ITEM NO. 29

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING THE OCEANSIDE TRAFFIC CODE RESTRICTING THE PARKING OF COMMERCIAL VEHICLES

WHEREAS, the overnight parking of commercial vehicles disrupt residential uses in the Redevelopment and Harbor Areas;

WHEREAS, the City has the power to regulate parking within the City, including the Redevelopment Area and Harbor District; and

WHEREAS, a commercial vehicle restriction will provide a way to control large vehicles parking in these areas.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain that the Oceanside Traffic Code be amended as follows:

SECTION 1. That Section 10.14 be amended in its entirety to read as follows:

"Section 10.14. Commercial vehicle parking limitation.

(a) It shall be unlawful to park, or leave parked, standing, or unattended any commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more on any street, road, or alley in a residential district, Redevelopment project area, or Harbor District:

(1) for more than three (3) hours at any one time; or

(2) between the hours of 2:00 a.m. and 6:00 a.m.

(b) This section shall not be effective with respect to any commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained."

SECTION 2. That Section 10.14.1 be amended to read in its entirety as follows:

"Section 10.14.1 Same-Definitions.

(a) For the purposes of Section 10.14, certain terms shall be defined as follows:

(1) 'Commercial vehicle' shall mean a vehicle of the type required to be registered as a commercial vehicle under the California Vehicle Code and designed, used, or maintained primarily for the transportation of property, or used or maintained for the transportation of persons for hire, compensation, or profit.

(2) Any vanpool vehicle is not a 'commercial vehicle'.

(3) 'Residential district' shall mean either of the following areas:

a. Any zone designated as R-1 (Single Family Residential Zone), R-2 (Two-Family Residential Zone), R-3 (Medium Density Residential Zone), PRD (Planned Community Development Zone), or RT (Residential Tourist Zone); or

b. Any block in which over fifty percent (50%) of the ground level buildings fronting on said block are dwellings. Said dwellings may be single-unit structures or multi-unit structures. In the event that 50% of one side of a block is comprised of dwellings, then that side of a block is considered a 'residential district; or

(4) 'Redevelopment Project Area' shall mean the following area:

a. Any streets as shown on Exhibit A.

(5) 'Harbor District' shall mean the following area:

a. Any street as shown on miscellaneous Map No. 448 as shown on Exhibit B.

SECTION 3. This ordinance shall be codified.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)

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days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 6. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2007, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ____ day of _____, 2007, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

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