTRIAN REGULATIONS

12.24.010 Authority to Establish Marked Crosswalks.

- (a) ~~The Superintendent of Streets~~City Traffic Engineer shall install and maintain crosswalks at intersections and other places by appropriate devices, marks, or lines upon the surface of any roadway, where the City Traffic Engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection (b) of this section.
- ~~(b) Other than crosswalks at intersections, no crosswalks shall be established in any block which is less than 400 feet in length and such crosswalk shall be located as nearly as practicable at mid-block.~~
- ~~(c)(b)~~ The Superintendent of StreetsCity Traffic Engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross except in the crosswalk so indicated.

12.24.020 Certain Uses of Coasters, Roller Skates and Similar Devices.

- (a) For the purpose of applying this section, the term "roller device" shall mean roller skates, roller blades, skateboards, coasters, toy vehicles or any similar device upon which a person may be propelled.

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- (b) No person shall use a roller device upon any public street, parking lot, parking structure, sidewalk or walkway in any business district in the City of San Marcos.
 - (c) No person shall use a roller device upon any public street, parking lot, parking structure, sidewalk or walkway in any district in the City of San Marcos in such a manner as to interfere with the lawful use thereof by motor vehicles or pedestrians.
 - (d) No person shall use a roller device upon any street, parking lot, parking structure, sidewalk or walkway which is open to the public for commercial purposes, provided that such street, parking lot, parking structure, sidewalk or walkway shall be posted by the owner thereof indicating that such use is prohibited pursuant to this section.
 - (e) No person shall use a roller device upon or within any drainage channel, ditch, culvert or other improved storm water control system which is either:
 - (1) Situated within a public right-of-way or is owned and controlled by a public entity; or is
 - (2) Situated upon private property which is posted by the owner thereof indicating that such use is prohibited pursuant to this section.
 - (f) Any person whose conduct is alleged to be in violation of this section shall be cited for an infraction pursuant to the terms of Section 1.12.010 of this Code.

(Ord. No. 93-950, 5-25-93)

12.24.030 Obstruction of Public Ways.

No person shall stand or sit on any crosswalk, or any other public street, highway, Public Place, public park or public bench or arcade, shopping center, or other property opened or dedicated to public use or to which the public is invited, so as in any manner to obstruct the free use thereof by the public or passage therein or thereon by pedestrians, or to hinder, molest or annoy any person or persons in passing along the same, or to obstruct the entrance of any public hall, public building, public bench, or public park.

12.24.040 Crossing Roadways Between Uncontrolled Intersections Designated by ~~Traffic Safety Commission~~Traffic Commission Prohibited.

- (a) Crossing of roadways between intersections that are not controlled by either traffic control signal devices or by police officers may be prohibited by action of the ~~Traffic Safety Commission~~Traffic Commission. Prior to designation of such a prohibited crossing, the ~~Traffic Safety Commission~~Traffic Commission shall consider a report from the City Traffic Engineer, which report may include, but shall not be limited to, ~~relevant traffic volumes, prevailing speeds, accident history, pedestrian volumes, width of roadway, lane configuration, number of traffic lanes, length of intersection and sight distances relating to the affected roadway or segment thereof.~~
- (b) Upon designation of a prohibited crossing by the ~~Traffic Safety Commission~~Traffic Commission as provided in Section 12.24.040(a), the affected roadway shall be posted with signage informing persons that crossing between the applicable intersections is prohibited.
- (c) It shall be unlawful for any person to cross a roadway that has been designated as a prohibited crossing by the ~~Traffic Safety Commission~~Traffic Commission and posted pursuant to Section 12.24.040(b).

(Ord. No. 2007-1291, 10-23-07)

CHAPTER 12.25 - BICYCLE AND ELECTRIC BICYCLE REGULATIONS

12.25.010 - Purpose

It is the purpose of this Chapter to establish regulations on the use of bicycles and electric bicycles on any public highway, street, way, right-of-way, Public Place, or alley.

12.25.020 - Definitions

- (a) **Bicycle** has the same meaning as in the California Vehicle Code Section 231, as may be amended from time to time. The term Bicycle as used herein shall include Electric Bicycles as defined below.
- (b) **Electric Bicycle** has the same meaning as in the California Vehicle Code Section 312.5, as may be amended from time to time.

12.25.030 - Laws Applicable to Persons Operating and Riding.

- (a) Every operator or passenger riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator or passenger of a vehicle as established by the laws of this state declaring the rules of the road applicable to vehicles and as established by this Chapter, except those provisions which by their nature can have no application.
- (b) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles.

12.25.040 - Riding on Sidewalks.

- (a) It is unlawful for any person to ride a bicycle upon any sidewalk in a business district as defined by the Vehicle Code or on any street with a designated bicycle path or way, except that persons may operate bicycles upon sidewalks within exclusively residential areas.
- (b) No person shall ride upon any sidewalk that has been posted with signs prohibiting such riding.
- (c) Any person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian.
- (d) No person shall leave or park a bicycle on a sidewalk in such a way that there is not an adequate path for pedestrian traffic. The City Council may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

12.25.040 - Riding on Bicycles.

- (a) Any person operating or riding a bicycle shall exercise reasonable care and observe all applicable laws.
 - (b) A bicycle shall be operated and ridden correctly, safely, and in the manner in which it was designed. It shall be unlawful for the operator or rider of a bicycle to operate or ride the bicycle in a fashion for which it was not designed or to otherwise operate or ride a bicycle unsafely.
 - (c) When a bicycle helmet is required to be worn by the California Vehicle Code, it shall be unlawful for the operator or rider of a bicycle to wear the helmet in any way other than the fashion for which it was designed, including the use of straps and strap closure mechanisms.
 - (d) It shall be unlawful for the operator of any bicycle to carry another person, and for any passenger to ride, upon the handlebars or in any other manner not designed for passenger riding.
 - (e) It shall be unlawful for the operator of any bicycle to carry goods or cargo in any manner for which the bicycle is not designed when riding the bicycle.
 - (f) It shall be unlawful for any person operating or riding a bicycle to cling to or attach themselves or the bicycle to any other moving vehicle.
 - (g) A person shall not operate a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and the telephone is used in that
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manner while riding. This section does not apply to a person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

12.25.060 - Enforcement

In lieu of the imposition of the penalties authorized by this Chapter and/or the filing of charges in a court of competent jurisdiction, the issuing agency may in its sole discretion allow a first-time violator of this Chapter to complete an agency-approved bicycle safety program, if and when such a program is available.

CHAPTER 12.28 PARADES, PROCESSIONS AND RALLIES

12.28.010 Permit Required, Permit to be Carried by Leader.

No person shall hold, manage, conduct, aid, participate in, form, start or carry on any parade, procession, or rally of any kind or any other similar display, or cause or permit the same upon any public street, park, sidewalk, Public Place, or any other public grounds in the City unless there has first been obtained from the City Manager, or designee, a permit to do so, and such permit shall be carried by the person heading or leading the activity. A fee of ~~\$350.00~~ as designated by the Council-adopted fee schedule shall be charged for issuance of such a permit; any additional costs (extra police protection, traffic control) shall also be charged and added to the cost of said permit. The applicant, if a nonprofit, may request waiver of said fee if a request for such waiver is in writing. Waiver of said fee is at the discretion of the City Manager, or designee.

(Ord. No. 2004-1229, 6-8-04)

12.28.020 Parades and Processions; Exemptions.

Funeral and wedding processions shall be exempt from the regulations of this article.

12.28.030 Application for Permit—Where, When Filed; Contents.

Any person desiring to conduct or manage a parade, procession, or rally shall, not less than 30 days before the date on which it is proposed to conduct such parade or procession, file with the City Manager a verified application on a form furnished by the City, setting forth the following information:

- (a) The name of the person or organization wishing to conduct such parade, procession, or rally.
- (b) If the parade, procession, or rally is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and the authorized and responsible head of such organization.
- (c) The name, address, and telephone number of the person who will be the parade, procession, or rally chairman and will be responsible for its conduct.
- (d) The name, address, and telephone number of the person or organization to whom the permit is desired to be issued.
- (e) The date when such parade or procession is to be conducted.
- (f) The route to be traveled, the starting point, and the termination point.
- (g) The approximate number of persons who, and animals and vehicles which, will constitute such parade, procession, or rally; the type of animals and a general description of the vehicles.

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- (h) The time when such parade or procession will start and terminate.
 - (i) Whether the parade, procession, or rally will occupy all or only a portion of the width of the street proposed to be traversed.
 - (j) The location by streets of any assembly area for such parade or procession.
 - (k) The time at which units of the parade, procession, or rally will begin to assemble at any such assembly area.

12.28.040 Application for Permit—Authority for Manager to Consider Late Applications.

The City Manager may consider late applications for permits required by this article. The ~~City~~ Manager shall have authority, in ~~his~~ their discretion, to consider any application for a permit to conduct a parade or procession which is filed less than 30 days before the date such parade or procession is proposed to be conducted.

12.28.050 When Applicant May Submit Alternate Application Permit.

If the City Manager's denial of a permit required by this article is based in whole or in part upon the date, hour, or route of travel, the applicant may submit a new application proposing alternate dates, hours, or routes of travel.

12.28.060 Notice of Rejection of Permit Application.

The City Manager shall act upon the original application for permit required by this article within 15 days after receipt thereof. If the City Manager disapproves the application, ~~he~~ they shall cause to be mailed to the applicant within five days after ~~their~~ his decision, a notice of ~~his~~ action. Such notice shall be mailed to the applicant at ~~the~~ his address as given on the application.

12.28.070 Authority of City Manager to Recommend Time, Date, Route When Denying Application; Acceptance by Applicant; Issuance of Permit.

The City Manager, in denying an application for a permit required by this article, may authorize the conduct of such parade, procession, or rally on a date, at a time, or over a route different from that named by the applicant, and if the applicant desires to accept the proposed date, time, and route, ~~he~~ they shall, within two days after notice of the action of the Manager, file a notice of acceptance with the Manager. The Manager shall thereupon issue a permit setting forth the terms in conformance with Section 12.28.080.

12.28.080 Appeal Allowed Upon Denial of Permit; Appeal Procedures; Council's Authority; Effect of Council's Decision.

- (a) When a permit required by this article is denied by the City Manager, the applicant may, within ten days of such action, appeal to the Council by filing a petition therefor with the City Clerk. If an appeal is not filed, the denial shall become final.
 - (b) Upon the proper filing of such an appeal, the City Clerk shall place the appeal on the next regularly scheduled Council agenda provided the appeal is received in a timely fashion for the next regular agenda.
 - (c) The Council may either approve or disapprove the denial of the permit, and its decision shall be final as to all issues involved.
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12.28.090 When a Permit is to be Issued.

The City Manager shall issue a permit required by this article when, after consideration of the application and after such other information as may otherwise be obtained, ~~he finds~~they find that:

- (a) The conduct of such parade or procession will not substantially interfere with the safe and orderly movements of other traffic contiguous to its route.
- (b) The conduct of such parade, procession₂ or rally will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City.
- (c) The concentration of persons, animals₂ and vehicles at assembly points of the parade or procession will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (d) The conduct of such parade or procession will not unduly interfere with the movements of fire-fighting equipment in route to a fire or the movement of other emergency equipment.
- (e) The conduct of such parade, procession₂ or rally is not reasonably likely to cause injury to persons or property or to provide disorderly conduct or create a disturbance.
- (f) Such parade, procession₂ or rally is not to be held for the sole purpose of advertising the goods, wares₂ or merchandise of a particular business establishment or vendor.

12.28.100 Contents of Permit.

The permit issued in accordance with this article shall prescribe the terms and conditions as stated in Section 12.28.030 (a) through (k)~~following~~:

~~The name of the person or organization wishing to conduct such parade, procession or rally.~~

~~If the parade, procession or rally is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.~~

~~The name, address and telephone number of the person who will be the parade, procession or rally chairman and will be responsible for its conduct.~~

~~The name, address and telephone number of the person or organization to whom the permit is desired to be issued.~~

~~The date when such parade, procession or rally is to be conducted.~~

~~The route to be traveled, the starting point and the termination point.~~

~~The approximate number of persons who, and animals and vehicles which will constitute such parade, procession or rally, and the type of animals and general description of the vehicles.~~

~~The time when such parade, procession or rally will start and terminate.~~

~~Whether such parade, procession or rally will occupy all or only a portion of the width of the streets proposed to be traversed.~~

~~The location by streets of any assembly area for such parade or procession.~~

~~The time at which units of the parade, procession or rally will begin to assemble at any such assembly area.~~

12.28.110 Officials to be Notified Upon Issuance of Permit.

Immediately upon the granting of a permit required by this article, the City Manager shall send a copy thereof to the following:

- (a) The Chief of the Fire Department.
- (b) The Chief of the Police Department.
- (c) The City Engineer.
- (d) The Director of Public Works.

12.28.120 Joining, Interfering Prohibited.

No person shall, without the consent of the person to whom a permit required by this article has been issued, join or participate in a parade, procession, or rally, nor in any manner interfere with its progress.

CHAPTER 12.29 PROHIBITION OF SPECTATORS AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED

12.29.010 Purpose.

The City Council of the City of San Marcos finds and declares that, pursuant to California Vehicle Code Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal. Motor vehicle speed contests and exhibits of speed are more commonly known as street races or drag races.

Streets within the City of San Marcos have the potential to be the site of illegal street racing. Such activity threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business and/or home owners to enjoy the use of their property within the City of San Marcos. In most cases, illegal street races attract spectators. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.

This chapter is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. It targets a very clear, limited population and gives proper notice to citizens as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged.

12.29.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

- (a) ***Illegal motor vehicle speed contest*** or ***illegal exhibition of speed*** shall mean any speed contest or exhibition of speed referred to in California Vehicle Code Sections 23109(a) [engaging in a speed contest] and 23109(c) [aiding in a speed contest].
- (b) ***Preparations for the illegal motor vehicle speed contest*** or ***illegal exhibition of speed*** shall include, but not be limited to, situations in which:
 - (1) A group of motor vehicles or individuals has gathered at a location for the purpose of participating in, or being spectators at, an illegal motor vehicle speed contest or illegal exhibition of speed ("illegal speed event");
 - (2) A group of individuals has congregated on one or both sides of a public street or highway for the purpose of participating in, or being a spectator at, an illegal speed event;
 - (3) A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in, or being a spectator at, an illegal speed event;
 - (4) One or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting an illegal speed event;
 - (5) Two or more vehicles have lined up, with motors running, for an illegal speed event;
 - (6) One or more drivers is revving ~~his or her~~ their engine(s) or spinning ~~his or her~~ their tires in preparation for an illegal speed event; or

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- (7) An individual is stationed at or near one or more motor vehicles for the purposes of serving as a race starter.
- (c) **Spectator** shall mean of any individual who is within 200 feet of an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. **Spectator** includes any individual within 200 feet of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or some other means.

12.29.030 Violation is a Misdemeanor.

- (a) Any individual who is knowingly present as a spectator, either on a public street or highway, Public Place, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed shall be guilty of a misdemeanor punishable as provided in Section 1.12.020 hereof.
- (b) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor punishable as provided in Section 1.12.020 hereof.
- (c) Exemption: Nothing in this section shall prohibit law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their duties.

12.29.040 Relevant Circumstances to Prove a Violation.

Notwithstanding any other provision of law, to prove a violation of this chapter, admissible evidence may include, but shall not be limited to, any of the following:

- (a) The time of day;
- (b) The nature and description of the scene;
- (c) The number of people at the scene;
- (d) The location of the individual charged in relation to any individual or group present at the scene;
- (e) The number and description of the motor vehicles at the scene;
- (f) That the individual charged drove or was transported to the scene;
- (g) That the individual charged has previously participated in an illegal motor vehicle speed contest or exhibition of speed;
- (h) That the individual charged has previously aided and abetted an illegal motor vehicle speed contest or exhibition of speed;
- (i) That the individual charged has previously attended an illegal motor vehicle speed contest or exhibition of speed;
- (j) That the individual charged was previously present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or illegal motor vehicle speed contest was in progress.

12.29.050 Admissibility of Prior Acts.

The list of circumstances set forth in Section 12.29.040 is not exclusive. Evidence of prior acts shall be admissible to demonstrate the propensity of the defendant to be present at or attend an illegal motor vehicle

speed contest or exhibition of speed, if the prior act or acts occurred within three years of the presently charged offense. These prior acts shall be admissible to demonstrate knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Prior acts shall not be limited to those occurring within the City of San Marcos.

(Ord. No. 2003-1166, 1-28-03)

CHAPTER 12.32 ABANDONED AND WRECKED VEHICLES

12.32.010 Purpose of Article; Abandoned Vehicle Abatement Committee Created; Abandoned, Wrecked, Etc. Vehicles Declared Nuisances.

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the City Council hereby makes the following findings and declarations:

- (a) The abandoned vehicle abatement committee is hereby created. It shall consist of the members of the ~~Traffic Safety Commission~~ Traffic Commission. The City Council shall provide for clerical or secretarial assistance for the hearing board.
- (b) The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article.

12.32.020 Definitions.

As used in this article:

- (a) The term **vehicle** means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
- (b) The term **highway** means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "**Highway**" includes "**street**."
- (c) The term **public property** does not include "**highway**."
- (d) The term **owner of the land** means the owner of the land on which the vehicle or parts thereof is located as shown on the last equalized assessment roll.
- (e) The term **owner of the vehicle** means the last registered owner and legal owner of record.

12.32.030 Nonapplicability of Article.

This article shall not apply to:

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- (a) A vehicle or parts thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public property; or
 - (b) A vehicle or parts thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law.

12.32.040 Supplemental to Other Regulations.

This article is not exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction.

12.32.050 Administration of Provisions; Right-of-Way.

Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the City Manager. In the enforcement of this article, such officer and ~~their~~ ^{his} deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof), declared to be a nuisance pursuant to this article.

12.32.060 Authority of Removal Franchise.

When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

12.32.070 Administrative Costs.

The City staff shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this article.

12.32.080 Duties of City Manager.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof on private property or public property within the City, the City Manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

12.32.090 Abatement Notice; Form.

~~Editor's note(s) — Section reformatted to separate notice to landowner and registered car owner.~~

After issuance of Aa ten-day notice of intention to abate and remove the vehicle or parts thereof on private property or public property within the City, the City Manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. A ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following form:

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- (a) Name and address of owner of the land:

**NOTICE OF INTENTION TO ABATE AND REMOVE
ABANDONED, WRECKED, DISMANTLED, OR
INOPERATIVE VEHICLE OR PARTS
THEREOF AS A PUBLIC NUISANCE**

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Ordinance No. 80-536 has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, which constitutes a public nuisance pursuant to the provisions of Ordinance 80-536.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so, the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located. As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the hearing body or officer within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall not be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

- (b) Name and address of last registered and/or legal owner of record of vehicle; notice should be given to both if different:

**NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED OR
INOPERATIVE VEHICLE OR PARTS
THEREOF AS A PUBLIC NUISANCE**

As last registered (and/or legal) owner of record of (description of vehicle make, model, license, etc.), you are hereby notified that the undersigned, pursuant to Ordinance No. 80-536 has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Ordinance No. 80-536.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice. As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of the Notice of Intention, request a public hearing and if such a request is not received by the hearing body or officer within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

SAN MARCOS CODE.

Notice mailed: _____/s/
locally designated officer

12.32.100 Public Hearing.

Upon request by the owner of the vehicle or owner of the land, received by the City Clerk within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Abandoned Vehicle Abatement Committee on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

12.32.110 Hearing Procedure; Assessment of Costs.

All hearings under this article shall be held before the Abandoned Vehicle Abatement Committee, which shall hear all facts and testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The hearing ~~{of the}~~ Abandoned Vehicle Abatement Committee shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The hearing ~~{of the}~~ Abandoned Vehicle Abatement Committee or officer may impose such conditions and take such other action as ~~he deems~~ they deem appropriate under the circumstances to carry out the purpose of this article. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Abandoned Vehicle Abatement Committee officer may find that ~~{such}~~ vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property as a public nuisance and ~~{shall be}~~ disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that ~~he has~~ they are not subsequently acquiesced in its presence, the City Manager shall not assess the costs of administration or removal of the vehicles against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the abandoned vehicle abatement committee officer but does not appear, ~~he~~ they shall be notified in writing of the decision.

12.32.120 Appeal of Committee's Decision to City Council.

Any interested party may appeal the decision of the Abandoned Vehicle Abatement Committee officer by filing a written notice of appeal with the City Clerk within five days after its decision.

Such appeal shall be heard by the City Council which may affirm, amend, or reverse the order or take other action deemed appropriate.

The City Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 12.32.090.

In conducting the hearing, the City Council shall not be limited by the technical rules of evidence.

12.32.130 Time Limit for Removal.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 12.32.110 or 15 days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

12.32.140 Notification of Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

12.32.150 Unpaid Costs to Become Lien on Property.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 12.32.110 are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other City taxes.

12.32.160 Abandonment Declared an Infraction.

It shall be unlawful and an infraction in accordance with the provisions of Section 1.12.010 for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property not including highways within the City for a period in excess of five days unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner, on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(Ord. No. 99-1053, 2-1-99)

12.32.170 Refusal to Comply With Article Declared a Misdemeanor.

It shall be unlawful and a misdemeanor in accordance with the provisions of Section 1.12.020 for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this article or State law where such state law is applicable.

CHAPTER 12.36 RESERVED

CHAPTER 12.40 TRUCK ROUTES

12.40.010 Truck Routes Established.

(a) Certain streets or portions of a street may, by amendment of this chapter or adoption of other ordinances, be declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight certain of five tons or any vehicle exceeding an overall total length or height. Weight shall mean maximum gross weight, including the weight of any truck, trailer and load thereon. Length shall include total overall length, including any tractor, trailer or other vehicle or projection therefrom.

(b) No person, corporation, or other organization shall use or operate any commercial vehicle over 14,000 pounds rated gross vehicle weight on or over any street, road or public right-of-way within the City, except on the following streets which are designated as truck routes, except only when necessary to traverse another street or streets to a destination for a purpose of loading or unloading freight, but then only by such deviation from the nearest truck route as is reasonably necessary to reach such destination:

- ~~(1)~~ Pico Avenue between Mission Road and San Marcos Boulevard
- ~~(2)~~ Via Vera Cruz between Grand Avenue and San Marcos Boulevard
- ~~(3)~~ Linda Vista between Grand Avenue and Rancho Santa Fe Road
- ~~(4)~~ (1) Grand Avenue between Rancho Santa Fe Road and San Marcos Boulevard
- ~~(5)~~ (2) Mission Road between Rancho Santa Fe Road and Barham Drive Easterly City Limits
- ~~(6)~~ (3) South Santa Fe Road between Smilax and Rancho Santa Fe Road
- ~~(7)~~ (4) San Marcos Boulevard between Business Park Drive and Twin Oaks Valley Road Mission Road
- ~~(8)~~ (5) Questhaven Road between Rancho Santa Fe Road and the Entrance to the San Marcos County Landfill
- ~~(9)~~ (6) Woodland Parkway between Mission Road and Barham Drive
- ~~(10)~~ (7) Las Posas Road between Mission Road and San Marcos Boulevard Grand Avenue
- ~~(11)~~ (8) Rancho Santa Fe Road between Mission Road and Melrose Drive

12.40.020 Vehicles Subject to Public Utilities Code.

The provisions of this chapter are not applicable with respect to any vehicle which is subject to the provisions of the Public Utilities Code Sections 1031 through 1036, inclusive.

12.40.030 Pickups and Deliveries.

This chapter shall not prohibit any commercial vehicles coming from an unrestricted street having ingress or egress by direct route to and from a restricted street when necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street, 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 for which a building permit has been previously obtained.

12.40.040 Vehicles Owned by a Public Utility or Licensed Contractor.

This chapter shall not apply to any vehicle owned by a public utility or a licensed contractor while necessary in use in connection, installation, or repair of any public utility.

12.40.050 Effective Subject to Proper Sign Erection on Streets Affected.

This chapter shall not be effective until the appropriate signs are erected indicating those streets which are truck routes.

(Ord. No. 89-813, 4-11-89)

12.40.060 Special Truck Weight Limits.

No person, corporation, or other organization shall use or operate any commercial vehicle over 10,000 pounds rated gross vehicle weight on or over the following streets within the City:

1. Linda Vista Drive between Specialty Drive and Rancho Santa Fe Road
2. La Mirada Drive between Poinsettia Drive and Rancho Santa Fe Road
3. Virginia Place between La Mirada Drive and Grand Avenue
4. Grand Avenue west of Rancho Santa Fe Road
5. Las Flores Drive between Oleander Avenue and Linda Vista Drive
6. Oleander Avenue between Smilax Road and Las Flores Drive
7. Descanso Avenue from Las Flores Drive to a point six hundred feet easterly

(Ord. No. 2000-1080, 1-25-2000)

12.40.070 Commercial Vehicle Restrictions.

No person, corporation, or other organization shall use or operate any commercial vehicle on or over the following streets within the City:

1. Linda Vista Drive between Specialty Drive and Rancho Santa Fe Road
2. La Mirada Drive between Poinsettia Drive and Rancho Santa Fe Road
3. Virginia Place between La Mirada Drive and Grand Avenue
4. Grand Avenue west of Rancho Santa Fe Road
5. Las Flores Drive between Oleander Avenue and Linda Vista Drive
6. Oleander Avenue between Smilax Road and Las Flores Drive
7. Descanso Avenue from Las Flores Drive to a point six hundred feet easterly

(Ord. No. 2000-1081, 1-25-2000)

CHAPTER 12.44 INTERSTATE TRUCKS

12.44.010 Definitions.

The following words and phrases shall have the meanings set forth, and if any word or phrase used in this chapter is not defined in this Section, it shall have the meanings set forth in the California Vehicle Code; provided, that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

- (a) **CalTrans** means the State of California Department of Transportation or its successor agency.
- ~~(b) **Director of Public Works/City Engineer** means the Director of Public Works/City Engineer of the City or an authorized representative.~~
- ~~(c)~~(b) **Interstate Truck** means a truck tractor and semitrailer or truck tractor, semitrailer and trailer with unlimited length, as regulated by the Vehicle Code.
- ~~(d)~~(c) **Terminal** means any facility at which freight is consolidated to be shipped, or where full load consignments may be loaded and off-loaded, or at which the vehicles are regularly maintained, stored or manufactured.

12.44.020 Purpose.

The purpose of this chapter is to establish procedures for terminal designation and truck route designation to terminals, for interstate trucks operating on a federally-designated highway system and to promote the general health, safety and welfare of the public.

12.44.030 Application.

- (a) Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form as provided by the City, together with such information as may be required by the ~~Director of Public Works/City Traffic Engineer~~ and appropriate fees paid to the City.
- (b) Upon receipt of the application, the ~~Director of Public Works/City Traffic Engineer~~ will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon ~~the Director of Public Works's~~ the City Traffic Engineer's approval of that designation, ~~the Director of Public Works~~ they will then determine the capability of the route requested, and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and land widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of CalTrans.
- (c) Should the requested route pass through the City to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction's application process. Coordination of the approval of the route through the City will be the responsibility of the entity which controls the terminal's land use. Costs of trailblazer signs shall be as provided in Section 12.44.040.

12.44.040 Fees and Costs.

- (a) The applicant shall pay a non-refundable application fee, as established by the City Council by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.
- (b) Upon the approval of the terminal designation and route by the City and by Caltrans, the applicant shall deposit with the City sufficient funds; as estimated by the ~~Director of Public Works~~City Traffic Engineer, to pay for the purchase and installation of terminal access signs and trailblazer signs. Trailblazer signs will be required at every decision point in the City on route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place.

12.44.050 Retrofitting.

- (a) If all feasible routes to a requested terminal are found unsatisfactory by the ~~Director of Public Works~~City Traffic Engineer, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the City or by a contractor acceptable to it.
- (b) When the work is to be done by the City, the applicant shall deposit with the City the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the ~~Director of Public Works~~City Traffic Engineer, on a form satisfactory to the ~~Director of Public Works~~them, a statement detailing the actual costs of the retrofitting.
- (c) If at any time within five years from the date of completion of the retrofitting by the applicant, should any new applicant seek approval of a terminal which would use the route upon which such retrofitting was accomplished, the new applicant may be required to pay a fee to the City equal to the proportionate share of the cost of the previously completed retrofitting, as determined by the ~~Director of Public Works~~City Traffic Engineer, which fee shall be disbursed by the City to the applicant who paid for the retrofitting, as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing in this chapter shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the ~~Director of Public Works~~City Traffic Engineer required by subsection (b) of this Section.

12.44.060 Revocation of Route.

The ~~Director of Public Works~~City Traffic Engineer may revoke any approved terminal or route if the terminal or route becomes a safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route of said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians.

12.44.070 Appeal Process.

- (a) If the ~~Director of Public Works~~City Traffic Engineer denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten days following the date of receipt of the decision of the ~~Director of Public Works~~City Traffic Engineer, may appeal said decision to the City Council in writing. An appeal shall be made on a form prescribed by the ~~Department~~

~~of Public Works Development Services Department City Traffic Engineer~~ and shall be filed with the City Clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the ~~Director of Public Works~~ City Traffic Engineer or wherein the decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the ~~Director of Public Works~~ City Traffic Engineer shall transmit to the City Clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the ~~Director of Public Works~~ City Traffic Engineer, the findings of the ~~Director of Public Works~~ City Traffic Engineer and ~~their~~his decision on the application.

- (b) The City Clerk shall make copies of the data provided by the ~~Director of Public works~~ City Traffic Engineer available to the applicant and to the appellant, if the applicant is not the appellant, for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the City Council.
- (c) If CalTrans and not the ~~Director of Public Works~~ City Engineer, denies or revokes terminal access from federally designated highways, no appeal may be made to the City Council, but must be made to CalTrans, as may be permitted by CalTrans.

(Ord. No. 89-813, 4-11-89)

CHAPTER 12.45 SPEED LIMITS ON CERTAIN GRADES

12.45.010 Speed Limits on Certain Grades.

Whenever the ~~Director of Engineering~~ City Traffic Engineer determines, on the basis of an engineering and traffic survey, that the prima facie limit of 25 miles per hour is more than is reasonable and safe on any portion of a street having a grade in excess of ten percent, ~~the Director~~ they may declare a maximum limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared maximum speed shall be effective when appropriate signs giving notice thereof are erected upon the street. The City's ~~Traffic Safety Commission~~ Traffic Commission, prior to installation of such signs, shall be informed of such installations unless previously directed by the City Council.