TITLE 10
Transportation and Parking

This title was most recently updated by the following ordinances:

Ordinance No.	Subject	Effective Date	Code Site
5684	Prima Facie Speed Limits	May 28, 2015	Section 10.60.015
5685	Speed Zoning Near Children's Playgrounds and Schools	May 28, 2015	Chapter 10.20
5694	Parking of Recreational Vehicles and Definition of "Excessive" Numbers of Such Vehicles	July 2, 2015	Section 10.44.205
5697	Prohibition of Display of Unauthorized Signs	July 2, 2015	Section 10.12.170
5698	Bus Zones to be Established	July 2, 2015	Section 10.48.090
5699	Curb Markings to Indicate Parking Regulations	July 2, 2015	Section 10.48.040
5708	Prima Facie Speed Limits	August 13, 2015	Section 10.60.015
5725	Carshare Vehicle Permit Program	November 26, 2015	Chapter 10.73
5734	Parking Upon Municipally-Owned and/or –Operated Parking Lots	February 25, 2016	Sections 10.44.152 and 10.44.153

TITLE 10

TRANSPORTATION AND PARKING

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Chapter 10.02

PENALTIES

Sections:

10.02.010 Penalty for Violation.

10.02.010 Penalty for Violation.

The violation of any provision of this Title shall constitute an infraction, except if specifically designated otherwise. (Ord. 4194, 1983; Ord. 4067, 1980; Ord. 4004, §1, 1979.)

Chapter 10.04

DEFINITIONS

Sections:

10.04.010 State Vehicle Code.
10.04.020 Generally.
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10.04.190 Residential District, Defined for Certain Purposes.
10.04.200 Numbering of Revised Vehicle Code.

10.04.010 State Vehicle Code.

Whenever any words or phrases used in this title are not defined in this chapter but are now defined in the Vehicle Code of this State, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used in this title. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(a).)

10.04.020 Generally.

Whenever in this title the following words and phrases set forth in this chapter are used, they shall for the purpose of this chapter have the meanings respectively ascribed to them in this chapter. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b).)

10.04.025 Block.

Both sides of any street within a one hundred address designation. For example, the 000 Block, 100 Block, 200 Block of a street. (Ord. 4781, 1992)

10.04.030 Bus Loading Zone.

"Bus loading zone" means the space adjacent to the curb or edge of a roadway reserved for the exclusive use of buses during the loading or unloading of passengers. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.040 Central Traffic District.

"Central Traffic District" means all streets or portions of streets within the area described as follows:

Commencing at the southeasterly corner of the intersection of Cabrillo Boulevard and Santa Barbara Street; thence northwesterly along the northeasterly line of Santa Barbara Street to its intersection with the northwesterly line of Micheltorena Street; thence southwesterly along the northwesterly line of Micheltorena Street to its intersection with the southwesterly line of De la Vina Street; thence southeasterly along the southwesterly line of De la Vina Street to its intersection with the southeasterly line of Gutierrez Street; thence northeasterly along the southeasterly line of Gutierrez Street to its intersection with the southwesterly line of Chapala Street; thence southeasterly along the southwesterly line of Chapala Street to its intersection with the southeasterly line of Cabrillo Boulevard; thence northeasterly along the southeasterly line of Cabrillo Boulevard to the point of beginning. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code 31.1(b)(part).)

10.04.050 Commercial Vehicle Loading Zone.

"Commercial Vehicle Loading Zone" means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.060 Council.

"Council" means the City Council of the City of Santa Barbara. (Ord. 3033 §1(part, 1965; Ord. 2713 (1(part), 1959; prior Code §31.1(b)(part).)

10.04.070 Chief.

"Chief" means the Chief of Police of the City of Santa Barbara. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.080 Director.

"Director" means the Director of Public Works of the City of Santa Barbara. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.090 Holidays.

Within the meaning of this title, holidays are the first day of January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the second Monday in October, the eleventh day of November, Thanksgiving Day, and the twenty-fifth day of December.

If January 1st, February 12th, July 4th, September 9th or December 25th falls on a Sunday, the following Monday is a holiday. (Ord. 3456 §1, 1970; Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.100 Official Time Standard.

Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in this City. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.110 Parkway.

"Parkway" means that portion of a street other than a roadway or sidewalk. (Ord 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.120 Passenger Loading Zone.

"Passenger Loading Zone" means that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.130 Pedestrian.

"Pedestrian" means any person afoot. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.140 Police Officer.

"Police Officer" means every member of the Police Department sworn to perform regular Police duties, or any other Peace Officer sworn to perform general or special Police duties involving enforcement of all or any portion of the California Vehicle Code or all or any portion of the provisions of this title, or both. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.150 Section.

"Section" means a section of this title unless some other title, ordinance or statute is specifically mentioned. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.160 Stand or Standing.

"Stand" or "standing" means "stop" or "stopping". (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.170 Stop or Stand.

"Stop" or "stand" when prohibited means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or official traffic control device. (Ord. 3033 §1(part), 1965; Ord. 2713 §1(part), 1959; prior Code §31.1(b)(part).)

10.04.180 Transportation Engineer.

"Transportation Engineer means the Director of Public Works of the City of Santa Barbara or any deputy of the Director designated as the Transportation Engineer or designated to carry out the duties of a transportation engineer by the Director. (Ord. 3865, 1976; Ord. 3033, 1965; Ord. 2713, 1959.)

10.04.190 Residential District, Defined for Certain Purposes.

For the purposes of sections of this title, "residential district" means those zones established and in effect under the current Zoning Ordinance of the City, as amended, and designated as A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 and R-4 Zones. (Ord. 3033 §2, 1965; prior Code §31.1(a).)

10.04.200 Numbering of Revised Vehicle Code.

Whenever in this title any California Vehicle Code section number is immediately followed by a bracketed number, such bracketed number represents the corresponding section number of the revised California Vehicle Code as re-enacted by the Legislature as Chapter 3, Statutes of 1959. (Ord. 2713 §1(part), 1959; prior Code §31.114.)

Chapter 10.06

SKATEBOARDING, ROLLER SKATING AND IN-LINE SKATING

Sections:

10.06.010 Skateboarding, Roller Skating and In-Line Skating.

10.06.010 Skateboarding, Roller Skating and In-Line Skating.

(a) PROHIBITION. No person shall ride a skateboard, roller skate, in-line skate or similar device upon any public street, or upon the following City sidewalks, City walkways, City boardwalks, or public ways owned or maintained by the City:

(1) Within the area of the downtown bounded by the following streets (including the perimeter streets): Sola Street on the north, Chapala Street on the west, Santa Barbara Street on the east and Cabrillo Boulevard on the south.

(2) The south sidewalk of Cabrillo Boulevard from Santa Barbara Street to Milpas Street.

(3) The sidewalks on either side of and along the entire length of Coast Village Road.

(4) On and along the following sidewalks, adjacent to the Santa Barbara Harbor: i) the sidewalks directly adjacent to the Harbor seawall, beginning at a point adjacent to the public launching ramps and extending to Harbor Way, and ii) the sidewalk along the southerly side of the Harbor beginning at the intersection with the sidewalk described in i) and continuing southerly and easterly to the most easterly point of the Breakwater.

(5) On the docks, floats and ramps in the Santa Barbara Harbor.

(6) Public parking facilities, public parking lots, or other public areas the entrances to which are posted with signs prohibiting skateboarding and roller skating.

(b) The Department of Public Works shall post appropriate signs as necessary to advise the public of the requirements of this Chapter.

(c) This Section shall not apply to any person skateboarding, in-line skating or roller skating on a public street while participating in an event that has been issued a special event permit by the Chief of Police specifically allowing skateboarding, in-line skating or roller skating on public streets. (Ord. 5159, 2000; Ord. 4954, 1996; Ord. 4910, 1995; Ord. 4622, 1990; Ord. 4439, 1986; Ord. 4133, 1982; Ord. 4016 §1, 1979; Ord. 3991, 1979.)

Chapter 10.08

ADMINISTRATION AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

10.08.010 Duties of Police Department.
10.08.020 Traffic Accident Studies by Transportation Engineer.
10.08.030 Traffic Accident Reports - Filed with Transportation Engineer.
10.08.040 Crossing Guards.
10.08.050 City Transportation Engineer - Duties.
10.08.060 Emergency Regulations - Police Chief.
10.08.070 Emergency and Experimental Regulations - Transportation Engineer.
10.08.080 Duties of Police.
10.08.100 Obedience to Police and Fire Department Officials, Markings and Signs.
10.08.110 Persons Other Than Officials Shall Not Direct Traffic.
10.08.120 Deputies.
10.08.130 School Crossing Guards - Authorization by Police Chief.
10.08.140 Public Employees to Obey Traffic Regulations.
10.08.150 Exemptions to Certain Vehicles - Authorized Emergency Vehicles.
10.08.160 Persons Propelling Push Carts or Riding Animal to Obey Traffic Regulations.

10.08.010 Duties of Police Department.

It shall be the duty of the Chief of Police to cooperate with the City Transportation 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 the Chief by this title and the traffic ordinances of this City. (Ord. 2713 §1(part), 1959; prior Code §31.2).)

10.08.020 Traffic Accident Studies by Transportation Engineer.

Whenever the accidents at any particular location become numerous, the Chief shall cooperate with the City Transportation Engineer in conducting studies of such accidents and determining remedial measures. (Ord. 2713 §1(part), 1959; prior Code §31.3.)

10.08.030 Traffic Accident Reports - Filed with Transportation Engineer.

The Chief shall make traffic accident reports available for the use and information of the City Transportation Engineer. The City Transportation Engineer shall maintain an accident location file of information from the reports. (Ord. 2713 §1(part), 1959; prior Code §31.4.)

10.08.040 Crossing Guards.

The Council hereby delegates to the Transportation Engineer authority on behalf of the City to adopt standards under which the City shall provide school crossing guards. If it is determined that a crossing guard is warranted at a certain location, the Chief of Police shall assign a crossing guard to that location. It shall be the duty of the Chief to hire, train, supervise, and otherwise administer crossing guards. (Ord. 4031, 1979; Ord. 2713 §1(part), 1959; prior Code §31.5.)

10.08.050 City Transportation Engineer - Duties.

It shall be the general duty of the City Transportation Engineer, under the direction of the Director of Public Works to determine the location, installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, and to carry out any additional powers and duties imposed by ordinances of this City. (Ord. 2731 §1(part), 1959; prior Code §31.6.)

10.08.060 Emergency Regulations - Police Chief.

(a) Whenever the Chief of Police determines that emergencies, special conditions or events make necessary the temporary suspension or alteration of the usual traffic flow, traffic control or vehicle parking regulations, the Chief of Police is given the power and authority to adopt and enforce temporary regulations to make effective such temporary suspension or alteration. Such temporary regulations shall become effective when the Chief of Police places or removes or causes the placing or removing, of signs, signals or markings, or when the Chief of Police stations a Police Officer to give notice of such temporary regulations. The Chief of Police shall reinstate the usual traffic flow, traffic control or vehicle parking regulations by removing or replacing, or causing the removal or replacement, of such signs, signals or markings, or by removing the Police Officer from his station, immediately upon the termination of the emergency, special condition or event, unless otherwise directed by the City Council.

(b) If, in order to provide for the emergency, special condition or event, the Chief of Police determines that parking on all or any portion of any street shall be prohibited, any vehicle parked contrary to such temporary regulation may be removed or caused to be removed from such street by a Police Officer in the manner and subject to the provisions of the California Vehicle Code, if signs have been erected or placed at least twenty-four (24) hours prior to the removal of such vehicle giving notice that such vehicle may be removed.

(c) No person shall operate, park or stand any vehicle contrary to any temporary regulations adopted and made effective as provided in Subsection (a) of this section. (Ord. 2994 §1, 1964; Ord. 2713 §1(part), 1959; prior Code §31.7.)

10.08.070 Emergency and Experimental Regulations - Transportation Engineer.

The Transportation Engineer is empowered to make regulations necessary to make effective the provisions of this title, to cover emergencies or special conditions and to make temporary or experimental regulations. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days. In the event that after ninety (90) days the experimental regulations have proved satisfactory, they may be placed into effect permanently by Council authorization. (Ord. 2713 §1(part), 1959; prior Code §31.8.)

10.08.080 Duties of Police.

It shall be the duty of members of the Police Department to enforce the provisions of this title.

Officers of the Police Department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or in event of parades or other emergency, or to expedite traffic or to safeguard pedestrians, Officers of the Police Department or Officers assigned, may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws. (Ord. 2713 §1(part), 1959; prior Code §31.9.)

10.08.100 Obedience to Police and Fire Department Officials, Markings and Signs.

A. No person shall willfully fail or refuse to comply with any lawful order, direction or signal of a Police Officer or member of the Fire Department while directing traffic or performing official duties.

B. The operator of any vehicle, and any pedestrian using the streets, shall obey the instructions of any traffic control device, barrier, sign, marking, barrier tape or other device placed or erected pursuant to the provisions of this Chapter.

C. No person shall stop, leave standing or park any vehicle contrary to a prohibition imposed pursuant to the provisions of this Chapter. No person shall stop, leave standing or park any vehicle within an area designated as prohibited, or contrary to the restrictions or limitations indicated by barriers, signs, marking, barrier tape or other device provided pursuant to the provisions of this Chapter. (Ord. 4885, 1994; Ord. 2713 1959; prior Code §31.11.)

10.08.110 Persons Other Than Officials Shall Not Direct Traffic.

No person other than an Officer of the Police Department or person authorized or 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 provided in this title, any mechanical pushbutton signal erected by order of an authorized public body. (Ord. 2713 §1(part), 1959; prior Code 31.12.)

10.08.120 Deputies.

Whenever, by the provisions of this title, a power is granted to a public officer, or a duty imposed upon such officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided. (Ord. 2713 §1(part), 1959; prior Code §31.16.)

10.08.130 School Crossing Guards - Authorization by Police Chief.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any person appointed by the Chief of Police to control traffic at school crossings, provided that such person giving any order, signal or direction at such school crossing shall at the time be wearing some insignia, or carrying some insignia, indicating such appointment.

It shall be unlawful for any person driving or operating, propelling, or causing to be propelled, any vehicle, to fail to stop within twenty-five feet (25') of the nearest side of a school pedestrian lane where any signal device, flagman or other person is stationed, giving warning that children are about to cross or are crossing the street; and it is further declared unlawful to proceed until such signal has stopped, raised, or been removed, or the flagman or person stationed at such pedestrian lane has given a signal to go or has left the locality. (Ord. 2713 §1(part), 1959; prior Code §31.13.)

10.08.140 Public Employees to Obey Traffic Regulations.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any State, any County, City and County or municipal corporation, or other public agency, and it shall be unlawful for any such driver to violate any of the provisions of this title except as otherwise permitted in this title. (Ord. 2713 §1(part), 1959; prior Code §31.14.)

10.08.150 Exemptions to Certain Vehicles - Authorized Emergency Vehicles.

(a) The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to any vehicle of 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 mention in this section is operated in the manner specified in the California Vehicle Code in response to any emergency call.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his willful disregard of the safety of other.

(c) The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a Fire Department, or Police Department, or public utility, or City department, which necessarily is used for construction or repair work, or any vehicle owned by the United States, while in use for the collection, transportation or delivery of United States mail or parcel post.

(d) The provisions of this chapter shall not apply to any vehicle of a public utility, City department or licensed construction contractor necessarily used in connection with construction or repair work for periods of time in excess of parking time limits herein prescribed, provided that any such construction contractor shall apply for and obtain from the Police Department a permit for such excess time parking and which said permit shall designate the time required for such construction or repair work and said permit shall be conspicuously attached to the vehicle. (Ord. 3065 §1, 1965; Ord. 2713 §1(part), 1959; prior Code §31.15.)

10.08.160 Persons Propelling Push Carts or Riding Animal to Obey Traffic Regulations.

Every person propelling any push cart or riding an animal or driving a horse-drawn vehicle upon a roadway, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application. (Ord. 2713 §1(part), 1959; prior Code §31.16.)

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Chapter 10.12

TRAFFIC CONTROL DEVICES

Sections:

10.12.010 Authorization of Signs - Transportation Engineer.
10.12.020 Authority to Install Traffic Control Devices - Transportation Engineer.
10.12.030 Vehicle Code Restrictions.
10.12.040 Traffic Engineering Principles - Transportation Engineer to Follow.
10.12.050 Required for Enforcement Purposes.
10.12.060 Installation of Traffic Signals - Transportation Engineer.
10.12.070 Information for Determination of Traffic Signal Locations.
10.12.080 Temporary Removal of Signal and Other Facilities - Transportation Engineer.
10.12.090 Distinctive Roadway Markings - Transportation Engineer.
10.12.100 Traffic Markings on Pavement to Direct Movement.
10.12.110 Removal of Signs and Markings - Council Finding.
10.12.120 Removal of Signs and Markings - Transportation Engineer Finding.
10.12.130 Interference with Signs - Misdemeanor.
10.12.140 Hours of Operation to be Determined by Transportation Engineer.
10.12.150 Obedience to Traffic Control Devices Required.
10.12.160 Push Button Signals.
10.12.170 Displaying of Unauthorized Signs Prohibited - Nuisance.
10.12.180 Unauthorized Curb or Street Markings.
10.12.190 Regulations on State Highways - City Council.

10.12.010 Authorization of Signs - Transportation Engineer.

(a) The Council hereby determines that insofar as they are applicable to City streets, all warning, regulatory and direction signs appearing on the Uniform Sign Chart as approved by the California Traffic Control Devices Committee are official signs.

(b) The Transportation Engineer shall determine and designate the character of all official warning, regulatory and direction signs other than those signs for which specifications are established by the Vehicle Code. (Ord. 2713 §1(part), 1959; prior Code §31.18.)

10.12.020 Authority to Install Traffic Control Devices - Transportation Engineer.

Except as outlined in Sections 10.08.060 and 10.24.020, the Transportation Engineer shall have the power and duty to place and maintain or cause to be placed and maintained official traffic control devices when and as required under the traffic laws of the City to make effective the provisions of said laws. (Ord. 2713 §1(part), 1959; prior Code §31.19.)

10.12.030 Vehicle Code Restrictions.

Whenever the Vehicle Code of the State of California 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 Transportation Engineer is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto. (Ord. 2713 §1(part), 1959; prior Code §31.20.)

10.12.040 Traffic Engineering Principles - Transportation Engineer to Follow.

The Transportation Engineer may also place and maintain or cause to be placed and maintained such additional traffic control devices as he may deem necessary to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic laws of the City, or as may be determined by ordinance or resolution of the Council. (Ord. 2713 §1(part), 1959; prior Code §31.21.)

10.12.050 Required for Enforcement Purposes.

No provision of the Vehicle Code of the State of California or of this title for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws. (Ord. 2713 §1(part), 1959; prior Code §31.22.)

10.12.060 Installation of Traffic Signals - Transportation Engineer.

The Transportation Engineer shall install official traffic signals 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. (Ord. 2713 §1(part), 1959; prior Code §31.23.)

10.12.070 Information for Determination of Traffic Signal Locations.

The Transportation Engineer shall ascertain and determine the locations where such signals are deemed by him to be necessary for the preservation of the public safety by resort to field observations, traffic counts and other traffic information as may be pertinent. (Ord. 2713 §1(part), 1959; prior Code §31.24.)

10.12.080 Temporary Removal of Signals and Other Facilities - Transportation Engineer.

The Transportation Engineer may temporarily remove traffic signals and necessary appurtenances and any other sign or device when such removal becomes necessary because of street, utility or sewer construction or because of driveway construction or relocation. When such construction or relocation has been completed, the Transportation Engineer shall replace the required signals, appurtenances, signs or devices. (Ord. 2713 §1(part), 1959; prior Code §31.25.)

10.12.090 Distinctive Roadway Markings - Transportation Engineer.

The Transportation Engineer is authorized to place distinctive roadway markings as described in Section 525.2(21459) of the Vehicle Code on those streets or parts of streets where the volume of traffic, alignment or width of the roadway renders it hazardous to drive on the left side of such markings or signs and markings. Such markings or signs and markings shall have the same effect as set forth in Section 525.2(21459) of the Vehicle Code. (Ord. 2713 §1(part), 1959; prior Code §31.26.)

10.12.100 Traffic Markings on Pavement to Direct Movement.

The Transportation Engineer may place appropriate traffic guidelines dividing highways into the number of traffic lanes that is proper and necessary and to place such other pavement markings as are necessary to direct vehicular movements in accordance with requirements of this title and the California Vehicle Code. (Ord. 2713 §1(part), 1959; prior Code §31.27.)

10.12.110 Removal of Signs and Markings - Council Finding.

If the Transportation Engineer has erected any sign or placed on the pavement any markings pursuant to a finding of the Council that facts existed necessitating the traffic regulation or prohibition indicated by such sign or markings, and the Council finds that such regulation or prohibition no longer is necessary, the Transportation Engineer shall remove such sign or markings. (Ord. 2713 §1(part), 1959; prior Code §31.28.)

10.12.120 Removal of Signs and Markings - Transportation Engineer Finding.

If the Transportation Engineer has erected any sign or placed on the pavement any markings pursuant to his finding that facts existed necessitating the traffic regulation or prohibition indicated by such sign or markings, and he finds that such regulations or prohibition no longer is necessary, he shall remove such sign or markings. (Ord. 2713 §1(part), 1959; prior Code §31.29.)

10.12.130 Interference with Signs - Misdemeanor.

Every person who, without permission of the Transportation Engineer to do so, removes, defaces, damages, or causes the removal, defacement, or damage of any sign erected pursuant to this title is guilty of a misdemeanor. (Ord. 2713 §1(part), 1959; prior Code §31.30.)

10.12.140 Hours of Operation to be Determined by Transportation Engineer.

The Transportation 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 title or established by order of the Council. (Ord. 2713 §1(part), 1959; prior Code §31.31.)

10.12.150 Obedience to Traffic Control Devices Required.

(a) The operator of any vehicle, and any pedestrian using the streets, shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with this title, unless otherwise directed by a Police Officer, subject to the exemptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

(b) The operator of any vehicle and every pedestrian using the streets shall obey the instructions of any barrier or sign erected by any of the public departments of this City, or public utilities of this City, or by any other person pursuant to law. (Ord. 2713 §1(part), 1959; prior Code §31.32.)

10.12.160 Push Button Signals.

No person shall operate a pedestrian push button signal, other than a pedestrian for the purpose of immediately crossing the roadway. (Ord. 2713 §1(part), 1959; prior Code §31.33.)

10.12.170 Displaying of Unauthorized Signs Prohibited - Nuisance.

It shall be unlawful for any person to place or maintain or display any device, other than an official warning or directional sign, or sign erected under competent authority, upon or in view of a street, which purports to be or is an imitation of or resembles an official warning or directional sign or signal or which attempts to direct or regulate movement of traffic, parking, or the acts of operators. Any such device shall be a public nuisance and subject to penalty under Chapters 1.25 and 1.28 of the Santa Barbara Municipal Code. The Chief of Police may remove or cause to be removed any display, sign, or device deemed to be an immediate traffic hazard without notice. (Ord. 5697, 2015; Ord. 2713 §1(part), 1959; prior Code §31.34.)

10.12.180 Unauthorized Curb or Street Markings.

It shall be unlawful for any person to apply to a curb or street on any street in the City any paint or markings which shall tend to mislead operators of vehicles into believing that the same is an official traffic parking or loading zone marker, or no parking area. (Ord. 2713 §1(part), 1959; prior Code §31.34a.)

10.12.190 Regulations on State Highways - City Council.

Any provision of this title which regulates traffic or delegates the regulation of traffic upon State Highways in any way for which the approval of the State Department of Public Works is required by State law, shall cease to be operative six (6) months after receipt by the City Council of written notice of withdrawal of approval of the State Department of Public Works.

Whenever this title delegates authority to a City officer, or authorizes action by the City Council to regulate traffic upon a State Highway in any way which by State law requires the prior approval of the State Department of Public Works, no such officer shall exercise such authority nor shall such action by the City Council be effective with respect to any State Highway without the prior approval in writing of the State Department of Public Works when and to the extent required by Division 9 and Division 11 of the Vehicle Code. (Ord. 2713 §1(part), 1959; prior Code §31.34b.)

Chapter 10.16

STOP AND YIELD REGULATIONS

Sections:

10.16.010 Stop Signs - Transportation Engineer to Erect.
10.16.020 Obedience to Stop Signs at Intersections.
10.16.030 Exceptions to Stops at Intersections.
10.16.040 Emerging from Alley or Private Driveway.
10.16.050 Obedience to Signal Indicating Approach of Railroad Train.
10.16.060 Yield Right-of-Way Signs.
10.16.070 Obedience to Yield Signs.

10.16.010 Stop Signs - Transportation Engineer to Erect.

The Transportation Engineer shall erect or cause to be erected, boulevard stop signs complying with provisions of the Vehicle Code at the entrance to every intersection of two (2) or more streets which he has determined is an intersection at which there is special hazard to life or property by reason of the volume of traffic upon such street, or at such intersections, or because of the number of reported accidents or the apparent probability thereof, or by reason of physical conditions which render any such streets or intersections exceptionally dangerous or hazardous to life or property, and where the factors creating the special hazard are such that according to the principles and experience of traffic engineering the installation of stop signs is reasonably calculated to reduce the expectancy of accidents, and that the use of warning signs would be inadequate. (Ord. 2713 §1(part), 1959; prior Code §31.35.)

10.16.020 Obedience to Stop Signs at Intersections.

When stop signs are erected as provided, at the entrance to any intersection, every driver of a vehicle shall stop at every such sign, before entering the intersection. (Ord. 2713 §1(part), 1959; prior Code §31.36.)

10.16.030 Exceptions to Stops at Intersections.

No stop need be made at any such intersection where:

(1) A Police Officer is on duty and directs traffic to proceed.

(2) A traffic signal is in operation and indicates that traffic may proceed.

(3) The operator turns right into a highway from a separate right turn lane which lane is delineated by buttons, markers, or channelization, and no stop sign is in place at the intersection of such separate right turn lane and such highway. (Ord. 2713 §1(part), 1959; prior Code §31.37.)

10.16.040 Emerging from Alley or Private Driveway.

The driver 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 alley-way, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway. (Ord. 2713 §1(part), 1959; prior Code §31.38.)

10.16.050 Obedience to Signal Indicating Approach of Railroad Train.

Whenever any person driving a vehicle approaches a railroad grade crossing under any of the following circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50') but not less than ten feet (10') from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives a warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or when a human flagman gives or continues to give signal of the approach or passage of a railroad train.

(3) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(4) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 2713 §1(part), 1959; prior Code §31.39.)

10.16.060 Yield Right-of-Way Signs.

Pursuant to the authority contained in Section 471.1(21356) of the Vehicle Code of the State of California, the Transportation Engineer is authorized to erect or cause to be erected yield right-of-way signs at one (1) or more approaches to an intersection of streets and highways in the City which are not through streets. (Ord. 2713 §1(part), 1959; prior Code §31.40.)

10.16.070 Obedience to Yield Signs.

When yield signs are erected as provided, at the entrance to any intersection every driver of a vehicle shall yield the right-of-way as stated in Section 550.1(21803) of the Vehicle Code except when directed to proceed by a Police Officer. (Ord. 2713 §1(part), 1959; prior Code §31.41.)

Chapter 10.20

SPECIAL SPEED ZONES

Sections:

10.20.015 Speed Zoning on Other than State Highways.
10.20.020 Speed Restriction on Street Adjacent to a Children's Playground (Shoreline Park and Leadbetter Beach).
10.20.030 Speed Restrictions - Bridges and Structures.
10.20.040 Extended School Zone Speed Zoning.

10.20.015 Speed Zoning on Other than State Highways.

Pursuant to Section 22357 and 22358 of the Vehicle Code, the City Council hereby determines, upon the basis of engineering and traffic investigation, that a speed greater than 25 miles per hour would be reasonable and safe upon the streets designated in Section 10.60.015 of this Code which are otherwise subject to a prima facie speed limit of 25 miles per hour under the said Vehicle Code, and that the maximum limit of 55 miles per hour is more than is reasonable and safe upon the streets designated in Section 10.60.015, which are otherwise subject to a maximum speed limit of 55 miles per hour under the said Vehicle Code. The Public Works Department is hereby authorized and directed to establish appropriate signs giving notice of the prima facie speed limits established by Section 10.60.015. (Ord. 4069, 1980.)

10.20.020 Speed Restriction on Street Adjacent to a Children's Playground (Shoreline Park and Leadbetter Beach).

Pursuant to Section 22357.1 of the California Vehicle Code, the prima facie speed limit on Shoreline Drive between Loma Alta Drive and the westerly terminus of Shoreline Park shall be 25 miles per hour, every day, from sunrise to sunset. (Ord. 5685, 2015; Ord. 4804, 1993.)

10.20.030 Speed Restrictions - Bridges and Structures.

Whenever the Council finds on the basis of an engineering investigation, the maximum speed, not less than five (5) miles per hour, which can be maintained with safety on any bridge or elevated structure within the City, and a public hearing is held as provided in Section 516(22404) of the Vehicle Code, the Council may make its order in writing determining such maximum speed and the City Transportation Engineer shall erect and maintain signs specifying such maximum speed in the manner provided by law. (Ord. 2713 §1(part), 1959; prior Code §31.44.)

10.20.040 Extended School Zone Speed Zoning.

Pursuant to Section 22358.4 of the Vehicle Code of the State of California, the City Council hereby extends the length of the prima facie school zone speed limit of 25 mph, established by Section 22352 of the Vehicle Code of the State of California, at certain school zones. Where appropriate school zone warning signs are erected giving notice thereof, the prima facie speed limit of 25 miles per hour shall be in effect while children are going to or leaving the school, either during school hours or during the noon recess period, at the following locations:

A. ANACAPA STREET – East Islay Street to East Micheltorena Street
B. FLORA VISTA DRIVE – Calle Andulucia to Cliff Drive
C. LAGUNA STREET – East Los Olivos Street to a point 30 feet north of East Islay Street.

(Ord. 5685, 2015.)

Chapter 10.24

TURNING MOVEMENTS

Sections:

10.24.010 Authority to Place and Obedience to Turning Markers, Intersection, Multiple Lanes - Transportation Engineer.
10.24.020 Authority to Place Restricted Turn Signs - Transportation Engineer.
10.24.030 U-Turns.
10.24.040 Obedience to No Turn Signs.
10.24.050 Authority to Prohibit Turns Against Traffic Signal - Transportation Engineer.

10.24.010 Authority to Place and Obedience to Turning Markers, Intersection, Multiple Lanes - Transportation Engineer.

(a) The Transportation Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The Transportation Engineer is authorized to allocate and indicate more than one (1) lane of traffic from which drivers or vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Ord. 2713 §1(part), 1959; prior Code §31.45.)

10.24.020 Authority to Place Restricted Turn Signs - Transportation Engineer.

The Transportation Engineer is 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, when such signs are required by the State Vehicle Code. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event they shall be plainly indicated on the signs or they may be removed by the Chief of Police when such turns are permitted. (Ord. 2713 §1(part), 1959; prior Code §31.46.)

10.24.030 U-Turns.

No vehicle shall be turned at any time in a complete circle or in such a manner as to proceed in the opposite direction upon the street upon which such vehicle is travelling at the time of entering any intersection on State Street between the northwesterly line of Micheltorena Street and the southwesterly line of Gutierrez Street. (Ord. 2713 §1(part), 1959; prior Code §31.47.)

10.24.040 Obedience to No Turn Signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 2713 §1(part), 1959; prior Code §31.48.)

10.24.050 Authority to Prohibit Turns Against Traffic Signal - Transportation Engineer.

The Transportation Engineer is hereby authorized to determine those intersections within any business or residence district at which drivers of vehicles shall not make rights or left turns against a traffic signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign. (Ord. 2713 §1(part), 1959; prior Code §31.49.)

Chapter 10.28

ONE-WAY STREETS AND ALLEYS

Section:

10.28.010 Designation - Transportation Engineer to Place Signs.

10.28.010 Designation - Transportation Engineer to Place Signs.

Whenever any ordinance or resolution of this City designates any one-way street or alley, the Transportation Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. It is hereby declared that the direction of travel shall be as set forth on those streets or parts of streets designated in a schedule as set forth in Section 10.60.030. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited, and it shall be unlawful for any person to drive or operate a vehicle in a direction on any of those streets, except as indicated by the signs. (Ord. 2713 §1(part), 1959; prior Code §31.50.)

Chapter 10.32

CROSSWALKS

Sections:

10.32.010 Crosswalks - Transportation Engineer to Designate, Establish and Maintain.
10.32.020 Crossing in Central Traffic District.
10.32.030 Authority to Designate Portions of City Property for Pedestrian Traffic.

10.32.010 Crosswalks - Transportation Engineer to Designate, Establish and Maintain.

(a) The Transportation Engineer shall establish, designate and maintain crosswalks, by appropriate devices, marks or lines upon the surface of the roadway, where he determines that there is a particular hazard to pedestrians crossing the roadway subject to the limitation contained in (b) of this section.

(b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet (400') in length. Elsewhere not more than one (1) additional crosswalk shall be established in any one (1) block and such crosswalk shall be located as nearly as practicable at midblock.

(c) The Transportation Engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated. (Ord. 3803, 1975; Ord. 2713 §1(part), 1959; prior Code §31.51.)

10.32.020 Crossing in Central Traffic District.

No pedestrian shall cross a roadway other than at a crosswalk in the Central Traffic District or in any business district. (Ord. 2713 §1(part), 1959; prior Code §31.52.)

10.32.030 Authority to Designate Portions of City Property for Pedestrian Traffic.

Upon request of the City commission or department having jurisdiction over a particular parcel of City property, the Chief of Police may designate portions of the City property for pedestrian traffic, and may prohibit such uses of the property as are deemed inconsistent with pedestrian traffic. When areas have been so designated by the Chief of Police, the City Transportation Engineer shall cause signs to be erected giving notice of such designation and enumerating those uses of the property which are prohibited. When areas have been so designated and appropriate signs erected, it shall be unlawful for any person to use such area in the manner prohibited. (Ord. 3217 §1, 1967.)

Chapter 10.36

COMMERCIAL VEHICLES

Sections:

10.36.010 Certain Vehicles Prohibited in Central Traffic District.
10.36.020 Advertising Vehicles.
10.36.030 Heavy Vehicles Prohibited from Using Certain Streets - Transportation Engineer to Post Signs.
10.36.031 Commercial Vehicles Over Seven (7) Tons in Weight Prohibited from Using Hermosillo Road.
10.36.040 Permit for Movement of Overweight, Etc., Vehicles Over Streets.
10.36.050 Streets Designated as Prohibited to Commercial Vehicle Travel.
10.36.070 Airport Director to Erect Signs.

10.36.010 Certain Vehicles Prohibited in Central Traffic District.

No person shall operate any of the following vehicles in the Central Traffic District between the hours of ten a.m. (10:00) and six p.m. (6:00) of any day:

(1) Any freight vehicle more than eight and one-half feet (8-1/2') in width, with load or any freight vehicle so loaded that any part of its load extends more than twenty feet (20') to the front or rear of such vehicle; provided, that the Chief of Police may, by written permit, authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the Central Traffic District.

(2) Any vehicle carrying building material that has not been loaded, or is not to be unloaded at some point within the Central Traffic District, except that such vehicles may travel upon Carrillo Street, Montecito Street or Gutierrez Street.

(3) Any vehicles carrying crude or fuel oil, except that such vehicles may be operated upon Montecito and Gutierrez Streets and may be operated in the district where the same is to be unloaded, in whole or in part, within such District. (Ord. 2713 §1(part), 1959; prior Code §31.56.)

10.36.020 Advertising Vehicles.

No person shall operate, drive, tow, draw, transport, move, park or stand any vehicle used for commercial advertising purposes, or for the purpose of displaying such vehicle for sale, or as a prize, on or upon any public street or alley at any time, excepting that the City Council may grant special permission to organizations when it so deems worthy. (Ord. 2713 §1(part), 1959; prior Code §31.57.)

10.36.030 Heavy Vehicles Prohibited from Using Certain Streets - Transportation Engineer to Post Signs.

(a) Whenever any ordinance of this City designates and describes any street, or portion thereof, as a street, the use of which is prohibited by any vehicle exceeding a maximum gross weight limit of three (3) tons, the City Transportation Engineer shall erect and maintain appropriate signs on those streets affected by such ordinances.

(b) Those streets and parts of streets described in the schedule as set forth in Section 10.60.040 are hereby declared to be streets, the use of which is prohibited by any vehicle exceeding a maximum gross weight limit of three (3) tons. The provisions of this section shall not apply to private or public school buses or to passenger buses under jurisdiction of the California Public Utilities Commission. (Ord. 3033 §3, 1965; Ord. 2713 §1(part), 1959; prior Code §31.58.)

10.36.031 Commercial Vehicles Over Seven (7) Tons in Weight Prohibited from Using Hermosillo Road.

Pursuant to Section 35701 of the Vehicle Code of the State of California, Hermosillo Road, from Coast Village Road north to the City Limits, is hereby declared to be a street, the use of which is prohibited to any commercial vehicle exceeding a maximum gross weight limit of seven (7) tons. (Ord. 5611, 2013; Ord. 4027, 1979.)

10.36.040 Permit for Movement of Overweight, Etc., Vehicles Over Streets.

A fee of ten dollars ($10.00) shall be charged by the City for the issuance of each permit after application in writing therefor to the Public Works Department for the movement of vehicles and loads exceeding the size, weight and loading requirements of the Vehicle Code of the State over streets and public places of the City. The City shall determine the route and require a deposit from each permittee to cover the cost of inspection of the route to be taken by the vehicle, or load, for which a permit is required, such inspection to be made both before and after the movement of the subject vehicle or load. Actual costs of inspection, based upon the fourth (4th) salary step of the employee classification utilized for inspection, plus fifteen percent (15%) for transportation, overhead for supervision, workmen's compensation, retirement, vacation, sick leave and office rental shall be charged against the deposit and billed against the permittee if the deposit proved insufficient. Any balance in the deposit for inspection shall be refunded to the permittee upon completion of inspection. Nothing in this section shall apply to any house trailer being moved under a permit issued by the State Department of Motor Vehicles. (Ord. 2713 §1(part), 1959; prior Code §31.59.)

10.36.050 Streets Designated as Prohibited to Commercial Vehicle Travel.

Pursuant to the provisions of Section 35701 of the Vehicle Code of the State of California, Robert Troup Road from its intersection with Hollister Avenue, at the Santa Barbara Airport, southwesterly to the City limits and East "A" Road at the Santa Barbara Airport from Building No. 126 south to the City limits and Troup Road from its intersection with West "A" Road, near Hollister Avenue at the Santa Barbara Airport, southwesterly to the City limits are hereby declared to be streets, the use of which is prohibited to any commercial vehicle exceeding a maximum gross weight limit of four (4) tons. Providing, however, that this chapter shall not be construed to prevent any commercial vehicle from delivering or receiving a load on the streets within one (1) block of an intersecting street or from crossing the streets at any intersection, nor shall this chapter apply to any vehicle subject to Sections 1031 to 1036, inclusive, of the Public Utilities Code. (Ord. 2741 §1, 1959; prior Code §31.59A(part).)

10.36.070 Airport Director to Erect Signs.

The Airport Director shall cause to be erected and maintained appropriate signs on Robert Troup Road, East "A" Road and West "A" Road designating such weight limit. (Ord. 2740 §3, 1959; prior Code §31.59A(part).)

Chapter 10.40

MISCELLANEOUS DRIVING AND SAFETY RULES

Sections:

10.40.010 Interference with Fire Apparatus - Following and Parking Distance.
10.40.020 Driving Through Funeral Procession.
10.40.040 Operation of Vehicles on Sidewalks.
10.40.050 Driving on New Pavement and Paint Markings.
10.40.055 Operating Vehicles on Private Property Prohibited.
10.40.060 Restricted Access.
10.40.070 Molesting of Traffic Counting Devices Prohibited.
10.40.080 Riding Horses on Sidewalks.
10.40.090 Vehicles and Horses Forbidden on Public Beaches.
10.40.100 Throwing Articles on Streets.
10.40.110 Obedience to Signs and Barriers.
10.40.130 Solicitation for Sight-seeing Vehicles.
10.40.140 Submitting Notification.

10.40.010 Interference with Fire Apparatus - Following and Parking Distance.

(a) No driver of a vehicle shall follow any fire apparatus answering a fire alarm, closer than three hundred feet (300'), or park any vehicle within three hundred feet (300') of a fire, or operate or park any vehicle in such a manner as to interfere with any fire apparatus or line of fire hose when in use at a fire or when in place for use in response to a fire alarm.

(b) No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, to be used at any fire or alarm of fire without the consent of the members of the Fire Department in command. (Ord. 2713 §1(part), 1959; prior Code §31.60.)

10.40.020 Driving Through Funeral Procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated. (Ord. 2713 §1(part), 1959; prior Code §31.61.)

10.40.040 Operation of Vehicles on Sidewalks.

The driver of any vehicle shall not drive within any sidewalk or parking area except at a permanent or temporary driveway; provided, that by permit granted by the City Council, upon application, a jeep propelled tourist tram may be operated upon and along the sidewalk situated on the southerly side of Cabrillo Boulevard between Castillo Street and State Street; such permit may be granted by the City Council upon such terms and conditions as will insure the safety of pedestrians using such sidewalk. No such jeep and tram vehicle shall be operated under the permit without being equipped with a warning bell adequate to warn pedestrians of the approach of such vehicle, and such vehicle shall not be driven at a speed in excess of five (5) miles per hour upon or along the sidewalk. The permit shall also provide that the Chief of Police may suspend the operation of such vehicle during special events in the Cabrillo Boulevard area, including parades, pageants and other civic events attended by large crowds. (Ord. 3350 §1, 1969.)

10.40.050 Driving on New Pavement and Paint Markings.

No person shall ride or drive any animal, animal-drawn vehicle, or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier or sign is in place, warning persons not to drive over or across such pavement or markings, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 2713 §1(part), 1959; prior Code §31.65.)

10.40.055 Operating Vehicles on Private Property Prohibited.

No person shall operate or drive a motor vehicle including, but not limited to a motorcycle, minibike, trailbike, dune buggy, motor scooter, jeep or other similar motor vehicle upon the private property of another or upon any public property which is not held open to the public for vehicular use and which is not subject to the provisions of the Vehicle Code. The provisions of this section shall not apply to governmental agencies, emergency vehicles responding to a call of emergency, nor to persons driving upon such property with the written consent of the owner or the person in lawful possession of such property, nor to the owner himself, the members of his immediate family and his duly authorized employees, agents, or tenants. (Ord. 3449 §1, 1970.)

10.40.060 Restricted Access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority. (Ord. 2713 §1(part), 1959; prior Code §31.66.)

10.40.070 Molesting of Traffic Counting Devices Prohibited.

Unless authorized by the Transportation Engineer, a person shall not move, molest, tamper with, or damage in any way any traffic counting device which has been located within a City street or adjacent thereto by authority of the Transportation Engineer. (Ord. 2713 §1,(part), 1959; prior Code §31.67.)

10.40.080 Riding Horses on Sidewalks.

No person shall ride or drive a horse or drive a horse-drawn vehicle upon any sidewalk in the City except at a driveway. (Ord. 2713 §1(part), 1959; prior Code §31.68.)

10.40.090 Vehicles and Horses Forbidden on Public Beaches.

A. No person shall operate any vehicle along or upon any of the publicly owned beaches within the City closer to the ocean line than one hundred feet (100') from the mean high tide line of the Pacific Ocean, except when authorized to do so by permit from the Chief of Police, or except while such vehicle is actively and necessarily engaged in the launching or removal of any boat upon or from the ocean.

B. No person shall ride any horse or drive any horse-drawn vehicle upon or along any of the publicly owned beaches within the City between Lighthouse Point and the easterly City limits closer to the ocean than one hundred feet (100') from the mean high tide line of the Pacific Ocean, except when authorized to do so by a special events permit from the Chief of Police according to Chapter 9.12 and a use permit from the Director of Parks and Recreation according to Chapter 15.05, and if all horses are restrained in conformance with the provisions of Section 6.08.020. (Ord. 4943, 1996; Ord. 2713 §1(part), 1959; prior Code §31.69.)

10.40.100 Throwing Articles on Streets.

No person shall throw or permit to be dropped on to any street, sidewalk or parkway, from any vehicle, any paper, refuse, dirt, gravel, sand, glass, crockery, tin cans, nails or other sharp metal objects. (Ord. 2713 §1(part), 1959; prior Code §31.107.)

10.40.110 Obedience to Signs and Barriers.

The driver of any vehicle, and the person in charge of any animal, shall obey the instructions of any barrier or sign erected by any of the public departments of the City, or by any other person pursuant to law. (Ord. 2713 §1(part), 1959; prior Code §31.108.)

10.40.130 Solicitation for Sight-seeing Vehicles.

No person shall use or occupy any part of a public street or sidewalk for the purpose of soliciting patronage or customers for any motor vehicle which is run, driven or operated over the public streets of the City for the purpose of sight-seeing or showing points of interest, or conveying persons to points within or without the City to show or exhibit lands or houses or other property or interests in property, real or personal, for the purpose of effecting, or attempting to effect, the sale of any such lands or houses or of any other property.

This section shall not prohibit the stopping or standing of sight-seeing buses for loading and unloading of passengers at points of interest on regular tours. (Ord. 2713 §1(part), 1959; prior Code §31.110.)

10.40.140 Submitting Notification.

All automobile dismantlers shall submit to the Police Department a copy of each notification required to be submitted to the California Department of Motor Vehicles pursuant to Section 11520 of the California Vehicle Code. Such notification shall be submitted within twenty-four (24) hours of obtaining actual possession of the vehicle. (Ord. 3265 §1, 1967.)

Chapter 10.44

STOPPING, STANDING AND PARKING - GENERALLY

Sections:

10.44.010 Application of Regulations.
10.44.020 Prohibited - Signs to be Posted by Transportation Engineer.
10.44.025 Procedure for Recovery of Removed Vehicles.
10.44.030 Emergency Parking Signs.
10.44.032 Temporary Signs when Street Work Being Done.
10.44.034 Water and Sewer System Work.
10.44.040 Parking for Certain Purposes Prohibited.
10.44.050 Parking of Broken Down or Wrecked Vehicles.
10.44.055 Operating Vehicles on Private Property Prohibited.
10.44.060 Use of Streets for Storage of Vehicles Prohibited - Removal by Police Chief.
10.44.070 Parking near Police Department, Sheriff's Office and Fire Stations.
10.44.080 Standing in Parkways Prohibited.
10.44.090 Parking Prohibited - Private Property.
10.44.095 Sign Prohibiting Parking.
10.44.100 Trains Not to Block Streets.
10.44.110 Designation of Angle Parking or Diagonal Parking.
10.44.120 Parking Parallel with Curb.
10.44.130 Parking on Hills.
10.44.140 Parking in Intersections.
10.44.150 Parking Space Markings.
10.44.151 Regulation of Traffic Upon Municipally Owned and/or Operated Parking Lots.
10.44.152 Regulation of Parking Upon Municipally-Owned and/or -Operated Parking Lots.
10.44.153 Penalties for Vehicle Parking Over 72 Hours in Parking Lots.
10.44.160 Preferential Parking Rights.
10.44.200 Unlawful Parking of Trailers, Mobilehomes, Recreational Vehicles, Trucks and Buses.
10.44.205 Public Works Director Authority to Regulate Parking of Recreational Vehicles.
10.44.210 Parking of Vehicles Used for Transportation of Property for Hire.
10.44.250 Preferential Parking for Sight-seeing Buses - Generally.
10.44.260 Sight-seeing Buses - Curb Markings.
10.44.270 Sight-seeing Buses - Termination of Parking Privilege.

10.44.010 Application of Regulations.

The provisions of this chapter 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 directions of a Police Officer or official traffic control device. (Ord. 2713 §1(part), 1959; prior Code §31.71.)

10.44.020 Prohibited - Signs to be Posted by Transportation Engineer.

The Transportation Engineer shall appropriately sign or mark any place where he determines that it is necessary in order to eliminate dangerous traffic hazards; and, when so signed or marked, no person shall stop, stand or park a vehicle in any of said places. (Ord. 2713 §1(part), 1959; prior Code §31.72.)

10.44.025 Procedure for Recovery of Removed Vehicles.

(a) Recovery. If a vehicle is removed pursuant to this chapter, the owner or person entitled to possession thereof shall be given notice of the four (4) options available to recover the vehicle:

(1) Pay the towing and storage fees, recover said vehicle and defend the citation for violation of this chapter; or

(2) Post security for the fees, recover said vehicle and defend the citation for violation of this chapter; or

(3) Request the Police Chief or his designee to conduct an informal hearing concerning the issuance of the citation for violation of this chapter and order the release of the vehicle if it is determined that such citation was issued wrongfully; or

(4) Defend the citation for violation of this chapter and request an early hearing on the matter.

(b) Exemption from Towing Fees. If the citation is not filed, dismissed on motion of the prosecution, or if the person receiving the citation is acquitted of the violation by a court of competent jurisdiction, the owner or person entitled to possession of the vehicle shall not be liable for any costs for towing fees and up to seventy-two (72) hours storage fees.

(c) Notice. Notice of the four (4) options for recovery shall be posted in all places where members of the public come to recover removed vehicles and in the appropriate areas of the Police station. Such notice shall be legible and clearly visible for members of the public who come to recover such vehicles. (Ord. 4249, 1984; Ord. 4011 §1, 1979; Ord. 3969, 1978.)

10.44.030 Emergency Parking Signs.

(a) Whenever the Chief of Police 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, the Chief of Police 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 the Chief of Police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the Chief of Police shall cause such signs to be removed promptly thereafter.

(b) Any vehicle parked contrary to the directions and provisions of signs erected or placed pursuant to Subsection (a) may be removed or caused to be removed from any street by a Police Officer in the manner and subject to the provisions of the California Vehicle Code if such signs give notice that such vehicle may be removed and are erected or placed at least twenty-four (24) hours prior to the removal of such vehicle.

(c) When signs authorized by the provisions of Subsection (a) are in place, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 2994 §2, 1964; Ord. 2713 §1(part), 1959; prior Code §31.73.)

10.44.032 Temporary Signs when Street Work Being Done.

(a) Whenever the Street Superintendent shall determine that the use of a street or portion thereof is necessary for the cleaning, repair or construction of the street or for the installation of underground utilities, other than water and sewer, he shall have the power and authority to order temporary signs to be erected or posted indicating that the parking of vehicles is prohibited on such street during such times as are indicated on such temporary signs.

(b) Any vehicle parked contrary to the directions and provisions of signs erected or placed pursuant to Subsection (a) may be removed or caused to be removed from any street by a Police Officer in the manner and subject to the provisions of the California Vehicle Code if such signs give notice that such vehicle may be removed and are erected or placed at least twenty-four (24) hours prior to the removal of such vehicle.

(c) When signs authorized by the provisions of Subsection (a) are in place, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 3269 §1, 1968.)

10.44.034 Water and Sewer System Work.

(a) Whenever it is necessary to use any street or portion thereof for a purpose by or on behalf of the City which is not specified in Sections 10.44.030 or 10.44.032, and which is other than for the normal flow of traffic, and it is determined that the parking of vehicles along such street would prohibit or interfere with such use of the street, the head of the City department having control over the particular use of the street shall have power and authority to order temporary signs to be erected or posted indicating that the parking of vehicles is prohibited on such street during such times as are indicated on such temporary signs. Uses of the street included in this section include but are not limited to work done in connection with the City water facilities, the City sanitary sewer system and the City street trees.

(b) Any vehicle parked contrary to the directions and provisions of signs erected or placed pursuant to Subsection (a) may be removed or caused to be removed from any street by a Police Officer in the manner and subject to the provisions of the California Vehicle Code if such signs give notice that such vehicle may be removed and are erected or placed at least twenty-four (24) hours prior to the removal of such vehicle.

(c) When signs authorized by the provisions of Subsection (a) are in place, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 3269 §2, 1968.)

10.44.040 Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon any street for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Repairing such vehicle except repairs necessitated by an emergency.

(3) Washing such vehicle except by the owner or by a person under direct control or supervision by the owner of such vehicle. (Ord. 2713 §1(part), 1959; prior Code §31.74.)

10.44.050 Parking of Broken Down or Wrecked Vehicles.

No person shall park or stand or permit to remain for a longer period than two (2) hours on any public street, any motor vehicle which is wrecked or incapable of operating under its own power. (Ord. 4409, 1986; Ord. 2713 §1 (part), 1959; prior Code §3175.)

10.44.055 Operating Vehicles on Private Property Prohibited.

No person shall operate or drive a motor vehicle including, but not limited to a motorcycle, minibike, trailbike, dune buggy, motor scooter, jeep or other similar motor vehicle upon the private property of another or upon any public property which is not held open to the public for vehicular use and which is not subject to the provisions of the Vehicle Code. The provisions of this section shall not apply to governmental agencies, emergency vehicles responding to a call of emergency, nor to persons driving upon such property with the written consent of the owner or of the person in lawful possession of such property, nor to the owner himself, the members of his immediate family and his duly authorized employees, agents, or tenants. (Ord. 3449 §1, 1970.)

10.44.060 Use of Streets for Storage of Vehicles Prohibited - Removal by Police Chief.

(a) No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.

(b) In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any member of the Police Department authorized by the Chief of Police may remove the vehicle from the street in the manner and subject to the requirements of the Vehicle Code. (Ord. 2976 §1, 1959; Ord. 2713 §1(part), 1959; prior Code §31.76.)

10.44.070 Parking Near Police Department, Sheriff's Office and Fire Stations.

The portion of the roadway adjacent to the curb within eighty feet (80') on either side of the entrance to the headquarters or substation of the Police Department or Sheriff's Office and Fire Stations may be reserved exclusively for the use of official Police or Sheriff's and Fire cars, and when so marked, it shall be unlawful for any other vehicles to park within such area or zone. (Ord. 2713 §1(part), 1959; prior Code §31.77.)

10.44.080 Standing in Parkways Prohibited.

No person shall stop, stand or park a vehicle within any parkway. (Ord. 2713 §1(part), 1959; prior Code §31.78.)

10.44.090 Parking Prohibited - Private Property.

It shall be unlawful for any person to park a motor vehicle upon private property without the consent of the owner or occupant of said property provided that (i) a sign, prohibiting public parking and conforming to the requirements of the California Vehicle Code and Santa Barbara Municipal Code Section 10.44.095, is displayed in plain view at each vehicular entrance to such property, or (ii) the vehicle is parked upon a lot or parcel improved with one single family dwelling. (Ord. 4338, 1985; Ord. 2713 Section 1(part), 1959; prior Code Section 31.79.)

10.44.095 Sign Prohibiting Parking.

A. MINIMUM SIZE. Each sign required under Section 10.44.090 shall comply with the following standards:
   1. The minimum size of the sign shall be eighteen (18) inches by twenty-four (24) inches.
   2. The letters in the heading shall have a minimum height of two (2) inches.
   3. All other letters on the sign shall have a minimum height of one (1) inch.

B. SIGNS EXEMPT FROM SIGN ORDINANCE. A sign required by Section 10.44.090 is an exempt sign under Subsection B of Section 22.70.030 if the sign does not exceed the minimum size specified in Subsection A above. However, a sign required by Section 10.44.090 that has larger dimensions than specified in Subsection A above is subject to review and approval by the Sign Committee. (Ord. 4338, 1985.)

10.44.100 Trains Not to Block Streets.

No person shall operate any train or train of cars, or permit the same to remain standing, so as to block the movement of traffic upon any street for a period of time longer than five (5) minutes. (Ord. 2713 §1(part), 1959; prior Code §31.79A.)

10.44.110 Designation of Angle Parking or Diagonal Parking.

A. The Transportation Engineer shall determine those portions of City streets upon which angle parking or diagonal parking shall be permitted. The Transportation Engineer is authorized to place pavement markings or signs within or adjacent to such portions of City streets in which angle parking or diagonal parking shall be permitted, indicating the angle at which vehicles shall be parked. Angle parking, in accordance with the designation placed by the Transportation Engineer, shall be permitted within the areas so designated.

B. When signs or pavement markings are in place indicating angle parking as herein provided, no person shall park or stand a vehicle at that location other than at the angle to the curb or edge of the roadway indicated by such signs or pavement markings. (Ord. 4887, 1994; Ord. 2713 §1 (part), 1959; prior Code §31.91.)

10.44.120 Parking Parallel with Curb.

(a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches (18") of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

(b) In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

(c) The Transportation Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any one-way roadway of a street having two (2) or more separate roadways and shall erect signs giving notice thereof.

(d) The requirement of parallel parking shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case that vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby. However, no such angle parking for loading shall be permitted if the physical features of the area are such that loading can be accomplished in some other manner. (Ord. 2713 §1(part), 1959; prior Code §31.92.)

10.44.130 Parking on Hills.

No person shall park or leave standing any vehicle unattended on a street when upon any grade exceeding three percent (3%) within any business or residential district without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 2713 §1(part), 1959; prior Code §31.93.)

10.44.140 Parking in Intersections.

An operator may park within an intersection adjacent to the curb if the Transportation Engineer finds, and determines, pursuant to Section 586(22500(a)) of the California Vehicle Code, that the width of the street and traffic conditions are such that such parking will not constitute a traffic hazard or impede the free flow of traffic. (Ord. 2713 §1(part), 1959; prior Code §31.94.)

10.44.150 Parking Space Markings.

The Transportation Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted, and to indicate parking spaces within parking lots owned and/or operated by the City, and to indicate those locations wherein the parking of vehicles which are 24 feet or longer shall be prohibited.

When such parking space markings are placed in the street or in a municipally owned and/or operated parking lot, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

Where signs or markings are installed pursuant to this Chapter to indicate that parking vehicles that are 24 feet or longer is prohibited, no vehicle which is 24 feet in length, or longer, shall be stopped, left standing or parked contrary to such prohibition or within an area designated as prohibited. (Ord. 4759, 1992; Ord. 3199 §1, 1967; Ord. 2713 §1(part), 1959; prior Code §31.95.)

10.44.151 Regulation of Traffic Upon Municipally Owned and/or Operated Parking Lots.

Whenever the Transportation Engineer shall determine the necessity of regulations governing the operation and parking of vehicles upon or the exclusion of vehicles from parking lots owned, operated or controlled by the City, the Transportation Engineer shall have the power and authority to erect signs or otherwise mark such lots to indicate such regulations; and when signs or markings authorized by the provisions hereof are in place giving notice thereof, no person shall operate, stand or park any vehicle upon such parking lot contrary to such regulations or directions of such signs or markings.

Any person parking a motor vehicle in violation of a curb marking or sign restricting parking to vehicles displaying a distinguishing license plate or placards issued to disabled persons pursuant to the Vehicle Code shall be punished by a fine of not less than twenty-five dollars ($25.00). (Ord. 4759, 1992; Ord. 3913 §1, 1977; Ord. 3199 §2, 1967.)

10.44.152 Regulation of Parking Upon Municipally Owned and/or Operated Parking Lots.

(a) No person shall park a motor vehicle in a municipally owned and/or operated parking lot and fail to pay the parking fee established by resolution and posted for the use of said lot. Said fee shall be paid no later than time of departure from the lot, except that a person departing a lot with no parking attendant present shall deposit said fee or mail said fee in accordance with the instructions on the envelope securely attached to the vehicle by the parking attendant before his departure from the lot; said fee to be mailed or delivered within three (3) days.

(b) It shall be unlawful for any person to use or permit or cause to be used a monthly parking permit by a person not authorized in the permit agreement.

(c) Any person removing a vehicle from the lot and re-entering a lot for the sole purpose of avoiding payment of parking fees shall pay a parking fee as if said vehicle had not departed the lot.

(d) It shall be unlawful to present a subsequent, counterfeit, or other substitute evidence of entry into any municipally owned and/or operated parking lot for the purpose of reducing or avoiding the parking fee established for the use of said lot.

(e) In an action for violation of this section, proof that a person was the registered owner of a motor vehicle at the time the vehicle was parked unattended in a municipally owned and/or operated lot is prima facie evidence that the registered owner was the person who parked the vehicle. The registered owner shall be given written notice of the violation and an opportunity to respond as provided in Section 40202 of the Vehicle Code of the State of California as it exists today and may be amended in the future.

(f) In addition to the penalties provided for violation of this code, the use of a municipally owned and/or operated parking lot in violation of this Municipal Code, the regulations established by the Transportation Engineer, or the applicable fee requirements, shall be subject to use fees that are twice the fees for proper use.

(g) The Transportation Engineer shall make provision to mark, chalk, photograph, record or otherwise identify such use of municipally owned and/or operated parking lots as may be required for the reasonable enforcement of this Chapter.

(h) No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in excess of a period of seventy-two (72) consecutive hours in a municipally-owned parking lot.

(i) Notwithstanding (h), the Public Works Director may issue a permit allowing for parking in excess of seventy-two (72) consecutive hours in a municipally-owned parking lot. (Ord. 5734, 2016; Ord. 5061, 1998; Ord. 4760, 1992; Ord. 3864, 1976.)

10.44.153 Penalties for Vehicle Parking Over 72 Hours in Parking Lots.

A. PENALTIES FOR VEHICLE PARKING OVER 72 HOURS, OR PARKING OF INOPERABLE VEHICLES, UPON MUNICIPALLY-OWNED PARKING LOTS. In the event a vehicle is parked, stopped or left standing in any of the municipally-owned parking lots, except as permitted per Section 10.44.152 (h), in excess of a period of seventy-two (72) consecutive hours, the vehicle may be cited and the vehicle may be removed from the municipally-owned parking lots by any member of the Police Department authorized by the Chief of Police in the manner and consistent with the requirements of the California Vehicle Code. (Ord. 5734, 2016.)

10.44.160 Preferential Parking Rights.

Whenever a space is vacant next to a curb sufficient only for the parking of one (1) vehicle, and any vehicle has been stopped in the line of traffic for the purpose of backing into such space, such vehicle shall have preferential right to such parking space over any following vehicle. (Ord. 2713 §1(part), 1959; prior Code §31.96.)

10.44.200 Unlawful Parking of Trailers, Mobilehomes, Recreational Vehicles, Trucks and Buses.

A. **STREET PARKING**. No person shall park or stand or permit to remain for a longer period than two (2) hours on any street or highway or public alley or on a parkway area between curb and sidewalk, any trailer, semi-trailer, or bus (all as defined in the California Vehicle Code) or any mobilehome (as defined in Title 28 of this Code), or any truck used primarily for business or commercial hauling and of a weight in excess of three quarters (3/4) ton capacity, unless such person has a written authorization from the Chief of Police or his delegate.

B. **OVERNIGHT PARKING**. No person shall park or stand or permit to stand any of the following vehicles: 1. trailer, 2. semi-trailer, 3. bus (all as defined in the California Vehicle Code), 4. mobilehome (as defined in Title 28 of this Code), or 5. any vehicle which is capable of greater than 1500 pounds (3/4 ton) cargo capacity on any city street between the hours of two (2:00) a.m. and six (6:00) a.m. of any day.

C. **RV OVERNIGHT PARKING RESTRICTED AREA**. No person shall park or stand or permit to stand any recreational vehicle or temporary recreational vehicle (as those terms are defined in Section 15.16.060 of this Code) between the hours of twelve (12:00) midnight and six (6:00) a.m. in the following area of the City: south of the U.S. 101 freeway, and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road (as depicted on the map attached to this chapter entitled "RV Overnight Parking Restricted Area, dated February 6, 2007.")

D. **EXCEPTION**. This section shall not apply to a commercial truck (as established by a current registration with the state Department of Motor Vehicles):

1. While such truck is being loaded or unloaded and such additional time is reasonably required for such loading and unloading operations; or

2. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block on which such vehicle is parked for a period reasonably necessary to complete such service. (Ord. 5411, 2007; Ord. 5263, 2002; Ord. 4269, 1984; Ord. 3317 §1, 1968; Ord. 3239 §1, 1967; Ord. 2713 §1(part), 1959; prior Code §31.100.)

10.44.205 Public Works Director Authority to Regulate Parking of Recreational Vehicles.

A. **RECREATIONAL VEHICLES**. For the purposes of this section, the term "Recreational Vehicle" shall be as defined in Section 18010 of the state Health and Safety Code, as it is presently enacted or hereafter amended.

B. **AUTHORITY OF PUBLIC WORKS DIRECTOR – PARKING OF RECREATIONAL VEHICLES**. In accordance with the authority provided by state Vehicle Code Section 22507, the Public Works Director, upon the advice of the Chief of Police, may designate those streets or portions of streets (including specific block faces) within the City where it is necessary to prohibit or restrict the stopping, standing, or parking of Recreational Vehicles in order to decrease parking by an Excessive number of such vehicles and to provide for the public health and safety, provided that the streets or street block faces so designated are located within five hundred (500) feet of at least one of the following land uses:

1. any School or Educational Institution, provided further that the Public Works Director shall post all of the streets or portions of streets in the City within five hundred (500) feet of any School or Educational Institution to prohibit stopping, standing or parking a Recreational Vehicle;
2. any Child Care Center, Family Day Care Home, or Group Home;
3. any park, public library, or museum open to the public;
4. any community center or social service center, public or private;
5. any City or nonprofit recreational facility;
6. any Community Care Facility, Skilled Nursing Facility, health care facility, or hospital;
7. any homeless shelter;
8. any church or other religious facility;
9. any designated safe route to schools.

C. **NOTICE OF RESTRICTIONS**. When signed or marked in accordance with state Vehicle Code requirements, no person shall stop, stand, or park a Recreational Vehicle in or on any street, portion of street or block face so designated generally (where designated) or in violation of any hourly restrictions so signed or marked.

D. **MEASUREMENT OF DISTANCE**. For the purposes of this Section, distance shall be measured in a straight line, without regard to intervening structures or objects, and shall be based on property lines or street right-of-way lines.

E. **DEFINITIONS**. Capitalized terms used herein shall be construed and applied as defined by Title 28 of the Santa Barbara Municipal Code. The term "Excessive" shall mean two or more vehicles. (Ord. 5694, 2015; Ord. 5475, 2008.)

10.44.210 Parking of Vehicles Used for Transportation of Property for Hire.

No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the City Council which shall designate the specific location where such vehicle may stand. (Ord. 2713 §1(part), 1959; prior Code §31.101.)

10.44.250 Preferential Parking for Sight-seeing Buses - Generally.

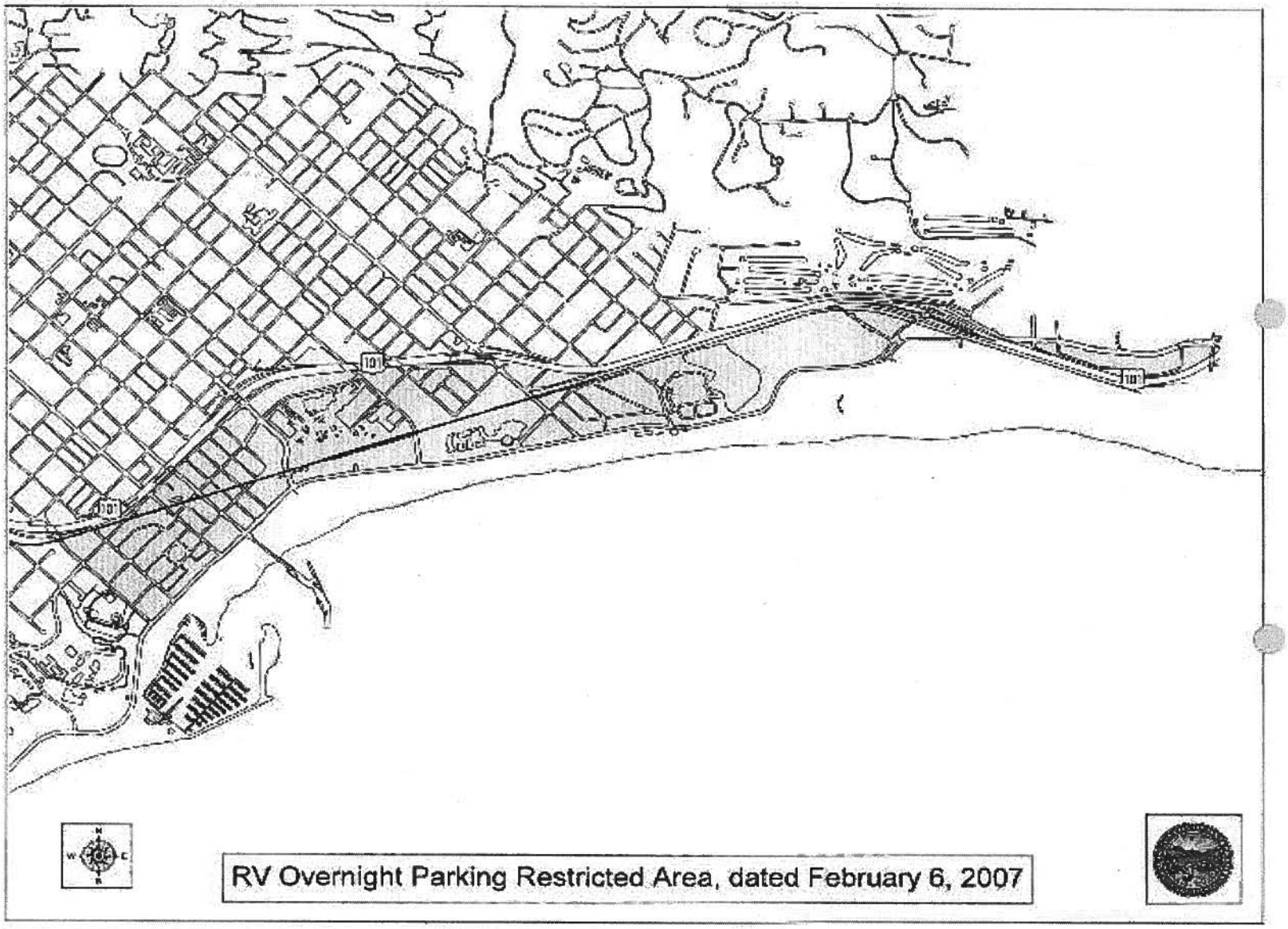
Upon written application made and upon good and sufficient cause shown to the City Council a preferential right to a definite parking space on any street in the City, of not to exceed thirty-five feet (35') in length, shall be allotted to any applicant so applying, for such applicant's exclusive use, and to the use of which such applicant shall by such allotment be exclusively entitled as against all persons except the City during such hours as the Council may so allot. In parking any automobile motor vehicle being used commercially by such applicant as a public sight-seeing bus operating as a common carrier of human passengers, from such parking place for at least six (6) days out of each week over a regular and fixed route or itinerary in whole or in part within the City; provided, however, that no such preferential parking privilege shall be granted by the Council except upon such applicant's reasonably satisfying the Council that the applicant intends, if granted such a preferential parking privilege, to operate such bus over such route at least six (6) days out of each week for not less than twelve (12) consecutive weeks of time. (Ord. 2713 §1(part), 1959; prior Code §31.105(part).)

10.44.260 Sight-seeing Buses - Curb Markings.

Any preferential parking space allotted under the provisions of this section shall be designated by having the curb length alongside which the same is allotted painted "sight-seeing bus stop" in letters at least four inches (4") in height, for and prior to the painting of which applicant shall pay the City the sum of five dollars ($5.00) to cover the cost of painting. The Transportation Engineer shall cause the painting to be done within three (3) days' time from the granting of the preferential parking privilege to be so designated and no grant of any preferential parking privilege shall be of any force or effect until the parking space thereof shall be so marked. (Ord. 2713 §1(part), 1959; prior Code §31.105(part).)

10.44.270 Sight-seeing Buses - Termination of Parking Privilege.

Every preferential parking privilege allowed upon application made under the provisions of Sections 10.44.240 - 10.44.260 shall be terminable by the Council either upon or without good cause being shown therefor to the Council. (Ord. 2713 §1(part), 1959; prior Code §31.105(part).)



RV Overnight Parking Restricted Area, dated February 6, 2007

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Chapter 10.46

PERMIT PARKING

Sections:

10.46.010 Definitions.
10.46.020 Designation of Permit Parking Area.
10.46.030 Designation Criteria.
10.46.040 Initiation, Recommendation, Hearing and Notice.
10.46.050 Recommendation of the Transportation Engineer.
10.46.055 Designation of Streets Within a Permit Parking Area.
10.46.060 Parking Permits; General Rules.
10.46.062 Resident Parking Permits.
10.46.064 Visitor Parking Permits.
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10.46.066 Hotel Guest Parking Permits.
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10.46.070 Exemption from Parking Restrictions.
10.46.080 Application for and Duration of Permit.
10.46.090 Fees.
10.46.100 Rules and Regulations.
10.46.110 Prohibition of Falsification, Transfer and Counterfeiting; Penalty Provision.
10.46.125 Obedience to Parking Limitations.
10.46.130 Emergency and Special Condition Parking Restrictions - Chief of Police.

10.46.010 Definitions.

For the purpose of this Chapter, the following words are defined and will be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

A. HOTEL. A building, group of buildings or portion of a building as defined in Section 28.04.395 of this Code.

B. HOTEL GUEST PARKING PERMIT. A permit that is issued pursuant to Section 10.46.066 of this Code.

C. PARKING PERMIT. A Resident Parking Permit, Temporary Resident Parking Permit, Visitor Parking Permit, Hotel Guest Parking Permit, Special Circumstances Parking Permit, or Employee Parking Permit, as provided in this Chapter.

D. PERMIT. A Parking Permit.

E. PERMIT PARKING AREA. An area designated as hereinafter provided.

F. PERMITTED VEHICLE. A motor vehicle for which a permit has been issued.

G. RESIDENT PARKING PERMIT. A permit that is issued pursuant to Section 10.46.062 of this Code.

H. TEMPORARY RESIDENT PERMIT. A permit that is issued pursuant to Section 10.46.065 of this Code.

I. VISITOR PARKING PERMIT. A permit that is issued pursuant to Section 10.46.064 of this Code.

J. SPECIAL CIRCUMSTANCES PARKING PERMIT. A permit that is issued pursuant to Section 10.46.069 of this Code.

K. EMPLOYEE PARKING PERMIT. A permit that is issued pursuant to Section 10.46.068 of this Code. (Ord. 5459, Section 3, 2008; Ord. 4885, 1994; Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.020 Designation of Permit Parking Area.

The City may designate by resolution any area of the City which satisfied the criteria established by this Chapter as a Permit Parking Area and may authorize the Transportation Engineer to establish parking restrictions and limitations within that Area or any portions thereof. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.030 Designation Criteria.

In determining whether to designate an area as a Permit Parking Area or establish or modify parking exemptions or restrictions within any portion of that Area, the Transportation Engineer and the City Council shall consider at least the following criteria:

1. The extent to which the residents and merchants of an area desire and need permit parking;
2. The extent to which on-street parking spaces are available for use by vehicles of the residents, their visitors and merchants and are not occupied by vehicles of others;
3. The size and configuration of the area as it relates to enforcement of parking and traffic regulations and the potential impact of parking and traffic congestion on this and adjacent areas as the result of the establishment of a Permit Parking Area;
4. Whether other regulatory measures will better solve the problem. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.040 Initiation, Recommendation, Hearing and Notice.

A. RECOMMENDATION. Upon the request of the City Council, the Transportation Engineer will undertake surveys or studies as he deems necessary to prepare a report and recommendation to the City Council as to whether an area should be designated as a Permit Parking Area.

B. HEARING. After the completion of his report and recommendation, the Transportation Engineer shall give notice and conduct one or more public hearings for the purpose of receiving public comments on the proposed designation of a Permit Parking Area.

C. NOTICE. Notice of the public hearing provided for herein shall be published once in a newspaper of general circulation in the City of Santa Barbara and shall be posted in the City Hall by the City Clerk at least ten (10) days prior to said hearing. The notice shall clearly state the purpose of the hearing and shall include a description of the location and boundaries considered for the proposed Permit Parking Area, the streets involved, the parking restrictions and limitations being proposed, and the fees proposed to be charged for Permits. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.050 Recommendation of the Transportation Engineer.

A. After the completion of said hearing or hearings, the Transportation Engineer shall submit his report and recommendations to the City Council, which shall include at least the following:

1. Boundaries of the proposed Permit Parking Area;
2. Existing and proposed parking restrictions which may vary within a Permit Parking Area;
3. Information generated as a result of surveys and studies;
4. Significant comments submitted at the public hearings;
5. Information upon which the City Council may determine whether the criteria set forth in Section 10.46.030 of this Code have been satisfied;
6. Any other relevant information.

B. The designation process and the designation criteria set forth in this Chapter shall also be utilized by the Transportation Engineer and the City Council to modify or terminate a Permit Parking Area. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.055 Designation of Streets Within a Permit Parking Area.

A. The City Council may, at the time a Permit Parking Area is established or modified, establish permit parking restrictions for all or a portion of that Area.

B. After establishment of a Permit Parking Area, the Transportation Engineer may establish or modify permit parking exemptions and restrictions in accordance with applicable rules and regulations adopted pursuant to Section 10.46.100. (Ord. 4303, 1984.)

10.46.060 Parking Permits; General Rules.

A. ELIGIBLE VEHICLES. Parking Permits may only be issued for use by passenger motor vehicles, motor driven cycles, and trucks of 3/4 ton capacity or less. No Parking Permit may be issued for use by any other vehicles, including but not limited to motor vehicles in excess of 3/4 ton capacity, recreational motor homes, buses, motor vehicles not legally licensed to travel on a public highway, or motor vehicles exceeding seven feet six inches (7' 6") in height or twenty-two feet (22') in length.

B. ISSUED FOR SPECIFIC VEHICLES. Resident Parking Permits, Special Circumstances Parking Permits, and Employee Parking Permits may be used only by the vehicle which is identified in the application for the Permit. (Ord. 4885, 1994; Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.062 Resident Parking Permits.

A. ELIGIBLE PERSONS. Resident Parking Permits for a designated Permit Parking Area may only be obtained by a natural person who is a bona fide resident of that Permit Parking Area as determined by the Transportation Engineer. No more than three (3) annual Resident Parking permits may be issued to residents of any one legal dwelling unit as that term is defined by Section 28.04.260 of this Code.

B. SPECIFIC RESIDENT VEHICLE. A Resident Parking Permit may only be used by the Resident Vehicle which is identified in the application for the Permit. (Ord. 5459, Section 3, 2008; Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194 Subsections 1 and 2 of Section 10.46.060, 1983.)

10.46.064 Visitor Parking Permits.

One (1) Visitor Parking Permit may be issued for each legal dwelling unit within a designated Permit Parking Area for use by the resident or the resident's temporary visitors in accordance with applicable rules and regulations adopted under Section 10.46.100. The same privileges and restrictions applicable to a Resident Parking Permit shall be applicable to a Visitor Parking Permit. A Visitor Parking Permit may be issued for a period that does not exceed one (1) year. (Ord. 4303, 1984.)

10.46.065 Temporary Resident Parking Permits.

No more than three (3) Temporary Resident Parking Permits may be issued for a legal dwelling unit at any one time. The same privileges and restrictions applicable to a Resident Parking Permit shall be applicable to a Temporary Resident Parking Permit except that a Temporary Resident Parking Permit shall not be valid for a period that exceeds forty-five (45) days. (Ord. 4303, 1984.)

10.46.066 Hotel Guest Parking Permits.

A. ELIGIBILITY. Hotel Guest Parking permits may be obtained by a hotel which (i) is located within a Permit Parking Area; (ii) was operated as a hotel on November 13, 1984; and (iii) was a nonconforming structure as to parking on that date. For purposes of this section, a "nonconforming structure as to parking" shall include a hotel to which a modification, variance or similar approval has been granted and which would be nonconforming as to parking in the absence of such approval.

B. CERTIFICATE OF ALLOTMENT. A Certificate of Allotment shall authorize issuance of a number of Hotel Guest Parking Permits not to exceed the hotel's "parking deficiency," as calculated pursuant to the following subsection. In order to obtain a Certificate of Allotment for a hotel that is located within a Permit Parking Area, the owner of that hotel must file an application for such a Certificate with the Transportation Engineer.

C. COMPUTATION OF PARKING DEFICIENCY. Parking deficiency for a hotel shall be calculated as follows: (i) the number of parking spaces required by Section 28.90.100 of this Code if the hotel were not legally nonconforming as to parking and the actual number of parking spaces that the hotel possesses shall be determined; (ii) the actual number of parking spaces shall be subtracted from said required number of parking spaces; and (iii) the remainder would establish the parking deficiency and the maximum number of parking spaces that would be authorized in the Certificate of Allotment.

D. PROCEDURE. The Transportation Engineer shall refer a complete application for a Certificate of Allotment to the Community Development Department within ten (10) days after its receipt. The Community Development Department shall review the application and advise the Transportation Engineer within thirty (30) days after said application is referred to it, (i) if the hotel is legally nonconforming as to parking; and (ii) the amount of the parking deficiency.

Within fifteen (15) days after receipt of the advice from the Community Development Department, the Transportation Engineer shall (i) approve, approve with modifications or deny the application for a Certificate of Allotment and (ii) mail the applicant written notification such approval or denial.

E. REVIEW BY DIRECTOR OF PUBLIC WORKS. Any applicant for a Certificate of Allotment shall have the right to have the decision of the Transportation Engineer, pursuant to Subsection D of this Section, reviewed by the Director of Public Works or his delegate. Such a request for review must be made in writing and filed with the Director of Public Works within ten (10) days after notification of said decision accompanied by any required fee.

F. ISSUANCE OF HOTEL GUEST PARKING PERMITS. The Transportation Engineer is authorized to issue Hotel Guest Parking Permits to an owner of a hotel in a number not in excess of the number of such permits authorized by the Certificate of Allotment for that hotel.

G. RESTRICTION. A Hotel Guest Parking Permit may only be used by a *bona fide* guest of the hotel and may not be issued to an employee of the hotel. (Ord. 4799, 1993; Ord. 4303, 1984; Ord. 4235, 1983.)

10.46.068 Employee Parking Permits.

A. ISSUANCE. The City Transportation Engineer may issue an Employee Parking Permit to an employee whose place of employment is reasonably near a Permit Parking Area, where such use will not unreasonably displace vehicles of residents, their visitors, or merchants in the area.

B. ELIGIBLE PERSONS. An Employee Parking Permit may only be obtained by a natural person whose place of employment is reasonably near the Permit Parking Area identified on the person's application and who is not a resident of that Permit Parking Area. (Ord. 4885, 1994.)

10.46.069 Special Circumstances Parking Permits.

A. ISSUANCE IN PERMIT PARKING AREAS. The City Transportation Engineer may issue Special Circumstances Parking Permits for use within Permit Parking Areas where the City Transportation Engineer determines that special circumstances within a designated Permit Parking Area require special parking access or restriction.

B. ISSUANCE BY POLICE. The Chief of Police may issue Special Circumstances Parking Permits where the Chief of Police determines that emergencies, special conditions or events, or other circumstances make necessary the suspension or alteration of the usual vehicle standing or parking regulations.

C. MARKING SPECIAL CIRCUMSTANCES PERMIT AREAS. The Chief of Police may place, remove, cover, or install such traffic control device, barrier, sign, marking, barricade tape or other device, or order such action, as necessary to give notice of such special condition or requirements. The Chief of Police may authorize the City Transportation Engineer to place, remove, cover, or install such traffic control device, barrier, sign, marking, barrier tape or other device, as necessary to give notice of such regulations. (Ord. 4885, 1994.)

10.46.070 Exemption from Parking Restrictions.

A. A motor vehicle on which is displayed a valid Parking Permit as provided for herein is exempt from parking restrictions or limitations established pursuant to Section 10.48.020 of this Code, provided that such vehicle is stopped, standing or parking in the Permit Parking Area or portion thereof for which the Permit was issued and has valid and current registration issued by the Department of Motor Vehicles.

B. A Parking Permit shall not guarantee the holder thereof to an on-street parking space in the designated Permit Parking Area.

C. Vehicles displaying a valid Parking Permit will be subject to all on-street parking restrictions and limitations except those restrictions and limitations imposed pursuant to Section 10.48.020 of this Code. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.080 Application for and Duration of Permit.

Except as otherwise provided, each Parking Permit issued by the City Transportation Engineer shall be valid for a period not to exceed one (1) year. Permits may be renewed annually in the manner required by the City Transportation Engineer. Each application for a Parking Permit shall contain information sufficient to identify the applicant, the address of his residence or place of employment, the license number of the motor vehicle for which the application is made, and such other information as may be deemed relevant by the Transportation Engineer. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.090 Fees.

Fees for Parking Permits and activities authorized hereunder shall be established by a resolution of the City Council. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.100 Rules and Regulations.

The Transportation Engineer shall have authority to promulgate and administer rules and regulations needed for the administration and enforcement of this program including but not limited to criteria and procedures for issuance and revocation of a Parking Permit. These rules shall be submitted to and approved by resolution of the City Council. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.110 Prohibition of Falsification, Transfer and Counterfeiting; Penalty Provision.

A. FALSIFICATION. No person shall falsely represent himself as eligible for a Parking Permit or furnish false information in an application for a Parking Permit.

B. ASSIGNMENT. No Parking Permit which has been issued shall thereafter be assigned or transferred and any such purported assignment or transfer shall be void and shall be grounds for revocation of the Permit.

C. COUNTERFEITING. No person shall copy, produce, or create a facsimile or counterfeit Parking Permit; nor shall any person use or display a facsimile or counterfeit Parking Permit.

D. PENALTY. A violation of this section shall be a misdemeanor. (Ord. 4303, 1984; Ord. 4235, 1983; Ord. 4194, 1983.)

10.46.125 Obedience to Parking Limitations.

A. No person shall stop, stand or park any vehicle upon a City street in violation of any of the restrictions, rules or regulations established pursuant to this Chapter.

B. The operator of any vehicle shall obey the instructions of any barrier, sign, marking, barricade tape or other device placed or erected pursuant to the provisions of this Chapter.

C. No person shall stop, leave standing or park any vehicle within an area designated as prohibited, or contrary to the restrictions or limitations indicated by barriers, signs, marking, barricade tape or other device provided pursuant to the provisions of this Chapter. (Ord. 4885, 1994.)

10.46.130 Emergency and Special Condition Parking Restrictions - Chief of Police.

A. Other provisions of this Chapter notwithstanding, whenever the Chief of Police determines that emergencies, special conditions or events, or other circumstances make necessary the temporary suspension or alteration of the usual traffic flow or vehicle standing or parking regulations, the Chief of Police shall have the power and authority to adopt and enforce regulations as necessary to effect such temporary suspension or alteration. The Chief of Police may place, remove, cover, or install such traffic control device, barrier, sign, marking, barrier tape or other device, or station a police officer, or order such action, as necessary to give notice of emergency or special condition regulations. The Chief of Police shall reinstate the usual traffic flow or vehicle standing or parking regulations by the removal or replacement of the device or the Police Officer upon the termination of the emergency, special condition, event or circumstance, unless otherwise directed by the City Council.

B. The Chief of Police may authorize the City Transportation Engineer to place, remove, cover, or install such traffic control device, barrier, sign, marking, barricade tape or other device, as necessary to give notice of such regulations.

C. The operator of any vehicle, and any pedestrian using the streets, shall obey the instructions of any traffic control device, barrier, sign, marking, barricade tape or other device placed or erected pursuant to the provisions of this Chapter.

D. No person shall operate, stop, leave standing or park any vehicle contrary to a prohibition imposed pursuant to the provisions of this Chapter. No person shall operate, stop, leave standing or park any vehicle within an area designated as prohibited, or contrary to the restrictions or limitations indicated by barriers, signs, marking, barricade tape or other device provided pursuant to the provisions of this Chapter. (Ord. 4885, 1994.)

Chapter 10.48

STOPPING, STANDING AND PARKING - TIME LIMITS AND LOADING ZONES

Sections:

10.48.010 Application of Regulations.
10.48.020 Restriction and Limitation on Parking.
10.48.021 Removal of Chalk Marks.
10.48.025 Change of Parking Limitations.
10.48.030 Authority to Establish Loading Zones - Transportation Engineer.
10.48.040 Curb Markings to Indicate Parking Regulations - Authority of Transportation Engineer.
10.48.050 Effect of Permission to Load or Unload.
10.48.060 Standing for Loading or Unloading Only.
10.48.070 Standing in Passenger Loading Zone.
10.48.080 Standing in any Alley.
10.48.085 Repair of Vehicles in Street.
10.48.090 Bus Zones to be Established.
10.48.095 Idling of Parked Vehicles.
10.48.100 Taxicab Stands - Other Vehicles Using.
10.48.110 Taxicab Stands - Curb Markings.
10.48.120 Taxicabs' Use of Stands.
10.48.130 Taxicab Parking.
10.48.140 Parking for Special Events.

10.48.010 Application of Regulations.

The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 2713 §1(part), 1959; prior Code §31.80.)

10.48.020 Restriction and Limitation on Parking.

No person shall stop, stand or park any vehicle upon the street in any one (1) block for a period of time in excess of any restriction or limitation on such stopping or standing or parking posted on said block by the Transportation Engineer. Compliance requires that vehicles be removed from the block in which parked at the end of the allotted time so designated. (Ord. 4235, 1983; Ord. 4194, 1983; Ord. 2713 §1(part), 1959; prior Code §31.81.)

10.48.021 Removal of Chalk Marks.

A. The owner or operator of any motor vehicle exercising the privilege of parking a vehicle on any street or portion thereof where regulations are in effect restricting the length of time vehicles may be parked on a street or portion thereof does so on the condition that the Police Officers or Vehicle Control Specialists of the City may place chalk or other removable marks on the tire of the vehicle for the purpose of enforcing such parking regulations.

B. It is unlawful for any person to erase, rub out, conceal or otherwise remove, any chalk or other mark so placed by a Police Officer or Vehicle Control Specialist while the marked vehicle remains parked on the said street or portion thereof. For the purpose of this section, the movement of a previously marked vehicle in such a manner as to cause the tire marking to be concealed or removed, and without leaving the parking space or the block where such vehicle was parked when its tires were previously marked shall be deemed to be an erasure or removal of such chalk or other marking. (Ord. 4520, 1988; Ord. 4240, 1983; Ord. 3242 §1, 1967.)

10.48.025 Change of Parking Limitations.

Notwithstanding any other provisions of this title, when it is found by the City Transportation Engineer, based upon traffic engineering studies, that public convenience and necessity requires a change from the parking limitations set forth in this title, the Transportation Engineer shall have authority to install parking signs or markings altering such parking time limitations.

Whenever the City Transportation Engineer has designated any change in parking restrictions as hereinabove stated, and has installed parking signs or markings designating such change, such parking signs or markings designating such change shall supersede and have priority over any adjacent curb markings. (Ord. 3155 §1, 1966; prior Code §31.81.1.)

10.48.030 Authority to Establish Loading Zones - Transportation Engineer.

A. The Transportation Engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the Central Traffic District or any business district.

2. 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 (1/2) of the total curb length in any block be reserved for loading zone purposes.

C. Loading zones shall be indicated by yellow paint stenciled with black letters, "loading only", upon the top of all curbs within such zones.

D. Passenger loading zones shall be indicated by white paint stenciled with black letters, "passenger loading only", upon the top of all curbs in loading zones. (Ord. 2713 §1(part), 1959; prior Code §31.82.)

10.48.040 Curb Markings to Indicate Parking Regulations - Authority of Transportation Engineer.

A. The Transportation Engineer is authorized, subject to the provisions and limitations of this title, to place, and when required shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as herein set forth:

1. Red means no 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 loading zone.

2. Yellow means no stopping, standing or parking at any time between seven a.m. (7:00 a.m.) and six p.m. (6:00 p.m.) of any day except Sunday, unless otherwise indicated by posted signage, for any purpose other than the loading or unloading of passengers or freight, providing that the loading or unloading of passengers or the loading or unloading of freight shall not extend beyond the time necessary therefore and in no event exceed the time limits as follows:

a. Commercial vehicles stopping, standing or parking in any yellow zone for the purpose of loading and unloading freight shall be limited to thirty (30) minutes, and during such time no person shall leave any such commercial vehicle unattended for longer than ten (10) minutes.

b. Noncommercial vehicles stopping, standing or parking in any yellow zone shall be limited to three (3) minutes, and during such time no person shall leave any such vehicle unattended.

c. For the purposes of this Section 10.48.040.A.2, "Freight" is defined as goods ordinarily transported by common carrier.

3. White means no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three (3) minutes, or the depositing of mail or books in an adjacent designated container. Such restrictions shall apply twenty-four hours a day, seven days a week, unless otherwise indicated by curb markings or posted signs.

4. Green means no standing or parking for longer than fifteen (15) minutes at any time between nine a.m. (9:00 a.m.) and six p.m. (6:00 p.m.) of any day except Sunday, unless otherwise indicated by posted signage.

5. Blue means no stopping, standing or parking at any time except for those physically handicapped persons whose vehicles display a distinguishing license plate or placard issued to disabled persons pursuant to the Vehicle Code.

B. When the Transportation Engineer as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

C. Any person parking adjacent to blue curb markings without displaying a distinguishing license plate or placard issued to disabled persons pursuant to the Vehicle Code shall be punished by a fine of not less than twenty-five dollars ($25.00). (Ord. 5699, 2015; Ord. 5353, 2005; Ord. 4842, 1993; Ord. 4080, 1980; Ord. 3913, 1977; Ord. 3483, 1971; Ord. 3465, 1971; Ord. 2713 §1(part), 1959; prior Code §31.83.)

10.48.050 Effect of Permission to Load or Unload.

A. The stopping or parking of a vehicle for the purposes of loading or unloading materials shall not extend beyond the time necessary therefore, and in no event for more than thirty (30) minutes.

B. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading for personal baggage but shall not extend beyond the time necessary therefore, and in no event for more than three (3) minutes.

C. All other limitations to loading and unloading of materials and passengers described in Section 10.48.040(A)(2) are additionally incorporated in this Section 10.48.050. (Ord. 5353, 2005; Ord. 3033 §7, 1965; Ord. 2713 §1(part), 1959; prior Code §31.84.)

10.48.060 Standing for Loading or Unloading Only.

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 10.48.050. (Ord. 2713 §1(part), 1959; prior Code §31.85.)

10.48.070 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 10.48.050. (Ord. 2713 §1(part), 1959; prior Code §31.86.)

10.48.080 Standing in any Alley.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Ord. 2713 §1(part), 1959; prior Code §31.88.)

10.48.085 Repair of Vehicles in Street.

No person shall keep any vehicle upon a public street right-of-way for the purpose of overhaul or repair of such vehicle. Emergency repairs to any vehicle requiring less than two (2) hours to complete are excepted from this section. (Ord. 3319 §1, 1968.)

10.48.090 Bus Zones to be Established.

A. Transportation Engineer. The Transportation Engineer is authorized to establish bus loading zones adjacent to the curb for the purpose of loading and unloading of buses and bus layover zones for the purpose of parking standby buses. The Transportation Engineer is further authorized to determine the location and dimensions of such zones.

B. Definition. The word "bus" as used in this section means a vehicle operated by the Metropolitan Transit District. The words “tour bus” mean a bus defined as a tour bus by the California Vehicle Code.

C. Dimensions. No bus loading zone shall exceed sixty feet (60') in length except that when satisfactory evidence has been presented to the Transportation Engineer showing the necessity therefore.

D. Bus Loading Zone - Marking. Bus loading zones shall be marked to indicate that they have been so designated. The Transportation Engineer shall approve the method of marking such zones with a sign or a red curb with letters stenciled in white.

E. Bus Layover Zones - Marking. The Transportation Engineer shall mark bus layover zones by a sign which gives notice that stopping, standing or parking of vehicles is not permitted except for buses.

F. Prohibition. No person shall stop, stand or park any vehicle except a bus in a bus loading zone or bus layover zone.

G. School Bus Zones. Notwithstanding the other provisions in this section, the Transportation Engineer may designate certain bus loading zones as "school bus zones" and further designate certain hours of the day on certain days of the week during which no person shall stop, stand, or park any vehicle except a school bus in said zone. Said restrictions shall be posted on a sign in a manner easily visible to motorists. At all other times, persons may stop, stand, or park any vehicle in said zone.

H. Tour Bus Loading Zones. Notwithstanding the other provisions in this section, the Transportation Engineer may designate certain curb areas as “tour bus loading zones” for the parking or loading and unloading of passengers, and further designate time limits and certain hours of the day on certain days of the week during which no person shall stop, stand, or park any vehicle except a tour bus in said zone. Said restrictions shall be posted on a sign in a manner easily visible to motorists. At all other times, persons may stop, stand, or park any vehicle in said zone.

I. Permits to Use Bus Loading and Layover Zones. The Public Works Director is authorized to issue permits for the use of bus loading and layover zones for the purposes for active loading and unloading of passengers to buses other than those operated by the Metropolitan Transit District. The permit applicant must demonstrate that it will not impede operations of the Metropolitan Transit District’s use of the bus loading or layover zones.

J. Revocation of Bus Loading and Layover Zone Permit. If it is determined by the Public Works Director that a permittee’s use of a bus loading zone or bus layover is negatively impacting the Metropolitan Transit District’s ability to safely and timely unload passengers, the Public Works Director will cause to be sent a written Notice of Intent to Revoke to the permittee via certified mail. A permittee may request reconsideration of the Notice of Intent to Revoke in writing to the Public Works Director within ten (10) business days of the date of the Notice of Intent to Revoke. The request for reconsideration shall set forth all relevant evidence showing that the permittee’s use of the bus loading or layover zone does not negatively impact the Metropolitan Transit District’s ability to safely and timely unload passengers. The Public Works Director, or his or her designee, shall issue a written Notice of Decision within ten (10) business days of the date of the request for reconsideration. The Notice of Decision shall be sent to the permittee via certified mail and will be deemed final and effective as of the date of the Notice of Decision. Appeal of the Notice of Decision may be brought pursuant to Santa Barbara Municipal Code Chapter 1.30. If a request for reconsideration is not received within ten (10) days of the date of the Notice of Intent to Revoke, the permit shall be deemed revoked on the eleventh day following the date of the Notice of Intent to Revoke. (Ord. 5698, 2015; Ord. 4080, 1980; Ord. 3688, 1974.)

10.48.095 Idling of Parked Vehicles.

Whenever the City Transportation Engineer shall determine the necessity for limitation on noise of operations of standing or parked vehicles, or equipment on vehicles, on any street, alley, right of way, parking lot or parking structure open to public use, the Transportation Engineer shall erect signs or otherwise provide notice of limitation on such noise of operations of such standing or parked vehicles or equipment. Where such signs or notice is provided:

A. No driver shall run or leave idling for a period of longer than three minutes the engine of any vehicle which is parked, standing, or stopped, on any street, alley, right of way, parking lot or parking structure open to public use; and

B. No driver shall run or operate any equipment on standing or parked vehicles, or on vehicles stopped on any street, alley, right of way, parking lot or parking structure open to public use for a period of longer than three minutes. (Ord. 5079, 1998; Ord. 4597, 1989.)

10.48.100 Taxicab Stands - Other Vehicles Using.

It is unlawful for the owner or driver of any vehicle other than a taxicab or pedicab licensed by the City to stop, stand or park in any regularly established taxicab stand. (Ord. 5255, 2002; Ord. 2713 §1(part), 1959; prior Code §31.90(part).)

10.48.110 Taxicab Stands - Curb Markings.

Taxi stands as designated by the City Council in the Central Traffic District shall be designated by white paint upon the surface of the street curb with the letters "taxicabs only" in blue letters thereon and a white line four inches (4") wide to be painted on the surface of the streets; such line to extend seven feet (7') out from the curb and to run the length of the cab stand. The words "taxicabs only" shall be painted on the surface of the street. (Ord. 3913 §2, 1977; Ord. 2713 §1(part), 1959; prior Code §31.90.)

10.48.120 Taxicabs' Use of Stands.

No owner or driver of any taxicab shall park or stand the same upon any street in the City for any period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab; provided, that the owner or driver of a taxicab may park in the taxicab stand authorized by the City Council. (Ord. 2713 §1(part), 1959; prior Code §31.90(part).)

10.48.130 Taxicab Parking.

Notwithstanding any other provision in Section 10.48.100 - 10.48.120 to the contrary, one (1) taxicab of each taxi company may park in each block of the City for the solicitation of business, subject to the following conditions:

A. No taxicab shall be parked in excess of the time designated by the zone in which such taxicab is parked;

B. In any block in which taxi stands are designated on the curb, no taxicab shall be parked in such block other than in such designated taxi stand;

C. No taxicab shall be parked within a green or yellow zone in any block between the hours of nine a.m. (9:00) and six p.m. (6:00) of any day, Sundays and holidays excepted, except as otherwise provided in this title;

D. No taxicab shall be parked within a white zone in any block during such time as any parking limitation is in effect therein;

E. For the purpose of this section, a "taxi company" shall be defined as a corporation organized for the purpose of operating a taxi business, regardless of the various names under which such taxicabs operate, and the word "block" includes both sides of the street. (Ord. 3090 §1, 1965; prior Code §31.90A.)

10.48.140 Parking for Special Events.

In the case of special events, such as concerts, theatrical performances, public gatherings or other events where large numbers of persons congregate, the Police Department shall have authority to designate special areas within which taxicab parking may be permitted, and the time within which such parking shall be permitted, and taxicabs may be parked in the areas and during the times so designated, for the solicitation of business. (Ord. 3090 §2, 1965; prior Code §31.90B.)

Chapter 10.52

BICYCLES

Sections:

10.52.010 **Bicycle Defined - License to Operate - Required.**
10.52.015 **License Fees.**
10.52.018 **Recordation of Transfer.**
10.52.020 **Rights and Privileges of License.**
10.52.021 **License Renewals.**
10.52.025 **Change of Address.**
10.52.030 **Issuance of Bicycle Licenses.**
10.52.040 **License Decal or Plate - Attachment - Registration Cards.**
10.52.050 **Removal of Numbers - Destruction of License, Decals or Plates.**
10.52.060 **Registrations, Bicycle Rentals.**
10.52.070 **Bicycle Establishments - Reports to Chief of Police - Responsibilities.**
10.52.080 **Removal of Frame Identification Numbers - Police Authorized to Number Frames.**
10.52.090 **Impounding of Unlawfully Operated Bicycles - Duty of Tax and Permit Inspector or Police Officer - Redemption.**
10.52.100 **Impounding - Sale of Unclaimed Bicycles - Disposition of Sale Proceeds.**
10.52.110 **Police Department to Administer Provisions of Chapter.**
10.52.120 **Manner of Riding Bicycle.**
10.52.130 **No Bicycles on Sidewalk.**

10.52.010 Bicycle Defined - License to Operate - Required.

"Bicycle" means a device upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two (2) or three (3) wheels of fourteen inches (14") or more in diameter, in a tandem or tricycle arrangement.

It is unlawful for any resident of the City of Santa Barbara to operate a bicycle upon any streets, roads, alleys, highways or other public property within the jurisdiction of the City, without first having registered such bicycle in accordance with the provisions of this chapter.

Any person required to register a bicycle under this section shall apply to the Police Department, or to any other department or agency authorized by the City to issue bicycle registration certificates, on forms to be furnished by the Police Department for such purpose, giving his name and address, the name, frame number, model, and color of the bicycle to be registered, and such other information as may be required by the Chief of Police. (Ord. 3795, 1975.)

10.52.015 License Fees.

The registration fee to be paid for each bicycle registered in accordance with the provisions of this chapter shall be one dollar ($1.00) and shall be paid in advance. (Ord. 3795, 1975.)

10.52.018 Recordation of Transfer.

(a) Whenever the owner of a bicycle licensed pursuant to this chapter sells or otherwise disposes of a bicycle he shall within ten (10) days notify the Chief of Police of such disposition.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall within ten (10) days of taking possession apply to the Chief of Police for the transfer of the license to his name. (Ord. 3795, 1975.)

10.52.020 Rights and Privileges of License.

Registration and/or transfer of ownership registration when issued shall entitle the registrant to operate and use the bicycle within the City limits upon all the public streets, alleys or other public places, exclusive of sidewalks, or other place excluded by law. (Ord. 3795, 1975.)

10.52.021 License Renewals.

Each license shall be renewed, upon payment of a renewal fee determined by the City Council, at the end of a uniform period determined by the State, not to exceed five (5) years. (Ord. 3795, 1975.)

10.52.025 Change of Address.

Whenever the owner of a licensed bicycle changes his address, he shall within ten (10) days notify the Chief of Police of his old and new address. (Ord. 3795, 1975.)

10.52.030 Issuance of Bicycle Licenses.

The Police Department or any other department or agency authorized by the City shall issue bicycle licenses upon written application and physical verification of the bicycle frame number, accompanied by the fee prescribed under the provisions of this chapter. (Ord. 3795, 1975.)

10.52.040 License Decal or Plate - Attachment - Registration Cards.

The license decal or plate will be provided by the State and shall be attached to the frame of the bicycle in a manner prescribed by the State. The size, form, and character of the registration cards shall be designated by the Chief of Police and shall contain information specified by the State in addition to that required by the Chief of Police.

Upon payment of the required bicycle registration fee, it shall be the duty of the duly authorized agent issuing the registration to see that the license decal or plate is immediately attached to the frame of the bicycle for which issued and that the frame of the bicycle is die-stamped with the approved Police Department symbols and/or identifying letters preceding the corresponding registration serial number(s). Such license decal or plate shall remain attached to the bicycle from for the life of the bicycle.

It shall be the duty of the duly authorized agent issuing the registration to issue the bicycle owner a corresponding registration card bearing the same license decal or plate and registration serial number(s) and the date and year of registration, and he shall forward a duplicate copy of the registration card to the Chief of Police within twenty-four (24) hours of the date of such issuance. (Ord. 3795, 1975.)

10.52.050 Removal of Numbers - Destruction of License, Decals or Plates.

No person shall willfully remove, destroy, mutilate, or alter the identification number of any bicycle or bicycle frame either licensed or unlicensed.

No person shall willfully remove, destroy, mutilate, or alter any bicycle license decal, plate or registration card during the time in which such license decal, plate or registration card is operative. Every person upon dismantling or disposing of any bicycle or bicycle frame, registered in accordance with the provisions of this chapter, as junk, shall return the registration card and notify the Chief of Police within ten (10) days of such dismantling or disposal.

No person, partnership, association, or corporation shall purchase, sell, possess, conceal, or dispose of any bicycle or bicycle frame from which the manufacturer's nameplate, frame number, serial number, registration decal, or plate, registration serial number or any other distinguishing mark has been removed, defaced, covered, altered, or otherwise disposed of.

The Chief of Police, his duly authorized agent, or any other department, or agency authorized by the City shall, after satisfactory proof of ownership by the possessor of any bicycle or bicycle frame, register said bicycle or bicycle frame in accordance with the provisions of this chapter.

Nothing in this section shall prohibit the Chief of Police or his duly authorized agent from stamping numbers on the frames of bicycles on which no manufacturer's serial number can be found or on which the manufacturer's serial number is illegible or insufficient for identification purposes. (Ord. 3795, 1975.)

10.52.060 Registrations, Bicycle Rentals.

All persons engaged in operating a bicycle rental or leasing agency shall register all bicycles designated as rental or lease units in accordance with the provisions of this chapter. Registrations thus obtained for bicycles designated as rental or lease units shall not be transferrable to any other bicycles designated as rental or lease units. All transfers of registration must be in accordance with the provisions of this chapter. (Ord. 3795, 1975.)

10.52.070 Bicycle Establishments - Reports to Chief of Police - Responsibilities.

"Bicycle establishment" defines a business operated by any person, partnership, association, or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, exchanged, bartered, repaired, remodeled, dismantled or junked.

No person, partnership, association or corporation shall operate a bicycle establishment until licensed to do so in accordance with the provisions of this chapter.

Every person, partnership, association or corporation engaged in the business of selling new bicycles or bicycle frames, shall die-stamp a serial number, as designated by the Chief of Police and required by the State, on the frame of said bicycles or bicycle frames on which no manufacturer's serial number can be found or on which the manufacturer's serial number is illegible or insufficient for identification purposes, prior to sale of said bicycle or bicycle frame.

Every person, partnership, association or corporation engaged in operating a bicycle establishment and every junk dealer who purchases or otherwise acquires any bicycle or bicycle frame as junk or otherwise, shall report to the Chief of Police in writing within twenty-four (24) hours thereafter, specifying:

(1) The name, address and telephone number of the person from whom each such bicycle or bicycle frame was purchased or otherwise acquired;
(2) The description of such bicycle or bicycle frame purchased or otherwise acquired;
(3) The frame number thereof;
(4) The number of any previously issued license decal or plate found attached thereto and any registration symbols and/or identifying letters preceding the corresponding serial numbers die-stamped to the frame.

In addition to any other reports required in accordance with the provisions of this chapter, every person, partnership, association or corporation engaged in the business of selling secondhand bicycles or bicycle frames from a bicycle establishment is required to make a report to the Chief of Police concerning all such bicycles or bicycle frames sold. Such report shall be made in writing within twenty-four (24) hours of the date of sale and shall specify:
(1) The name, address and phone number of the person to whom each such bicycle or bicycle frame was sold or otherwise disposed of;
(2) The description of such bicycle or bicycle frame sold, or otherwise disposed of;
(3) The frame number thereof;
(4) The number of any previously issued license decal or plate found attached thereto and any registration symbol and/or identifying letters preceding the corresponding serial numbers die-stamped to the frame.

Reports of purchases or otherwise acquired bicycles or bicycle frames and/or reports of the sale or otherwise disposal of bicycle or bicycle frames shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall be given to the buyer/seller, and the triplicate shall be kept by the bicycle establishment as a permanent record. The provisions of this section shall not apply to new bicycles or new bicycle frames purchased at wholesale.

No person, partnership, association or corporation operating a bicycle establishment shall purchase, sell, exchange, barter, repair, remodel, dismantle, or junk any bicycle, bicycle frame, or bicycle part from any person under the age of eighteen (18) years, or any person under the influence of any narcotics, drugs and/or intoxicating beverages. (Ord. 3795, 1975.)

10.52.080 Removal of Frame Identification Numbers - Police Authorized to Number Frames.

No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter.

Nothing in this chapter shall prohibit the Police Department from stamping numbers on the frames of bicycles on which no serial number can be found or on which the number is illegible or insufficient for identification purposes. (Ord. 3795, 1975.)

10.52.090 Impounding of Unlawfully Operated Bicycles - Duty of Tax and Permit Inspector or Police Officer - Redemption.

The Tax and Permit Inspector and any Police Officer of the City may take any bicycle found by him to be operated or used upon the streets of the City in violation of this chapter and impound the same at the City Hall or other convenient place, which bicycle may be redeemed by the owner thereof, upon payment of the license fee and licensing as required for such bicycle. (Ord. 3795, 1975.)

10.52.100 Impounding - Sale of Unclaimed Bicycles - Disposition of Sale Proceeds.

In the event any bicycle impounded by the Police Department is unclaimed by the owner within a period of four (4) months after it is impounded, the same shall be sold at public auction after notice of at least three (3) days by posting a notice of the time and place of the sale and a brief description of the bicycle in three (3) public places in the City. (Ord. 3795, 1975.)

10.52.110 Police Department to Administer Provisions of Chapter.

The Police Department of the City is authorized and directed to administer the provisions of this chapter. (Ord. 3795, 1975.)

10.52.120 Manner of Riding Bicycle.

No person operating a bicycle shall permit any person to ride upon such bicycle except on a seat or package carrier four (4) or more inches in width securely fastened to the bicycle in the rear of the person operating the bicycle. (Ord. 3033 §4, 1965; Ord. 2713 §1(part), 1959; prior Code §31.62.)

10.52.130 No Bicycles on Sidewalk.

No person shall ride a bicycle on any sidewalk except at a driveway; provided, that a person may ride a bicycle on any area designated by the City Council as a bikeway. (Ord. 3350 §1, 1969; Ord. 2713 §1(part), 1959; prior Code §31.64.)

Chapter 10.55

MINOR ENCROACHMENT PERMITS

Sections:

10.55.010 Issuance of Minor Encroachment Permits.
10.55.020 Minor Encroachment Permits - Conditions.
10.55.030 Minor Encroachment Permits - Indemnity, Reimbursement and Insurance.
10.55.040 Minor Encroachment Permits - Appeals.

10.55.010 Issuance of Minor Encroachment Permits.

The Director may issue a permit or consent to conduct, maintain or operate an encroachment to, in or upon any city street, roadway, sidewalk, parkway, parking area or facility or other City property for an encroachment which is intermittent, minor, revocable upon 90 days notice or less, or for a single event or use. The review and issuance of such permit or consent shall be subject to the restrictions of this Code and the Santa Barbara City Charter. The Director shall consult with affected City Departments and other affected agencies prior to issuance of such Minor Encroachment Permit. (Ord. 4751, 1992.)

10.55.020 Minor Encroachment Permits - Conditions.

The Director may condition the issuance of a minor encroachment permit or consent to conduct, maintain or operate an encroachment with conditions or provisions for public safety, the protection of persons or property, the public convenience, the accommodation of public needs, adequate traffic control, crowd control, control over litter and noise, the cleanup and removal of all evidence of use, and such other provision or provisions as may appear to be in the public interest. (Ord. 4751, 1992.)

10.55.030 Minor Encroachment Permits - Indemnity, Reimbursement and Insurance.

Prior to issuance of a minor encroachment permit or consent to conduct, maintain or operate an encroachment, the Director shall, unless waived by the City Council, require the applicant to provide and maintain:

(1) An agreement to investigate, defend, indemnify and hold harmless the City, its officers, agents and employees from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges and expenses (including attorney's fees) and causes of action of whatsoever character which City may incur, sustain or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any persons arising out of or in any way connected with the encroachment.

(2) An agreement to reimburse the City of Santa Barbara for any costs incurred by the City to repair damage, restore premises, or satisfy claims incurred by reason of the encroachment.

(3) A policy or policies of public liability insurance to protect against loss from liability for damages on account of bodily injury and property damage arising from the encroachment. Such insurance shall name on the policy or by endorsement as additional insureds, the City of Santa Barbara, its officers, employees, and agents. Unless otherwise modified by the City's Risk Manager, such insurance shall include not less than one million ($1,000,000) dollars of Comprehensive General Liability Insurance, including Bodily Injury and Property Damage coverage together with such other and additional coverage as the City's Risk Manager may determine to be prudent. Insurance coverage must be maintained for the duration of the encroachment. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the City no less than five days before the encroachment permit is issued, unless the Director, for good cause, waives the filing deadline.
(Ord. 4751, 1992.)

10.55.040 Minor Encroachment Permits - Appeals.

The decisions of the Director in connection with such minor encroachment permits or consent to conduct, maintain or operate an encroachment may be appealed pursuant to the provisions of Section 1.030.050 of this Code. (Ord. 4751, 1992.)

Chapter 10.56

IMPOUNDING PROPERTY OBSTRUCTING STREETS

Sections:

10.56.010	**Impounding of Miscellaneous Property in Streets, Etc. Authorized - Nuisance.**	**10.56.030**	**Redemption Charges.**
		10.56.040	**Sale of Unredeemed Property.**
		10.56.050	**Tow Away Provisions.**
10.56.020	**Notice of Impounding.**	**10.56.060**	**Emergency Regulations.**

10.56.010 Impounding of Miscellaneous Property in Streets, Etc. Authorized - Nuisance.

In the event any property of any description, except a vehicle, whether an animal or other obstruction, shall be found existing, standing, parked, erected or lying in or upon any part of any public street, avenue, alley, sidewalk, thoroughfare, parkway, park or other public place within the City in violation of and contrary to any of the rules, regulations and ordinances of the City that are in effect, it is hereby declared to be a nuisance, and may be removed and conveyed by or under the direction of the Community Development Director, Public Works Director or a member of the Police Department, or a duly constituted agent thereof, to a designated place of impounding, to be kept until redeemed or sold as provided in this chapter. (Ord. 4861, 1994; Ord. 2713 §1(part), 1959; prior Code §31.111(part).)

10.56.020 Notice of Impounding.

It shall be the duty of the department authorizing the impound immediately following the impounding of such property, where the ownership is ascertainable, to send through the mails to such owner a letter, stating that such property is impounded, giving the date and location of its keeping, together with the information that before the owner or person in charge of the property shall be permitted to remove the same from the custody of the impounding department, evidence of identity and ownership shall be required together with the fees necessary to cover the cost of removal, storage and redemption. (Ord. 4861, 1994; Ord. 2713 §1(part), 1959; prior Code §31.111(part).)

10.56.030 Redemption Charges.

All property impounded as provided in this chapter shall be retained until all costs of impounding, giving notice and redemption shall have been paid. Such charges shall be set by resolution. (Ord. 4861, 1994; Ord. 2713 §1(part), 1959; prior Code §31.111(part).)

10.56.040 Sale of Unredeemed Property.

If the owner or person having custody of such impounded property fails or neglects to call and redeem the same within five (5) days from the date of giving notice as provided in this chapter, then the department head, or designated agent authorizing the impound, shall proceed to sell the property at public auction after giving notice of the time and place of such sale in the same manner as required for the giving of notice of the sale of personal property under execution, and shall apply the proceeds of such sale: (1) to the payment of the costs and expenses of such sale, (2) to the payment of the costs and expenses of impounding and storing of the property, and the balance remaining of such proceeds shall be paid to the person who shall furnish satisfactory evidence of identity and ownership in the property. (Ord. 4861, 1994; Ord. 2713 §1(part), 1959; prior Code §31.111(part).)

10.56.050 Tow Away Provisions.

The City Council shall have authority to establish tow away zones in the City, by resolution. Where tow away zones have been established, any vehicle parked or left standing where signs have been posted, giving notice of the authorized removal of such vehicles, may be removed by any member of the Police Department authorized by the Chief of Police to do so, in the manner and subject to the requirements of the Vehicle Code. (Ord. 3157 §1, 1966; prior Code §31.112.)

10.56.060 Emergency Regulations.

Whenever the Chief of Police, the Fire Chief, the City Water Superintendent or the Public Works Director determines that an emergency exists upon any City street or public parking area, and any vehicle is parked in such manner as to impede the remedy of such an emergency, such officer may cause such vehicle to be removed to the nearest legal parking area. Upon removal of such vehicle, the person causing the removal shall make every possible effort to notify the owner of such vehicle of the reason for removal, the time of removal, and the location from and to which such removal took place. Such notification shall be made to the Police Department in writing within two (2) hours of such removal.

An emergency under this section shall be a condition under which public and/or private property is in danger and/or the continuation of the condition will jeopardize the public health or safety. (Ord. 3156 §1, 1966; prior Code §31.112.1.)

Chapter 10.58

ABANDONED VEHICLES

Sections:

10.58.010 Declaration of Policy.
10.58.020 Definitions.
10.58.030 Exclusions.
10.58.040 Nonexclusive.
10.58.050 City Administrator to Enforce.
10.58.060 Authority to Enter Private Property for Removal.
10.58.070 Amount of Assessment Determined by Council.
10.58.080 City Administrator Has Authority to Remove.
10.58.090 Notice of Intention to Remove.
10.58.100 Public Hearing - Request.
10.58.110 City Council to Conduct Hearing - Decision.
10.58.120 Removal After Notice.
10.58.130 Notice of Removal to Department of Motor Vehicles.
10.58.140 Refusal to Remove.
10.58.150 Assessment.

10.58.010 Declaration of Policy.

In addition to and in accordance with the determination made and the authority granted by the State 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:

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 part 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 chapter. (Ord. 3338 §1(part), 1968.)

10.58.020 Definitions.

As used in this chapter:

(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. (Ord. 3609, 1973.)

10.58.030 Exclusions.

This chapter shall not apply to:

(a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(b) A vehicle or part 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 other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter. (Ord. 3338 §1(part), 1968.)

10.58.040 Nonexclusive.

This chapter is not the 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. (Ord. 3338 §1(part), 1968.)

10.58.050 City Administrator to Enforce.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the City Administrator. In the enforcement of this chapter such officer and 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 part thereof declared to be a nuisance pursuant to this chapter. (Ord. 3609, 1973.)

10.58.060 Authority to Enter Private Property for Removal.

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 chapter. (Ord. 3338 §1(part), 1968.)

10.58.070 Amount of Assessment Determined by Council.

The City Council 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 part thereof, under this chapter. (Ord. 3338 §1(part), 1968.)

10.58.080 City Administrator Has Authority to Remove.

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 Administrator shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 3609, 1973.)

10.58.090 Notice of Intention to Remove.

A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified 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 forms:

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

(Name and address of owner of the land)

As owner shown on the last Equalized Assessment Roll of the land located at (address), you are hereby notified that the undersigned pursuant to §10.58.050 of the Santa Barbara Municipal Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of §10.58.010 of the Santa Barbara Municipal Code.

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 City Council within such 10-day period, the City Administrator 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 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.

Notice mailed _____s/_____
City Administrator

NOTICE OF INTENTION TO ABATE
DISMANTLED OR INOPERATIVE VEHICLE OR
PARTS THEREOF AS A PUBLIC NUISANCE

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

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 §10.58.050 of the Santa Barbara Municipal Code 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 §10.58.010 of the Santa Barbara Municipal Code.

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 this notice of intention, request a public hearing and if such a request is not received by the City Council within such 10-day period, the City Administrator shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice mailed _____s/_____
City Administrator

(Ord. 3609, 1973.)

10.58.100 Public Hearing - Request.

Upon request by the owner of the vehicle or owner of the land received by the City Administrator within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the City Council 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 10-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 or certified mail, at least 10 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 10 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. (Ord. 3609, 1973.)

10.58.110 City Council to Conduct Hearing - Decision.

All hearings under this chapter shall be held before the City Council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The City Council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a 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 City Council may impose such conditions and take such other actions as it deems appropriate under the circumstances to carry out the purpose of this chapter. 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 City Council may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and 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 not subsequently acquiesced in its presence, the City Council shall not assess the costs of administration or removal of the vehicle 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 City Council but does not appear, he shall be notified in writing of the decision. (Ord. 3609, 1973.)

10.58.120 Removal After Notice.

Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five (5) days from the date of mailing of notice of the decision if such notice is required by Section 10.58.010, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard, or any suitable site operated by a local agency. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. 3609, 1973.)

10.58.130 Notice of Removal to Department of Motor Vehicles.

Within five (5) 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. (Ord. 3609, 1973.)

10.58.140 Refusal to Remove.

It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter of State law where such State law is applicable. (Ord. 3338 §1(part), 1968.)

10.58.150 Assessment.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 10.58.090 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. (Ord. 3609, 1973.)

Chapter 10.60

SCHEDULES

Sections:

10.60.015 Streets of Modified Speed Limits.
10.60.030 Schedule of One-Way Streets.
10.60.040 Schedule of Heavy Vehicle Prohibition.
10.60.050 Application to Public Parking Lots.

10.60.015 Streets of Modified Speed Limits.

In accordance with Section 10.20.015, and when properly sign posted, the prima facie speed limit on the following streets, or portions of streets, shall be as follows:

55 miles per hour:
LAS POSITAS ROAD – Cliff Drive to a point 870 feet north of Las Positas Place

45 miles per hour:
CALLE REAL - Las Positas Road to Hitchcock Way
HOLLISTER AVENUE - Fairview Avenue to the westerly City limits
MODOC ROAD - Las Positas Road to westerly City limits
OLD COAST HIGHWAY - Harbor View Drive to Hot Springs Road

40 miles per hour:
CALLE REAL - Hitchcock Way to La Cumbre Road
CARRILLO STREET - San Andres Street to La Coronilla Drive
CLIFF DRIVE – Loma Alta Drive to Las Positas Road
MEIGS ROAD - Cliff Drive to La Coronilla Road

35 miles per hour:

ALAMAR AVENUE - Foothill Road to State Street
ALSTON ROAD - City limits to Eucalyptus Hill Road
BARKER PASS ROAD - Eucalyptus Hill Road to the northerly City limits
CABRILLO BOULEVARD – Calle Cesar Chavez to US Highway 101
CLIFF DRIVE - Westerly City limits to Las Positas Road
FAIRVIEW AVENUE - Placencia Street to Calle Real, those portions within the City limits
HOPE AVENUE - State Street to Pueblo Avenue
HOPE AVENUE - Calle Real to State Street
LA CUMBRE ROAD - Via Lucero to northerly City limits
LA COLINA ROAD - La Cumbre Road to Verano Drive
LAS POSITAS ROAD - State Street to a point 870 feet north of Las Positas Place
LOMA ALTA DRIVE - Cliff Drive (SR 225) to Shoreline Drive
MEIGS ROAD - Cliff Drive to Salida Del Sol
MODOC ROAD - Mission Street to Las Positas Road
OLD COAST HIGHWAY - Salinas Street to Harbor View Drive
SHORELINE DRIVE - Castillo Street to La Marina
STATE STREET - Mission Street to the westerly City limits
VERONICA SPRINGS ROAD - Those portions within the City limits
YANONALI STREET – Calle Cesar Chavez to Garden Street

30 miles per hour:

ALAMAR AVENUE - De La Vina Street to Junipero Street
ALAMEDA PADRE SERRA - Los Olivos Street to Sycamore Canyon Road
ALAMEDA PADRE SERRA - Sycamore Canyon Road to Eucalyptus Hill Road
ANACAPA STREET - Arrellaga Street to Constance Avenue
ANAPAMU STREET - Santa Barbara Street to Milpas Street
BATH STREET - US Highway 101 northbound offramp to Mission Street
CABRILLO BOULEVARD – Castillo Street to Calle Cesar Chavez
CALLE REAL – Pueblo Street to Las Positas Road
CANON PERDIDO STREET - Santa Barbara Street to Milpas Street
CASTILLO STREET – Cabrillo Boulevard to Mission Street
CHAPALA STREET – Gutierrez Street to Alamar Avenue
CLIFF DRIVE – Montecito Street to Loma Alta Drive
CLINTON TERRACE - Samarkand Drive to Tallant Road
COAST VILLAGE ROAD - Olive Mill Road to Cabrillo Boulevard
CONSTANCE AVENUE - State Street to Garden Street
DE LA GUERRA STREET - Santa Barbara Street to Milpas Street
DE LA VINA STREET - State Street to Micheltorena Street
DE LA VINA STREET - Micheltorena Street to Haley Street
GARDEN STREET - Micheltorena Street to Junipero Street
HITCHCOCK WAY - Calle Real to State Street
LA CUMBRE ROAD - Southerly City limits (US Highway 101) to Via Lucero
MILPAS STREET - Anapamu Street to Cabrillo Boulevard
MIRAMONTE DRIVE - Carrillo Street to Via Del Cielo
ONTARE ROAD - Sunset Drive to Foothill Road
SALINAS STREET - US Highway 101 to Sycamore Canyon Road
SAMARKAND DRIVE - De La Vina to Clinton Terrace
SAN PASCUAL STREET - Canon Perdido Street to Coronel Place
SAN ROQUE ROAD - Foothill Road to State Street
SANTA BARBARA STREET - Anapamu Street to Constance Avenue
SHORELINE DRIVE - Salida Del Sol to La Marina
STATE STREET – Victoria Street to Mission Street
TREASURE DRIVE - Tallant Road to Calle Real
VERANO DRIVE - Primavera Road to southerly City limits
YANONALI STREET - Garden Street to State Street

25 miles per hour:

ANACAPA STREET - Arrellaga Street to US Highway 101
BATH STREET – Mission Street to Quinto Street
CARPINTERIA STREET - Milpas Street to Salinas Street
CARRILLO STREET – Chapala Street to San Andres Street
CASTILLO STREET – Mission Street to Pueblo Street
COTA STREET – Santa Barbara Street to Alameda Padre Serra
GUTIERREZ STREET – Santa Barbara Street to Alameda Padre Serra
HALEY STREET – Chapala Street to Milpas Street
MICHELTORENA STREET – San Andres Street to California Street
MISSION STREET – Robbins Street to Anacapa Street
ONTARE ROAD - State Street to Sunset Drive
PUESTA DEL SOL - Alamar Avenue to easterly City limits
SAN ANDRES STREET - Mission Street to Canon Perdido Street
VALERIO STREET – Gillespie Street to westerly cul-de-sac

(Ord. 5708, 2015; Ord. 5684, 2015; Ord. 5563, 2011; Ord. 5530, 2010; Ord. 5491, 2009; Ord. 5466, 2008; Ord. 5251, 2002; Ord. 5194, 2001; Ord. 5157, 2000; Ord. 5127, 1999; Ord. 4988, 1996; Ord. 4958, 1996; Ord. 4875, 1994; Ord. 4818, 1993; Ord. 4769, 1992; Ord. 4734, 1991; Ord. 4660, 1990; Ord. 4566, 1989; Ord. 4527, 1988; Ord. 4516, 1988; Ord. 4486, 1987; Ord. 4398, 1986; Ord. 4384, 1986; Ord. 4367, 1985; Ord. 4341, 1985; Ord. 4322, 1985; Ord. 4309, 1984; Ord. 4290, 1984; Ord. 4267, 1984; Ord. 4248, 1984; Ord. 4233, 1983; Ord. 4232, 1983; Ord. 4069, 1980; Ord. 3787, 1975; Ord. 3775, 1975; Ord. 3697, 1974; Ord. 3629, 1974; Ord. 3628, 1974; Ord. 3611, 1973; Ord. 3551, 1972; Ord. 3457, 1970; Ord. 3429, 1970; Ord. 3348, 1969; Ord. 3299, 1968; Ord. 3294, 1968; Ord. 3208, 1967; Ord. 3168, 1966; Ord. 2713, 1959; prior Code §31.121.)

10.60.030 Schedule of One-way Streets.

In accordance with Section 10.28.010, and when properly sign posted, it shall be unlawful for the operator of any vehicle to drive in the direction indicated below on the following streets or portions of streets:

1. **Unnamed alley** lying between Anacapa Street and State Street extending from the Lobero Garage Paseo to Carrillo Street: In a southeasterly direction on the unnamed alley lying between Anacapa Street and State Street from the Lobero Garage Paseo to Carrillo Street.
2. **Unnamed alley** lying between Robbins Street and Mountain Avenue adjacent to Harding School: In a northeasterly direction on the unnamed alley lying between Robbins Street and Mountain Avenue adjacent to Harding School.
3. **ALAMEDA PADRE SERRA:** In a westerly direction on the south side of Alameda Padre Serra or in an easterly direction on the north side of Alameda Padre Serra, where the roadway of Alameda Padre Serra is divided by a parkway in the central portion thereof; provided that vehicles traveling in an easterly direction on Alameda Padre Serra may drive to the north side of the dividing wall located between Dover Road and Arbolado Road for the purpose of entering Arbolado Road.
4. **ANACAPA STREET:** In a northwesterly direction on Anacapa Street between Gutierrez Street and Mission Street.
5. **BATH STREET:** In a southeasterly direction on Bath Street between Haley Street and Mission Street.
6. **BAY VIEW CIRCLE:** In a clockwise direction for its entirety.
7. **BRINKERHOFF AVENUE**: In a northeasterly direction on Brinkerhoff Avenue between Cota Street and Haley Street.
8. **CASTILLO STREET:** In a northwesterly direction on Castillo Street between Cota Street and Mission Street.
9. **CHAPALA STREET:** In a southeasterly direction on Chapala Street between Alamar Avenue and Carrillo Street.
10. **CLEVELAND AVENUE:** In a southerly direction on the east side of Cleveland Avenue or in a northerly direction on the west side of Cleveland Avenue in either the nineteen hundred (1900) or two thousand (2000) blocks thereof.
11. **CORONEL STREET:** In a northeasterly direction on Coronel Street from a point one hundred feet northeasterly of the intersection of Coronel Street and Loma Alta Drive to a point 630 feet northeasterly of the intersection of Coronel Street and Loma Alta Drive.
12. **DE LA GUERRA PLAZA:** In a direction other than entry into De La Guerra Plaza via the street on the southwesterly side of De La Guerra Plaza, proceeding in a southeasterly direction along that street on the southwesterly side of De La Guerra Plaza and continuing in a northwesterly direction only along the street on the northeasterly side of De La Guerra Plaza.
13. **DE LA VINA STREET:** In a northwesterly direction on De La Vina Street between Haley Street and Constance Avenue.
14. **EMERSON AVENUE:** In a southerly direction on the east side of Emerson Avenue or in a northerly direction on the west side of Emerson Avenue in either the nineteen hundred (1900) or two thousand (2000) blocks thereof.

15. **EQUESTRIAN AVENUE:** In an easterly direction on Equestrian Avenue between Santa Barbara and Garden Streets.

16. **GRAND AVENUE:** In a westerly direction on the south side of Grand Avenue or in an easterly direction on the north side of Grand Avenue between Pedregosa Street and Moreno Road where the roadway of Grand Avenue is divided into two (2) levels.

17. **PROSPECT AVENUE:** In an easterly direction on Prospect Avenue between Valerio Street and Cleveland Avenue.

18. **SANTA BARBARA STREET:** In a southeasterly direction on Santa Barbara Street between Haley Street and Mission Street.

19. **STATE STREET:** In a northwesterly direction on the southwesterly side of State Street or in a southeasterly direction on the northeasterly side of State Street between Mission Street and Constance Avenue where the roadway of State Street is divided by a central parkway. (Ord. 5641, 2013; Ord. 5567, 2011; Ord. 4958, 1996; Ord. 4890, 1994; Ord. 4796, 1993; Ord. 4570, 1989; Ord. 4512, 1988; Ord. 4410, 1986; Ord. 4211, 1983; Ord. 4103, 1981; Ord. 4069, 1980; Ord. 3963, 1978; Ord. 3821, 1976; Ord. 3458 §1, 1970; Ord. 3210 §1, 1967; Ord. 3015, §1, 1964; Ord. 2804 §1, 1960; Ord. 2785 §1, 1960; Ord. 2713 §1 (part), 1959; prior Code §31.122.)

10.60.040 Schedule of Heavy Vehicle Prohibition.

A. **PROHIBITION.** In accordance with Section 10.36.030, and when properly sign posted, no person shall operate any vehicle exceeding a maximum gross weight of three (3) tons on the following streets or portions of streets:

1. Amapola Drive.
2. Anacapa Street - Micheltorena Street to Constance Avenue.
3. Bath Street - Montecito Street to Cabrillo Boulevard.
4. Calle Canon - Flora Vista Drive to Valerio Street.
5. Chapala Street - Micheltorena Street to Constance Avenue.
6. Constance Avenue - State Street to Garden Street.
7. Eucalyptus Hill Road - Salinas Street to Alameda Padre Serra.
8. Garden Street - Micheltorena Street to Constance Avenue.
9. Hillside Road - Sixteen hundred (1600) block.
10. Laguna Street - Micheltorena Street to Los Olivos Street.
11. Loma Alta Drive.
12. Madrona Drive.
13. Miramonte Drive from Weldon Road twenty-eight hundred feet (2800') westerly.
14. Orella Street.
15. Santa Barbara Street - Micheltorena Street to Constance Avenue.
16. Shoreline Drive - Loma Alta Drive to Salida Del Sol.
17. State Street - Haley Street to Victoria Street except between the hours of 6 a.m. and 10 a.m.
18. State Street - Mission Street to De La Vina Street.
19. Toyon Drive.

B. **EXCEPTION - BUSES.** The provisions of this section shall not apply to private or public school buses or to passenger buses under jurisdiction of the California Public Utilities Commission.

C. **EXCEPTION - DELIVERIES.** The provisions of this section shall not apply where the vehicle is making deliveries or pickups in accordance with the provisions of California Vehicle Code Section 35703. A person charged with a violation of this Section shall plead and prove, as an affirmative defense, that this exception applies. (Ord. 4794, 1993; Ord. 4321, 1985; Ord. 4256, 1984; Ord. 4069, 1980; Ord. 4028, 1979; Ord. 3881, 1977; Ord 3432 §1, 1970; Ord. 3295 §1, 1968; Ord. 3033 §13, 1965; Ord. 2713 §1 (part), 1959; prior Code §31.123.)

10.60.050 Application to Public Parking Lots.

The provisions of this chapter shall be enforced within all municipally owned and/or operated parking lots to the extent that such provisions are applicable thereto. (Ord. 3199 §3, 1967.)

Chapter 10.68

OFF-STREET PARKING

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10.68.010 Definitions.

Unless the context otherwise requires, the provisions of this section shall govern the construction of this chapter.

(1) "Council" means the Council of the City of Santa Barbara.

(2) (Repealed by Ordinance No. 3904 §7, 1977.)

(3) "Parking places" means off-street motor vehicle parking places owned, maintained and operated by the City of Santa Barbara, whether financed by gift, purchase, eminent domain, special assessment proceedings conducted under State law or City ordinance, or otherwise.

(4) "Holder of title" means the owner of record of the fee title to land within any of the business districts of the City hereinafter set forth in Section 10.68.040.

(5) "Tenant" means the person in possession of any premises within any of said business districts under written or oral lease.

(6) "Legal representative" means an officer, employee or agent of a corporate holder of title or tenant, duly authorized to act as such representative by the board of directors of such corporation, and means a guardian, conservator, executor or administrator of the estate of any holder of title or tenant who:

(a) is appointed under the laws of this State;

(b) is entitled to the possession of the estate's land;

(c) is authorized by the appointing court or by general law to exercise the particular right, privilege or immunity which he seeks to exercise.

(7) "Downtown business district" means all commercially zoned or used property in the area bounded by Padre Street, Cabrillo Boulevard, State Highway 101 and Rancheria Street projected southeasterly to West Cabrillo Boulevard, and Quarantina Street and its northwesterly and southeasterly projections.

(8) "Northside business district" means all commercially zoned or used property on both sides of State Street and De la Vina between San Marcos Pass Road and Constance Avenue.

(9) "Milpas business district" means all commercially zoned or used property on both sides of Milpas Street between Carrillo Street and Punta Gorda Street.

(10) "Mesa business district" means all commercially zoned or used property in the vicinity of the intersection of Meigs Road and Cliff Drive. (Ord. 3904, 1977; Ord. 3761, 1975; Ord. 2851 Art. 1, 1961.)

10.68.100 Chapter Superior.

The provisions of this chapter shall be controlling to the extent that they are in conflict with any of the provisions of the act. (Ord. 2826 §2, 1961.)

10.68.110 Chapter Not Exclusive.

This chapter is not exclusive. The Council shall have the power to provide other procedures or to follow parking place or district procedures now or hereafter provided by general law. (Ord. 2826 §3, 1961.)

10.68.120 Investigation Act.

Before ordering any acquisitions, or improvements, or both, or the creation of any district pursuant hereto, the Council shall find that the public convenience and necessity require such acquisitions or improvements, or both, in the manner provided in Section 17, Article XIII of the California Constitution. (Ord. 2826 §4(part), 1961.)

10.68.130 Investigation - Preliminary Determination of Necessity.

A resolution of preliminary determination shall be adopted describing in general terms the proposed improvement or acquisition and setting a time and place when and where any and all persons interested may appear and show cause, if any they have, why the Council should not find and determine that the public convenience and necessity require the proposed acquisition or improvement without compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. (Ord. 2826 §4(a), 1961.)

10.68.140 Investigation - Notice and Hearing.

The resolution shall contain a notice of the time and place of hearing. A copy of the resolution shall be published in one (1) or more issues of a newspaper published and circulated in the City, and a copy shall be posted on or near the Council Chamber door or on a bulletin board in or adjacent to the City Hall. The posting and publication shall be had at least ten (10) days before the date of hearing. The resolution may be consolidated with the resolution of intention. (Ord. 2826 §4(b), 1961.)

10.68.150 Investigation - Objections.

Any person interested may object to undertaking the proceedings without first complying with the provisions of the Investigation Act. (Ord. 2826 §4(c), 1961.)

10.68.160 Investigation - Final Determination of Necessity.

If no protests are made, or when the protests shall have been heard and overruled the Council may adopt a resolution finding and determining that the public convenience and necessity require the proposed improvements and/or acquisitions, and that the investigation act shall not apply. The findings may be incorporated in the resolution ordering the improvement and/or acquisition. (Ord. 2826 §4(d), 1961.)

10.68.170 Resolution of Intention - Modification.

When proceedings are had for a change and modification, the resolution of intention to change and modify shall be deemed as a resolution of intention and the resolution ordering the changes and modifications shall be deemed a resolution ordering the improvement or acquisition as to the changes and modifications. (Ord. 2826 §4(e), 1961.)

10.68.180 Resolution of Intention - Jurisdiction.

The resolution determining the convenience and necessity shall be adopted by the affirmative vote of four-fifths (4/5) of the members of the Council, and its finding and determination shall be final and conclusive. (Ord. 2826 §4(f), 1961.)

10.68.190 Non-Application.

Sections 10.68.120 - 10.68.200 shall not apply when investigation proceedings have been avoided or taken pursuant to the Investigation Act. (Ord. 2826 §4(g), 1961.)

10.68.200 Finality.

Where proceedings for any improvements and/or acquisitions or any part thereof have been undertaken without compliance with the investigation act or without proceedings under this section, proceedings may thereafter be had under this section with reference thereto, and the order of the Council determining convenience and necessity therein shall be final and conclusive. (Ord. 2826 §4(h), 1961.)

10.68.210 Assessment Districts Divided into Zones.

If, in the judgment of the Council, varying benefits will be derived by the different parcels of land lying within the assessment district, the district may be divided into zones according to benefits. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(part), 1961.)

10.68.220 Number of Zones into Which Assessment District May be Divided.

The district may be divided into as many zones up to the total number of parcels of land in the district as may be deemed necessary, and each zone shall be composed of and include all the lands within the district which will be benefited in like manner. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(a), 1961.)

10.68.230 Percentage of Sum - Determination.

The Council shall also determine the percentage of the sum to be raised each year by the levy and collection of the special assessment taxes in the district for the payments on the principal and interest of the bonds, which will be raised from the lands in each zone.

As an alternative, the Council may determine the percentage of assessed valuation of taxable real property within each zone which shall be used in computing the annual rate of ad valorem assessment within the district and to which the annual rate shall be applied. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(b), 1961.)

10.68.240 Resolution of Intention.

When the district is divided into such zones, the resolution of intention shall so state, giving the percentages to be raised from the lands in each zone. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(c), 1961.)

10.68.250 Designation.

Each zone shall be designated by a different letter or number and shall be plainly shown on the map or plat of the assessment district filed in the Office of the City Clerk and referred to in the resolution of intention, either by separate boundaries, coloring or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(d), 1961.)

10.68.260 Plat.

It shall be sufficient, in all cases where the assessment district is to be divided into such zones according to benefits, if the resolution of intention states that fact and refers to the plat or map for the boundaries and all details concerning the zones. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(e), 1961.)

10.68.270 Changes in Boundaries at Hearing.

At the hearing, the Council may eliminate, create or alter the boundaries of proposed zones in the manner provided for the alteration of the boundaries of the proposed district. (Ord. 2850 §1(part), 1961; Ord. 2826 §5(f), 1961.)

10.68.280 Subsequent Changes in Boundaries.

If the City Council shall from time to time determine that the public interest will be served thereby, it may from time to time add property to a zone or transfer property from a zone of lesser benefit to a zone of greater benefit, in the manner provided for enlarging the district; provided, however, that in the event consent to such addition or transfer is given in writing by all persons having any interest in the property involved, the procedure required for the enlarging of the district shall not be required and such addition of property to a zone or transfer of property from a zone of lesser benefit to a zone of greater benefit shall be effective as of the date of such written consent. (Ord. 3305 §1, 1968; Ord. 2850 §1(part), 1961; Ord. 2826 §5(g), 1961.)

10.68.290 City Volition.

The City may prepare a report, adopt a resolution of intention and form a parking district, without any petition therefor. (Ord. 2826 §6, 1961.)

10.68.300 Parking Places.

It shall be necessary for the proposed parking lots to be located within the parking district. (Ord. 2826 §7, 1961.)

10.68.310 Elapse of Time.

It shall not be necessary for any specified time to elapse between the performance of acts. (Ord. 2826 §8, 1961.)

10.68.320 Period of Notice.

The first publication and the mailing of any resolution or notice shall not be later than ten (10) days before the day fixed therein for hearing or other act. (Ord. 2826 §9, 1961.)

10.68.330 Resolution Sufficient.

The Council may act by resolution where an ordinance is provided. (Ord. 2826 §10, 1961.)

10.68.340 When Bonds May Issue.

The bonds may be issued before contracting or obtaining options for the purchase of the land, property or rights-of-way to be acquired, or obtaining a judgment in eminent domain for the acquisition. (Ord. 2826 §11, 1961.)

10.68.350 Maturity of Bonds.

The bonds may be made payable on July 2nd of each year in such amounts as the Council shall determine. The last installment shall mature not later than thirty-nine (39) years from second day of July next succeeding ten (10) months after their date. (Ord. 2826 §12, 1961.)

10.68.360 Bonds - Registration.

The bonds may be registrable as to principal and interest, or as to principal only, and may be made deregistrable. (Ord. 2826 §13, 1961.)

10.68.370 Divisions.

The bonds may be issued in different divisions with different dates and dates of maturity. (Ord. 2826 §14, 1961.)

10.68.380 Sale.

The bonds may be sold below par in the manner determined by the Council. (Ord. 2826 §15, 1961.)

10.68.390 Bonds - Source of Payment.

Any bonds issued under this chapter, and the interest thereon, shall be payable from annual ad valorem assessments levied upon the taxable real property within the district and the limitations upon the rate or period thereof provided in the Act shall not apply. The bonds may also be payable from on and off-street parking revenues. (Ord. 2826 §16, 1961.)

10.68.395 Supplemental Advances and Levies.

The provisions of Sections 8800 to 8809, inclusive, of the Streets and Highways Code of the State shall apply to assessments levied hereunder. (Ord. 3169 §1, 1966.)

10.68.400 Enlargement of District.

The boundaries of the district heretofore or hereafter formed may be enlarged from time to time.

(1) Resolution of intention. The territory to be annexed shall be set forth in a resolution of preliminary determination and of intention to be adopted by the Council which shall give notice that the matter, and all persons interested, will be heard by the Council at a time to be stated therein.

(2) Publication. The resolution shall be published twice in a newspaper of general circulation published in the City and posted as provided in Section 10.68.140.

(3) Hearing. The hearing may be adjourned from time to time. At the hearing the Council shall have the power to determine whether or not the entire territory, or only a portion thereof, to be annexed, and the district, will be benefited by the annexation.

(4) Order. The Council shall by resolution order the annexation of such territory, defining its boundaries therein, its decision thereon shall be final and conclusive.

(5) Ad valorem assessment. Thereafter the property annexed shall be subject to special levies for maintenance and operation and for any bonds issued for the acquisition or construction of improvements, the same as are the properties already in the parking district. (Ord. 2826 §17, 1961.)

10.68.405 Modifications.

During the progress of a project, in any proceeding heretofore or hereafter taken pursuant to this chapter, the Council may make changes and modifications in such proceedings, including, but not limited thereto by the generality of the foregoing, the maximum rate of interest at which any bonds thereafter to be issued may bear:

(a) Before ordering any change or modification, the Council shall adopt a resolution of intention so to do, which shall contain a time and place of hearing;

(b) All of the applicable provisions of Section 17 of this ordinance shall apply;

(c) All objections not stated in writing, signed by a property owner and filed prior to the hearing, shall be waived;

(d) The provisions of Section 35276 of the Government Code shall apply to the decision of the Council. (Ord. 3437 §1, 1970.)

10.68.410 Additional Street Meter Pledge.

The Council may, from time to time, pledge street meter revenues from without or within the parking district. (Ord. 2826 §18, 1961.)

10.68.420 Additional Parking Place Pledge.

The Council may, from time to time, pledge revenues from off-street parking places theretofore or thereafter acquired in other than the proceedings in addition to those acquired in the proceedings. (Ord. 2826 §19, 1961.)

10.68.430 Other Procedures.

When proceedings are had under said act, its provisions may be supplemented by other proceedings or as otherwise provided in the resolution of intention. (Ord. 2826 §20, 1961.)

10.68.440 Two (2) Parking Districts.

Territory included in one (1) parking district may be included in another parking district if the Council finds that the territory will be benefited by being included in the subsequent parking district. (Ord. 2826 §21, 1961.)

10.68.450 Rental of Facilities.

The City may acquire, construct, rent, lease, maintain, repair, manage and operate all or any portion of any real and personal property, including the leasing of property for parking, the leasing of the operation of the property, and the leasing for commercial purposes of surplus space or space which it is not economic to use for parking purposes. (Ord. 2826 §22, 1961.)

10.68.460 Incidental Use.

As an incident to the operation of any parking facility, the City may devote a portion of its property to uses such as retail stores, bus terminal, gasoline service station, helicopter landing area, or any other commercial use, when in its judgment it is convenient or necessary to conduct or permit such use in order to utilize the property as a parking facility. Any such incidental use shall be secondary to the primary use as a parking facility, and the portion of the land devoted to the incidental use shall not exceed twenty-five percent (25%) of the surface area of the property. If a building is erected on the property for the purpose of parking motor vehicles, the incidental use of the building shall not occupy more than twenty-five percent (25%) of the floor area.

Neither the Commission nor the Council shall manage or operate surplus space devoted to commercial purposes other than parking vehicles, but shall lease such space to private operators. (Ord. 2826 §23, 1961.)

10.68.470 Disposition of Property.

The Council, by four-fifths (4/5's) vote of all of its members, may determine that any parcel of property acquired from the proceeds of the bonds, or any improvements, extensions or replacements thereof or additions thereto, is no longer needed for off-street parking purposes or such facilities may be otherwise better provided. Subject to the provisions of the City Charter, the property may thereafter be sold, leased or otherwise disposed of, either during or after the term of the bonds. The proceeds of the sale, lease or disposal shall be used for the following purposes and in the following order of priority:

(1) For the purchase of other off-street parking places or facilities for the parking district, or for improvements, additions and extensions to the existing facilities thereof.

(2) To pay the principal of and interest on the parking bonds of this issue or any additional parking bonds of the district then outstanding.

(3) To make the refunds provided for in Section 35705 in the act.

(4) No property shall be sold, leased or disposed of until after proceedings for changes and modifications have been had as provided in the act. (Ord. 2826 §24, 1961.)

10.68.480 General Power of Consolidation.

Any two (2) or more vehicle off-street parking districts duly organized and existing within the City limits may be consolidated in accordance with the provisions of Sections 10.68.480 through 10.68.620. (Ord. 3475 §1, 1971.)

10.68.490 Initiation of Proceedings.

Consolidation proceedings may be initiated at any time by the City Council, either on its own motion, or after recommendation therefor by the Off-Street Parking Commission of the City. (Ord. 3475 §2, 1971.)

10.68.500 Resolution of Intention.

The proceedings shall be initiated by adoption of a resolution of intention to consolidate the districts. Said resolution shall set forth:

(a) The names of the districts proposed to be consolidated and further identify said districts by reference to the resolutions of intention by which the proceedings to form said districts were initiated;

(b) Any changes proposed in zones which may have been established in either district, according to benefits, by setting forth the various zones as they are proposed to be modified and established in the consolidated district, which shall be shown on a map to be filed in the Office of the City Clerk in the same manner as provided in the proceedings for the formation of zones;

(c) The time and place for hearing on the question of consolidating said districts;

(d) The reason or reasons for the proposed consolidation;

(e) The fact that any interested person desiring to make written protest against said consolidation shall do so by written communication filed with the City Clerk not later than the hour set for hearing, and that a written protest by land owners shall contain a description sufficient to identify the land owned by him; and

(f) The proposed name of the consolidated district.

(Ord. 3475 §3, 1971.)

10.68.510 Notice.

Notice of the proposed consolidation shall be given by publication, posting and mailing in the same manner as required for the formation of either district. (Ord. 3475 §4, 1971.)

10.68.520 Protests and Objections - Requirements - Waiver.

Any protest or objection pertaining to the regularity or sufficiency of the proceedings must be in writing, clearly specify the defect, error, irregularity or omission to which protest or objection is made and must be filed within the time and in the manner provided by Sections 10.68.480 through 10.68.620. Any such protest or objection not so made and filed shall be deemed voluntarily waived. (Ord. 3475 §5, 1971.)

10.68.530 Hearing.

The hearing shall be held at the time and place set forth in the notices and may be continued from time to time. At such hearing, the Council shall hear and receive any oral testimony in support of or in opposition to the consolidation and receive and consider any written communications. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing. (Ord. 3475 §6, 1971.)

10.68.540 Determination and Order.

At the conclusion of the hearing, the Council shall adopt a resolution either disapproving the proposed consolidation or ordering the consolidation. (Ord. 3475 §7, 1971.)

10.68.550 Filings.

If the resolution orders the consolidation, certified copies thereof, together with a map showing the boundaries of the consolidated district, shall be filed in the offices of the County Assessor of the County of Santa Barbara and the State Board of Equalization, pursuant to Section 54900 and following of the Government Code of the State of California. (Ord. 3475 §8, 1971.)

10.68.560 Effect of Consolidation.

From and after the effective date of the order of consolidation, all properties in the consolidated district shall be entitled to all of the benefits and shall be subject to all of the liabilities, including bonds, contracts, and other obligations, of each of the two (2) pre-existing districts. All revenues appropriated or pledged to the payment of bonds of either district shall be consolidated and applied to the payment of principal and interest on the bonds of both districts and a uniform rate of ad valorem assessment shall be applied against all properties in the consolidated district subject to such assessment, to pay such portion of said principal and interest which is not paid from said revenues or other sources. (Ord. 3475 §9, 1971.)

10.68.570 Nature of Consolidated District.

The consolidated district shall have all of the powers, characteristics, and features of each of the pre-existing districts consolidated. Bonds, contracts, or other obligations of either of said pre-existing districts shall continue to be valid and subsisting legal obligations of said consolidated district in accordance with their tenor. (Ord. 3475 §10, 1971.)

10.68.580 Rights of Creditors and Bondholders - Enforcement - Districts Liable.

No consolidation proceeding, or any provision thereof, shall impair the rights of any bondholder or other creditor of the City or either pre-existing district. Notwithstanding any provision of Sections 10.68.480 through 10.68.620, or of any consolidation proceeding, or any provision thereof, each and every bondholder or other creditor may enforce all his rights in the same manner and to the same extent as if such consolidation or provision had not been made. (Ord. 3475 §11, 1971.)

10.68.590 Limitation of Actions.

No action, suit, proceeding or defense to set aside, cancel, void or otherwise attack the validity of proceedings for consolidation of districts under Sections 10.68.480 through 10.68.620 shall be maintained by any person unless such action, suit, proceeding or defense is commenced or made within thirty (30) days after the date of adoption of the resolution ordering the consolidation. Unless such action, suit, proceeding, or defense is commenced or made within the period provided in this section, said consolidation proceedings and the resulting consolidated district shall thereafter be deemed valid and incontestable. (Ord. 3475 §12, 1971.)

10.68.600 Construction.

Sections 10.68.480 through 10.68.620 shall be liberally construed to effectuate their purposes. No consolidation proceeding under Sections 10.68.480 through 10.68.620 shall be invalidated by any defect, error, irregularity or omission in any act, determination or procedure which does not adversely and substantially affect the rights of any person, city, county, district, the State or any agency or subdivision of the State. All determinations made by the Council under and pursuant to the provisions of Sections 10.68.480 through 10.68.620 shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. In any action or proceeding to review any quasi-judicial determination made by the Council the sole inquiry shall be whether there was fraud or prejudicial abuse of discretion. (Ord. 3475 §13, 1971.)

10.68.610 Validating Proceeding.

An action to determine the validity of any consolidated district or proceeding therefor under Sections 10.68.480 through 10.68.620 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. (Ord. 3475 §14, 1971.)

10.68.620 Constitutionality.

If any section, subsection, sentence, clause, phrase, or word of Sections 10.68.480 through 10.68.620 is held to be unconstitutional or invalid, the decision shall not affect the remaining portions of Sections 10.68.480 through 10.68.620. The Council declares that it would have adopted and passed the ordinance codified herein and each section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one (1) or more of other sections, subsections, sentences, clauses, phrases or words of the ordinance codified herein are declared invalid or unconstitutional. (Ord. 3475 §15, 1971.)

Chapter 10.70

ASSESSMENTS AND ASSESSMENT BONDS

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10.70.010 Definitions.

Unless the context otherwise requires, the provisions of this section shall govern the construction of this chapter.

a) The terms defined in section 10.68.010 when used in this chapter have the same meanings as in Chapter 10.68.

b) "Special assessment" means an annual special benefit assessment levied upon real property pursuant to this chapter.

c) "Incidental expenses" means and includes:

1) the cost of printing and advertising provided for in this chapter;

2) fees of legal, engineering, financial, economic, architectural and other consultants employed in connection with any district project;

3) cost of preparing engineering, environmental impact and other reports required for any such project;

4) the cost of any mitigation measures deemed necessary to mitigate adverse environmental effects of any such project;

5) the compensation of the person appointed to take charge of and superintend any of the work;

6) the expenses of making the special assessment and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this chapter;

7) the expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

8) all costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931;

9) any other costs and expenses of providing special services to the district which are of special benefit to the properties in the district; and

10) any other expenses incidental to the acquisition of property and the construction, completion, inspection, maintenance and operation of work in the manner provided for in this chapter.

d) "Related private work" means work done on private property determined in the resolution of intention to be in the public interest and necessary to the achievement of the public purposes sought to be accomplished by the project to include such work in the proceedings. The actual cost of such work may be assessed against the property on which the work is done. (Ord. 4062, 1980.)

10.70.100 Powers of the Council.

The Council may undertake proceedings for the formation of an assessment district and the levy of special assessments and the issuance of bonds pursuant to this chapter. (Ord. 4062, 1980.)

10.70.110 Resolution of Intention.

The Council may adopt a resolution of intention to form an assessment district and to levy assessments and issue bonds pursuant to this chapter. Said resolution shall set forth:

a) The intention of the Council to acquire or construct parking places, to form a special parking assessment district, to levy special assessments and, if intended, to issue bonds under this chapter;

b) A brief description of the proposed parking places;

c) The proposed disposition of the proceeds of the special assessments, pursuant to Section 10.70.150;

d) The maximum number of years during which the special assessment is to be levied, the maximum interest rate to be collected on the special assessments, and, if bonds are to be issued, the maximum number of years within which the bonds shall mature, and the maximum interest rate at which they may be sold; and

e) A direction to the director of public works or other competent person employed for such purpose to prepare a report setting forth the matters required by Section 10.70.130. (Ord. 4062, 1980.)

10.70.120 Investigation Proceedings.

The Council shall also either conduct proceedings pursuant to division 4 of the Streets and Highways Code of the State of California, or pursuant to Sections 10.68.120 to 10.68.200, inclusive, of this code, or otherwise comply with or avoid the necessity for compliance with said division 4. (Ord. 4062, 1980.)

10.70.130 Report - Contents.

The report required by section 10.70.110(e) shall consist of and set forth:

a) Plans and drawings of the proposed parking places and related private work in sufficient detail to identify them;

b) Maps and descriptions of lands, easements and rights to be acquired;

c) A map showing the boundaries of the proposed special assessment district to include the properties which, in the opinion of the person preparing the report, are benefited by such parking places;

d) An estimate of cost showing the estimated total principal amount of the proposed special assessment and the estimated total principal amount of bonds proposed to be issued, if any. The estimated total special assessment may include the estimated cost of acquiring or constructing the proposed parking places and incidental expenses. The estimated total principal amount of bonds proposed to be issued may include, in addition to the estimated cost of acquiring and constructing the proposed parking places and incidental expenses, all costs of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve months after completion of construction; and

e) A proposed special benefit assessment formula.

The report shall show the various data, rates and factors necessary to compute the annual special assessments under the formula. (Ord. 4062, 1980.)

10.70.140 Annual Special Benefit Assessment Formula.

The special benefit assessment formula required by section 10.70.130(e) shall be based on the benefits derived and to be derived by the real property in the proposed district from the parking places.

Such formula may include a provision for the granting of credits against special assessments to the extent that private off-street parking places and facilities shall have been provided for the year by owners or otherwise on behalf of real property within the district.

The formula may provide for reasonable classifications of property based on zoning, land use, owner-ship and other factors which affect benefits, including, without limitation, the fact that land is greater than a fixed distance from a particular parking place or a combination of distances from parking places at the time of a levy.

The formula may also be based, in whole or in part, upon parking deficiencies, determined in accordance with the requirements of the applicable provisions of the city planning and zoning ordinances, or any other reasonable and uniform method. (Ord. 4062, 1980.)

10.70.150 Disposition of Special Assessment Proceeds.

The proceeds of the special assessments (other than the amounts necessary to pay incidental expenses) may be applied to any one or any combination of two or more of the following purposes and uses:

a) Payments on account of the acquisition of the parking places from the owner thereof, including the city or any other public entity if such be the case, in the form of contract purchase payments, lease purchase payments or otherwise, or payment for the cost of construction of parking places, or both;

b) Maintenance and operation of the parking places;

c) Payment into the bond fund established pursuant to section 10.70.640 for the payment of principal and interest on the bonds or other obligations to be issued under this chapter to represent and be secured by such special assessments, or

d) Any other lawful purpose set forth in the resolution of intention. (Ord. 4062, 1980.)

10.70.160 Filing and Presentation.

When the report provided for in section 10.70.130 is filed with the City Clerk, the City Clerk shall present it to the Council for consideration. The Council may modify it in any respect. The report as modified shall be preliminarily approved and shall stand as the report for the purpose of all subsequent proceedings except that it may be confirmed, modified, or corrected as hereinafter provided. (Ord. 4062, 1980.)

10.70.170 Hearing of Protests and Testimony; Time and Place; Notice.

After preliminary approval of the report, the Council by resolution shall appoint a time and place for hearing protests to and testimony regarding the report, the project and the formation of the district and shall direct the city clerk to give notice of the hearing as provided in this chapter, and shall designate a daily or weekly newspaper published and circulated in the city in which the notice shall be published. The hearing shall be held not less than ten (10) days after the passage of the resolution. (Ord. 4062, 1980.)

10.70.180 Notice of Passage of Resolution of Intention; Posting.

After the passage of the resolution of intention, the filing of the report, and the setting of the time and place for hearing protests, the City Clerk shall cause notices of the passage of the resolution to be posted. The notices shall be posted conspicuously on all the open streets within the proposed district, at not more than 300 feet apart on each street so posted, but not less than three in all. (Ord. 4062, 1980.)

10.70.190 Notice of Passage of Resolution of Intention; Contents.

The notices shall:

a) Be headed "notice of proposed formation of _____parking assessment district" (naming it), in letters of not less than one-half inch in height;

b) In legible characters state the fact and date of passage of the resolution of intention, the filing of the report, and the time and place set for hearing the protests and testimony;

c) Briefly describe the parking places and the proposed annual special benefit assessment formula as stated in the report;

d) Set forth the estimates of cost as stated in the report; and

e) Refer to the resolution of intention and report for further particulars. (Ord. 4062, 1980.)

10.70.200 Notice of Passage of Resolution of Intention; Publication.

The City Clerk shall also cause a notice similar in substance to the notice described in Section 10.70.190 to be published twice in the newspaper designated in section 10.70.170. The notices shall be posted and first published at least ten (10) days before the date set for hearing the protests. (Ord. 4062, 1980.)

10.70.210 Irregularities in Posting; Effect.

No proceeding shall be held invalid for failure to post any street or streets if sections 10.70.180, 10.70.190 and 10.70.200 have been substantially complied with. (Ord. 4062, 1980.)

10.70.220 Mailing Notices of Adoption of Resolution and Filing Report.

At least ten (10) days before the date set for hearing of protests, the City Clerk shall mail, postage prepaid, notices of the adoption of the resolution of intention and the filing of the report as follows:

a) To all persons owning real property proposed to be assessed, whose names and addresses appear on the last equalized assessment roll for city taxes, including the utility roll, at said addresses;

b) In cases of transfers of land, or part thereof, subsequent to the date on which the last assessor's roll was prepared, to such transferee, at his name and address, as the same appear on the records in the assessor's office which the assessor will use to prepare the next ensuring assessor's roll;

c) To each person, including the owner or person having an interest in property assessed by the state under Section 19 of Article XIII of the California Constitution, who has filed with the county assessor for the current fiscal year, a statement of his name, address, and a description of the property owned by him, requesting that a notice of all proposals affecting such property shall be mailed to him (Gov. Code 58905), at said address; and

d) To such person at his address or as otherwise known to the clerk.

In case of doubt as to the name and address of any owner, the City Clerk shall cause said notice to be conspicuously posted on the property of such person in the assessment district, at or near the entrance thereto, so that it will be visible to persons on entering, leaving or passing said property. (Ord. 4062, 1980.)

10.70.230 Contents of Notice.

The notice shall contain the information and statement required by paragraphs (b), (c), (d) and (e) of section 10.70.190, and a statement that any person interested may file a protest in writing as provided in this chapter. (Ord. 4062, 1980.)

10.70.240 Certificate of Compliance.

Upon the completion of the mailing of the notices, the City Clerk shall file with the Council a certificate setting forth the time and manner of the compliance with the requirements of this chapter for publishing, posting and mailing notices. (Ord. 4062, 1980.)

10.70.250 Boundary Map.

The provisions of sections 3100 and 3101 and 3110 through 3117 of the Streets and Highways Code of the State of California shall apply. (Ord. 4062, 1980.)

10.70.260 Protests; Filing; Presentation.

Any interested person may object to the proposed formation and to the extent of the proposed district, or to the proposed special assessment or to the proposed acquisitions and improvements, or to the estimates of cost or to the proposed issuance of bonds by filing a written protest with the City Clerk at or before the time set for the hearing. Such protest must contain a description of the property in which each signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence identifying the nature of signer's interest in such property. The City Clerk shall endorse on each protest the date of its receipt, and at the same time appointed for the hearing shall present to the Council all protests so filed. (Ord. 4062, 1980.)

10.70.270 Oral Protests; Testimony.

Oral protests, further written protests and written or oral testimony may be presented at any time prior to the closing of the hearing and shall be duly considered by the Council in reaching its decision. (Ord. 4062, 1980.)

10.70.280 Waiver of Protest; Effect.

Any written or oral protest not made at the time and in the manner provided in section 10.70.260 or 10.70.270 shall be deemed to be waived voluntarily by any person who might have made such protest and such person shall be deemed to have consented to the proposed district, the extent thereof, the proposed special assessment, the proposed acquisitions and improvements, the proposed issuance of bonds, if any, and any other act, determination, or proceeding on which protest could be made. (Ord. 4062, 1980.)

10.70.290 Remedy, Revision and Correction of Error or Informality by Council.

The Council may remedy, revise, and correct any error or informality in any act, determination, or proceeding of the Council or any officer of the city. The Council may confirm, amend, alter, modify, or correct the report in such manner as to it shall be just and may instruct and direct the person or board making the same to correct it in any particular. (Ord. 4062, 1980.)

10.70.300 Majority Protest; Overruling Protest; Modification or Confirmation of Proposed Assessment.

If the protests filed pursuant to section 10.70.260 and on file with the City Clerk at the time fixed for hearing are against the proposed district or the proposed acquisitions and improvements and the Council finds that such protests are made by the owners of more than one-half of the area of the land to be assessed and protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the Council on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the Council. Any person making a protest may withdraw the protest, in writing, at any time prior to the conclusion of the protest hearing. (Ord. 4062, 1980.)

10.70.310 Protest; Hearing and Determination.

At the hearing the Council shall hear and determine all protests filed. (Ord. 4062, 1980.)

10.70.320 Protest; Conclusiveness of Decision; Effect of Majority Protest.

The Council's decision on the protests shall be final and conclusive. (Ord. 4062, 1980.)

10.70.330 Hearing; Continuances.

The hearing may be continued from time to time at the discretion of the Council. (Ord. 4062, 1980.)

10.70.340 Hearing; Change of Boundaries.

At the hearing the Council may alter the boundaries of the proposed district as it finds to be proper and advisable and shall define and establish the boundaries, but the Council shall not modify the boundaries so as to include any territory which will not in its judgment be benefited by the proposed district or acquisitions and improvements and no territory shall be excluded from the proposed district which will in the judgment of the Council be benefited by the proposed district or acquisitions and improvements. (Ord. 4062, 1980.)

10.70.350 Changes Proposed by Council; Time for Hearing Objections.

If the Council proposes to make changes in the boundaries of the proposed district or in the acquisitions or improvements, it shall take the proceedings required by sections 10.70.360 and 10.70.400, inclusive, and shall continue the hearing to the time fixed for hearing objections to the proposed changes. (Ord 4062, 1980.)

10.70.360 Changes Proposed by Council; Notice of Intention; Mailing; Time.

The Council shall not change any boundaries except after notice of intention to do so is published pursuant to Section 6061 of the Government Code of the State of California in the newspaper in which the resolution of intention was published. The notice shall specify a time for hearing objections to the pro-posed change, which shall be not less than ten (10) days after the first publication of the notice. If a change proposed is to include additional real property in the district, the City Clerk shall also mail a copy of the notice, postage prepaid, to each owner to whom real property in the area proposed to be assessed is shown on the last equalized assessment roll, at his address as shown upon the roll, and to each person, whether owner in fee or having a lien upon, or legal or equitable interest in, any such real property, whose name and address and a designation of the real property in which he is interested are on file in the office of the Clerk. The notice shall be mailed at least ten (10) days prior to the time set for hearing objections. (Ord. 4062, 1980.)

10.70.370 Boundary Map.

The provisions of Section 3113 of the Streets and Highways Code of the State of California shall apply. (Ord. 4062, 1980.)

10.70.380 Changes Proposed by Council; Objections.

Written objections to any proposed change may be filed with the City Clerk by any interested person at any time prior to the hour set for hearing them. (Ord. 4062, 1980.)

10.70.390 Changes Proposed by Council; Hearing on Objections; Finality.

The Council shall hear and pass upon objections to proposed changes at the time appointed or at any time to which the hearing may be adjourned. Its decision shall be final. (Ord. 4062, 1980.)

10.70.400 Boundary Change; Computation of Majority Protest.

If the boundaries are changed, protests objecting to the formation of the district or acquisitions and improvements made by owners of real property excluded by the change shall not be counted in computing a majority protest as hereinbefore provided, but written protests objecting to the formation of the district or acquisitions and improvements made by owners of real property remaining in the district and by the owners of real property added by the change and filed not later than the time fixed for hearing objections to such change shall be counted in computing a majority protest as hereinbefore provided. (Ord. 4062, 1980.)

10.70.410 Resolution Establishing District.

At the conclusion of the hearing fixed by the resolution of intention, if no majority protest is on file (or, if on file, has been overruled by an affirmative vote of four-fifths of the members of the Council) and if all protests and objections, including protests and objections to changes, have been overruled and denied, the Council may proceed further under this chapter and may adopt a resolution ordering the acquisitions and improvements, approving the report, declaring that the district is formed and levying the assessment. Upon such adoption the district is formed and organized and the assessment is levied. (Ord. 4062, 1980.)

10.70.420 Tardy Protests, Waiver; Ground for Attack Upon Proceedings.

Any objections or protests not made at the time and in the manner provided in this chapter are deemed waived voluntarily. Proceedings under this chapter shall not be attacked after the conclusion of the hearing upon any ground not stated in an objection or protest filed pursuant to this chapter. (Ord. 4062, 1980.)

10.70.430 Certified Copies of Resolution; Filing; Limitation of Actions to Contest Validity of District.

A certified copy of the resolution which declares that the district is formed shall be filed in the office of the City Clerk. (Ord. 4062, 1980.)

10.70.440 Limitation of Actions.

No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this chapter up to and including the adoption of the resolution declaring the district formed shall be maintained by any person unless such action, proceeding or defense is commenced or made within the 30-day period prescribed by section 329.5 of the Code of Civil Procedure of the State of California. The special assessment is levied within the meaning of said section upon the date of adoption of such resolution. No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this chapter taken subsequent to the date of adoption of said resolution shall be maintained by any person unless such action, proceeding or defense is commenced or made within thirty (30) days after the conclusion of such proceedings. (Ord. 4062, 1980.)

10.70.450 Validating Proceedings.

An action to determine the validity of the district and of the proceedings conducted in connection therewith pursuant to this chapter may be brought pursuant to chapter 9 (commencing with section 860) of Title 10 of Part 2 of the Code of Civil Procedure of the State of California. For such purposes, the district shall be deemed to be in existence upon the date of adoption of the resolution declaring the district formed. (Ord. 4062, 1980.)

10.70.460 Modification of Proposed Acquisitions and Improvements, Notice and Hearing; Determination Required.

If at any time either before or after issuing bonds, the Council so determines, it may at one time or from time to time add to, eliminate, change or otherwise modify any of the proposed acquisitions and improvements after notice and hearing in the same manner as provided in sections 10.70.340 to 10.70.390, inclusive. The action to order such addition, elimination, change or modification may be taken by majority vote of the Council. No such addition, elimination, change or modification shall be made unless following such hearing the Council shall determine that all of the territory within the district as originally formed or as changed pursuant to sections 10.70.340 to 10.70.390, inclusive, as the case may be, will be benefited by the acquisitions and improvements remaining after such addition, elimination, change or modification. No such addition, elimination, change or modification shall be made in violation of the provisions of any resolution providing for bonds already issued. (Ord. 4062, 1980.)

10.70.470 Additional Bonds.

If at any time the Council finds that the proceeds of the bonds first issued will be insufficient to make all of the acquisitions and improvements described in the resolution approving the project and to pay the additional items specified in the report may, at one time or from time to time, issue additional bonds to the extent permitted by the provisions, conditions and covenants contained in the resolution providing for the issuance of any bonds previously issued. (Ord. 4062, 1980.)

10.70.480 Change of District Boundaries; Notice; Hearing; Determination Required; Resolution.

At any time prior to the issuance of bonds, the Council may change the boundaries of the district after notice and hearing in the same manner as provided in sections 10.70.340 to 10.70.390, inclusive, but no such change shall be made unless following such hearing the Council shall determine that all of the territory within the district as changed will be benefited by the acquisitions and improvements originally ordered or the acquisitions and improvements as changed pursuant to section 10.70.460, as the case may be. Any such change in boundaries shall be effected by a resolution amending the resolution declaring the district formed. Proceedings under this section may be combined with proceedings under section 10.70.460. (Ord. 4062, 1980.)

10.70.490 Definitions.

As used in this article (comprising sections 10.70.490 to 10.70.550, inclusive), the following terms have the following meanings, unless otherwise indicated:

1) "Assessment" means a levy on businesses for the purpose of obtaining funds to pay principal and interest on bonds issued pursuant to article VI (comprising sections 10.70.640 to 10.70.680, inclusive), or otherwise to pay the cost of acquiring or constructing parking places under this chapter.

2) "Charge" means a levy on businesses for the purpose of paying the annual cost of maintenance and operation of parking places acquired or constructed pursuant to this chapter.

3) "Area" means a parking and business improvement area established pursuant to this article, the boundaries of which may be co-extensive with the boundaries of a special assessment district formed pursuant to article II of this chapter.
4) "Law" means part 6, commencing with section 36500, of division 18 of the Streets and Highways Code of the State of California.
5) "State code" means the Streets and Highways Code of the State of California.
6) "Business" means all types of businesses, including professions. (Ord. 4062, 1980.)

10.70.500 Powers.

The Council may establish an area pursuant to the law and impose assessments and charges on businesses in the area and otherwise exercise all of the powers set forth in the law. (Ord. 4062, 1980.)

10.70.510 Procedures.

The proceedings for the establishment of the area may be conducted concurrently with the proceedings for the formation of a special assessment district under article II of this chapter. The resolution of intention adopted pursuant to section 10.70.110 may include the information required by section 36521 of the state code; the hearing required by section 36523 of the state code may be held concurrently with the hearing required by section 10.70.170; and any changes pursuant to section 36523 of the state code may be ordered concurrently with changes ordered pursuant to section 10.70.350. (Ord. 4062, 1980.)

10.70.520 Establishment of Area.

The Council may establish the area after the hearing by including in the resolution adopted pursuant to section 10.70.410 all of the information required by section 36525 of the state code. (Ord. 4062, 1980.)

10.70.530 Proceeds of Assessments.

The proceeds of assessments levied pursuant to this article when bonds have been issued pursuant to article VI shall be accounted for in the budget provided for in section 10.70.700, deposited in the bond fund created pursuant to section 10.70.640 and applied solely to the purposes of such fund. The proceeds of assessments levied pursuant to this article when no bonds have been issued shall be accounted for and applied in the same manner as special assessments levied pursuant to article VIII. (Ord. 4062, 1980.)

10.70.540 Proceeds of Charges.

The proceeds of charges levied pursuant to this article shall be deposited in the maintenance fund established pursuant to section 10.70.640 and applied solely to the purposes of such fund. (Ord. 4062, 1980.)

10.70.550 Curative and Waiver Provisions; Limitation Periods.

All of the curative, waiver, conclusive evidence and limitation period provisions of article II, including without limitation, the provisions of sections 10.70.210, 10.70.280, 10.70.290, 10.70.320, 10.70.390, 10.70.420, 10.70.440 and 10.70.450, shall apply to proceedings, assessments and charges conducted and levied pursuant to this article. (Ord. 4062, 1980.)

10.70.560 Territory Subject to Annexation.

At any time after any district is formed, territory which is contiguous to any such existing district and which is within the boundaries of the city may be annexed to any existing district by the Council. (Ord. 4062, 1980.)

10.70.570 Resolution of Council.

Whenever the Council determines that in its opinion additional territory should be annexed to a district, it may pass a resolution to that effect. (Ord. 4062, 1980.)

10.70.580 Contents of Resolution.

The resolution shall do all of the following:
a) Identify the district and describe the boundaries of the territory proposed to be annexed;
b) Designate the proposed annexation by an appropriate number; and
c) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion in the district of any land described in the resolution;. (Ord. 4062, 1980.)

10.70.590 Publication.

The resolution, together with the names of the members of the Council voting for and against it, shall be published, posted, and mailed as provided in sections 10.70.180, 10.70.200 and 10.70.220, except that in applying such sections the word "district" shall mean the territory proposed to be annexed. (Ord. 4062, 1980.)

10.70.600 Hearing; Exclusion of Territory Not Benefited.

On the day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider any objections presented to the annexation of the territory to the district or to the inclusion of any territory proposed to be annexed. At the hearing the Council shall exclude from the proposed annexation any territory which in its opinion will not be benefited by such annexation. (Ord. 4062, 1980.)

10.70.610 Resolution Ordering Annexation; Minute Entry; File and Recording.

After making all necessary and proper changes in the boundaries, the Council may, by resolution, order the annexation to the district of all or such part of the territory originally proposed to be annexed as the Council determines will be benefited by such annexation and shall describe the boundaries of the territory annexed. The adoption of such resolution shall have the same force and effect as provided in Section 10.70.410 and an amended boundary map shall be recorded as provided in section 10.70.370. (Ord. 4062, 1980.)

10.70.620 Effect of Annexation.

Upon the adoption of such resolution the territory annexed is a part of the district and is subject to all the liabilities including liability for special assessments, and entitled to all the benefits of the district. (Ord. 4062, 1980.)

10.70.630 Additional Parking Places.

Additional parking places may be acquired and constructed for any district formed pursuant to this chapter.

Proceedings may be taken hereunder for such further acquisition or improvement of public parking facilities for the district and the issuance of bonds therefor as provided in this chapter. Any such proceedings may be initiated by the Council. The procedure specified in this chapter for the formation of a district and the issuance of bonds shall be followed so far as applicable; provided, however, that the acquisitions and improvements finally ordered to be made must be ones which the Council, following the hearing, finds to be of benefit to the district as originally formed or modified by annexation proceedings theretofore or concurrently conducted.

Any bonds issued to finance additional public parking facilities for the district may in part be secured by revenues from facilities acquired with the proceeds of bonds previously issued, to the extent that the allocation and pledge of such revenues to payment of the additional bonds is not prohibited by the resolution providing for the bonds previously issued. The revenues from such additional facilities may be used to pay principal and interest on bonds previously issued to the extent authorized by the resolution providing for the issuance of the bonds issued for such additional facilities. (Ord. 4062, 1980.)

10.70.640 Issuance of Bonds.

The Council may by resolution provide for the issuance of bonds of the district in an amount not exceeding the amount estimated to be necessary to make the proposed acquisitions and improvements, to pay the incidental expenses in connection therewith and the proceedings therefor and to establish a reserve fund for the payment of the principal of and interest on the bonds, and for working capital and interest during the period of construction and for a period of not to exceed twelve (12) months thereafter, less any amount to be contributed by the city for such purposes, all as set forth in the report pursuant to section 10.70.130.

When bonds are to be issued in any proceeding had and taken in connection with any project, pursuant to this chapter, the same shall be issued, paid and collected in accordance with sections 10.70.650 to 10.70.680, inclusive.

A special fund, to be appropriately identified with the project and in this chapter called the "bond fund", shall be created and maintained for each issue of bonds. If special assessments or charges or both are levied to pay the annual costs of maintenance and operation of the project, a special fund, to be appropriately identified with the project and in this chapter called the "maintenance fund" shall also be created and maintained for such project.

All moneys pledged and assigned or contributed to the payment of the bonds and the interest thereon, and all special assessments and assessments levied to pay the bonds and the interest thereon, as herein-after provided, shall be deposited in the bond fund for such issue, shall constitute a trust fund therefor, and shall not be expended for any other purpose. The proceeds of all annual special assessments levied to pay the costs of maintenance and operation of the project, together with any other moneys appropriated or contributed for such purposes, including without limitation charges levied under article III shall be deposited in the maintenance fund, shall constitute a trust fund therefor and be applied solely to such purposes. (Ord. 4062, 1980.)

10.70.650 Serial or Term Bonds; Resolution; Conditions.

The bonds may be issued as serial bonds or as term bonds, or the Council in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption as the resolution or resolutions of the Council may provide. The bonds may be sold at either a public or private sale and for such prices as the Council shall determine. Pending preparation of the definitive bonds, the city may issue interim receipts, certificates, or temporary bonds, which shall be exchanged for definitive bonds. The Council may sell any bonds or other evidences of indebtedness at a price below the par value thereof. (Ord. 4062, 1980.)

10.70.660 Terms and Conditions.

Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of the bonds:

a) That the bonds shall state in substance that

1) The bond and interest are payable solely from:

(i) the gross or net, as the case may be, revenues from the operation of the parking place or places acquired and improved with the proceeds, if such is the case;

(ii) the net revenues, or a portion thereof, from parking meters on certain public ways within the district, if such is the case;

(iii) annual special benefit assessments, to be levied upon real property in the district, if such is the case; and

2) Neither the city nor any of its officers is to be held otherwise liable for its principal or interest;

b) That maintenance and operation of the parking places shall be provided, and for the fixing and collecting of rentals, fees and charges for the availability or use of parking facilities, for the establishment of a maintenance fund and a bond fund into which all revenues derived from the operation of the parking facilities shall be placed, for the use of moneys in the respective funds, for payment of the expenses of operating and maintaining the parking places, for the payment of the bonds and the interest thereon, or for the establishment and maintenance of any reserve funds, sinking funds or other funds designed for securing or paying the bonds and the interest thereon;

c) Restrictions on the operation by the city or the district of other facilities for the public parking of motor vehicles which would compete with the facilities, the revenues of which are pledged to the payment of the bonds and the interest thereon;

d) Provisions not inconsistent with this chapter, which are necessary or desirable to carry out its intent and purpose;

e) That the provisions of the resolution shall constitute covenants for the benefit and protection of the holders of the bonds, and any holder may enforce the covenants by mandamus or other appropriate remedy;

f) That any provisions of the resolution, except a provision as to the amount or time of payment of principal or interest on the bonds, may be later eliminated or modified by the Council, if the holders of a fixed percentage of the outstanding bonds have agreed in writing to the elimination or modification;

g) That the proceeds of the sale of the bonds shall be placed in the city treasury to the credit of the proper district fund and applied exclusively to the objects and purposes for which the same were issued;

h) That the proceeds may be used to pay the interest on the bonds during the period of construction of any parking place and for a period of twelve (12) months thereafter, except that the total period during which interest is paid from the proceeds shall not exceed three (3) years from the date of the bonds;

i) That when the acquisitions and improvements have been accomplished, any unexpended bond proceeds shall be placed in the bond fund for the payment or securing of the principal and interest of the bonds, or may be used to pay the cost of additional acquisitions and improvements for the district, and expenses incidental thereto, pursuant to change and modification proceedings; and

j) That after the bonds and all interest thereon have been fully paid, or prior thereto to the extent permitted by express provision of the resolution providing for the issuance of the bonds, all revenues derived from the operation of the parking places and not required for the operation and maintenance of the parking places may be used for the further improvement of the parking places for the benefit of the district, as the Council may decide. Any excess revenues shall be paid into the general fund of the city or the fees and charges reduced so that there will be no excessive revenue. (Ord. 4062, 1980.)

10.70.670 Personal Liability.

Neither the members of the Council nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof. (Ord. 4062, 1980.)

10.70.680 Refunding Bonds; Issuance; Proceeds; Investments.

The city may provide for the issuance of the bonds for the purpose of refunding any bonds of the city then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the city, for the additional purpose of paying all or any part of the cost of additional off-street parking facilities.

The proceeds of refunding bonds issued pursuant to this section may in the discretion of the city, be applied to the purchase or retirement at maturity or redemption of outstanding bonds, either at their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and, pending such application, that portion of the proceeds allocated for such purpose may be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date, as may be determined by the city. Pending use for purchase, retirement at maturity, or redemption of outstanding bonds, any proceeds held in such an escrow may be invested and reinvested as provided in the resolution authorizing the issuance of the refunding bonds. Any interest or other increment earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the city to be used by it for any lawful purpose. That portion of the proceeds of any bonds issued pursuant to this section which is designated for the purpose of paying all or any part of the cost of additional off-street parking places may be invested and reinvested in obligations of, or guaranteed by, the United States of America or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost.

All bonds issued pursuant to this section shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter. (Ord. 4062, 1980.)

10.70.690 Levy of Special Assessments - Bonds Issued.

Bonds issued pursuant to this chapter shall be payable to the extent provided in the resolution providing for the issuance thereof from annual special benefit assessments levied in the manner provided in sections 10.70.700 to 10.70.970, inclusive. (Ord. 4062, 1980.)

10.70.700 Budget.

The City Administrator shall annually cause to be prepared a budget for each bond issue hereunder, which shall include the following:

a) The gross amount required to pay the principal of and interest on said bonds which will become payable before the proceeds of the next succeeding special assessment levy hereunder become available therefor;

b) The balance available therefor at the end of the fiscal year in the bond fund;

c) The amount estimated to become available therefor pursuant to any pledge and assignment of revenues in the special assessment proceedings from any revenues which may be provided to be collected by the city on any parking facilities in or for the district created for said bonds, which amount shall be pro-vided in the city budget for the fiscal year for which an annual special assessment is to be levied;

d) The amount of revenues to be collected from street parking meters within or without the district, which have been pledged and assigned for the servicing of said bonds, which amount shall be provided in the city budget for the fiscal year for which an annual special assessment is to be levied;

e) The amount of contributions, if any, which the city proposes to make to the bond fund for the fiscal year for which an annual special assessment is to be levied, including without limitation assessments under article III, which amount shall be provided in the city budget for the fiscal year for which an annual special assessment is to be levied; and

f) The balance of the amount provided in paragraph (a) of this section, together with the amount necessary to pay any and all costs and expenses of maintaining and operating the parking places then due or thereafter to accrue before the proceeds of another levy shall be available therefor. (Ord. 4062, 1980.)

10.70.710 Special Benefit Assessment; Annual Report.

The Director of Public Works shall annually prepare a report and an assessment roll apportioning and distributing the amount provided in paragraph (f) of section 10.70.700, including adequate provision for anticipated delinquencies, as a special benefit assessment on all real property within the district.

The annual apportionment of said amount in the report shall be in accordance with the formula set forth in the report provided in section 10.70.130 and confirmed by the Council pursuant to section 10.70.140.

As used in this chapter, "real property" means all land and improvements which are subject to special assessment for benefits from local improvements under the State and Federal Constitutions.

The report shall show the various data, rates and factors necessary to compute the annual special assessments. (Ord. 4062, 1980.)

10.70.720 Correction of Errors.

If the special assessment roll in the report contains any error in the description of the land or in any other respect, the list may be corrected at any time before it is finally approved by the Council. Any error or change must be accomplished on notice and hearing in the manner herein provided for modifications, unless such notice is expressly waived by all of the owners of the property involved in the change. (Ord. 4062, 1980.)

10.70.730 Effect of Error.

No error in the special assessment roll shall render the special assessment of a parcel invalid. (Ord. 4062, 1980.)

10.70.740 Certification and Filing.

When the report has been completed, it shall be signed by the Director of Public Works, dated and filed with the City Clerk, on or before May 15 of each year. (Ord. 4062, 1980.)

10.70.750 Hearing.

Said report shall come on regularly for hearing by the Council at its regular meeting held on the second Tuesday of June in each year. (Ord. 4062, 1980.)

10.70.760 Publication and Posting.

The City Clerk shall cause notice of the hearing on the report to be given by publication and by posting. (Ord. 4062, 1980.)

10.70.770 Notice by Mail, First Report.

The City Clerk shall cause notice of the hearing on the first report for any bond issue to be mailed. (Ord. 4062, 1980.)

10.70.780 Mailing, Subsequent Reports.

Notices shall not be required to be mailed to any person as to hearings on subsequent reports, when the report is heard at the time fixed in section 10.70.750. If, for any reason, the report cannot be heard on said date, the City Clerk shall fix another date and shall mail notice of said hearing. The City Clerk may, but is not required to, mail notices to the owner of a parcel, the zoning, use, ownership or improvement of which has changed in such a manner as to produce a higher special assessment thereon than in the preceding year. (Ord. 4062, 1980.)

10.70.790 Notice Form, Published and Posted Notice.

The form of notice to be published and posted shall be substantially as follows:

"NOTICE OF HEARING
ON PARKING SPECIAL ASSESSMENT ROLL
RESOLUTION OF INTENTION NO.___
ADOPTED _____, 19____

NOTICE IS HEREBY GIVEN that the City Director of Public Works has caused to be prepared and filed with the City Clerk a report which provides for levying special assessments on the properties within the special assessment district created and established for the project and pursuant to the resolution of intention cited above. Said report sets forth the amounts proposed to be levied for the fiscal year 19_____, upon the several parcels of real property in the district, which report is open to public information.

Said report will be heard by the Council at its meeting to be held on the _____ day of _____, 19____, at the hour of ____ o'clock ____.m., Council Chambers, City Hall, Santa Barbara, California, at which time said Council will examine said report and hear all persons interested therein.

Any person interested, objecting to the amount of the special assessment on any parcel of real property owned by such person, may file with the City Clerk, at or before the hour fixed for hearing, a protest in writing signed by such person, describing the parcel so that it may be identified, and stating the ground for the protest, and may appear at said hearing and be heard in regard thereto." (Ord. 4062, 1980.)

10.70.800 Id. - Mailing.

The form of mailed notice shall be substantially as set forth in section 10.70.790, but shall also contain a description of the parcel covered by the notice, sufficient to identify it, and the amount of the proposed special assessment against said parcel as set forth in the report. (Ord. 4062, 1980.)

10.70.810 Protests.

The City Clerk shall endorse on each protest the date it is filed with the clerk, and shall show whether said protest was filed prior to the hour fixed for hearing. No protest received after said hour shall be counted in determining the quantum of protest, but the Council may, in its discretion, consider said protests in making its decision. (Ord. 4062, 1980.)

10.70.820 Public Hearing.

At the time and place fixed for the hearing, or at any time to which the hearing is adjourned, the council shall

a) hear all persons having an interest in any real property within the district;

b) hear all objections, protests or other written communications from any persons interested in any real property within the district;

c) take and receive oral and documentary evidence pertaining to the matters contained in the report;

d) remedy and correct any error or informality in the report, and revise and correct any of the acts or determinations of any city officers or employees, as contained therein; and

e) amend, alter, modify, correct and confirm said report and each of the special assessments therein. (Ord. 4062, 1980.)

10.70.830 Certification.

The report, together with the certificate of the clerk as to the fact and date of approval by the Council, shall be delivered, at or before the time the Council fixes the general city tax rate for said fiscal year, to the officer designated by law to extend city taxes upon the tax roll on which they are collected. (Ord. 4062, 1980.)

10.70.840 Posting and Report.

Said officer shall post to the tax roll the individual amounts of the special assessment to be collected for said year, as set forth in said report against the respective parcels of real property shown in the report. (Ord. 4062, 1980.)

10.70.850 Method of Collection.

The special assessment shall be levied and collected upon the last equalized secured and utility tax rolls upon which general city taxes are collected. It shall be in addition to all other taxes levied for general city purposes, and shall be levied, entered and collected together with, and not separate from, general city taxes, and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are other taxes for city purposes, and all laws applicable to the levy, collection and enforcement of taxes for city purposes are made applicable to said special assessment levy, and the assessed real property, if sold for taxes, shall be subject to redemption within one year from the date of sale in the same manner as such real property is redeemed from the sale for general city taxes and if not redeemed shall in like manner pass to the purchaser. All of the provisions of the Improvement Bond Act of 1915 relating to sale of delinquent property are applicable to delinquent special assessments levied under this section, except that sections 8804 and 8809 of the Streets and Highways Code shall not apply. The city may covenant, in the resolution providing for the issuance of bonds, that it will initiate the foreclosure action therein authorized promptly upon the occurrence of a delinquency and prosecute such action to conclusion with due diligence. (Ord. 4062, 1980.)

10.70.860 Lien.

The lien of the special assessment levied under this section attaches at the same times and has the same priorities as the lien for general taxes. (Ord. 4062, 1980.)

10.70.870 Contributions.

The Council may annually, at, or prior to, the time the levy is made, or at such other time as it shall determine, transfer to the bond fund or to the maintenance fund such amount or amounts as it shall determine. (Ord. 4062, 1980.)

10.70.880 Public Property.

If the special assessment formula so provides, public property (other than tax-deeded property), whether or not used in the performance of a public function, shall be exempt from the levy of special assessments under this chapter. (Ord. 4062, 1980.)

10.70.890 Omitted Property.

If any parcel of property is omitted from the tax roll for any year, it shall be added at the end of the roll and assessed as contained in the report. If any property is omitted in any such report it shall be assessed for the omitted amount in the next year after said omission is discovered, and appropriate provisions shall be made in the report for said year. (Ord. 4062, 1980.)

10.70.900 Reassessment.

When any court of competent jurisdiction or the Council, of its own volition, determines that any levy of special assessment pursuant to this chapter is void, invalid or unenforceable for any reason, or any court, for any reason, enjoins the collection of any such special assessment, the Council may levy a reassessment.

The engineer's report on reassessment shall be prepared and filed on order of the Council, notice given, hearing held and reassessment levied and confirmed, all in the same manner as the original special assessment, as nearly as may be, except that the formula to be used in the determination of benefits or the properties subject to special assessment, or both, may be other and different from that provided in the original report, if required in order to be consistent with the determinations and orders of the Council and/or court.

The reassessment shall be collected in the same manner as the original special assessment, except that it is levied too late for inclusion in regular city tax bills, it shall be collected on special bills to be prepared and mailed and collected in the same manner as regular tax bills. Section 10.70.850 shall apply just as if regular city tax bills were used.

The reassessment provisions of this section are alternative to the reassessment provisions elsewhere contained in this chapter.

If any reassessment levied under this section or any other part of this chapter is held invalid for any reason, the Council may conduct additional reassessment proceedings under this chapter, or any state law, to the end that the cost of the project is paid by the properties benefited thereby. (Ord. 4062, 1980.)

10.70.910 Id. - Lien.

The lien of any reassessment shall attach at the same time and have the same priority as the lien of the original special assessment. (Ord. 4062, 1980.)

10.70.920 Security for Existing Bonds.

If any invalidity is not in the bonds themselves or in the issuance thereof, the Council may so declare and conduct a reassessment proceeding in the same manner as the proceedings for the formation of the original district, but without the issuance of new bonds. In such event, the reassessment proceedings shall constitute the proceedings providing a legal authority for the issuance of the outstanding bonds, and the bond fund created in any such reassessment proceeding shall constitute a trust fund for their payment. (Ord. 4062, 1980.)

10.70.930 Exchange of Existing Bonds.

If the invalidity is in the bonds themselves or in the issuance thereof, or if the Council shall so determine in the reassessment proceedings, new bonds shall be issued and exchanged for the outstanding bonds. The new bonds shall mature in the amounts and at the times provided for the outstanding bonds, as nearly as may be.

If the Council shall so determine, it may assign different bonds and allot maturities as it shall deem equitable. (Ord. 4062, 1980.)

10.70.940 Limitation of Actions.

The limitation of actions provided in section 329.5 of the Code of Civil Procedure is applicable to any attack on or defense against the collection of the annual special assessment herein provided for. (Ord. 4062, 1980.)

10.70.950 Validating Proceedings.

An action to determine the validity of any special assessment district, bonds, special assessments, supplemental assessments, reassessments, contracts or evidences of indebtedness, and of the proceedings conducted in connection therewith pursuant to this chapter, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure of the State of California. (Ord. 4062, 1980.)

10.70.960 Assessment Levy for Unsold Bonds; Use of Proceeds.

Chapter 5 (commencing with Section 5400), Division 6, Title 1 of the Government Code of the State of California shall apply to bonds issued pursuant to this chapter, except that the proceeds referred to in Section 5404 of the Government Code shall be used only for some purpose which is of special benefit to the district, including, but not limited to, the payment of or reimbursement for such of the costs and expenses shown in the report as have already been paid or incurred for the benefit of the district and which could have been included in determining the amount of bonds to be issued, or the payment of principal of or interest on bonds previously issued on behalf of the district. (Ord. 4062, 1980.)

10.70.970 Levy of Assessments Without Bond Issuance.

Whenever the proceedings for the formation of the district and levy of special assessments have been conducted on the basis that bonds are not to be issued, annual special assessments may be levied and collected in the amounts, and in the manner provided in sections 10.70.980 to 10.70.990, inclusive. (Ord. 4062, 1980.)

10.70.980 Council Resolution.

The Council shall adopt a resolution providing for the levy of special assessments over a period of years without bonds. The resolution shall provide for and set forth:

a) The total principal amount of special assessments to be collected;

b) The total number of years during which the special assessment is to be levied, the amounts of principal to be collected each year and the interest rate to be applied to the unpaid principal balances and collected;

c) The establishment and maintenance of special funds into which the proceeds of special assessments shall be paid in order to accomplish the purposes of the proceedings;

d) Procedures for collection of special assessments and the interest thereon pursuant to this chapter; and

e) Any other matters deemed necessary to accomplish the collection of the full amount of the total special assessment with interest over a period of years in the manner herein set forth. (Ord. 4062, 1980.)

10.70.990 Levy and Collection Procedures.

The annual principal payments on the special assessments and the interest on the unpaid principal thereof, as set forth in the resolution adopted pursuant to section 10.70.980, together with such additional amounts as are required for maintenance and operation of the parking places, shall be levied and collected annually in the manner set forth in sections 10.70.690 to 10.70.890, inclusive, with suitable changes to accommodate the fact that no bonds have been issued. All of the provisions of sections 10.70.900 to 10.70.950, inclusive, except insofar as they relate to bonds, shall apply to special assessments collected under this article. (Ord. 4062, 1980.)

10.70.1000 Constitutionality.

If any article, section, subsection, sentence, clause, phrase or word of this chapter is held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter. The Council hereby declares that it would have adopted and passed this chapter and each article, section, sub-section, sentence, clause, phrase and word hereof, irrespective of the fact that any one or more of other articles, sections, subsection, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional. (Ord. 4062, 1980.)

10.70.1010 Waiver.

All objections not made within the time and manner provided are waived. (Ord. 4062, 1980.)

10.70.1020 Orders Final.

All decisions and determinations of the Council upon notice and hearing, shall be final and conclusive upon all persons entitled to appeal, as to all errors, informalities, omissions and irregularities which might have been avoided, or which might have been remedied and as to illegalities not amounting to a want of due process of law. (Ord. 4062, 1980.)

10.70.1030 Liberally Construed.

This chapter shall be liberally construed in order to effectuate its purpose. No error, irregularity, informality, omission or illegality, and no neglect or omission of any officer, in any procedure taken here-under, which does not directly affect the constitutional jurisdiction of the Council to order the work or improvement, shall void or invalidate such proceeding or any special assessment, or charge for the cost of any work or acquisition or service hereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the Council in accordance with the provisions hereof. (Ord. 4062, 1980.)

10.70.1040 Validity.

No step in any proceeding shall be invalidated or affected by any error or mistake or departure from the provisions of this chapter as to the officer or person posting or publishing or mailing, or procuring the publication or posting or mailing, of any notice, resolution, order or other matter when such notice is actually given for the time required. (Ord. 4062, 1980.)

10.70.1050 Effect of Publication.

No assessment, special assessment, charge, reassessment, supplemental assessment, warrant, diagram or bond, or any of their levy or issuance, and no proceedings for same, shall be held invalid by any court for any error, informality, omission, irregularity, illegality or other defect in the same, where the resolution of intention or notice of improvement have been actually published as herein provided. (Ord. 4062, 1980.)

10.70.1060 Dedication.

No proceeding shall be held to be invalid upon the ground that the property upon which the work or improvement or part thereof is to be or was done, had not been lawfully dedicated or acquired, provided the same shall have been lawfully dedicated or acquired or an order for immediate possession and use thereof shall have been obtained at any time before judgment is entered in any legal action. (Ord. 4062, 1980.)

10.70.1070 Reassessment.

Proceedings for reassessment shall be conducted pursuant to Section 10.70.1080 under any of the circumstances and upon any of the grounds set forth in Section 1 of Ordinance No. 3282, adopted by the Council on March 19, 1968, with respect to:

a) Any assessment levied pursuant to this chapter; or

b) Any assessment, whether it be ad valorem or fixed lien, and whether levied pursuant to state law, any city ordinance or any provision of the Santa Barbara Municipal Code. (Ord. 4062, 1980.)

10.70.1080 Procedure.

In any of the events set forth in Section 1 of Ordinance No. 3282, the Council shall adopt a resolution directing reassessment proceedings. Said proceedings may be total or partial and may be conducted con-currently or in combination with proceedings for changes and modifications in the acquisitions, improvements, district or proceedings, as authorized by this chapter or any other Council ordinance or the general law. Any changes and modifications in any of said matters which are not authorized in any of said ordinances or laws, and which are deemed necessary or desirable to establish or confirm the validity of the contract, project, district, proceedings, assessments or bonds, are hereby authorized.

Said reassessment proceedings shall be conducted in accordance with the applicable provisions of this chapter providing for the formation of the district and the levy of the assessment except that Section 10.70.120 shall not apply unless compliance therewith is required by the provisions of the State or Federal Constitution. The report required by Section 10.70.130 shall be and constitute the report for the purpose of the reassessment proceedings, and the Resolution of Intention to undertake reassessment proceedings shall provide that the proceedings are being taken under this section.

Except as in this section otherwise expressly provided, all of the provisions of Ordinance No. 3282 shall apply. (Ord. 4062, 1980.)

Chapter 10.72

PARKING ASSESSMENTS

Sections:

10.72.010 Purpose.
10.72.020 Annual Assessment Roll.
10.72.030 Budget, Contents.
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10.72.010 Purpose.

The purpose of this chapter is to establish an alternative procedure for fixing the amount of billing and collecting any assessments or reassessments duly levied under Chapter 10.68, under Ordinance No. 3282, or under any other City ordinance or general law. Its provisions shall apply to the fiscal year 1973-74 and any succeeding fiscal year as to which the Council adopts, prior to August 1, a resolution declaring that its provisions apply to the fiscal year set forth in said resolution. The provisions of the general law and Chapter 10.68 shall apply to the levy, billing and collection of assessments for fiscal years not identified in such a resolution. (Ord. 3598, 1973.)

10.72.020 Annual Assessment Roll.

Annually, between the first Monday in March and the first Monday in September, the City Treasurer shall assemble and prepare an assessment roll in which shall be listed all of the property within the assessment district which is subject to assessment for district purposes under applicable law. (Ord. 3598, 1973.)

10.72.030 Budget, Contents.

The Director of Finance shall annually cause to be prepared a budget for each bond issue hereunder which shall include the following:

(1) The gross amount required to pay the principal and interest on the bonds which has or will accrue before the proceeds of the next assessment levy shall be available therefor;

(2) The balance available therefor in the bond interest and redemption fund created for said bonds;

(3) The amount estimated to become available therefor pursuant to any pledge in the assessment proceedings, from any revenues which may be provided to be collected by the City on any vehicle off-street parking places or facilities in or for the parking assessment district created for said bonds, which amount shall be provided in the City budget for the fiscal year for which an annual assessment is to be levied;

(4) The amount of additional contributions, if any, which the City proposes to make to the bond fund for said year, which amount shall be provided in the City budget for the fiscal year for which an annual assessment is to be levied;

(5) The balance of the amount provided in subsection (1). (Ord. 3598, 1973.)

10.72.040 Ad Valorem Assessment.

The amount provided in Section 10.72.030(5), including provisions for anticipated delinquencies, shall be raised by annual ad valorem assessments on all real property subject to assessment within the parking assessment district, in the ratio of its net adjusted assessed valuation as determined under Section 10.72.050, until all of the bonds and the interest to accrue thereon have been paid in full. (Ord. 3598, 1973.)

10.72.050 Contents of Assessment Roll.

The roll prepared pursuant to Section 10.72.020 shall contain in separate columns under the appropriate heading:

(a) The name of the assessee as shown by the last equalized County Assessment Roll or as known to the City Treasurer, and if not so shown or known, "unknown owners";

(b) The County Assessor's parcel number or other description sufficient to identify the property;

(c) The assessed valuation of the land, the assessed valuation of the improvements, and the total assessed valuation of land and improvements, as to each parcel, all as shown on the current County Assessment Roll. The County Assessor of the County of Santa Barbara shall be requested, pursuant to Section 2056 of the Revenue and Taxation Code, to provide in writing an estimate of the value of all publicly-owned properties within the assessment district for the fiscal year 1973-74 and any other year as to which the procedures of this chapter are applicable, as provided in Section 10.72.010, according to his current assessment practices, and such estimate shall be deemed to be the assessed value for assessment purposes.

In the event the County Assessor fails or refuses to provide such estimate for any fiscal year, the estimated assessed value of such public property shall be determined by the Director of Public Works in consultation with the County Assessor, to the extent such consultation is possible, as provided in Section 16 of Ordinance No. 2826, added by Ordinance No. 3576. In making such estimate, the Director of Public Works may enlist the services of competent appraisers and shall conform to current assessment practices of the County Assessor insofar as such practices may be ascertained, through the County Assessor or otherwise;

(d) The zone within which each parcel is located, as established in the proceedings, and the adjusted assessed valuation resulting from the zone percentages;

(e) The amounts of any credits applied for and granted on account of off-street parking facilities provided under the criteria established in the proceedings;

(f) The net adjusted assessed valuation for each parcel;

(g) The total net adjusted assessed valuation of all assessable properties in the district;

(h) The changed assessed values of property after the equalization hearing hereinafter provided, the resulting changes in net adjusted assessed valuation, and the total thereof;

(i) Any other things necessary or desirable for understanding and clarity. (Ord. 3598, 1973.)

10.72.060 Official Map.

The roll shall be accompanied by an official map of the district, which shall show the district boundaries, parcel boundaries and numbers, zoning, streets, off-street parking lots and facilities and other data necessary for identification of the properties subject to assessment. (Ord. 3598, 1973.)

10.72.070 Completion and Delivery of Roll.

On or before the first Monday in August in each year the Director of Public Works shall complete his assessment roll of public properties and deliver it to the City Treasurer; provided that the roll for the fiscal year 1973-74 shall be delivered on or before September 20, 1973. (Ord. 3598, 1973.)

10.72.080 Notice of Meeting.

Upon receiving notice from the City Treasurer that the assessment rolls are available, the City Clerk shall immediately give notice of the time, fixed by the Council, when the Council acting as a Board of Equalization will meet to equalize assessed values. (Ord. 3598, 1973.)

10.72.090 Publication.

The notice shall be given by one (1) publication in a newspaper published in the City. (Ord. 3598, 1973.)

10.72.100 Hearing, Notice, Mailing, First Roll.

The City Clerk shall cause notice of the hearing on the first roll for any bond issue to be mailed to property owners within the parking assessment district, postage prepaid, as follows:

(1) To all persons owning real property proposed to be assessed, whose names and addresses appear on the assessment roll, at said addresses, or as otherwise known to the Clerk;

(2) In case of doubt as to the name and address of any owner, the Clerk shall cause said notice to be conspicuously posted on the property of such person in the assessment district, at or near the entrance thereto, so that it will be visible to persons on entering, leaving or passing said property. (Ord. 3598, 1973.)

10.72.110 Hearing, Notice, Mailing, Subsequent Rolls.

Notice may but shall not be required to be mailed to any persons as to a hearing on subsequent assessment rolls. (Ord. 3598, 1973.)

10.72.120 Meeting Time.

The time for the meeting shall be not less than ten (10) days nor more than twenty (20) days from the publication and mailing (in the case of first roll) of the notice. (Ord. 3598, 1973.)

10.72.130 Inspection of Roll.

Until the equalization hearing commences the assessment roll shall remain in the Office of the City Treasurer for the inspection of all persons interested. (Ord. 3598, 1973.)

10.72.140 Hearing.

On the day specified in the notice of equalization, the Council shall meet as a Board of Equalization to hear and determine objections to the valuation and assessment coming before it, including questions of zoning and assessment credits. The Council shall make no changes in assessed valuations as equalized by the Board of Supervisors of the County of Santa Barbara, but shall hear and consider all competent evidence regarding and make any changes as may be just in assessed valuation estimated by the Director of Public Works pursuant to Section 10.72.050(c). (Ord. 3598, 1973.)

10.72.150 Hearing, Notice, Form.

The notice shall be substantially as follows:

"NOTICE OF HEARING ON PARKING
ASSESSMENT ROLL PROJECT NO.

"NOTICE IS HEREBY GIVEN that the City Treasurer has caused to be prepared an assessment roll which provides the basis for levying ad valorem assessments on the properties within the parking district created and established for Vehicle Off-Street Parking Project No. ____ , for the fiscal year _____ upon the several parcels of land in the parking assessment district created to pay the principal and interest of the bonds issued in said project, which roll is open to public inspection.

"Said roll will be heard by the Council at its meeting to be held on the __ day of _____ , 19 ___ , at the hour of 2:00 o'clock P.M., Council Chambers, City Hall, Santa Barbara, California, at which time said Council will consider the assessed valuations and hear all persons interested therein.

"The Council will not consider changes in assessed valuations as equalized by the Board of Supervisors of the County of Santa Barbara for tax purposes generally, but will hear and consider any matters relating to assessment credits based on private parking provided. The Council will hear and consider all competent evidence regarding and make any changes it deems to be just in assessed valuations estimated by the Director of Public Works pursuant to Section 10.72.050(c) of the Santa Barbara Municipal Code.

"Any interested person, objecting to the zones, credits, or (within the foregoing limits) the amounts of the assessed value on any parcel of land owned by him, may file with the City Clerk at or before the hour fixed for hearing, a protest in writing signed by him, describing the parcel so that it may be identified, and stating the grounds of his protest, and may appear at said meeting and be heard in regard thereto." (Ord. 3598, 1973.)

10.72.160 Hearing, Affidavits.

Affidavits of publication and mailing notices of hearing shall be made and filed with the Clerk. (Ord. 3598, 1973.)

10.72.170 Hearing, Protests.

The Clerk shall endorse on each protest the date it is filed with her, and shall show whether such protest is filed prior to the hour fixed for hearing. No protest received after said hour shall be legal, but the Council may, at its discretion, consider said protests and hear the signers thereof. (Ord. 3598, 1973.)

10.72.180 Hearing, Council Duties.

At the time and place fixed for said hearing, or at any time to which said hearing is adjourned, the Council shall:
(1) Hear all persons having an interest in any real property within the district;
(2) Hear all objections, protests or other written communications from any persons interested in any real property within the district;
(3) Take and receive oral and documentary evidence pertaining to the matters contained in the roll;
(4) Remedy and correct any error or informality in the roll, and revise and correct any of the acts or determinations of the Director of Finance or of the Director of Public Works as contained in the roll;
(5) Amend, alter, modify, correct and confirm said roll and each of the assessments therein. (Ord. 3598, 1973.)

10.72.190 Duration of Session.

The Council acting as a Board of Equalization shall continue in session from time to time as long as may be necessary but not to exceed ten (10) days exclusive of Sundays. (Ord. 3598, 1973.)

10.72.200 Notation of Changes.

The Clerk shall be present during the equalization proceedings and note all changes in the valuation of the property and the names of the assessees. (Ord. 3598, 1973.)

10.72.210 Hearing, Decision Final.

All decisions and determinations of the Council, on notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal to it, as to all errors, informalities and irregularities which the Council might have avoided, or have remedied during the hearing on the roll. (Ord. 3598, 1973.)

10.72.220 Gross Assessed Valuation.

Within ten (10) days after the close of the equalization session the City Treasurer shall add the total values and determine the total net adjusted assessed valuation of the property after final equalization by the Council. (Ord. 3598, 1973.)

10.72.230 Assessment Rate.

On or before the first Tuesday in October, the Council shall, by resolution, fix the assessment rate for the current fiscal year, which rate shall be sufficient, after adequate allowance for anticipated delinquencies, to raise the full amount determined by the Director of Finance under Section 10.72.030(5). (Ord. 3598, 1973.)

10.72.240 Entry of Sums on Roll.

The City Treasurer shall compute and enter in a separate column of the assessment roll the respective sums in dollars and cents, rejecting fractions of a cent, to be paid on the property listed. (Ord. 3598, 1973.)

10.72.250 Lien; Time of Attachment.

All assessments levied on real property and improvements are a lien upon the same, which lien attaches as of noon on the first Monday of March of the year in which the assessment is levied. (Ord. 3598, 1973.)

10.72.260 Billing.

The City Treasurer and Tax Collector within twenty (20) working days after the tax rate has been set, shall mail assessment bills to the persons to whom notices of the equalization hearing were sent pursuant to Section 10.72.100. Assessment installments due on bonds issued under the Improvement Bond Act of 1915, weed abatement charges, and other charges provided by law may be included in the same billing. The bills shall be substantially in the form attached hereto and filed in the Office of the City Treasurer. (Ord. 3598, 1973.)

10.72.270 Collection Method.

Said special assessment shall be collected upon the last assessment roll as equalized by the Council. It shall be in addition to all other taxes levied for general City purposes, and shall be collected together with, and not separate from any other charges lawfully included in said bill, and enforced, in the case of privately owned property, in the same manner and at the same time, and with the same penalties and interest, as are other taxes and charges for City purposes, and all laws applicable to the levy, collection and enforcement of taxes for City purposes are applicable to said special assessment levy, and the assessed real property, if sold for taxes, shall be subject to redemption within one (1) year from the date of sale in the same manner as such real property is redeemed from the sale for general City taxes and if not redeemed shall in like manner pass to the purchaser.

All duties with regard to the collection and enforcement of said special assessments not otherwise provided in this chapter shall be performed by the City Treasurer and Tax Collector. In the case of enforcement of assessments against public properties, the City has and may exercise all of the remedies provided by Section 5302.5 of the Streets and Highways Code and other general laws, including mandate against the appropriate public board or officer to compel the levy of a tax to pay such assessments. (Ord. 3598, 1973.)

10.72.280 Validation.

All assessment levies, billings, collection and proceedings to enforce collection of parking assessments heretofore taken by any City officer, board or employee are hereby confirmed, validated and declared legally effective. (Ord. 3598, 1973.)

10.72.290 Validity of Bonds and Assessment Rate.

All bonds issued and all assessments levied and collected pursuant to the provisions of Chapter 10.68 and all assessments levied and collected pursuant to this chapter shall by their issuance and levy be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations in any way pertaining thereto, and after the same are issued no assessment levied or collected for the purpose of paying the principal or interest on said bonds shall be held invalid or illegal, or set aside by reason of any error, informality, irregularity, omission or defect in said proceedings, not amounting to a want of due process of law. (Ord. 3598, 1973.)

10.72.300 Curation.

No assessment or bonds, or any order for their issuance, and no proceedings prior thereto, shall be held invalid by any court for any error, omission, irregularity, informality, or other defect in the same, where the resolution of intention has been published as provided in Chapter 10.68.

No proceeding taken or had under this title shall be held to be invalid on the ground that the real property or a portion thereof, upon which the work or improvement or part thereof, is to be done or was done, has not been lawfully dedicated or acquired, or an action for the acquisition thereof has been filed, or otherwise, at any time before judgment has been entered in any legal action or proceeding involving such issue.

All the decisions and determinations of the Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this title, as to all errors, informalities, omissions, irregularities, and other defects, which the Council might have avoided, or might have remedied, during the progress of the proceedings, or which it can at that time remedy. (Ord. 3598, 1973.)

Chapter 10.73

CARSHARE VEHICLE PERMIT PROGRAM

Sections:

10.73.010 Definitions.
10.73.020 Designation of Carshare Parking Spaces.
10.73.030 Issuance of Permits.
10.73.040 Carshare Permit Required.
10.73.050 Posting of Carshare Vehicle Parking Spaces.

10.73.010 Definitions.

The following words or phrases as used in this chapter shall have the following meanings.

(a) Carshare Vehicle. "Carshare vehicle" shall mean a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.

(b) City Carshare Program. "City Carshare Program" shall mean a program under which the City designates on-street parking spaces or portions of streets, or publicly-owned off-street parking facility spaces or portions of such facilities, for the exclusive use of vehicles displaying a Public Works Department-issued Carshare Permit.

(c) Carshare Permit. "Carshare Permit" shall mean a permit issued by the City for a carshare vehicle operated by a Carshare Organization.

(d) Carshare Organization. "Carshare Organization" shall mean a public or private carsharing company or organization that is operating within the City pursuant to the authority granted by a duly authorized written agreement with the City of Santa Barbara. (Ord. 5725, 2015.)

10.73.020 Designation of Carshare Parking Spaces.

The City Traffic Engineer is authorized to designate, via posting of signs and/or curb markings, streets or portions of streets, or publicly-owned off-street parking facilities or portions of the facilities, to be reserved for the exclusive parking of carshare vehicles. (Ord. 5725, 2015.)

10.73.030 Issuance of Permits.

The Public Works Director shall issue carshare permits to qualifying vehicles of a carshare organization. The number of permits issued to a carshare organization shall be made at the sole discretion of the Public Works Director. (Ord. 5725, 2015.)

10.73.040 Carshare Permit Required.

No person shall stop, park or leave standing any vehicle in a place designated for the exclusive parking of carshare vehicles participating in the City carshare program, unless the vehicle has a valid carshare permit displayed as directed by the City. (Ord. 5725, 2015.)

10.73.050 Posting of Carshare Vehicle Parking Spaces.

The City Traffic Engineer shall cause appropriate signs to be erected and/or markings in such street or publicly-owned off-street parking facilities, indicating prominently thereon the parking restrictions and stating that motor vehicles with valid permit or designation shall be exempt from the restrictions. The City Traffic Engineer is further authorized to include notice on any sign installed pursuant to this section that vehicles left standing in violation of such sign may be removed and towed pursuant to California Vehicle Code section 22651. The provisions of this section shall not apply until signs or markings giving adequate notice thereof are in place. (Ord. 5725, 2015.)

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