

**Title 11**  
**VEHICLES AND TRAFFIC**  
**Chapter 11.04 DEFINITIONS<sup>1</sup>**

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<sup>1</sup>State law reference(s)—For statutory provisions defining terms used in the Vehicle Code, see Vehicle Code § 100 et seq.

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#### **11.04.010 Definitions.**

The definitions set forth in this chapter shall govern the application and interpretation of Title 11.

(Prior code §§ 3301.1, 3301.2; Ord. 25419.)

#### **11.04.020 Alley.**

"Alley" means any unnamed public way having less than twenty-two feet roadway width which has not been designated as a street.

(Prior code § 3301.3.)

#### **11.04.021 Bicycle.**

"Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, having one or more wheels.

(Prior code § 3400; Ord. 29515.)

#### **11.04.030 Central traffic district.**

The "central traffic district" is defined and its limits declared to be that portion of the City of San José bounded and described as follows:

Beginning at the intersection of the east line of Almaden Avenue and the north line of Santa Clara Street and extending eastward to the west line of Market Street; thence north to the north line of St. John Street; thence east to the east line of First Street; thence south to the north line of Santa Clara Street; thence east to the west line of Fourth Street; thence south to the south line of San Fernando Street; thence west to the east line of Third Street; thence south to the south line of San Antonio Street; thence west to the east line of Second Street; thence south to the south line of San Carlos Street; thence west to the east line of First Street; thence south to the north line of San Salvador Street; thence west to the west line of First Street; thence north to the south line of San Carlos Street; thence west to the east line of Market Street; thence north to the north line of San Fernando Street; thence west to the west line of Market Street; thence north to the south line of Santa Clara Street; thence west to the east line of Almaden Avenue; thence north to the north line of Santa Clara Street.

(Prior code § 3301.4.)

#### **11.04.031 Designated area.**

"Designated area" means any area listed in this section and includes the outermost sidewalks along the boundary of the area:

- A. San Fernando Street between Cahill Street and Eleventh Street.
- B. First Street between St. John Street and San Carlos Street.
- C. Second Street between St. John Street and San Carlos Street.
- D. Third Street between St. John Street and San Carlos Street.
- E. Fourth Street between St. John Street and San Carlos Street.

(Ord. 29515.)

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#### **11.04.040 Holidays.**

- A. "Holidays" means New Year's Day, January 1st; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4th; Labor Day, the first Monday in September; Indigenous Peoples' Day, the second Monday in October; Veterans Day, November 11th; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25th; and such other days as shall be designated by the chief of police with the concurrence of the city manager.
- B. If the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December falls on Sunday, the Monday following is a holiday. If the eleventh day of November falls on Saturday, the preceding Friday is a holiday.

(Prior code § 3301.5; Ords. 19034, 30679.)

#### **11.04.050 Laned roadway.**

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(Prior code § 3301.6.)

#### **11.04.060 Limited-access highway.**

"Limited-access highway" means every highway, street or roadway in respect to which owners or occupants of abutting property or lands and all other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(Prior code § 3301.7.)

#### **11.04.070 Loading zone.**

"Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Prior code § 3301.8.)

#### **11.04.080 Official time standard.**

"Official time standard." Whenever certain hours are named in this title, "official time standard" means standard time or daylight saving time, as may be in current use in this city.

(Prior code § 3301.9.)

#### **11.04.090 Park or parking.**

"Park" or "parking," when prohibited, means the standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading, or in obedience of traffic regulations or traffic signs or signals.

(Prior code § 3301.11.)

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#### **11.04.100 Parking meter zones.**

"Parking meter zones" means portions of streets described and established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, referred to in this title as "parking meters or meters."

(Prior code § 3301.12.)

#### **11.04.110 Furnishing Zone/Parkstrip.**

"Furnishing Zone/Parkstrip" means that portion of the street between the curb and the sidewalk.

(Prior code § 3301.13; Ord. 30100.)

#### **11.04.120 Passenger loading zone.**

"Passenger loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or baggage.

(Prior code § 3301.14.)

#### **11.04.130 Pedestrian.**

"Pedestrian" means any person afoot.

(Prior code § 3301.15.)

#### **11.04.140 Police officer.**

"Police officer" means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Prior code § 3301.16.)

#### **11.04.150 Railroad.**

"Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(Prior code § 3301.17.)

#### **11.04.160 Railroad train.**

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(Prior code § 3301.18.)

#### **11.04.165 Residential district.**

"Residential district" shall have the meaning set forth in Section 20.200.1020 of this Code.

(Ord. 25419.)

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**11.04.170 Reserved.**

Editor's note(s)—Ord. 30100, § 4, adopted May 15, 2018, repealed § 11.04.170, which pertained to roadway crossing and derived from prior code § 3301.19.

**11.04.180 Stop.**

"Stop," when required, means the complete cessation of movement.

(Prior code § 3301.20.)

**11.04.190 Stop intersection.**

"Stop intersection" means an intersection at one or more entrances of which traffic is required by law to stop before entering, when stop signs are erected as provided in this title.

(Prior code § 3301.22.)

**11.04.200 Stopping or standing.**

"Stopping" or "standing," when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(Prior code § 3301.21.)

**11.04.210 Traffic division.**

"Traffic division" means the traffic division of the police department of this city.

(Prior code § 3301.24.)

**Chapter 11.08 TRAFFIC ADMINISTRATION<sup>2</sup>**

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<sup>2</sup>State law reference(s)—For statutory provisions on arrest procedures, see Vehicle Code § 40300 et seq.

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### **11.08.010 City traffic engineer - Director, department of transportation.**

For the purposes of this Title 11, the Director of the Department of Transportation shall serve as City Traffic Engineer and shall exercise the powers and duties with respect to traffic as provided in this Title 11; provided, however, that the exercise of said powers and duties shall be subject to the provisions of Title 27 of this Code.

(Prior code § 3302.2; Ords. 20156, 23734, 29547, 30308.)

### **11.08.020 City traffic engineer - Powers and duties.**

It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals, 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 the additional powers and duties imposed by ordinances of this city.

(Prior code § 3302.3.)

### **11.08.030 City traffic engineer - Authority to make emergency and experimental regulations - Term.**

The city traffic engineer is hereby empowered to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than one hundred eighty days without approval of the city council.

(Prior code § 3302.4; Ord. 18966.)

### **11.08.040 City traffic engineer - Traffic-control device testing authority.**

The city traffic engineer may test traffic-control devices under actual conditions of traffic.

(Prior code § 3302.5.)

### **11.08.050 Traffic on state highways - Regulations effective when.**

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 department of public works is required by law, shall cease to be operative six months after receipt by the city council of written notice of withdrawal of approval of the department of public works. Immediately upon the effective date of such revocation, the city clerk shall enter upon the original copy of the ordinance enacting same a notification of such withdrawal.

(Prior code § 3302.14.)

### **11.08.060 Traffic on state highways - Authority of city officers.**

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 law required the prior approval of the 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 department of public works when and to the extent required by Division 11 and Division 15 of the Vehicle Code.

(Prior code § 3302.15.)

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**11.08.070 Parking on city-owned or leased land - City manager authority.**

The city manager is hereby empowered to control and regulate the movement and parking of vehicles on city-owned and leased land, except as provided in Sections 11.36.235, 11.36.420 and 11.44.045 of this code. The city manager shall also post all signs necessary to enforce the provisions established pursuant to this section.

(Prior code § 3302.6; Ords. 18966, 23585, 27129.)

**Chapter 11.12 ENFORCEMENT OF REGULATIONS<sup>3</sup>**

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<sup>3</sup>State law reference(s)—For statutory provisions on local authority to regulate traffic by means of traffic officers, see Vehicle Code § 21100.

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### **11.12.010 Obedience to title provisions required.**

No person shall do any act forbidden or fail to perform any act required in this Title 11.

(Prior code § 3303.4.)

### **11.12.020 Traffic law enforcement.**

- A. The officers of the police department shall enforce all traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.
- B. The director of the city department responsible for administering programs related to vehicle traffic is authorized to designate individuals within the department to enforce speeding laws on city streets, including the issuance of speeding citations, for the limited purpose of implementing a photoradar program.

(Prior code § 3303.1; Ord. 25009.)

### **11.12.030 Police department officers - Traffic direction authority.**

Officers of the police department, or such officers as are assigned by the chief of police, are authorized to direct all traffic by visible or audible signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(Prior code § 3303.2.)

### **11.12.040 Reserved.**

Editor's note(s)—Ord. 28598, § 1, adopted June 23, 2009, repealed § 11.12.040, pertaining to fire department officers - traffic direction authority.

### **11.12.050 Persons authorized to direct traffic.**

No person other than one of the following persons is authorized to direct traffic by voice, hand or signal:

- A. An officer of the police department.
- B. An officer of the fire department as part of a response to a fire or other emergency.
- C. A person deputized by the chief of police to direct traffic.
- D. A person who the chief of police temporarily or permanently appoints to perform traffic control in accordance with the requirements of subdivision (e) of California Vehicle Code Section 21100, as it may be amended.
- E. A person who the city manager temporarily or permanently appoints to perform traffic control in accordance with the requirements of subdivision (e) of California Vehicle Code Section 21100, as it may be amended.
- F. A person trained or certified as a flagger in accordance with the requirements of Section 1599 of Title 8 of the California Code of Regulations, as it may be amended, if one of the following conditions exists:
  - 1. The city authorized the use of such flagger in the construction contract, encroachment permit or other document pursuant to which construction or maintenance work is occurring; or
  - 2. The person is a city employee performing construction or maintenance work.
- G. Any other person authorized by law to direct traffic.



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(Prior code § 3303.6; Ords. 28598, 28751.)

### **11.12.060 Regulations - Public employee obedience required.**

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, this state, county or city, and no such driver shall violate any of the provisions of this title, except as otherwise permitted in this title or by state statute.

(Prior code § 3303.7.)

### **11.12.070 Regulations - Exemptions authorized when.**

- 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, any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the Vehicle Code in response to an emergency call.
- B. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequence of his wilful disregard of the safety of others.
- C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair.

(Prior code § 3303.8.)

## **Chapter 11.14 LIMITATION ON HOURS OF CONSTRUCTION IN CITY STREETS**

### **11.14.010 Definitions.**

The definitions set forth in this chapter shall govern the application and interpretation of this chapter.

(Ord. 26048.)

### **11.14.020 Arterial.**

"Arterial" is defined as such by the land use/transportation diagram of the general plan for the City of San José as it now exists or may hereafter be amended or constituted.

(Ord. 26048.)

### **11.14.030 Construction activity.**

"Construction activity" means the construction, rehabilitation, repair, reconstruction and maintenance of pavement, landscaping, sidewalk, curb, gutter, storm and sanitary sewer infrastructure, utilities, or any of its appurtenances to the foregoing facilities within the public street right-of-way.

(Ord. 26048.)

### **11.14.040 Emergency.**

"Emergency" means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to protect life, property, or public welfare from imminent harm. The term includes, but is not limited to a fire, a natural disaster, an automobile accident; a utility break, and a utility service interruption.

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(Ord. 26048.)

**11.14.050 Peak commute hours.**

"Peak commute hours" means the hours between 6:00 a.m. to 8:30 a.m., and between 3:30 p.m. to 7:00 p.m., on Monday through Friday excluding holidays as defined in Section 11.04.040 of this Code.

(Ord. 26048.)

**11.14.060 Limitation on hours of construction in city streets.**

No construction activity that results in a lane closure shall be conducted on any arterial during peak commute hours, except as permitted under this chapter.

(Ord. 26048.)

**11.14.070 Emergency exception.**

The limitations on hours of construction activity that results in a lane closure shall not apply when there is an emergency as defined in this chapter.

(Ord. 26048.)

**11.14.080 Emergency exception report.**

- A. Any person conducting operations under the emergency exception in Section 11.14.070 must file an emergency exception report with the director of public works within forty-eight hours of the time construction begins in violation of the limitation provided for in this chapter.
- B. The report shall contain the following information:
  - 1. The location of the lane closure,
  - 2. The nature of the emergency,
  - 3. The cause of the emergency,
  - 4. The work that was performed, and
  - 5. The days and amount of time that the lane was closed during peak commute hours.

(Ord. 26048.)

**11.14.090 City permit exception.**

The limitations on hours of construction activity shall not apply when the construction activity is performed under a valid city permit issued by the director of public works, the director of streets and traffic, or the director of environmental services which expressly grants an exception to the prohibition provided for in this chapter.

(Ord. 26048.)

**11.14.100 Authority to enforce.**

The city manager is authorized to delegate enforcement to any and all department heads at the discretion of the city manager.

(Ord. 26048.)

## Chapter 11.16 TRAFFIC-CONTROL DEVICES<sup>4</sup>

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<sup>4</sup>State law reference(s)—For statutory provisions on local authority to place traffic-control devices, see Vehicle Code § 21351 et seq. and § 21450 et seq.

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### **11.16.010 Placement and maintenance - City traffic engineer authority.**

The city traffic engineer shall have the exclusive power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required under this title.

(Prior code § 3304.1.)

### **11.16.020 Installation - When required by state law.**

Whenever the Vehicle Code of this state requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic engineer is hereby authorized to install the necessary devices subject to any limitations or restrictions set forth in law applicable thereto.

(Prior code § 3304.2.)

### **11.16.030 Additional devices - Standards and limitations.**

The city traffic engineer may also place and maintain 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 this title or as may be determined by ordinance or resolution of the legislative body of the city.

(Prior code § 3304.3.)

### **11.16.040 Devices required for enforcement purposes when.**

No provision of this title for which signs or signals are required shall be enforceable against an alleged violator if at the time and place of the alleged violation the sign or signal herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs or signals are required, such section shall be effective without signs or signals being erected to give notice thereof.

(Prior code § 3304.4.)

### **11.16.050 Specifications.**

All traffic-control signs, signals and devices shall conform to requirements of the Vehicle Code of the state, and to the specifications approved by the state department of transportation. All signs and signals required under this title for a particular purpose shall be, so far as practicable, uniform as to type and location throughout the city.

(Prior code § 3304.8; Ord. 21074.)

### **11.16.060 Installation - Locations Designated by City Council.**

The City traffic engineer is hereby directed to install and maintain official traffic control devices at intersections and other places where conditions are such that traffic must be managed to protect life or property from extreme hazard. The intersections or other places where official traffic control devices are to be installed and maintained shall be designated by the City traffic engineer.

(Prior code § 3304.6; Ord. 30100.)

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### **11.16.070 Locations - Determination standards - Street name signs required when.**

- A. The city traffic engineer shall recommend to the council the locations where such signals are required by resort to field observations, traffic counts and other traffic information as may be pertinent and his determination therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Traffic Manual issued by the state department of transportation.
- B. Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection.

(Prior code § 3304.7; Ord. 21074.)

### **11.16.080 Hours and days of operation.**

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

(Prior code § 3304.11.)

### **11.16.090 Removal, relocation or discontinuance authorized when.**

The city traffic engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by state law or this title whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

(Prior code § 3304.10.)

### **11.16.100 Lane markings.**

The city traffic engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and bicycles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway. When authorized signs have been placed designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

(Prior code § 3304.9; Ord. 29547.)

### **11.16.110 Safety zones for pedestrians.**

The city traffic engineer is authorized to establish safety zones at such places as he may deem necessary for the protection of pedestrians.

(Prior code § 3304.14.)

### **11.16.120 Parking space markings.**

The city traffic engineer is authorized, on the basis of public necessity as determined by traffic engineers' studies, to allocate parking spaces upon the public streets, including spaces for cycles, scooters and compact cars, as well as regulation-length vehicles. When such parking-space marks have been placed on the streets, as authorized under this section, only one vehicle of the type designated for use of such space shall park therein, and no person shall park except within the boundaries of the space defined.

(Prior code § 3304.15.)

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### **11.16.130 Security purposes defined.**

"Security purposes," as referred to in Sections 11.16.140 and 11.16.150, means national security, as evidenced by the need to protect from harm or spying from our enemies information and/or material or equipment.

(Prior code § 3304.118.)

### **11.16.140 Traffic control for security purposes - Measures authorized when.**

The city traffic engineer is authorized to determine and designate parking and traffic-control measures for security purposes when satisfactory proof of the need to restrict for such purposes has been established.

(Prior code § 3304.16.)

### **11.16.150 Traffic control for security purposes - Standards applicable - Signs required.**

Parking and traffic-control measures for security purposes shall conform to standards required by this Code and by common practice, except that signs used to designate such control shall bear the message, "SECURITY AREA."

(Prior code § 3304.17.)

### **11.16.160 Yield right-of-way signs.**

The city traffic engineer may conduct engineering studies, investigations and analyses of traffic conditions for the purpose of determining the necessity of erecting yield right-of-way signs at the approaches to intersections of streets and highways which are not through highways, and the city traffic engineer may, upon the basis of such traffic studies, designate those intersection approaches at which yield right-way signs shall be erected, and erect the same at said approaches.

(Prior code § 3317.1.)

## **Chapter 11.18 STOP SIGN INSTALLATION**

### **11.18.010 Installation of stop signs.**

- A. The Director of Transportation may initiate studies to determine if stop signs should be installed or removed at any particular location within the City. The Director will consider requests by members of the public and other governmental agencies in determining which studies are to be conducted.
- B. The Director may direct that a stop sign be installed at or removed from any location for which a study has been conducted when the Director determines in his or her professional judgment that the stop sign is warranted or is no longer warranted.
- C. Whenever the Director determines not to install or remove a stop sign as requested by a member of the public or other governmental entity, the requester shall be notified by mail of the determination.
- D. No request for the installation of a stop sign shall be considered by the Director within twelve (12) months from the denial of an appeal for a stop sign installation at the same location by the Appeals Hearing Board or City Council.
- E. No request for removal of a stop sign shall be considered by the Director within twelve (12) months of its installation.

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(Ord. 23947, 30214.)

**11.18.020 Appeal of stop sign installation or removal.**

A determination of the Director to install or remove a stop sign may be appealed to the Appeals Hearing Board by any person by filing a written Notice of Appeal with the Department of Transportation within sixty (60) days of the installation or removal of the sign. The Appeals Hearing Board shall hold a public hearing on the appeal as provided in Section 11.18.050.

(Ord. 23947, 30214.)

**11.18.030 Appeal of stop sign denial.**

- A. A determination by the Director to deny a request for installation or removal of a stop sign may be appealed to the Appeals Hearing Board by any person by filing a written Notice of Appeal with the Department of Transportation within sixty (60) days of the deposit in the mail of the determination by the Director. The Appeals Hearing Board shall hold a public hearing on the appeal as provided in Section 11.18.050.
- B. The form for the Notice of Appeal shall be available from the Department of Transportation.
- C. Such Notice of Appeal shall set forth the specific grounds for the appeal.

(Ord. 23947, 30214.)

**11.18.040 Notice of hearing.**

Whenever the Appeals Hearing Board or the City Council holds a public hearing under this Chapter:

- A. Notice of time, place and purpose of such hearing shall be mailed to the requester at the address designated for such purpose in the Notice of Appeal. Such Notice of Hearing shall also be provided to any person who files a separate written Request for such Notice of Hearing pursuant to subsection F., below.
- B. A Notice of Hearing by the Appeals Hearing Board shall be provided by the Director and shall be mailed, postage prepaid, at least seven (7) calendar days before the date for hearing, to those persons specified in subsection A., above.
- C. A Notice of Hearing by the City Council under Section 11.18.060 shall be mailed by the City Clerk, postage prepaid, at least seven (7) calendar days before the date set for the hearing, to those persons specified in subsection A., above. The form of such Notice of Hearing shall be as provided by the Director.
- D. Nothing herein shall preclude the City from providing additional notice to other persons or in any manner not expressly set forth herein.
- E. Notwithstanding the above provisions, the failure of the Director or City Clerk to mail any notice, or the failure of any person to receive the same, shall not affect, in any way whatsoever, the validity of any proceedings taken under this Chapter, nor any action or decision of the Appeals Hearing Board or City Council taken or made in any such proceedings, nor prevent the Appeals Hearing Board or City Council from proceeding with any hearing at the time and place set therefor.
- F. Any person may file a Request for Notice of Hearing form with the Director of Transportation referencing the specific stop sign location. The form for the Request for Notice of Hearing shall be available from the Department of Transportation.

(Ord. 23947, 30214.)

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### **11.18.050 Hearing by appeals hearing board.**

- A. The Director shall, subject to the rules of the Appeals Hearing Board, set a date for the public hearing to be held by the Board. Said date of hearing shall be at least ten (10) days after the date such hearing was set by the Director.
- B. Prior to the hearing, the Director shall provide a report and recommendation to the Board together with all relevant papers, documents and exhibits which are part of the Department of Transportation file.
- C. The Director may make an oral presentation at the hearing.
- D. The requester shall present to the Appeals Hearing Board at the hearing all relevant evidence including, but not limited to, pictures, studies and oral testimony which the requester wishes the Appeals Hearing Board to consider.
- E. Within a reasonable time after the Board has concluded its hearing, it shall announce its decision in the matter.
- F. The decision of the Board shall be mailed to the requester, at the address shown on the Notice of Appeal, and to all persons who have requested notice pursuant to Section 11.18.040.F., above, at the address shown on the Request for Notice of Hearing filed with the Department of Transportation.

(Ord. 23947, 30214.)

Editor's note(s)—Ord. No. 30214, adopted Feb. 12, 2019, amended § 11.18.050 and in so doing changed the title of said section from "Hearing by traffic appeals commission" to "Hearing by appeals hearing board," as set out herein.

### **11.18.055 Reevaluation of appeals hearing board decision.**

The Appeals Hearing Board may reevaluate any decision by it to install or remove a stop sign. Any such reevaluation may be initiated by any person, but only after the original Appeals Hearing Board decision has been in place for twelve (12) months. The procedure to be used to initiate the reevaluation shall be as follows:

- A. Any person may file a written Notice for Reevaluation with the Department of Transportation after twelve (12) months of implementation of the original decision.
- B. The form for the Notice of Reevaluation shall be available from the Department of Transportation.
- C. The Notice of Reevaluation shall set forth the specific grounds for reevaluation.
- D. The Notice of Hearing shall be in conformance with procedures set forth in Section 11.18.040.
- E. Hearing by the Appeals Hearing Board shall be in conformance with procedures set forth in Section 11.18.050.

(Ord. 23947, 30214.)

Editor's note(s)—Ord. No. 30214, adopted Feb. 12, 2019, amended § 11.18.055 and in so doing changed the title of said section from "Reevaluation of traffic appeals commission decision" to "Reevaluation of appeals hearing board decision," as set out herein.

### **11.18.060 Appeal to city council.**

- A. Any decision by the Appeals Hearing Board under this Chapter may be appealed to the City Council by the requester or any member of the public by filing with the Director of Transportation a written Notice of Appeal to the City Council within ten (10) days after a copy of the decision of the Appeals Hearing Board has



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been placed in the mail to the requester and any other person who has requested notice under Section 11.18.040.F.

- B. The form for the Notice of Appeal to the City Council shall be available from the Department of Transportation.
- C. When such Notice has been received by the Director for filing, the Director shall, within twenty (20) calendar days of receipt of the Notice of Appeal to the City Council, file a copy of the Notice with the City Clerk.
- D. If a Notice of Appeal to the City Council has been received by the Director of Transportation, the decision of the Appeals Hearing Board shall be of no force or effect unless the appeal is withdrawn prior to the hearing before the City Council.
- E. Prior to the hearing, the Director shall provide a report and recommendation to the Council together with all relevant papers, documents and exhibits which were part of the Appeals Hearing Board record.
- F. The City Council shall hold at least one (1) public hearing on the matter. The City Clerk shall set the date of the public hearing by the Council, which date shall be not less than ten (10) days after the date on which the copy of the Notice of Appeal to the City Council was filed with the City Clerk.
- G. The City Council shall adopt a Resolution setting forth its determination in the matter. The decision of the City Council shall be final.
- H. The Director shall mail a copy of the Resolution of the City Council to the requester, and any other person who has requested Notice under Section 11.18.040.F., above, at the addresses shown for such purpose on the Notice of Appeal to Council or Request for Notice of Hearing form.

(Ord. 23947, 30214.)

## **Chapter 11.20 TURNING MOVEMENTS<sup>5</sup>**

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<sup>5</sup>State law reference(s)—For statutory provisions on local authority to place traffic-control devices regulating turning, see Vehicle Code § 22101; for provisions on local authority to prohibit turning at designated intersections, see Vehicle Code § 22113.

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### **11.20.010 Turn markers - Placement authorized when.**

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

(Prior code § 3305.1.)

### **11.20.020 Turn markers - Driver obedience required.**

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 direction of such indications.

(Prior code § 3305.2.)

### **11.20.030 Restricted-turn signs - Placement at certain locations authorized when.**

The city traffic 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. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Prior code § 3305.3.)

### **11.20.040 Restricted-turn signs - Driver obedience required.**

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.

(Prior code § 3305.4.)

### **11.20.050 Right turns against traffic stop signals.**

The city traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the direction of any such sign.

(Prior code § 3305.5.)

## **Chapter 11.24 ONE-WAY STREETS AND ALLEYS<sup>6</sup>**

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<sup>6</sup>State law reference(s)—For statutory provisions on designation of one-way streets, see Vehicle Code § 21657.

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#### **11.24.010 Direction of travel - Restrictions applicable.**

No person shall operate any vehicle on any street or alley that has been designated as a one-way street or alley in any direction except that authorized by such designation.

(Prior code § 3306.1.)

#### **11.24.020 Signs required where.**

Whenever any ordinance of the city or resolution of the council designates any street or alley as a one-way street or alley, the city traffic engineer shall erect and maintain signs indicating the direction of lawful traffic movement thereon. Such signs shall be placed at every intersection of such one-way street or alley with any other street or alley.

(Prior code § 3306.2.)

#### **11.24.030 Streets and alleys designated.**

The council does declare each and all of the streets and portions of streets hereinafter indicated in the remainder of this Chapter 11.24 to be one-way streets or alleys, respectively, on which vehicles shall be driven only in the direction indicated in each of the following sections respectively.

(Prior code § 3306.3.)

#### **11.24.040 Almaden Avenue.**

Vehicles shall be driven from south to north only on Almaden Avenue between Alma Avenue and Reed Street.

(Prior code § 3306.6; Ord. 23486.)

#### **11.24.050 Almaden Frontage Road.**

Vehicles shall be driven from north to south only on Almaden Frontage Road between Mesa Drive and Via Monte.

(Prior code § 3306.33; Ord. 23486.)

#### **11.24.060 Almaden Road.**

Vehicles shall be driven south to north only on Almaden Road between Alma Street and Almaden Avenue.

(Prior code § 3306.7; Ord. 23486.)

#### **11.24.070 Autumn Street.**

Vehicles shall be driven from south to north only on Autumn Street between Park Avenue and Santa Clara Street.

(Prior code § 3306.39; Ord. 23486.)

#### **11.24.075 Bassett Street.**

Vehicles shall be driven from west to east only on Bassett Street between North First Street and North Second Street.

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(Ord. 23486.)

**11.24.080 Brookwood Avenue.**

Vehicles shall be driven from east to west only on Brookwood Avenue between Twenty-Second Street and Eighteenth Street.

(Prior code § 3306.56; Ord. 23486.)

**11.24.085 Channing Avenue.**

Vehicles shall be driven from north to south only on Channing Avenue between the southerly intersection of Channing Avenue and Seaboard Avenue and a point three hundred fifty feet north of Channing Avenue.

(Ord. 26843.)

**11.24.090 Delmas Street.**

Vehicles shall be driven from north to south only on Delmas Street between San Fernando Street and Auzerais Street.

(Prior code § 3306.5; Ord. 23486.)

**11.24.095 Devine Street.**

Vehicles shall be driven from west to east only on Devine Street between North First Street and North Second Street.

(Ord. 23486.)

**11.24.100 Echo Loop.**

Vehicles shall be driven from Echo Ridge Drive to Echo Valley Drive only.

(Prior code § 3306.46; Ord. 23486.)

**11.24.110 Eleventh Street.**

Vehicles shall be driven from south to north only on Eleventh Street between Humboldt Street and Hedding Street.

(Prior code § 3306.29; Ord. 23486.)

**11.24.115 Emerson Court.**

Vehicles shall be driven from south to north only on Emerson Court between Naglee Avenue and Emory Street.

(Ord. 27055.)

**11.24.120 Fifth Street.**

Vehicles shall be driven from south to north only on Fifth Street from freeway ramp to Reed Street.

(Prior code § 3306.49; Ord. 23486.)

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**11.24.130 First Street.**

- A. Vehicles shall be driven only from south to north on First Street between Reed Street and William Street.
  - B. Vehicles shall be driven only from south to north on First Street between San Carlos Street and Julian Street.
- (Prior code § 3306.11; Ords. 23486, 24185.)

**11.24.140 Fourth Street.**

Vehicles shall be driven from north to south only on Fourth Street between Jackson Street and Reed Street.

(Prior code § 3306.14.)

**11.24.150 Frontage roads.**

- A. Vehicles shall be driven from east to west only on that certain frontage road between Fallbrook Avenue and Hamilton Avenue.
  - B. Vehicles shall be driven from west to east only on that certain frontage road between Indian Avenue and Blossom Avenue.
  - C. Vehicles shall be driven from north to south only on that certain frontage road south of Stokes Street.
- (Prior code §§ 3306.44, 3306.45, 3306.47; Ord. 23486.)

**11.24.160 Grant Street.**

Vehicles shall be driven from west to east only on Grant Street between Locust Street and Almaden Boulevard.

(Prior code § 3306.41; Ord. 23486.)

**11.24.170 Hedding Street.**

- A. Vehicles shall be driven from west to east only in south exit lane on Hedding Street between Daniel Way and a point one hundred ninety feet east on Monroe Street.
  - B. Vehicles shall be driven from west to east only in south entrance lane on Hedding Street between Laurelei Avenue and a point one hundred eighty-five feet west of Bellerose Drive.
  - C. Vehicles shall be driven from east to west only in north exit lane on Hedding Street between Laurelei Avenue and a point three hundred feet west of Bellerose Drive.
  - D. Vehicles shall be driven from east to west only in north entrance lane on Hedding Street between Tamarack Avenue and a point one hundred sixty-eight feet east of Monroe Street.
- (Prior code §§ 3306.21, 3306.22, 3306.23, 3306.24; Ord. 23486.)

**11.24.180 Humboldt Street.**

- A. Vehicles shall be driven from west to east only on Humboldt Street between Second Street and Third Street.
  - B. Vehicles shall be driven from west to east only on Humboldt Street between Tenth Street and Eleventh Street.
- (Prior code §§ 3306.30, 3306.36; Ord. 23486.)

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### **11.24.190 Julian Street.**

Vehicles shall be driven only from east to west on Julian Street between Seventeenth Street and Notre Dame Street.

(Prior code § 3306.15; Ords. 20503, 21714, 23486, 24483.)

### **11.24.210 Lightstone Alley.**

Vehicles shall be driven from south to north only in Lightstone Alley between Post Street and West Santa Clara Street. Vehicles shall be parked on the easterly side only.

(Prior code § 3306.4; Ord. 23486.)

### **11.24.215 Lincoln Avenue.**

Vehicles shall be driven from north to south only on Lincoln Avenue between Husted Avenue and Janis Way.  
(Ord. 23486.)

### **11.24.220 Margaret Way.**

Vehicles shall be driven from east to west only on Margaret Way from Seventh Street to Fifth Street.  
(Prior code § 3306.50; Ord. 23486.)

### **11.24.230 Market Street.**

Vehicles shall be driven from south to north only on Market Street between Julian Street and Bassett Street.  
(Prior code § 3306.27; Ord. 23486.)

### **11.24.240 Maykirk Road.**

Vehicles shall be driven from south to north only on Maykirk Road between Kirkmont Drive and Dry Creek Road.  
(Prior code § 3306.59; Ords. 18613, 23486.)

### **11.24.245 Meridian Way.**

Vehicles shall be driven from south to north only on Meridian Way between Fruitdale Avenue and a point five hundred feet north of Fruitdale Avenue.  
(Ord. 23486.)

### **11.24.250 Montgomery Street.**

Vehicles shall be driven from north to south only on Montgomery Street between Santa Clara Street and Park Avenue.  
(Prior code § 3306.40; Ord. 23486.)

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### **11.24.260 Moorpark Avenue.**

Vehicles shall be driven from west to east only on Moorpark Avenue between Bascom Avenue and the freeway on-ramp at Menker Avenue.

(Prior code § 3306.51; Ord. 23486.)

### **11.24.270 Morris Court.**

Vehicles shall be driven north to south only on Morris Court between Sherwood and Alameda Court.

(Prior code § 3306.25; Ord. 23486.)

### **11.24.275 North Almaden Boulevard.**

Vehicles shall be driven from north to south only on North Almaden Boulevard between West Julian Street and West Santa Clara Street.

(Ord. 23486.)

### **11.24.280 Notre Dame Avenue.**

Vehicles shall be driven from south to north only on Notre Dame Avenue between Santa Clara Street and Julian Street.

(Prior code § 3306.24; Ord. 23486.)

### **11.24.290 O'Brien Court.**

Vehicles shall be driven from south to north only on O'Brien Court between Alameda Court and Sherwood Avenue.

(Prior code § 3306.26; Ord. 23486.)

### **11.24.300 Reserved.**

Editor's note(s)—Ord. 30100, § 6, adopted May 15, 2018, repealed § 11.24.300, which pertained to Parkmoor Avenue and derived from prior code § 3306.52; and Ord. 23486.

### **11.24.320 Post Street.**

Vehicles shall be driven from east to west only on Post Street between First Street and Lightstone Alley.

(Prior code § 3306.6.18; Ords. 20570, 23486.)

### **11.24.330 Reed Street.**

Vehicles shall be driven from east to west only on Reed Street between Almaden Avenue and Almaden Boulevard.

(Prior code § 3306.53; Ord. 23486.)

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### **11.24.350 Reserved.**

Editor's note(s)—Ord. 30100, § 7, adopted May 15, 2018, repealed § 11.24.350, which pertained to St. James Street and derived from prior code § 3306.16; and Ord. 23486.

### **11.24.400 Second Street.**

Vehicles shall be driven only from north to south on Second Street between St. James Street and Humboldt Street.

(Prior code § 3306.12; Ords. 18976, 22365, 23486.)

### **11.24.410 Service roads.**

- A. Vehicles shall be driven from east to west only on that certain unnamed service road between Chestnut Street and Stockton Avenue on the north side of Hedding Street.
- B. Vehicles shall be driven from west to east only on that certain unnamed service road between Chestnut Street and Stockton Avenue on the south side of Hedding Street.
- C. Vehicles shall be driven from east to west only on that certain unnamed service road between Chestnut Street and Taylor Street.

(Prior code §§ 3306.19, 3306.20, 3306.43; Ord. 23486.)

### **11.24.415 Seventeenth Street.**

Vehicles shall be driven from south to north only on Seventeenth Street between San Fernando Street and San Antonio Street.

(Ord. 27090.)

### **11.24.420 Reserved.**

Editor's note(s)—Ord. 30100, § 8, adopted May 15, 2018, repealed § 11.24.420, which pertained to Sixth Street and derived from prior code § 3306.54; and Ord. 23486.

### **11.24.440 Tenth Street.**

Vehicles shall be driven from north to south only on Tenth Street between Hedding Street and Humboldt Street.

(Prior code § 3306.28; Ord. 23486.)

### **11.24.450 Reserved.**

Editor's note(s)—Ord. 30100, § 9, adopted May 15, 2018, repealed § 11.24.450, which pertained to Third Street and derived from prior code § 3306.13; and Ord. 23486.

### **11.24.460 Vine Street.**

Vehicles shall be driven from north to south only on Vine Street between Route 280 and Almaden Expressway.

(Prior code § 3306.8; Ord. 23486.)



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**11.24.470 Reserved.**

Editor's note(s)—Ord. 30100, § 10, adopted May 15, 2018, repealed § 11.24.470, which pertained to Virginia Street and derived from prior code § 3306.55; and Ord. 23486.

**11.24.480 West Taylor Street.**

Vehicles shall be driven from west to east only on West Taylor Street between The Alameda and Taylor Street.  
(Prior code § 3306.55; Ord. 23486.)

**11.24.490 Villa Stone Drive.**

Vehicles shall be driven from north to south only on Villa Stone Drive between the south line of Stone Court.  
(Ords. 22428, 23486.)

**Chapter 11.28 SPEED LIMITS<sup>7</sup>**

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<sup>7</sup>State law reference(s)—For statutory provisions on local timing of traffic signals to vary speed limits, see Vehicle Code § 22401; for provisions on increasing and decreasing state speed limits, see Vehicle Code §§ 22357 and 22358.

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**11.28.010 Setting speed limits.**

- A. The city traffic engineer is responsible for conducting all engineering and traffic surveys necessary to establish, maintain and enforce prima facie speed limits on all streets, or portions thereof, within the jurisdiction of the city.
- B. Consistent with the requirements of the California Vehicle Code, the city council shall establish the prima facie speed limits applicable on streets, or portions thereof, by resolution.
- C. Except for those prima facie speed limits set forth in the California Vehicle Code, the speed limit established by the city council on any particular street, or portion thereof, shall be based upon an engineering and traffic survey demonstrating that the speed limit is appropriate, reasonable and safe to facilitate the orderly movement of traffic.

(Ord. 24937.)

**11.28.020 Traffic signal timing.**

The city engineer is authorized to regulate and set the timing of traffic signals so as to facilitate the orderly movement of vehicular traffic in a reasonable and safe manner, and at speeds consistent with the speed limits established by state law or by resolution of the city council.

(Ord. 24937.)

**11.28.030 Signs required.**

The city traffic engineer is authorized to erect upon each of the streets located within the jurisdictional boundaries of the city appropriate signs giving notice of the prima facie speed limit applicable to such street, or portion thereof.

(Ord. 24937.)

**11.28.040 Effective dates of speed limits.**

The prima facie speed limits set by resolution of the city council shall be effective when appropriate signs giving notice of the applicable prima facie speed limit have been erected.

(Ord. 24937.)

**Chapter 11.32 MISCELLANEOUS DRIVING RULES<sup>8</sup>**

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<sup>8</sup>State law reference(s)—For statutory provisions on local authority to regulate stops at through streets and stop intersections, see Vehicle Code § 21101.

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### **11.32.010 Leaving ignition keys in vehicle prohibited when.**

No person shall leave a motor vehicle unattended on any street, alley, used car lot or unattended parking lot without stopping the engine, locking the ignition and removing the ignition key therefrom. This section does not apply to commercial vehicles.

(Prior code § 3308.9.)

### **11.32.020 Driving on Sidewalk Prohibited - Exception.**

The driver of a vehicle shall not drive within any sidewalk area or any Furnishing Zone/Parkstrip except at a permanent or temporary driveway.

(Prior code § 3308.6; Ord. 30100.)

### **11.32.030 Driving over new pavement or new markings prohibited.**

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

(Prior code § 3308.7.)

### **11.32.040 Motor vehicles prohibited in pedestrian tunnels and on overhead pedestrian crossings.**

No person shall drive a motor vehicle in a pedestrian tunnel or on an overhead pedestrian crossing where said tunnel or overhead crossing has been designated for exclusive use of pedestrians by the city traffic engineer pursuant to Section 11.64.060 of this Code.

(Prior code § 3308.12; Ord. 19156.)

### **11.32.050 Limited-access roadways - Entrance and exit restrictions.**

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.

(Prior code § 3308.8.)

### **11.32.060 Reserved.**

Editor's note(s)—Ord. 30100, § 12, adopted May 15, 2018, repealed § 11.32.060, which pertained to stopping or parking in parkways prohibited, and derived from prior code § 3310.3.

### **11.32.070 County expressways within city limits - Use restrictions.**

- A. For purposes of this section, "county expressway" means a county owned or maintained facility, or portion thereof, designated as an expressway or freeway by the county of Santa Clara, which is located within the city limits and under the traffic control jurisdiction of the City of San José and which is designed primarily for traffic movement, providing no right or easement of access, or providing access only at intersecting streets, to or from abutting properties.
- B. No person, other than peace officers, firefighters, or emergency services personnel acting in the performance of their duties, shall walk or run upon any county expressway which is posted in accordance with Subsection

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D of this section. However, the driver or passengers of a disabled vehicle stopped on a county expressway may walk to the nearest exit, in either direction, on that side of the expressway upon which the vehicle is disabled.

- C. No person shall drive any livestock upon any county expressway.
- D. When pedestrians are prohibited on any county expressway pursuant to this section, signs shall be posted providing notice of such prohibition as required by California Vehicle Code Section 21960.
- E. Nothing in this section is intended to prohibit any pedestrian from crossing any county expressway while traveling on any street, highway, or other public way where such pedestrians are otherwise permitted.

(Prior code § 3308.10; Ord. 23270.)

## **Chapter 11.34 RESERVED<sup>9</sup>**

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<sup>9</sup>Editor's note(s)—Ord. No. 30801, adopted Aug. 9, 2022, repealed Ch. 11.34, §§ 11.34.010—11.34.080, which pertained to the regulation of cruising and derived from Ord. 22385.

## **Chapter 11.36 STOPPING, STANDING AND PARKING<sup>10</sup>**

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<sup>10</sup>State law reference(s)—For statutory provisions on local parking regulation, see Vehicle Code § 22500 et seq.; for provisions on local parking curb markings, see Vehicle Code § 21458; for provisions on local traffic regulation, see Vehicle Code § 21100 et seq.

## ***Part 1 REGULATIONS GENERALLY***

### **11.36.010 Applicability of regulations.**

The provisions of this Title 11 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.

(Prior code § 3310.1.)

### **11.36.020 Time limits - Provisions not exclusive.**

The provisions of this title 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 State Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

(Prior code § 3310.2.)

### **11.36.030 Stop signs - Required where - City traffic engineer duties.**

Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the city traffic engineer shall erect and maintain stop signs as follows: A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, and at the entrances of other intersections where a stop is required. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

(Prior code § 3307.1.)

### **11.36.035 Stop signs - Designation by traffic engineer et al.**

The city traffic engineer is authorized to designate certain intersections as one-, two-, three-, or four-way stop intersections where justified on the basis of an engineering study; or upon the direction of the city council; or at the direction of the traffic appeals commission, as set forth under Section 2.08.1940 of this Code.

(Ord. 20500.)

### **11.36.037 Through streets - Designation by traffic engineer.**

The city traffic engineer is authorized to designate certain city streets as through streets and to implement such traffic-control devices as are necessary to control traffic entering or crossing such through street.

In the designation of such through streets the city traffic engineer shall comply with city council policy pertaining to the installation of through streets, which policy shall constitute rules and regulations pertaining to the designation of through streets.

(Ord. 20654.)

### **11.36.040 Stop required upon 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.

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(Prior code § 3307.3.)

**11.36.050 Obstructing roadway prohibited - Exceptions.**

No driver shall stop, stand or park any vehicle upon a street other than an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway measured from the center of the roadway to said vehicle for free movement of vehicular traffic, except that an operator may stop temporarily during the actual loading or unloading of passengers.

(Prior code § 3310.20.)

**11.36.060 Stopping or Parking in Furnishing Zone/Parkstrip Prohibited.**

No person shall stop or park a vehicle within any Furnishing Zone/Parkstrip.

(Prior code § 3310.3; Ord. 30100.)

**11.36.070 No-Parking Areas - Designation Authority - Signs Required.**

The City traffic engineer is authorized to designate certain places as no-parking areas where it is shown that such parking would be detrimental to the best use of the street by all users, or where such prohibition is necessary in order to facilitate the proper movement of traffic, or to prevent congestion. The no-parking areas shall be indicated by appropriate signs, or by painting the curb thereof red.

(Prior code § 3310.4; Ord. 30100.)

**11.36.080 No-parking areas - Stopping, standing or parking prohibited.**

No person shall stop, stand or park a vehicle in a no-parking area, so designated by the city traffic engineer and indicated by appropriate signs, or by painting the curb thereof red.

(Prior code § 3310.5.)

**11.36.090 No-parking areas - Violations.**

Any vehicle stopped or parked in violation of Sections 11.36.070 and 11.36.080 shall be deemed to be left standing upon a street in an unusual position and obstructing the normal movement of traffic thereon.

(Prior code § 3310.6.)

**11.36.100 Parking for certain prohibited.**

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

1. Displaying such vehicle for sale;
2. Greasing or repairing such vehicle except repairs necessitated by an emergency;
3. Storing such vehicle in connection with any repair garage business, or any new or used automobile dealership business, notwithstanding the provisions of Section 11.36.220.

(Prior code § 3310.10; Ord. 19969.)

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### **11.36.110 Method of parking on hills.**

A. No person shall park a motor vehicle, or permit it to stand unattended, upon a hill within any business or residential district without first blocking the wheels of the vehicle by turning them against the curb or by other effective means.

B. As used in this section, "hill" means a sloping surface with a grade exceeding three percent.

(Prior code § 3310.7.)

### **11.36.120 Narrow streets - Sign placement authorized when.**

The city traffic engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

(Prior code § 3310.17.)

### **11.36.130 Narrow streets - Parking prohibited when.**

When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

(Prior code § 3310.18.)

### **11.36.140 Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Prior code § 3310.19.)

### **11.36.150 Parallel parking - Prohibited on left-hand side of one-way roadways.**

In the event a highway includes two or more separate roadways and traffic is restricted to one 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.

(Prior code § 3310.12.)

### **11.36.160 Parallel parking - Determination of areas where prohibited signs required.**

The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

(Prior code § 3310.13.)

### **11.36.170 Angle parking - Conformity with stall markings required.**

No person shall stand or park a vehicle at an angle to the curb of any roadway unless such vehicle is left standing or parked within marked parking stalls.

(Prior code § 3310.14; Ord. 19263.)



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**11.36.180 Angle parking - Location determination and marking.**

The city traffic engineer is authorized to determine when standing or parking at an angle to the curb of any roadway shall be permitted, and shall mark parking stalls giving notice thereof.

(Prior code § 3310.15; Ord. 19263.)

**11.36.190 Parking prohibited where use of street is necessary for cleaning, repair or construction of street or installation of underground utilities.**

- A. Whenever the city traffic engineer or his authorized representative finds and determines that the use of a street or highway, or portion thereof, in the city is necessary for the cleaning, repair or construction of the highway or street, or for the installation of underground utilities, and that the parking or standing of vehicles hereon would prohibit or interfere with such cleaning, repair, construction or installation, he is authorized to erect or place signs, or have signs erected or placed, on such street, highway or portion, in the manner required and subject to the requirements of the Vehicle Code of the state, giving notice that the parking or standing of vehicles upon said street, highway or portion is forbidden, and keep such signs thereon until such cleaning, repair, construction or installation is completed.
- B. Upon and after the erection or placing of such signs thereon and until said signs are removed, no person who owns or has possession, custody or control of any vehicle shall park such vehicle, or leave such vehicle standing, upon the street or highway or portion thereof upon which said signs are erected or placed.

(Prior code § 3310.22.)

**11.36.200 Parking prohibited where use of street is authorized for purposes other than normal flow of traffic.**

- A. Whenever the use of a street or highway, or any portion thereof, in the city is authorized by the city council or by any other authorized officer of the city for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size, and the city traffic engineer or his authorized representative finds and determines that the parking of any vehicle on such street, highway or portion would prohibit or interfere with such use or movement, he is authorized to erect or place signs, or have signs erected or placed, on such street, highway or portion in the manner required and subject to the requirements of the Vehicle Code of the state, giving notice that the parking of vehicles upon said street, highway or portion is forbidden, and keep such signs thereon until the authorized special use or movement is completed.
- B. Upon and after the erection or placing of such thereon and until such signs are removed, no person who owns or has possession, custody or control of any vehicle shall park such vehicle upon the street, highway, or portion thereof, upon which such signs are erected or placed.

(Prior code § 3310.23.)

**11.36.210 Loading or unloading - Permit requirements.**

The city traffic engineer is authorized to issue permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to such person the privilege as herein stated and authorized herein, and no permittee or other person shall violate any of the special terms or conditions of any such permit.

(Prior code § 3310.16.)

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### **11.36.220 Storing vehicles on streets - Time limit and movement.**

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley and fail to move the vehicle more than one-tenth (1/10) of a mile from the original parking space for more than a consecutive period of seventy-two (72) hours. For the purpose of this section, attempting to eradicate or hide the tire markings placed by an authorized city employee may result in the issuance of a citation and removal of the vehicle without further warning pursuant to the requirements of California Vehicle Code Section 22669.

(Prior code § 3310.8; Ord. 27676.)

### **11.36.230 Exemption of news vehicles from certain provisions of this chapter.**

- A. Except as provided in this section, the provisions pertaining to time-metered zones and posted zones regulating the stopping, standing and parking of vehicles, shall not apply to news vehicles so long as the operators of such vehicles register their names and the organization which they represent with and are in possession of a valid permit issued by a law enforcement agency or are in possession of press photographers' "pp" license plates as defined and issued pursuant to Vehicle Code Section 5008.

In addition to the aforementioned registration, exemptions from the above-stated provisions are conditional upon the fulfillment of the following requirements:

1. The registrant is regularly employed or engaged as a bona fide newspaper, radio or television reporter, researcher, photographer or camera operator;
  2. The vehicle enjoying such exemption is at the scene of a news event;
  3. The vehicle enjoying such exemption displays a valid press permit;
  4. The operator of such vehicle is actually engaged in the duties of gathering the news;
  5. The vehicle does not block, hinder or otherwise interfere with emergency equipment or activities, or in any way impede or inhibit the free flow of traffic on city highways;
  6. The driver of the news vehicle exercises due prudence and caution in the parking of his vehicle;
  7. The exemptions shall apply only for the duration of the news event.
- B. The exemptions from the above-stated provisions regulating the stopping, standing and parking of vehicles will not operate to exempt news vehicles from the following areas at all times:
1. The south curb of East Santa Clara Street between South Fourth Street and South Sixth Street;
  2. The east curb of South Fourth Street between Santa Clara Street and East San Fernando Street; and
  3. The east and west curb of South Fifth Street between San Fernando Street and the end of the court adjacent to the Civic Center.
- C. The exemptions from the above-stated provisions regulating the stopping, standing and parking of vehicles will not operate to exempt news vehicles from the operation of parking laws pertaining to road maintenance or repair needs.
- D. Upon request, the chief of police, or his or her designee, shall issue identifications to persons meeting the criteria set forth in this section.

(Ords. 19405, 27364.)

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### **11.36.231 Inspector parking permit.**

- A. Any city employee who routinely uses his or her private vehicle to perform field inspections as part of his or her regular job duties is eligible for an inspector parking permit. The head of the department in which an employee works shall determine the eligibility of the employee for an inspector parking permit.
- B. A vehicle displaying a properly issued inspector parking permit shall be exempt from parking restrictions in construction zones, parking meter zones, and permit parking areas located on public streets within the city. However, the permit shall not be valid within any of the following areas:
  - 1. Any off-street parking facilities, including those for city employees;
  - 2. Any parking meter zones within the area bounded by First Street, Taylor Street, Guadalupe Parkway and Hedding Street;
  - 3. Any parking spaces reserved for disabled persons;
  - 4. Any bus zones or marked fire lanes;
  - 5. Any zones where parking is prohibited by a red curb or posted signs; and
  - 6. Any additional restricted parking zones so designated in writing by the city traffic engineer. The permit shall no longer be valid in any such additional restricted parking zone effective ten days after the city traffic engineer has provided notice of the additional limitation to all permittees.
- C. The exemption set forth in subsection B. above shall apply only if the employee to whom the inspector parking permit is issued complies with each of the following requirements:
  - 1. The employee must display the inspector parking permit in the manner prescribed by the city traffic engineer.
  - 2. The employee must display and use the inspector parking permit only while conducting a field inspection on behalf of the city and under no other circumstances.
  - 3. The inspector parking permit must be used by only the employee to whom it is issued and displayed only on the vehicle for which it is issued.
  - 4. The employee must not park his or her vehicle in such a manner as to block, hinder or otherwise interfere with the free flow of vehicular traffic, with access by fire fighting equipment to a fire hydrant, or with access to any driveway or ramp intended for the loading or unloading of passengers or freight or for access by the disabled.
  - 5. The employee must not park his or her vehicle on any curb or sidewalk, and must comply with all other local and state laws governing the parking of vehicles.
- D. Each inspector parking permit shall be valid for only the period specified on the permit. Employees eligible for an inspector parking permit must reapply for a new permit pursuant to the procedures promulgated by the city traffic engineer.
- E. Any permittee leaving the employment of the city prior to expiration of the inspector parking permit shall return the permit to the city traffic engineer upon separation from the city.
- F. Printed on each inspector parking permit shall be the time period for which the permit is valid, and the name of the employee and the license number of the vehicle for which the permit is issued.
- G. The city traffic engineer shall be responsible for issuing all inspector parking permits, including all replacement permits, and shall issue such permits to all eligible employees, as determined by the head of the department in which the eligible employee works. The city traffic engineer shall promulgate the administrative procedures to be followed to obtain an inspector parking permit.

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(Ord. 24750.)

***Part 2 RESTRICTIONS IN CERTAIN LOCATIONS<sup>11</sup>***

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<sup>11</sup>State law reference(s)—For statutory provisions on local authority to prohibit or restrict parking and standing on certain streets, see Vehicle Code §§ 22507 and 22507.5.

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### **11.36.232 Parking for disabled persons.**

No person shall park or leave standing any vehicle in a stall or space designated for disabled persons, unless the vehicle displays either a distinguishing license plate or placard issued pursuant to the California Vehicle Code.

(Ord. 23585.)

### **11.36.233 Disabled loading/unloading zones.**

Any area of pavement located in either a privately or publicly owned off-street parking facility and meeting all of the following requirements is designated only for the loading and unloading of vehicles that are properly parked in a space reserved for disabled persons:

- A. The area of pavement is located immediately adjacent to a parking space reserved for disabled persons; and
- B. The area of pavement is marked with crosshatched lines.

(Ord. 25687.)

### **11.36.235 Parking spaces reserved for disabled persons.**

- A. Upon a citizen's request or pursuant to information received or obtained by staff in the department of streets and traffic, the director of streets and traffic may initiate a study to determine the need for a parking space for disabled persons.
- B. In determining the need for an on-street parking space for disabled persons, the director of streets and traffic shall consider the following factors:
  - 1. The reasonable existing on-site loading and unloading facilities available.
  - 2. The existence of a ramp or driveway located immediately adjacent to the site.
  - 3. The slope of the pavement at the site.
  - 4. The utilization of existing on-street parking spaces adjacent to the site.
- C. In determining the need for off-street parking spaces for disabled persons, the director of streets and traffic shall consider those standards contained in the California State Building Code's Development Requirements for Handicapped Accessibility.
- D. When the director of streets and traffic determines there is a need to reserve an on-street parking space for disabled persons pursuant to this section, the director of streets and traffic may designate such a space for the exclusive use of any vehicle which displays either a distinguishing license plate or placard issued pursuant to California Vehicle Code Section 22511.5[1]. Whenever the director of streets and traffic designates such a space, the city traffic engineer shall indicate the space by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition to blue paint, the city traffic engineer shall also indicate the space by signs or other suitable means.
- E. When the director of streets and traffic determines there is a need to reserve a parking space for disabled persons in an off-street parking facility, which is owned or operated by the city, pursuant to this section, the director of streets and traffic may designate such a space for the exclusive use of any vehicle which displays either a distinguishing license plate or placard issued pursuant to California Vehicle Code Section 22511.5[1]. Whenever the director of streets and traffic designates such a space, the city traffic engineer shall indicate the space by posting a sign as described in paragraph 1 below, and by either of the markings described in paragraphs 2 or 3 below:

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1. By posting immediately adjacent to, and visible from, each stall or space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.
  2. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.
  3. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in paragraph 2. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space.
- F. No person shall park or leave standing any vehicle in a stall or space designed for disabled persons, unless the vehicle displays either a distinguishing license plate or placard issued pursuant to California Vehicle Code Section 22511.5[1].

(Ords. 19557, 19752, 23585, 23734.)

### **11.36.240 Parking on minor streets - Industrial development.**

Parking of vehicles may be allowed upon a minor street-industrial development established pursuant to Section 19.36.030 of the San José Municipal Code when the city traffic engineer determines on the basis of a traffic count, survey, or study that all of the following conditions exist:

1. The street exhibits an accident rate which is average or below average for city streets;
2. The traffic volume on the street does not exceed four thousand vehicles per day;
3. Commercial vehicles having a manufacturer's gross vehicle weight rating of ten thousand pounds or more do not exceed ten percent of the daily vehicle traffic;
4. Owners of all real property abutting the street agree in writing to the need for the on-street parking.

(Ord. 21056.)

### **11.36.250 Parking time - In unmetered zones.**

Whenever the traffic engineer designates a parking time limit and authorized signs giving notice thereof are posted in any block, no person shall stop, stand, or park any vehicle in such block for longer than the maximum posted time, between the hours posted, Sundays and legal holidays excepted. The traffic engineer shall determine such appropriate parking time limits on the basis of traffic engineering studies which address the need for efficient use by the public of affected contiguous properties taking into account available parking facilities.

(Prior code § 3312.1; Ord. 21209.)

### **11.36.260 Stopping, standing and parking - Prohibited when signs are in place.**

Whenever any ordinance or resolution prohibits the stopping, standing and parking of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day, and authorized signs or other markings are in place giving notice thereof, no person shall stop, stand or park any vehicle on or along those streets or highways, or portions thereof, to which such prohibition applies during the times specified in such ordinance or resolution.

(Prior code § 3312.4a.)

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### **11.36.270 Stopping, standing and parking - Signs and markings required.**

Whenever any ordinance or resolution imposes or designates any parking time limit on certain streets, highways or other places, or portions thereof, or prohibits the stopping, standing or parking of vehicles on any streets, highways, places, or portions thereof, the city traffic engineer is hereby authorized and directed to erect or place upon such streets, highways or other places or portions thereof, appropriate signs or other markings giving notice of the restrictions or prohibitions imposed by such ordinance or resolution.

(Prior code § 3312.46.)

### **11.36.271 Signs and markings - Handicapped or disabled persons.**

Whenever any ordinance or resolution designates any parking space or stall for the exclusive use of physically handicapped or disabled persons, the city traffic engineer is hereby authorized and directed to erect appropriate signs and place appropriate curb markings indicating such designation.

(Ord. 19557.)

### **11.36.280 Reserved areas - Parking restrictions.**

Whenever any ordinance or resolution of this city reserves the use of any street or part of street for any purpose, and authorized signs giving notice thereof are erected, no person shall park within such reserved area except vehicles authorized by the city between the hours and during the days specified in said ordinance or resolution.

(Prior code § 3312.9.)

### **11.36.290 Commercial vehicle parking prohibition in residential districts.**

- A. No person shall park a commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more upon any street in a residential district, as defined in Section 11.04.165 of this Code.
- B. The prohibition set forth in subdivision A. shall not apply to the parking of pickup trucks or mounted campers used in daily commuting, or any commercial vehicle making pickups or deliveries of goods, wares and merchandise to or from any building or structure located upon any street in a residential district, 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, for which a building permit has been obtained, located upon any street in a residential district.

(Prior code § 3312.8; Ords. 18443, 25419.)

### **11.36.300 Commercial vehicle parking prohibition in nonresidential districts.**

- A. No person shall park a commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more, upon any street to which the prohibition set forth in Section 11.36.290 of this Code is not applicable, if the following conditions exist:
  - 1. A resolution prohibits or restricts the parking of such commercial vehicles on the street during all or certain hours of the day; and
  - 2. Signs or markings are in place giving adequate notice of the applicable prohibition or restrictions.
- B. No prohibition or restriction described in subdivision A. shall apply to the parking of any commercial vehicle making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on

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a restricted street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure, for which a building permit has been obtained, located on a restricted street.

- C. The city traffic engineer is directed to place appropriate signs or markings giving notice of any prohibitions or restrictions imposed by resolution regarding the parking of commercial vehicles having a manufacturer's gross vehicle weight rating of ten thousand pounds or more.

(Prior code § 3312.7a; Ords. 18612, 25419.)

### **11.36.320 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.320, which pertained to parking and traffic control restrictions on Circle Drive.

### **11.36.330 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.330, which pertained to City Hall Frontage Parking Lot.

### **11.36.340 City employee parking lots - Permit required - Use restrictions.**

- A. No person shall park any vehicle within any part of any of the following lots which is reserved for the exclusive use of any city vehicles or those of officers or employees of the city, unless there has been procured from the director of finance and affixed to said vehicle, in a location easily visible from the outside of said vehicle, a permit authorizing the parking of said vehicle in such lot.
- B. No person shall park any vehicle within any unreserved portion of any such lot for more than two consecutive hours in any day.
- C. No vehicle shall be parked in any such lot except within marked parking stalls.
- D. All reserved areas shall be marked and designated as such by appropriate signs.
- E. Those lots that are hereinabove referred to are set forth in Sections 11.36.360 through 11.36.390.

(Prior code § 3312.12; Ords. 20156, 29021.)

### **11.36.350 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.350, which pertained to City Hall Parking Lot No. 1.

### **11.36.360 City Hall Parking Lot No. 2.**

City Hall Parking Lot No. 2 is designated and described as being that certain off-street parking area situated adjacent to and northwesterly of the Communications Building, adjacent to and southerly of the Police Garage Building, adjacent to and westerly of San Pedro Street, and adjacent to and northerly of Mission Street, being a portion of that certain block in the city which is bounded by San Pedro Street, Hedding Street, Guadalupe Parkway and Mission Street.

(Prior code § 3312.12 (part).)



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### **11.36.370 City Hall Parking Lot No. 3.**

City Hall Parking Lot No. 3 is designated and described as being that certain off-street area situated adjacent to and northerly of the Police Garage Building, adjacent to and westerly of San Pedro Street, adjacent to and southerly of the Sheriff Department's Building of Santa Clara County, adjacent to and easterly of the Juvenile Hall building of Santa Clara County, being a portion of that certain block of the city which is bounded by San Pedro Street, Hedding Street, Guadalupe Parkway and Mission Street.

(Prior code § 3312.12 (part).)

### **11.36.380 City Hall Parking Lot No. 4.**

City Hall Parking Lot No. 4 is designated and described as being that certain off-street parking area which is bounded by Asbury Street, San Pedro Street, Taylor Street and Guadalupe Parkway.

(Prior code § 3312.12 (part).)

### **11.36.390 City Hall Parking Lot No. 5.**

City Hall Parking Lot No. 5 is designated and described as being that certain off-street parking area situated adjacent to and westerly of the Police Administration Building, adjacent to and northerly of Mission Street, and adjacent to and easterly of the Guadalupe Parkway, being a portion of that certain block in the city which is bounded by Hedding Street, San Pedro Street, Mission Street and Guadalupe Parkway.

(Prior code § 3312.12 (part).)

### **11.36.400 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.400, which pertained to Health Department Parking Lot.

### **11.36.410 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.410, which pertained to Main Corporation Yard Parking Lot No. 1.

### **11.36.420 Reserved areas for visitors and other parking.**

The city traffic engineer is authorized to reserve all or any portion or portions of the above-described parking areas or parking lots for the exclusive use of visitors to the City Hall or for the exclusive use of vehicles of the City of San José, its officers or employees as he may designate.

(Prior code § 3312.13.)

### **11.36.430 Reserved.**

Editor's note(s)—Ord. 29021, adopted January 24, 2012, repealed § 11.36.430, which pertained to City Hall Alley.

### **11.36.440 Airport Boulevard.**

- A. Airport Boulevard comprises a portion of the airport property constructed as a roadway, bounded on the north by fencing, on the south by Route 17 Freeway, on the east by the Guadalupe River and on the west by fencing and raised curbing.

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- B. The airport manager, with approval of the city manager, is hereby authorized to establish parking and traffic control on Airport Boulevard, and to indicate same by appropriate signs and/or markings.
  - C. When appropriate signs and/or markings have been installed, no person may park or drive a vehicle on any portion of Airport Boulevard in violation of such signs or markings.

(Prior code § 3312.18.)

### **11.36.470 Minnesota Avenue off-street parking lot.**

No person shall park any vehicle within the city-owned parking lot, located one hundred eighty feet west of Lincoln Avenue and extending three hundred sixty feet north from Minnesota Avenue, except within the spaces marked thereon, nor in excess of two hours on any day except a Sunday or holiday.

(Prior code § 3312.17.)

## ***Part 3 RESERVED PARKING FOR ZERO EMISSION VEHICLES***

### **11.36.500 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this part.

(Ord. 26886.)

### **11.36.510 Director.**

"Director" means the head of the city department responsible for the city's off-street parking program.

(Ord. 26886.)

### **11.36.520 Zero emission vehicle.**

"Zero emission vehicle" is any car, truck or any other vehicle that produces no tailpipe or evaporative emissions.

(Ord. 26886.)

### **11.36.530 Zero emission vehicle decal.**

"Zero emission vehicle decal" is a distinctive, numbered decal made available by the California Department of Motor Vehicles upon application after July 1, 2003 for a zero emission vehicle pursuant to Section 22511, subdivision (f) of the California Vehicle Code.

(Ord. 26886.)

### **11.36.540 Parking spaces reserved.**

- A. The director is authorized to designate parking spaces in any off-street parking facility owned or operated by the city as being exclusively for the parking of a zero emission vehicle properly displaying a zero emission vehicle decal.
- B. The director shall designate a parking space as being exclusively for the parking of a zero emission vehicle by posting a sign in accordance with Section 22511, subdivision (d) of the California Vehicle Code.

(Ord. 26886.)

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**11.36.550 Proper display of decal.**

A zero emission vehicle decal shall be placed on the driver's side rear window or bumper of the zero emission vehicle, or, if the zero emission vehicle does not have a rear window or bumper, on the driver's side windshield.

(Ord. 26886.)

**Chapter 11.38 SOLICITATION PROHIBITIONS**

***Part 1 DEFINITIONS***

**11.38.100 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ords. 25246, 25247.)

**11.38.110 Business.**

"Business" means any type of product, good, service, performance or activity that is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

(Ords. 25246, 25247.)

**11.38.120 Employment.**

"Employment" means services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

(Ords. 25246, 25247.)

**11.38.130 Solicit.**

"Solicit" means any request, offer, enticement, or action which announces the availability for or of employment, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property. Solicitation shall include participation in discussions undertaken in response to the solicitation by another. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

(Ords. 25246, 25247.)

**11.38.140 Public right-of-way.**

"Public right-of-way" means public streets, highways, and sidewalks, including driveways.

(Ords. 25246, 25247.)

**11.38.150 Director.**

"Director" means the head of the city department responsible for monitoring traffic flow on public streets.

(Ords. 25246, 25247.)

## ***Part 2 PROHIBITION OF SOLICITATION***

### **11.38.200 Prohibition.**

- A. No person shall solicit or attempt to solicit the driver or occupant of a vehicle traveling on a public right-of-way that is located within a posted no vehicle solicitation zone.
- B. No person shall solicit or attempt to solicit the driver or occupant of a vehicle located on private property, including a private driveway, private parking facility or private entrance way, in such a manner as to disrupt the flow of vehicular traffic on a public right-of-way located within a posted no vehicle solicitation zone.
- C. No driver or occupant of a vehicle within the public right-of-way in a posted no vehicle solicitation zone shall solicit or attempt to solicit any other person.
- D. No driver or occupant of a vehicle located on private property, including a private driveway, private parking facility or private entrance way, shall solicit or attempt to solicit any other person in such a manner as to disrupt the flow of vehicular traffic on a public right-of-way located within a no vehicle solicitation zone.
- E. The prohibitions set forth in this section shall not apply to a solicitation, or attempted solicitation, to or from any person in a vehicle that is lawfully parked within the public right-of-way or on private property.

(Ords. 25246, 25247, 25883.)

### **11.38.210 No vehicle solicitation zone.**

- A. The director may declare any area of the city to be a no vehicle solicitation zone if the director finds, based upon traffic volume, traffic patterns and the nature of the conduct of the solicitation activity, that solicitation occurring in that area is creating a public nuisance or is adversely affecting public health, safety and welfare.
- B. The prohibition set forth in Section 11.38.200 shall not be enforceable in any area declared to be a no vehicle solicitation zone until the director has posted signs giving notice of the prohibition.

(Ords. 25246, 25247.)

## **Chapter 11.40 PARKING METERS<sup>12</sup>**

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<sup>12</sup>State law reference(s)—For statutory provisions authorizing local authorities to establish parking meter zones, see Vehicle Code § 22508.

## ***Part 1 DEFINITIONS***

### **11.40.010 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ord. 26733.)

### **11.40.020 Director.**

"Director" shall mean the director of the city department responsible for administering the off-street parking meter program.

(Ord. 26733.)

### **11.40.025 Parking meter.**

"Parking meter" shall mean any single-space parking meter, multiple space parking meter, pay station, or any other equipment installed by the director pursuant to this chapter for the collection of payment to park in any designated metered parking space.

(Ord. 28643.)

### **11.40.030 Parking meter district.**

"Parking meter district" shall mean any one of the parking meter districts established in Part 2 of this chapter.

(Ord. 26733.)

## ***Part 2 PARKING METER DISTRICTS ESTABLISHED***

### **11.40.200 Downtown Business Parking Meter District.**

- A. There is established a Downtown Business Parking Meter District, which also shall be known as Parking Meter District No. 1(a).
- B. The Downtown Business Parking Meter District shall consist of all streets within and including the following boundaries: Beginning from the northeast corner of East Julian Street and North Fifth Street, heading southward along the east side of North Fifth Street to the northeast corner of Fifth and East St. John Street, then heading eastward to include the north side of East St. John Street to the centerline of North Tenth Street at St. John Street, then heading southward along the centerline of Tenth Street until the centerline of East San Carlos Street at the intersection of East San Carlos Street and Tenth Street, then heading westward along the centerline of San Carlos Street (through San José State University along the abandoned centerline of East San Carlos Street) to the intersection of West San Carlos Street and Woz Way, and then heading northward along the east side of Highway 87, but not including Highway 87, to the north side of Bassett Street, then heading eastward along the north side of Bassett Street to North First Street, then heading southward along the east side of North First Street to Julian Street, then heading eastward along the north side of Julian Street to the point of origination.

(Ords. 26733, 28643, 28763.)

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**11.40.210 South First Street/University Business Parking Meter District.**

- A. There is established a South First Street/ University Business Parking Meter District, which also shall be known as Parking Meter District No. 1(b).
- B. The South First Street/University Business Parking Meter District shall consist of all streets within and including the following boundaries: Beginning from the west side of Woz Way at the centerline of East San Carlos Street heading south and then east along the west and south side of Woz Way to the intersection of Almaden Boulevard and Woz Way, then heading due eastward from the southwest corner of Almaden Boulevard and Woz Way, then southward on Almaden Boulevard along the centerline to the south side of West Reed Street, then eastward on West Reed Street to South Market Street, across South Market Street to the southwest corner of East Reed Street, then heading eastward along the south side of East Reed Street to the centerline of South Tenth Street, then heading northward along the centerline of South Tenth Street to the intersection of East San Carlos Street, then heading westward along the centerline of East San Carlos Street (through San José State University campus along the abandoned centerline of East San Carlos Street) to the point of origination.

(Ord. 26733.)

**11.40.220 East Santa Clara Neighborhood Business Parking Meter District.**

- A. There is established an East Santa Clara Neighborhood Business Parking Meter District, which also shall be known as Parking Meter District No. 2.
- B. The East Santa Clara Neighborhood Business Parking Meter District shall consist of all streets within and including the following boundaries: Beginning at the centerline of South Tenth Street at the centerline of East San Fernando Street, then heading eastward along the centerline of East San Fernando Street to the centerline of South Seventeenth Street, then heading northward along the centerline of South Seventeenth Street to the intersection of East St. John Street, then heading westward along the north side of East St. John Street to the centerline of North Tenth Street, then heading southward along the centerline of Tenth Street to the point of origination.

(Ord. 26733.)

**11.40.230 Japantown Neighborhood Business Parking Meter District.**

- A. There is established a Japantown Neighborhood Business Parking Meter District, which also shall also be known as Parking Meter District No. 3.
- B. The Japantown Neighborhood Business Parking Meter District shall consist of all streets within and including the following boundaries: Beginning at the southeast corner of East Empire Street and North Seventh Street, then heading westward along the south side of East Empire Street to the southwest corner of East Empire Street and North Third Street, then heading northward along the west side of North Third Street to the northeast corner of East Taylor Street and North Third Street, then heading eastward along the north side of East Taylor Street to the northeast corner of East Taylor Street and North Seventh Street, then heading southward along the east side of North Seventh Street to the point of origination.

(Ord. 26733.)

**11.40.240 First and Younger Neighborhood Business Parking Meter District.**

- A. There is established a First and Younger Neighborhood Business Parking Meter District, which also shall be known as Parking Meter District No. 4.

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- B. The First and Younger Neighborhood Business Parking Meter District shall consist of all streets within and including the following boundaries: Beginning at the intersection of the centerline of North First Street and East Taylor Street, then heading westward along the centerline of East Taylor Street to the centerline of Guadalupe Expressway, then heading northward along the centerline of Guadalupe Expressway to the centerline of Nimitz Freeway (I-880), then heading northeastward to the west side of North Second Street, then heading southward along the east side of North Second Street to the southwest corner of East Mission and North Second Street, then heading westward along the south side of East Mission Street to the centerline of North First Street, then heading southward along the centerline of North First Street to the point of origination.

(Ord. 26733.)

#### **11.40.250 Arena/Diridon Area Parking Meter District.**

- A. There is established a Arena/Diridon Area Parking Meter District, which also shall be known as Parking Meter District No. 5.
- B. The Arena/Diridon Area Parking Meter District shall consist of all streets within and including the following boundaries: Beginning at the northwest corner of Bassett Street and Highway 87, but not including Highway 87, then heading westward along the north side of Bassett Street to Cinnabar Street, then continuing along the north side of Cinnabar Street westward to the intersection of Stockton Avenue, then heading southbound along the west side of Stockton Avenue to the southwest corner of White Street and The Alameda, then southbound along the west side of White Street to West San Carlos Street, then eastbound along the south side of West San Carlos Street to Highway 87, then northbound along the east side of Highway 87, but not including Highway 87, to the point of origination.

(Ords. 28643, 28763.)

### ***Part 3 GENERAL***

#### **11.40.300 Meter installation authority.**

The director is authorized to install parking meters in any parking meter district established by this chapter for the purpose of, and in such number and in such places as in the director's judgment may be necessary for the regulation, control and inspection of the parking of vehicles.

(Ord. 26733.)

#### **11.40.310 Reservation of parking.**

The director is authorized to reserve in each parking meter district spaces for loading or unloading, passenger loading or unloading, bus stops, taxicab stands, transfer stands, and other spaces for the use and convenience of the public.

(Ord. 26733.)

#### **11.40.320 Maximum parking time limit.**

The director is authorized to determine the maximum parking time to be allowed in various parts of each parking meter district, and to cause signs giving appropriate notice of such maximum parking time to be placed.

(Ord. 26733.)

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### **11.40.330 Disabled persons' exemption.**

Any person who qualifies for the disabled persons' exemption contained in Sections 5007, 22511.55 or 22511.59 of the California Vehicle Code, as these sections may be amended, and who appropriately displays the distinguishing license plate or placard provided for under said sections, shall be entitled to park any automobile operated by such person free of charge and for unlimited periods of time in any parking meter space.

(Ord. 26733.)

### **11.40.340 Veterans' exemption.**

- A. Subject to the requirements of this section, physically incapacitated war veterans who have lost, or who have lost the use of, one leg while on active duty with the armed forces of the United States shall be entitled to park any automobile operated by such war veteran free of charge and overtime in any parking space during all hours when it is otherwise lawful to park in the space.
- B. To be eligible for the exemption, a qualifying veteran must meet each of the following requirements:
  - 1. The veteran must possess a card issued by the director certifying that the veteran meets the requirements of this section.
  - 2. The veteran must exhibit the card issued by the director when requested by any person qualified to enforce the parking laws.
  - 3. The automobile of the qualifying veteran shall bear a small but conspicuous sticker indicating the right to park under this section, the sticker to be approved by the director, and to be at all times displayed on the lower right hand corner of the windshield.

(Ord. 26733.)

### **11.40.350 Designated parking spaces.**

- A. The director shall have lines or marks painted upon each curb or street next to each single-space parking meter, designating the parking space for which the meter is to be used. Each vehicle parked next to any single-space parking meter shall park within the designated lines or markings.
- B. The director shall have lines or marks and space numbers painted upon each curb or street next to each metered parking space associated with a multiple space parking meter or pay station, designating the parking space for which the payment for parking is to be made. Each vehicle parked in any designated metered parking space area shall park within the designated lines or markings.
- C. No person shall park any vehicle across any line or marking, or park a vehicle in such a position that it shall not be entirely within the space designated by the lines or markings, except where otherwise provided.

(Ords. 26733, 28643.)

### **11.40.360 Parking meter rates.**

Parking meters, when installed, shall be adjusted so that legal parking time is registered and accumulated on such meters in the units of time and monetary rates established by resolution of the city council. No parking meter shall be adjusted to register and accumulate any period of time in excess of the maximum parking time limit designated by appropriate signage in the area of the district or districts in which the meter is installed.

(Ord. 26733.)



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#### **11.40.370 Parking meter funds.**

The payments deposited in parking meters as provided herein are hereby levied and assessed as fees to provide for the proper regulation, control and inspection of traffic upon the public streets, including the alleviation of traffic congestion by means of establishment and operation upon the public streets of parking meters for the purpose of controlling, limiting and regulating the time for the use of streets for public parking.

(Ords. 26733, 28643.)

#### **11.40.380 Parking time limit prohibition.**

No person shall cause or permit any vehicle registered in his or her name or operated or controlled by him or her to be parked in any parking space upon any street within a Parking Meter District next to which a parking meter is established, for more than the time indicated by proper signs placed in such Parking Meter District indicating the maximum parking time allowed in such parking space, or any time during which such parking meter is displaying a signal or message indicating that the space is illegally in use.

(Ords. 26733, 28643.)

#### **11.40.390 Payment of meter charges.**

- A. When any vehicle shall be parked in any parking space alongside of or next to which a single-space parking meter is located in accordance with the provisions of this chapter or any other provision of this Code, the operator of the vehicle, upon so parking, shall immediately deposit one or more five-cent, or one or more ten-cent, or one or more twenty-five-cent, or one-dollar coins of the United States in such parking meter, or any other authorized method of payment, and then turn the operating key, if applicable, of the meter in a clockwise direction to the extent allowed by the proper operation of the meter.
- B. When any vehicle shall be parked in any parking space associated with a multiple space parking meter or pay station established in accordance with the provisions of this chapter or any other provision of this Code, the operator of the vehicle, upon so parking, shall immediately deposit currency of the United States in denominations indicated on the multiple space parking meter or pay station or by other payment methods as identified on the multiple space parking meter or pay station.

(Ords. 26733, 28643.)

#### **11.40.400 Depositing slugs, counterfeit bills, or other unauthorized payment prohibited.**

No person shall deposit in any parking meter any slug, device or metallic substitute for a coin of the United States, counterfeit currency of the United States, or other unauthorized payment; provided, however, that should tokens or tickets be issued to officers and employees of the city, to be used by them while engaging in official business on behalf of the city, a deposit of such official token or ticket in any parking meter shall not be deemed to be a violation of the provisions of this section.

(Ords. 26733, 28643.)

#### **11.40.410 Damaging meters prohibited.**

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed pursuant to this title.

(Ord. 26733.)

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### **11.40.420 Parking citation.**

Each person authorized to enforce the parking laws of the city shall take the number of any parking meter and designated metered parking space number, if applicable, at which any vehicle is overparked, the state vehicle license of such vehicle, the time and date of such overparking, and the make of the vehicle, and issue, in writing, a citation for illegal parking.

(Ords. 26733, 28643.)

### **11.40.430 Parking meter permits.**

- A. The director is authorized to issue parking meter permits to any person for either one of the following purposes:
1. For the parking of vehicles or equipment, or the temporary storage of construction materials, the use of which are required for work or services being performed in or about any structure or other real property adjacent to a parking meter district.
  2. For the parking of vehicles or equipment, or the temporary storage of materials, the use of which are necessary to facilitate any city-authorized event occurring on a city street or park.
- B. A properly displayed parking meter permit shall exempt the permit holder from paying applicable parking meter fees subject to the following conditions:
1. The permit must be displayed in the manner prescribed by the director;
  2. The permit is valid only when used for the parking of the vehicles or the equipment, or the storage of materials for which the permit is issued;
  3. The permit is valid only when used at the location for which the permit was issued;
  4. Any vehicle or equipment shall not be parked on the curb or sidewalk and shall be parked in compliance with all other state and local laws governing the parking of vehicles and equipment; and
  5. Any materials must be stored within the parking space area and so as not to block, hinder or otherwise interfere with the free flow of traffic.
- C. The director shall promulgate the manner in which the application for a parking meter permit shall be made. The application shall contain such other information as may be required by the director.
- D. The director shall determine the form of the parking meter permit, except that each permit shall contain the following information:
1. A permit number;
  2. The specific dates and times that the permit is valid; and
  3. The specific location where the permit is valid.
- E. Applicant shall pay a fee, in the amount set forth in the schedule of fees established by resolution of the city council, for obtaining, replacing or renewing a parking meter permit. The applicant shall be exempt from the payment of the fee if the applicant demonstrates, to the satisfaction of the director, that the parking meter permit is required for the renovation or rehabilitation of property designated as a historical landmark pursuant to Section 13.48.110 of this Code.
- F. If the parking meter permit is in the form of a meter hood, then the applicant shall also pay a deposit in the amount set forth in the schedule of fees established by resolution of the city council. The deposit shall be refunded to the applicant upon return of the meter hood to the director in good condition, less reasonable wear and tear.

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- G. No person shall use any parking meter permit, including a parking meter hood, except in strict compliance with the provisions of this section.
  - H. The director may revoke a parking meter permit that has been issued if the permittee violates any of the terms or conditions upon which the permit was issued or if the reasons for which the permit was issued, as set forth in Subsection A. above, no longer exist.

(Ord. 26733.)

#### **11.40.440 City parking meter permits.**

- A. The director shall issue parking meter permits to any city departments having employees who routinely park their private vehicles in a parking meter district while performing official city business.
- B. A properly displayed parking meter permit shall exempt the employee from paying any parking meter fees applicable to the space where the employee is parking his or her vehicle. However, the permit shall not be valid within any twelve-minute parking meters, any loading zones, or any parking meter within the area bounded by First Street, Taylor Street, Guadalupe Parkway and Hedding Street.
- C. The exemption set forth in Subsection B. above applies only if the employee using the parking meter permit complies with each of the following requirements:
  - 1. The employee must display the permit in the manner prescribed by the director.
  - 2. The employee must use the permit only while conducting official city business.
  - 3. The employee must otherwise comply with all state and local laws governing the parking of vehicles.
- D. Each parking meter permit issued pursuant to this section shall be valid for only the period of time for which it is issued. Each department having such a permit must reapply for a new permit pursuant to the procedures promulgated by the director.
- E. The director shall be responsible for issuing all parking meter permits, including all replacement permits, and shall promulgate the administrative procedures to be followed to obtain such permits.

(Ord. 26733.)

## **Chapter 11.44 OFF-STREET PARKING**

### ***Part 1 MUNICIPAL PARKING FACILITIES***

#### **11.44.010 Payment of charges required.**

- A. No person shall park or leave standing any vehicle upon any municipal off-street parking facility at any time without payment of the fees, rates and charges established for the use of said facilities by resolution of the city council.
- B. All such fees, rates and charges shall be paid by or on behalf of persons using said facilities in currency of the United States of America, for each use of said facilities not exceeding twenty-four hours, and in advance for any use thereof exceeding twenty-four hours, except as otherwise provided by validation agreement set forth below in this part.

(Prior code § 3316.1.)

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#### **11.44.020 Validation agreement - Authorization.**

- A. The city council or the director of streets and traffic may enter into written agreements with any person, firm, corporation, association or organization (second party) to provide for validation of parking.
- B. The charges to be made to such person, firm, corporation, association or organization shall be in accordance with the schedule of fees, rates and charges for non-validated parking established by resolution of the city council.
- C. All such agreements entered into shall include the following provisions:
  - 1. Each person, firm, corporation, association or organization, a party to said agreement, shall deposit in advance with the city treasurer an amount sufficient to cover the estimated cost, as established by the director of streets and traffic of the use of the municipal parking facilities attributable to said second party for one month; at the end of each month a statement of charges shall be submitted to second party and said party shall promptly remit the total amount due to city.
  - 2. Should the outstanding charges at any time exceed the amount of deposit, the contracting party shall increase the deposit by an amount at least equal to such excess charges to date. If said party fails promptly to increase the deposit or remit the total amount of outstanding charges, said deposit shall be immediately forfeited, and all rights and privileges granted to second party under said agreement shall be cancelled.
  - 3. If said agreement is terminated, the deposit shall be returned to the depositor less any charges due from depositor under said validation agreement.

(Prior code § 3316.4; Ords. 21657, 22603, 23734.)

#### **11.44.030 Validation agreement - Charges - Billing and payment.**

- A. The city council or the director of streets and traffic may enter into written agreements on behalf of the city, with any person, firm, corporation, association or organization (second party) to provide for validation of parking.
- B. The charges to be made to such person, firm, corporation, association or organization shall be in accordance with the schedule of fees, rates and charges for non-validated parking established by resolution of the city council.
- C. Pursuant to any such agreement, the city shall submit to any person, firm, corporation, association or organization, at the end of each month, a statement of parking charges based on the rubber stamped parking ticket validations accepted by city's department of streets and traffic and such second party shall remit said total amount to city not later than the fifteenth day of the following month.

(Prior code § 3316.2; Ords. 21657, 22603, 23734.)

#### **11.44.040 Vehicles subject to removal when - Storage lien.**

- A. No vehicle or vehicles shall be parked or stored by the owner, operator or person in charge thereof upon any off-street parking facilities of the city for a time longer than that upon which parking rates have been paid and discharged, and should the owner, operator or person in charge of said vehicle allow the same to be parked or stored longer than a period of twenty-four hours after the parking time paid thereon or contracted for has expired, the said vehicle shall be subject to removal from the premises by the city or its duly authorized representatives, and shall be subject to a possessory lien in favor of the city, pursuant to the provisions of Section 22851 of the Vehicle Code of the state for the following storage and removal charges and fees:

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1. Accumulated unpaid parking charges at the time of removal;
  2. Actual towing and storage charges;
  3. A removal fee of two dollars.
- B. Any attendant or employee of the city on duty or upon the said off-street parking facilities shall not permit or allow the removal from the premises of any vehicle by the owner, operator or person in charge unless and until all charges and fees have been paid and discharged.
- C. Failure on the part of any owner, operator or person in charge of any vehicle so removed from any of the said municipal off-street parking facilities to redeem his vehicle or vehicles within the time and within the manner provided by law shall be cause for the city to proceed to sell the said vehicle to satisfy the lien and all charges and fees unpaid thereon in the manner as provided by law.

(Prior code § 3316.3; Ord. 19023)

#### **11.44.045 Off-street parking regulations.**

- A. "Director" means the director of the department of transportation, or such other director or officer designated by the city manager to administer this section.
- B. The director is authorized to establish regulations regarding the time, place and manner of parking or stopping of vehicles on any off-street parking facility owned, leased and/or operated by the city, or any paseo, plaza, access road or property owned or leased by the city.
- C. The director shall not enforce any regulation established pursuant to this section in any off-street parking facility until the director has posted adequate notice of such regulations in the parking facility, paseo, plaza, access road, or property owned, leased and/or operated by the city.
- D. No person shall park or stop a vehicle in any off-street parking facility owned, leased and/or operated by the city in violation of any properly posted regulation established by the director pursuant to this section.
- E. No person shall park or stop a vehicle in any paseo, plaza, access road or property owned, leased and/or operated by the city in violation of any properly posted regulation established by the director pursuant to this section.
- F. In the event that a vehicle is parked in violation of this section, any regularly employed and salaried city peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the California Penal Code, or any regularly employed and salaried employee of the city who is engaged in directing traffic or enforcing parking laws and regulations, may remove the vehicle in the manner and subject to the requirements of the California Vehicle Code.

(Ord. 27129.)

### ***Part 2 OFF-STREET PARKING METER ZONES<sup>13</sup>***

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<sup>13</sup>State law reference(s)—For statutory provisions authorizing local authorities to establish parking meter zones, see Vehicle Code § 22508.

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#### **11.44.050 Established - Map adopted by reference - Contents - Meter installation.**

The off-street parking lots in this city, as are hereinafter designated in this Part 2, are defined and established as off-street parking meter zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of parking meters, and shall be governed by the provisions of this Code. Parking meters shall be located as shown upon a map or maps of the city designated as the "Off-Street Parking Meter Zone Map, City of San José," and any amendments thereto, which map is on file in the office of the city clerk. The map, or maps, and all amendments thereto, and markings thereon, are incorporated herein by reference and made a part hereof, as though fully set forth herein. The director of streets and traffic shall cause parking meters to be installed and maintained in all off-street parking meter zones. The rate of fees for each parking meter zone shall be as hereinafter set forth for each zone.

(Prior code § 3319.1; Ords. 21657, 23734.)

#### **11.44.060 Off-Street Parking Meter Zone 1.**

- A. Map reference: Off-Street Parking Map No. 1 - Blue color.
- B. Rate of fees: One cent for each three minutes.
- C. Off-street parking lots included: Main Library Parking Lot.
- D. All that certain real property situated in the City of San José, county of Santa Clara, state of California, described as follows: Beginning at a point on the southerly line of San Carlos Street, distant thereon N 59° 21' E, 305.58 feet from the point of intersection of said line of San Carlos Street with the easterly line of Almaden Avenue, formerly Orchard Street, said point of beginning also being the northeasterly corner of that certain parcel of land described as Parcel 1 in the deed from Arthur F. Castle to Clare E. Castle, dated June 9, 1944, and recorded September 25, 1947, in Book 1453 of the Official Records, page 22, said point also being the northeasterly corner of that parcel of land described in Parcel No. 3 in the deed from Edward A. Uhl, a widower, to City of San José, dated September 16, 1963, and recorded October 11, 1963, in Book 6227 of Official Records, page 651; thence along said southerly line of San Carlos Street N 59° 21' E, 31.80 feet to a point; thence leaving said southerly line of San Carlos Street and proceeding S 30° 39' E, 104.89 feet to a point; thence S 42° 39' E, 197.15 feet to a point on the northerly line of Auzerais Avenue; thence along said northerly line of Auzerais Avenue, S 47° 21' W, 113.46 feet to a point; thence leaving northerly line of Auzerais Avenue and proceeding N 30° 39' W, 321.32 feet to a point on said southerly line of San Carlos Street; thence along said southerly line of San Carlos Street, N 59° 21' E, 38.20 feet to the point of beginning.

(Prior code § 3319.2.)

#### **11.44.070 Meters - Manner of installation and operation.**

The director of streets and traffic shall have parking meters installed immediately adjacent to each parking space. Each meter shall be placed in such a manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit or parking time for the zone in which the parking meter is installed, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of off-street parking lot upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by the proper signal that the lawful parking period has expired.

(Prior code § 3319.4; Ords. 21657, 23734.)

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#### **11.44.080 Parking time limit establishment - Signs required.**

The director of streets and traffic is authorized to determine the maximum parking time to be allowed in said off-street parking meter zones, and to cause signs which fulfill the requirements of the ordinances and resolutions of the city pertaining thereto to be placed at various parts of such zones so designated.

(Prior code § 3319.3; Ords. 21657, 23734.)

#### **11.44.090 Meters - Time adjustment for money paid.**

Parking meters, when installed, shall be adjusted so that legal parking time is registered and accumulated upon such meter in units of three minutes upon and after the deposit of each United States one-cent coin, or in units of thirty minutes upon and after the deposit of each United States ten-cent coin, or in units of sixty minutes upon and after the deposit of twenty cents in United States coin; provided, however, that no parking meter shall be adjusted to show or register any period of parking time in excess of the maximum legal parking time limit designated by appropriate sign in the area or zone wherein any such parking meter is installed.

(Prior code § 3319.5.)

#### **11.44.100 Parking space marking - Procedure for parking.**

The director of streets and traffic shall have lines or markings painted or placed upon the area adjacent to each parking meter, designating the parking space for which said meter is to be used, and each vehicle parked adjacent to or next to any parking meter shall park within the lines or markings so established. No person shall park any vehicle across any such line or markings or park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

(Prior code § 3319.7; Ords. 21657, 23734.)

#### **11.44.110 Meters - Hours and days of operation.**

The provisions of this Code relating to the operation of off-street parking meters shall be effective between the hours of nine a.m. and nine p.m. on Monday through Friday, and between the hours of nine a.m. and six p.m. on Saturday, excepting Sundays and holidays.

(Prior code § 3319.6.)

#### **11.44.120 Meters - Method of operation.**

Immediately after occupancy of a parking meter space, the operator of a vehicle shall deposit a coin of the United States in said parking meter and if necessary turn a crank, knob or handle in accordance with the instruction posted on the face of the parking meter to activate the parking meter and indicate the parking time limit achieved by the coin deposited therein.

(Prior code § 3319.8.)

#### **11.44.130 Unlawful to park after meter time has expired.**

No operator or any vehicle shall permit said vehicle to remain parked in any parking space during any time that the meter is showing a signal indicating that such space is illegally in use other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking. Violation of this section shall be a misdemeanor.

(Prior code § 3319.9.)

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#### **11.44.140 Unlawful to extend time beyond limit.**

No person shall follow the operational procedure established by this chapter for the purpose of increasing or extending the parking time of any vehicle beyond the maximum legal parking time established for the particular parking meter. Each successive maximum period of time, or portion thereof, during which the maximum legal parking time has been extended in excess of the initial period, shall constitute a separate offense.

(Prior code § 3319.11; Ord. 21735.)

#### **11.44.150 Deposit of coins in meter by unauthorized person.**

No person other than the owner or operator of a vehicle, shall deposit any coin in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

(Prior code § 3319.12.)

#### **11.44.160 Acts constituting improper use of meter.**

No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter.

(Prior code § 3319.14.)

#### **11.44.170 Attaching articles to meters prohibited.**

No person shall attach anything to or allow a bicycle, newsrack of any other article or thing to lean against a parking meter or a parking meter standard.

(Prior code § 3319.13.)

#### **11.44.180 Unlawful to leave vehicle parked after receipt of parking meter violation citation.**

No operator of any vehicle shall permit said vehicle to remain parked in a metered parking space after receipt of a violation citation for exceeding the parking time limit. Violation of this section will occur only after the passage of the succeeding time limit of the metered parking space as recorded by the preceding violation citation.

(Prior code 3319.10; Ord. 21735.)

#### **11.44.190 Overparked vehicle - Citation required - Contents.**

Each police officer shall take the number of any meter at which any vehicle is overparked as provided in this part; the state vehicle license of such vehicle; the time and date of such overparking; and the make of such vehicle; and issue, in writing, a citation for illegal parking.

(Prior code § 3319.15.)

### ***Part 3 AIRPORT PARKING METER ZONES***

#### **11.44.200 Established - Map adopted by reference - Meter installation.**

Notwithstanding any other provisions of this Code, the San José Municipal Airport off-street parking lots and areas of this city, as are hereinafter designated in this Part 3, are defined and established as off-street parking



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meter zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of parking meters, and shall be governed by the provisions of this part. Parking meters shall be located as shown upon a map or maps of the city designated as the "Off-Street Parking Meter Zone Map, San José Municipal Airport, City of San José," and any amendments thereto, which map is on file in the office of the city clerk. The map or maps, and all amendments thereto, and markings thereon, are incorporated herein by reference and made a part hereof as though fully set forth herein. The director of aviation may cause parking meters to be installed and maintained in any or all off-street parking meter zones or in any part of any of said off-street parking meter zones; provided, that unless and until parking meters are installed in a zone or part thereof, the provisions of this part shall not apply thereto, but instead such zones or parts thereof where meters have not been installed shall continue to be governed by other provisions of this Code applicable thereto relating to parking of vehicles thereon. The rate of fees for each parking meter zone shall be as hereinafter set forth for each zone.

(Prior code § 3320.1.)

#### **11.44.210 Airport Off-street Parking Meter Zone 1.**

- A. Map reference: Airport Off-Street Parking Map No. 1 - Red color.
- B. Rate of fees: Fifty cents for each hour.
- C. Airport off-street parking lots included: That portion of San José Municipal Airport Terminal Parking Lot, described as follows: All that real property situated in the City of San José, county of Santa Clara, state of California, lying entirely within the boundaries of the San José Municipal Airport and more particularly described as follows:
  - 1. Beginning at a brass pin set in concrete on the centerline of Brokaw Road Bridge over the Guadalupe River, said brass pin set 5.55 feet North 42° 35' 45" east of the most westerly concrete edge on centerline of said bridge; thence leaving said brass pin South 42° 35' 45" West, 172.28 feet; thence on a tangent curve to the left with a radius of 150.00 feet, an angle of 82° 52' 41", and a length of 132.42 feet; thence South 49° 43' 04" West, 3.00 feet; thence South 40° 16' 56" East, 990.53 feet; thence North 49° 43' 04" East, 40.00 feet to the true point of beginning of this description.
  - 2. Beginning at the true point of beginning of this description, North 49° 43' 04" East, 64.00 feet; thence South 40° 16' 56" East, 239.8 feet; thence on a tangent curve to the left with a radius of 59.70 feet, an angle of 60° 00' 00" and a length of 62.52 feet; thence North 79° 43' 04" East, 11.00 feet; thence South 10° 16' 56" East, 64.00 feet; thence South 79° 43' 04" West, 11.00 feet; thence on a tangent curve to the right with a radius of 123.70 feet, an angle of 60° 99' 00", and a length of 129.54 feet; thence North 40° 16' 56" West, 239.8 feet to the true point of beginning of this description.

(Prior code § 3320.2(A).)

#### **11.44.220 Airport Off-street Parking Meter Zone 2.**

- A. Map No. 2 - Yellow Color.
- B. Rate of fees: Fifty cents for each hour:
- C. Airport off-street parking areas included: That portion of San José Municipal Airport Terminal Access Road, described as follows: All that real property situated in the City of San José, county of Santa Clara, state of California, lying entirely within the boundaries of the San José Municipal Airport and more particularly described as follows:
  - 1. Beginning at a brass pin set in concrete on the centerline of Brokaw Road Bridge over the Guadalupe River, said brass pin set 5.55 feet North 42° 35' 45" East of the most westerly concrete edge on centerline of said bridge; thence leaving said brass pin South 42° 43' 45" West, 172.28 feet; thence on a

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tangent curve to the left with a radius of 150.00 feet, an angle of 82° 52' 41", and a length of 132.42 feet; thence South 49° 43' 04" West, 25.00 feet to the true point of beginning of this description.

2. Beginning at the true point of beginning of this description North 49° 43' 04" East 9.00 feet; thence South 40° 16' 56" East, 597.88 feet; thence South 49° 43' 04" West, 9.00 feet; thence North 40° 16' 56" West, 597.88 feet to the true point of beginning of this description.

(Prior code § 3320.2(B).)

### **11.44.230 Airport Off-street Parking Meter Zone 3.**

- A. Map No. 2 - Orange color.
- B. Rate of fees: Fifty cents for each hour.
- C. Airport off-street parking areas included:

That portion of San José Municipal Airport Terminal Access Road, described as follows: All that real property situated in the City of San José, county of Santa Clara, state of California, lying entirely within the boundaries of the San José Municipal Airport and more particularly described as follows:

1. Beginning at a brass pin set in concrete on the centerline of Brokaw Road Bridge over the Guadalupe River, said brass pin set 5.55 feet North 42° 35' 45" East of the most westerly concrete edge on centerline of said bridge; thence leaving said brass pin South 42° 35' 45" West, 172.28 feet; thence on a tangent curve to the left with a radius of 150.00 feet, an angle of 82° 52' 41", and a length of 132.42 feet; thence North 49° 43' 04" East, 25.00 feet to the true point of beginning of this description.
2. Beginning at the true point of beginning of this description, South 40° 16' 56" East, 597.88 feet; thence South 49° 43' 04" West, 9.00 feet; thence North 40° 16' 56" West, 597.88 feet; thence North 49° 43' 04" East, 9.00 feet to the true point of beginning of this description.

(Prior code § 3320.2(C).)

### **11.44.240 Meters - Manner of installation and operation.**

The director of aviation shall have parking meters installed immediately adjacent to each parking space. Each meter shall be placed in such a manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit or parking time for the zone in which the parking meter is installed and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of off-street parking lot upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by the proper signal that the lawful parking period has expired.

(Prior code § 3320.4.)

### **11.44.250 Parking time limit establishment - Signs required.**

The director of aviation is authorized to determine the maximum parking time to be allowed in said off-street parking meter zones and to cause signs, which fulfill the requirements of the ordinances and resolutions of the city pertaining thereto, to be placed at various parts of such zones so designated.

(Prior code § 3320.3.)

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#### **11.44.260 Meters - Time of operation.**

The provisions of this Part 3 relating to the operation of off-street parking meters shall be effective continuously for twenty-four hours per day, Mondays through Sundays, including holidays.

(Prior code § 3320.6.)

#### **11.44.270 Meters - Time adjustment for money paid - Authorized token defined.**

Parking meters, when installed, shall be adjusted so that legal parking time is registered and accumulated upon such meter in units of thirty minutes upon and after the deposit of each United States twenty-five-cent coin or an authorized token for said amount; or in units of one hundred twenty minutes upon and after the deposit of one dollar in United States twenty-five-cent coins or in authorized tokens for said amount; provided, however, that the minimum registration time on each meter shall be thirty minutes; and provided further, that no parking meter shall be adjusted to show or register any period of parking time in excess of the maximum legal parking time limit designated by appropriate sign in the area or zone wherein any such parking meter is installed. As used in this part, the term "authorized token" shall mean a token duly issued and authorized by the city to be used as a substitute for a twenty-five-cent coin of the United States in parking meters installed pursuant to this part.

(Prior code § 3320.5.)

#### **11.44.280 Parking space marking - Procedure for parking.**

The director of aviation shall have lines or markings painted or placed upon the area adjacent to each parking meter, designating the parking space for which said meter is to be used, and each vehicle parked adjacent to or next to any parking meter shall park within the lines or markings so established. No person shall park any vehicle across any such lines or markings or park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

(Prior code § 3320.7.)

#### **11.44.290 Meters - Method of operation.**

Immediately after occupancy of a parking meter space, the operator of a vehicle shall deposit a twenty-five-cent coin of the United States or authorized token in said parking meter and, if necessary, turn a crank, knob or handle in accordance with the instruction posted on the face of the parking meter to activate the parking meter and indicate the parking time limit achieved by the coin or authorized token deposited therein.

(Prior code § 3320.8.)

#### **11.44.300 Unlawful to park after meter time has expired.**

No operator of any vehicle shall permit said vehicle to remain parked in any parking space during any time that the meter is showing a signal indicating that such space is illegally in use other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

(Prior code § 3320.9; Ord. 21735.)

#### **11.44.330 Attaching articles to meters prohibited.**

No unauthorized person shall attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.

(Prior code § 3320.12.)

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**11.44.340 Acts constituting improper use of meter.**

No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic or other substitute for a coin of the United States, other than an authorized token, or deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter.

(Prior code § 3320.13.)

**11.44.350 Overparked vehicle - Citation required - Contents.**

Each airport security officer shall take the number of any meter at which any vehicle is overparked as provided in this Part 3; the state vehicle license of such vehicle; the time and date of such overparking; and the make of such vehicle; and issue, in writing, a citation for illegal parking.

(Prior code § 3320.14.)

**11.44.360 Moneys - Collection and deposit.**

All moneys collected pursuant to the provisions of this part shall be collected by the airport department and deposited into the City of San José airport revenue fund.

(Prior code § 3320.15.)

**Chapter 11.48 PERMIT PARKING**

***Part 1 GENERAL PROVISIONS***

**11.48.010 Definitions.**

The definitions set forth in this chapter shall govern the application and interpretation of this chapter.

(Ord. 25003.)

**11.48.020 Business owner.**

"Business owner" shall mean the owner of a business located adjacent to a street or portion of street with a permit area and such owner's agent.

(Ord. 25003.)

**11.48.030 Director.**

"Director" means the director of the city department charged with the responsibility for city streets.

(Ord. 25003.)

**11.48.040 Permit parking area.**

"Permit parking area" means any area designated in Part 2 of this chapter where a permit is required to park on the street.

(Ord. 25003.)

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### **11.48.050 Residence.**

"Residence" means each legal dwelling unit located immediately adjacent to a street, or portion of street, with a permit parking area.

(Ord. 25003.)

## ***Part 2 PERMIT PARKING AREAS***

### **11.48.100 Arena permit parking area.**

"Arena permit parking area" shall consist of the following streets and portions of streets:

- A. In the Autumn-Montgomery neighborhood:
  - 1. The south side of Autumn Court, between its easterly terminus and Autumn Street;
  - 2. The west side of Autumn Street, between Julian Street and Saint John Street;
  - 3. The east side of Autumn Street, between Autumn Court and Saint John Street;
  - 4. The north side of Julian Street, between a point fifty-four feet west of Montgomery Street and a point one hundred thirty-three feet west of Montgomery Street;
  - 5. Montgomery Street, between Julian Street and Saint John Street;
  - 6. The north side of Saint John Street, between Montgomery Street and the Guadalupe River;
  - 7. The north side of Saint John Street from a point fifty-two feet east of North River Street to a point two hundred twenty-one feet east of North River Street;
  - 8. The south side of Saint John Street, between Autumn Street and the Guadalupe River;
  - 9. The south side of Saint John Street from a point thirty-four feet east of North River Street to a point one hundred fifty-two feet east of North River Street; and
  - 10. The west side of North Montgomery Street from a point one hundred three feet north of Julian Street to a point one hundred sixty- three feet north of Julian Street.
- B. In the Parkside neighborhood:
  - 1. The north side of San Fernando Street, between Delmas Avenue and the Los Gatos Creek;
  - 2. The south side of San Fernando Street, between Highway Route 87 and the Los Gatos Creek;
  - 3. Lakehouse Avenue, between Gifford Avenue and Delmas Avenue;
  - 4. Gifford Avenue, between San Fernando Street and Park Avenue;
  - 5. The west side of Sonoma Street, between Lakehouse Avenue and Park Avenue;
  - 6. Delmas Avenue, between San Fernando Street and Park Avenue; and
  - 7. The north side of Park Avenue between Delmas Avenue and South Autumn Street.
- C. In the Saint Leo's neighborhood:
  - 1. The west side of Keeble Avenue, between a point two hundred ninety-two feet south of The Alameda and San Fernando Street;
  - 2. The east side of Keeble Avenue, between a point one hundred ninety feet south of The Alameda and San Fernando Street;

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3. The west side of Atlas Street, between a point two hundred twenty feet south of The Alameda and San Fernando Street;
  4. The east side of Atlas Street, between a point one hundred seventy-five feet south of The Alameda and San Fernando Street;
  5. The east side of Morrison Avenue, between a point one hundred seventy-five feet south of The Alameda and Park Avenue;
  6. The west side of Morrison Avenue, between a point one hundred fifty-two feet south of The Alameda and Park Avenue;
  7. Cleaves Avenue, between a point one hundred fifty-two feet south of The Alameda and Park Avenue;
  8. The west side of Sunol Street, between a point two hundred feet south of The Alameda and Park Avenue;
  9. The east side of Sunol Street, between a point one hundred seventy-five feet south of The Alameda and San Fernando Street;
  10. The west side of Wilson Street, between a point two hundred eighty feet south of The Alameda and San Fernando Street;
  11. The north side of San Fernando Street, between Keeble Avenue and Wilson Avenue;
  12. The south side of San Fernando Street, between Race Street and Sunol Street;
  13. The north and south sides of Luther Avenue, between its easterly terminus and Race Street;
  14. The east and west sides of Rainier Avenue, between San Fernando Street and Park Avenue; and
  15. The north and south sides of Parkinson Court west of Lincoln Avenue.
- D. In the Garden-Alameda neighborhood:
1. Clinton Place, between its westerly terminus and Stockton Avenue;
  2. The south side of Julian Street, between Rhodes Court and a point ninety-seven feet east of North Morrison Avenue;
  3. The west side of Rhodes Court, between a point one hundred fifty-two feet north of The Alameda and Julian Street; and
  4. The east side of Rhodes Court, between a point one hundred seventy feet north of The Alameda and Julian Street.

(Ords. 25003, 26068, 26813, 28905.)

### **11.48.101 Cadillac Permit Parking Area.**

"Cadillac Permit Parking Area" shall consist of the following streets and portions of streets:

- A. Antonio Lane;
- B. The north side of Cadillac Drive, between Maria Way and a point one hundred fifty-six feet west of Winchester Boulevard;
- C. The south side of Cadillac Drive, between Maria Way and a point two hundred eighty-two feet west of Winchester Boulevard;

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- D. The west side of Eden Avenue, between Payne Avenue and a point one hundred forty-five feet south of Impala Drive;
  - E. The east side of Eden Avenue, between Payne Avenue and a point one hundred twenty-two feet south of Impala Drive;
  - F. Essex Way;
  - G. The north side of Impala Drive, between Eden Avenue and a point one hundred eighteen feet west of Winchester Boulevard;
  - H. The south side of Impala Drive, between Eden Avenue and a point two hundred eighty-six feet west of Winchester Boulevard;
  - I. Lexington Drive;
  - J. The north side of Loma Verde Drive, between Eden Avenue and a point two hundred one feet west of Winchester Boulevard;
  - K. The south side of Loma Verde Drive, between Eden Avenue and Winchester Boulevard;
  - L. Maria Way;
  - M. Merrimac Drive, between the western border of San Jose and Lexington Drive;
  - N. The south side of Payne Avenue, between Essex Way and six hundred forty feet east of Eden Avenue;
  - O. Traviata Place (a private street);
  - P. Valley Forge Way, between the western border of San Jose and Lexington Drive; and
  - Q. Williamsburg Drive, between Eden Avenue and a point two hundred eighty-five feet west of Winchester Boulevard.

(Ord. 29910.)

#### **11.48.102 Lynhaven Permit Parking Area.**

"Lynhaven Permit Parking Area" shall consist of the following streets and portions of streets:

- A. Eden Avenue, between Moorpark Avenue and Williams Road;
- B. Emerald Way;
- C. Garnet Drive;
- D. Jade Avenue;
- E. The south side of Moorpark Avenue, between Eden Avenue and a point three hundred eighty-seven feet west of Winchester Boulevard;
- F. Myles Court;
- G. The north side of Neal Avenue, between Teresi Court and a point one hundred fifty-two feet west of Winchester Boulevard;
- H. The south side of Neal Avenue, between Teresi Court and a point one hundred forty-three feet west of Winchester Boulevard;
- I. Opal Drive;
- J. The north side of Riddle Road, between Eden Avenue and a point one hundred twenty-nine feet west of Winchester Boulevard;

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(Supp. No. 41)

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K. The south side of Riddle Road, between Eden Avenue and a point seventy-five feet west of Winchester Boulevard; and

L. Teresi Court.

(Ord. 29910.)

**11.48.103 Via Monte Permit Parking Area.**

"Via Monte Permit Parking Area" shall consist of the following streets and portions of streets:

A. Almaden Road, between Mesa Drive and Almaden Expressway;

B. Carlsbad Drive;

C. The west side of Gallup Drive, between a point one hundred twenty feet north of Mesa Drive and Mesa Drive;

D. The north side of Mesa Drive, between Via Monte Drive and Gallup Drive;

E. The south side of Meda Drive, between Via Monte Drive and Almaden Road;

F. Tucson Drive; and

G. Via Monte Drive.

(Ord. 29910.)

**11.48.104 West Berryessa Permit Parking Area.**

"West Berryessa Permit Parking Area" shall consist of the following streets:

A. Pala Ranch Circle; and

B. Salamoni Court.

(Ord. 29910.)

**11.48.105 Hoffman Permit Parking Area.**

"Hoffman Permit Parking Area" shall consist of Hoffman Court.

(Ord. 29969.)

**11.48.106 Eden Permit Parking Area.**

"Eden Permit Parking Area" shall consist of the following streets and portions of streets:

A. The north side of Payne Avenue, between a point three hundred seventy feet west of Winchester Boulevard and a point one hundred fifty feet west of Eden Avenue;

B. The north side of Payne Avenue, between a point five hundred forty feet west of Eden Avenue and Phelps Avenue;

C. Phelps Avenue, between Payne Avenue and Yuba Avenue;

D. Speno Drive;

E. Canary Lane;

F. Valley Square Lane;



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- G. Bluebird Drive;
  - H. Finch Drive;
  - I. Eden Avenue, between Payne Avenue and Pearltone Drive;
  - J. Yuba Avenue, between Eden Avenue and Runnymede Drive;
  - K. Runnymede Drive, between Valley Square Lane and Pearltone Drive; and
  - L. Pearltone Drive.

(Ord. 30064.)

**11.48.110 Berryessa flea market permit parking area.**

"Berryessa flea market permit parking area" shall consist of the following streets and portions of streets:

- A. Cape Aston Court;
- B. Cape Buffalo Drive, between Berryessa Road and Commodore Drive;
- C. Cape Canaveral Place;
- D. Cape Coral Drive, between Cape Buffalo Drive and a point four hundred feet east of Cape Buffalo Drive;
- E. Cape Misty Drive, between Cape Buffalo Drive and a point one hundred feet west of Junesong Way;
- F. Chesterton Circle;
- G. The north side of Commodore Drive, between King Road and a point one hundred feet east of Cape Buffalo Drive;
- H. The south side of Commodore Drive, between King Road and a point one hundred eighty feet east of Cape Buffalo Drive; and
- I. Fanwood Court.

(Ord. 25003.)

**11.48.120 Civic center permit parking area.**

"Civic center permit parking area" shall consist of the following streets and portions of streets:

- A. Mission Street, between three hundred feet east of First Street and Second Street;
- B. The south side of Mission Street, between Second Street and Fourth Street;
- C. Second Street, between Taylor Street and Younger Street, excluding all nonresidential properties;
- D. Third Street, between Taylor Street and Mission Street; and
- E. North Second Street (the 1100 block), between Burton Street and Younger Street.

(Ords. 25003, 26068.)

**11.48.130 Market-Almaden permit parking area.**

"Market-Almaden permit parking area" shall consist of the following streets and portions of streets:

- A. The east side of Almaden Avenue, between Reed Street and a point forty-five feet south of Balbach Street;

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(Supp. No. 41)

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- B. The west side of Almaden Avenue, between a point forty feet south of Balbach Street and Reed Street;
  - C. The south side of Balbach Street, between a point three hundred twenty-five feet west of Market Street and a point two hundred feet west of Market Street;
  - D. Locust Street, between Woz Way and Interstate 280;
  - E. The north side of Pierce Street, between Almaden Avenue and a point one hundred sixty feet west of Market Street;
  - F. The south side of Pierce Street, between Almaden Avenue and a point two hundred twenty-five feet west of Market Street;
  - G. The north side of Reed Street, between Almaden Avenue and a point three hundred forty feet west of Market Street;
  - H. The south side of Reed Street, between a point one hundred feet west of Market Street and Almaden Avenue;
  - I. The north side of William Street, between a point one hundred thirty feet west of Market Street and a point one hundred twenty-five feet west of Colton Place; and
  - J. The south side of William Street, between a point one hundred twenty-five feet west of Colton Place and a point one hundred sixty-five feet west of Market Street.

(Ords. 25003, 29809.)

#### **11.48.140 University permit parking area.**

"University permit parking area" shall consist of the following streets and portions of streets:

- A. Arroyo Way, between San Antonio Street and a point one hundred feet east of Seventeenth Street;
- B. Fifteenth Street, between San Fernando Street and Margaret Street;
- C. The west side of Fifteenth Street, between San Fernando Street and a point two hundred feet south of Santa Clara Street;
- D. The east side of Fifteenth Street, between San Fernando Street and a point one hundred fifty feet south of Santa Clara Street;
- E. Fourteenth Street, between San Fernando Street and Margaret Street;
- F. The west side of Fourteenth Street, between San Fernando Street and a point two hundred three feet south of Santa Clara Street;
- G. The east side of Fourteenth Street, between San Fernando Street and a point two hundred fourteen feet south of Santa Clara Street;
- H. The north side of Margaret Street, between a point one hundred ninety feet west of Twelfth Street and Fifteenth Street;
- I. The south side of Margaret Street, between a point one hundred seventy feet west of Twelfth Street and Fifteenth Street;
- J. Reed Street, between Twelfth Street and Fourteenth Street;
- K. San Antonio Street, between Twelfth Street and Arroyo Way;
- L. San Carlos Street, between Twelfth Street and Seventeenth Street;

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- M. North side of San Fernando Street, between Eleventh Street and Seventeenth Street;
  - N. San Salvador Street, between Twelfth Street and Sixteenth Street;
  - O. Seventeenth Street, between San Fernando Street and San Salvador Street;
  - P. Sixteenth Street, between San Fernando Street and William Street;
  - Q. West side of Sixteenth Street, between Margaret Street and William Street;
  - R. East side of Sixteenth Street, between Margaret Street and the southern edge of William Street park;
  - S. Thirteenth Street, between San Fernando Street and Margaret Street;
  - T. The west side of Thirteenth Street, between San Fernando Street and a point two hundred twenty-five feet south of Santa Clara Street;
  - U. The east side of Thirteenth Street, between San Fernando Street and a point one hundred fifty-five feet south of Santa Clara Street;
  - V. Twelfth Street, between San Fernando Street and Virginia Street;
  - W. Twelfth Street, between San Fernando Street and a point one hundred thirteen feet south of Santa Clara Street;
  - X. The east side of Twelfth Street, between San Fernando Street and a point one hundred sixty-one feet south of Santa Clara Street;
  - Y. William Street, between Twelfth Street and Sixteenth Street; and
  - Z. The north side of William Street, between Sixteenth Street and a point two hundred ninety-two feet east of Sixteenth Street.

(Ords. 25003, 26068, 27147, 28905.)

#### **11.48.150 Horace Mann permit parking area.**

"Horace Mann permit parking area" shall consist of the following streets and portions of streets:

- A. The east side of Fourth Street, between Julian Street and Saint James Street.
- B. The east and west sides of Fifth Street, between Julian Street and Saint John Street.
- C. The west side of Sixth Street, between Washington Street and Saint John Street; and from a point thirty-three feet north of San Fernando Street to a point three hundred twenty-two feet north of San Fernando Street.
- D. The east side of Sixth Street, between Washington Street and San Fernando Street.
- E. The west side of Seventh Street, between Julian Street and Santa Clara Street.
- F. The east side of Seventh Street, between Julian Street and San Fernando Street.
- G. The west side of Eighth Street, from a point one hundred fifty-one feet north of Saint James Street and San Fernando Street.
- H. The east side of Eighth Street, between Saint James Street and Santa Clara Street; and from one hundred fifty feet south of Saint John Street and Saint James Street.
- I. The west side of Ninth Street, between Saint James Street and San Fernando Street.
- J. The east side of Ninth Street, between Julian Street and Santa Clara Street.

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- K. The west side of Tenth Street, between Julian Street and Santa Clara Street.
  - L. The east side of Tenth Street, between Saint James Street and San Fernando Street.
  - M. The west side of Eleventh Street, between Saint James Street and San Fernando Street.
  - N. The south side of Julian Street, between Fourth Street to a point seventy-eight feet east of Seventh Street; and from Ninth Street to Tenth Street.
  - O. The north side of Saint James Street, between Fourth Street and Eighth Street; and from Ninth Street to Tenth Street.
  - P. The south side of Saint James Street, between a point one hundred fifty-two feet east of Fourth Street to Eleventh Street.
  - Q. The north side of Saint John Street, between a point one hundred sixty feet west of Fifth Street to Eleventh Street.
  - R. The south side of Saint John Street, between Sixth Street and Eleventh Street.
  - S. The north side of Santa Clara Street, between Sixth Street and Eleventh Street.
  - T. The south side of Santa Clara Street, between Third Street and Fourth Street, from Seventh Street to Ninth Street, and from Tenth Street and Eleventh Street.
  - U. The north side of San Fernando Street, between Seventh Street and Ninth Street; and from Tenth Street to one hundred forty-five feet east of Eleventh Street.

(Ords. 26610, 26987, 27651.)

#### **11.48.160 South University permit parking area.**

"South University permit parking area" shall consist of the following streets and portions of streets:

- A. The east and west sides of Third Street, between San Salvador Street and William Street;
- B. The west side of Fourth Street, between San Salvador Street and William Street;
- C. The east side of Fourth Street, between San Salvador Street and Reed Street;
- D. The east and west sides of Fifth Street, between San Salvador Street and Margaret Street;
- E. The west side of Sixth Street, between San Salvador Street and Margaret Street;
- F. The east side of Sixth Street, between San Salvador Street and Reed Street;
- G. The west side of Seventh Street, between San Salvador Street and Reed Street;
- H. The east side of Seventh Street, between William Street and Route 280;
- I. The west side of Eighth Street, between William Street and Route 280;
- J. The east side of Eighth Street, between San Salvador Street and Route 280;
- K. The east and west sides of Ninth Street, between San Salvador Street and Route 280;
- L. The west side of Tenth Street, between San Salvador Street and William Street;
- M. The east side of Tenth Street, between San Carlos Street and San Salvador Street;
- N. The east and west sides of Tenth Street, between Reed Street and Route 280;
- O. The north and south sides of San Carlos Street, between Tenth Street and Eleventh Street;

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- P. The west side of Eleventh Street, between San Carlos Street and San Salvador Street;
  - Q. The west side of Eleventh Street, between Reed Street and Route 280;
  - R. The east side of Eleventh Street between Reed Street and Virginia Street;
  - S. The north side of Margaret Street, between Fifth Street and a point one hundred ten feet east of Eleventh Street;
  - T. The south side of Margaret Street, between Seventh Street and a point one hundred thirty-five feet east of Eleventh Street;
  - U. The north side of Reed Street, between Fourth Street and Tenth Street;
  - V. The south side of Reed Street, between Fourth Street and a point sixty feet east of Eleventh Street;
  - W. The south side of San Salvador Street between Third and Seventh Street, and from Eighth Street to Tenth Street;
  - X. The north side of San Salvador Street between Tenth and Eleventh Street;
  - Y. The north side of William Street, between Third Street and Seventh Street; and from Eighth Street to Tenth Street;
  - Z. The south side of William Street, between Fourth Street and Ninth Street; and
  - AA. Both sides of Carrie Street, between Fifth Street and Route 280.

(Ords. 26610, 26987, 27651, 28905.)

#### **11.48.170 College Park permit parking area.**

"College Park Permit Parking Area" shall consist of the following streets and portions of streets:

- A. North side of McKendrie Street, between Myrtle Street and Elm Street;
- B. South side of McKendrie Street, between Myrtle Street to three hundred fifty feet east of Elm Street;
- C. North side of West Hedding Street, between Myrtle Street and Elm Street;
- D. South side of West Hedding Street, between Myrtle Street to two hundred feet west of Myrtle Street;
- E. North side of University Avenue, from one hundred thirty-three feet west of Myrtle Street to three hundred feet east of Myrtle Street;
- F. South side of University Avenue, between Elm Street to two hundred sixty feet west of Myrtle Street;
- G. North side of Emory Street, between Myrtle Street and Elm Street;
- H. South side of Emory Street, between two hundred sixty-five feet west of Myrtle Street to seventy-five feet west of Laurel Street;
- I. North side of Asbury Street, from one hundred feet west of Myrtle Street to two hundred feet west of Stockton Avenue;
- J. South side of Asbury Street, between Stockton Avenue and two hundred feet east of The Alameda;
- K. West side of Myrtle Street, between McKendrie Street and two hundred feet south of Asbury Street;
- L. East side of Myrtle Street, between McKendrie Street and Asbury Street;
- M. West side of Elm Street, between University Avenue and Asbury Street;
- N. East side of Elm Street, between Emory Street and Asbury Street;

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- O. West side of Laurel Street, between Asbury Street and one hundred fifty feet south of Emory Street;  
and
  - P. East side of Laurel Street, between Asbury Street and two hundred feet north of Asbury Street.
- (Ords. 26744, 28905.)

**11.48.180 Santana Area neighborhood permit parking area.**

"Santana Area neighborhood permit parking area" shall consist of the following streets and portions of streets:

- A. The west side of South Redwood Avenue, between a point four hundred feet south of Stevens Creek Boulevard and Hemlock Avenue;
- B. The east side of South Redwood Avenue, between a point two hundred thirty-three feet south of Stevens Creek Boulevard and Hemlock Avenue;
- C. The west side of South Baywood Avenue, between a point one hundred seventy-eight feet south of Stevens Creek Boulevard and Hemlock Avenue;
- D. The east side of South Baywood Avenue, between a point four hundred fifty feet south of Stevens Creek Boulevard and Hemlock Avenue;
- E. The south side of Hemlock Avenue, between South Redwood Avenue and South Monroe Street;
- F. The north side of Hemlock Avenue, between South Redwood Avenue and South Baywood Avenue;
- G. The west side of South Clover Street, between a point two hundred sixty-three feet south of Stevens Creek Boulevard and Hemlock Avenue.

(Ord. 27010.)

**11.48.185 Cahill Park permit parking area.**

"Cahill Park permit parking area" shall consist of the following streets and portions of streets:

- A. The east side of Bush Street, between a point two hundred twenty feet south of The Alameda and West San Fernando Street;
- B. The west side of Bush Street, between The Alameda and San Fernando Street;
- C. The west side of Laurel Grove Lane, between San Fernando Street and Park Avenue;
- D. The east side of Laurel Grove Lane between a point five hundred thirty feet north of Park Avenue and Park Avenue;
- E. The south side of San Fernando Street, between Sunol Street and Wilson Avenue;
- F. The north side of San Fernando Street, between Bush Street and Laurel Grove Lane;
- G. The south side of San Fernando Street, between Bush Street and Laurel Grove Lane;
- H. The east side of Sunol Street between a point one hundred fifty feet north of Park Avenue and San Fernando Street; and
- I. The east side of Wilson Avenue, between The Alameda and San Fernando Street.

(Ords. 27088, 27651, 28905.)

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### **11.48.190 Delmas Park neighborhood permit parking area.**

"Delmas Park neighborhood permit parking area" shall consist of the following streets and portions of streets:

- A. The north side of Auzerais Avenue from Delmas Avenue to Bird Avenue.
- B. The south side of Auzerais Avenue from Delmas Avenue to Illinois Avenue.
- C. Illinois Avenue from Auzerais Avenue to its southern terminus.
- D. Willis Avenue from Auzerais Avenue to its southern terminus.
- E. Minor Avenue from Auzerais Avenue to its southern terminus.
- F. The east side of Josefa Street between a point one hundred sixty-two feet south of San Carlos Street to its southern terminus.
- G. The west side of Josefa Street from Columbia Avenue to its southern terminus.
- H. The north side of Columbia Avenue between a point fifty-four feet west of Josefa Street to a point two hundred ninety-six feet east of Bird Avenue.
- I. The south side of Columbia Avenue from Josefa Street to Bird Avenue.
- J. The east side of Gifford Avenue from Auzerais Avenue to a point ninety-nine feet south of San Carlos Street.
- K. The west side of Gifford Avenue from Auzerais Avenue to a point one hundred thirty-nine feet south of San Carlos Street.
- L. The west side of Delmas Avenue between a point seventy-nine feet south of San Carlos Street to Auzerais Avenue.
- M. The north side of Lorraine Avenue between a point one hundred twenty-eight feet west of Josefa Street to a point three hundred thirty feet west of Josefa Street.
- N. The south side of Lorraine Ave from Josefa Street to a point two hundred twenty-five feet east of South Montgomery Street.

(Ord. 27089.)

### **11.48.195 Sherman Oaks Permit Parking Area.**

"Sherman Oaks Permit Parking Area" shall consist of the following streets and portions of streets:

- A. The south side of Kingman Drive between Mansfield Drive and a point one hundred feet east of Sherman Oaks Drive.
- B. The east side of Mansfield Drive between Kingman Drive and Randolph Drive.
- C. The west side of Mansfield Drive between Randolph Drive and a point one hundred twenty feet north of Rexford Way.
- D. The north and south sides of Randolph Drive between Sherman Oaks Drive and a point one hundred thirty feet east of Del Mar Avenue.
- E. The north and south sides of Rexford Way between Mansfield Drive and a point one hundred thirty feet east of Del Mar Avenue.
- F. The east and west sides of Sherman Oaks Drive between Kingman Drive and Fruitdale Avenue.

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(Ord. 27651.)

**11.48.196 Century-Winchester permit parking area.**

"Century-Winchester permit parking area" shall consist of the following streets and portions of streets:

- A. The west side of Rosewood Avenue, between a point one hundred ninety feet south of Stevens Creek Boulevard and a point three hundred thirty feet south of Stevens Creek Boulevard;
- B. The east side of Rosewood Avenue, between a point one hundred ninety feet south of Stevens Creek Boulevard and a point three hundred forty feet south of Stevens Creek Boulevard;
- C. The west side of Maplewood Avenue, between a point two hundred feet south of Stevens Creek Boulevard and its southern terminus;
- D. The east side of Maplewood Avenue, between two hundred seventy-five feet south of Stevens Creek Boulevard and its southern terminus;
- E. The west side of Hanson Avenue, between a point two hundred seventy feet south of Stevens Creek Boulevard to Olin Avenue;
- F. The east side of Hanson Ave, between a point two hundred forty feet south of Stevens Creek Boulevard and Olin Avenue; and
- G. Spar Avenue, between Hanson Avenue and Olin Avenue.

(Ord. 28905.)

***Part 3 ADDING STREETS TO PERMIT PARKING AREAS***

**11.48.200 Interim addition of streets.**

- A. Pending the council's consideration of an ordinance to add a street or portion of street to any one of the permit parking areas, the director may designate the street or portion of street for interim inclusion in such permit parking area.
- B. The interim inclusion of a street or portion of street in a permit parking area shall occur only upon the director's determination that the availability of parking for the properties immediately adjacent to the particular street or portion of street is being adversely affected by persons who do not live or otherwise have business on the particular street or portion of street.
- C. Any street or portion of street designated by the director for interim inclusion in a permit parking area shall be subject to all the restrictions, conditions, requirements and procedures set forth in this chapter.
- D. No street or portion of street shall be added to any permit parking area on an interim basis for a period of time exceeding one hundred eighty days.

(Ord. 25003.)

**11.48.210 Permanent inclusion of interim streets.**

- A. Within one hundred eighty days of adding a street or portion of street to any permit parking area on an interim basis, the director shall bring forward for the city council's consideration a proposed ordinance for the permanent inclusion of the street or portion of street.
- B. If the city council approves the proposed ordinance, the street or portion of street shall become a permanent part of the permit parking area in which it was included on an interim basis.

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- C. If the city council rejects the proposed ordinance, the director shall immediately remove the street or portion of street from inclusion in the permit parking area and cease enforcement of this chapter on the street or portion of street.

(Ord. 25003.)

#### **11.48.220 Requests to add streets.**

- A. Upon the request of an individual, the director may initiate a parking study to determine if any street or portion of street not currently within a permit parking area should be added.
- B. After reviewing the request, the director shall mail a notice of decision to the requester.
- C. If the director determines that the availability of parking for properties immediately adjacent to the street or portion of street being studied for inclusion in a permit parking area is being adversely affected by persons who do not live or otherwise have business on the particular street or portion of street, the director may designate such street or portion of street for interim inclusion in the permit parking area pursuant to this part of this chapter.

(Ord. 25003.)

### ***Part 4 PARKING PROHIBITIONS***

#### **11.48.300 Prohibition.**

- A. Except as otherwise specified in this chapter, no person shall park a vehicle on any street or any portion of any street within a permit area on the days and during the times determined by the director unless such vehicle has a properly displayed and valid parking permit issued pursuant to this chapter.
- B. The director may, in lieu of collecting a fine for a citation issued for a residential permit violation, charge an administrative fee to process cancellation of a citation in any case where the individual who received the citation can show proof that he or she had been issued a valid residential permit at the time the citation was received. The amount of the administrative fee shall be set forth in the schedule of fees established by resolution of the City Council.

(Ords. 25003, 28905.)

#### **11.48.310 Posting.**

- A. The director shall cause appropriate signs to be erected and maintained on all streets and portions of streets within each permit parking area.
- B. The signs that the director causes to be erected pursuant to this section shall provide clear notice of the days and times of the parking prohibition applicable to the street upon which the sign is erected.
- C. The parking prohibition set forth in Section 11.48.300 of this chapter shall not be effective and enforceable on any street or on any portion of street within a permit parking area unless the signs required by this section have been erected.

(Ord. 25003.)

#### **11.48.320 Display of permits.**

- A. Parking permits shall be displayed in a manner determined by the director.

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- B. The director shall notify each permittee in writing of the proper manner in which to display a parking permit.
  - C. The proper display on a vehicle of a valid parking permit issued pursuant to this chapter grants only the privilege of parking the vehicle in the permit parking area for which the permit was issued.
  - D. Each vehicle displaying a parking permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and by the California Vehicle Code.
  - E. A valid parking permit issued under this chapter shall not guarantee or reserve to the holder an on-street parking space on any street or portion of street within the permit parking area for which the permit was issued.

(Ord. 25003.)

## ***Part 5 EXCEPTIONS TO PROHIBITION***

### **11.48.400 Applicability of prohibitions.**

The parking prohibitions set forth in this chapter shall be subject to the authority of the director to do each of the following:

- A. Determine and mark loading zones pursuant to Chapter 11.52 of this Code;
- B. Designate parking time limits pursuant to Section 11.36.250 of this Code; and
- C. Designate no-parking areas pursuant to Section 11.36.070 of this Code.

(Ord. 25003.)

### **11.48.410 Parking prohibition exceptions.**

The following types of vehicles may park within a permit parking area without a parking permit:

- A. Any commercial vehicle while making a pickup or delivery of goods, wares or merchandise from or to any building or structure located adjacent to any street or portion of street within a permit parking area;
- B. Any commercial vehicle while under the control of a person involved in, or while delivering materials to be used in the maintenance, repair, alteration, remodeling or construction of any property that is located adjacent to any street or portion of street within a permit parking area;
- C. Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility located adjacent to any street or portion of street within a permit parking area;
- D. Any vehicle owned and operated by a government agency while engaged in government business;
- E. Any emergency vehicle, including, but not limited to, an ambulance, fire engine or police vehicle, while being operated on official business; or
- F. Any vehicle that displays the identifying disabled person's license plate or the disabled person's placard issued by the department of motor vehicles.

(Ord. 25003.)

## ***Part 6 TYPES OF PARKING PERMITS***

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### **11.48.500 Residential Parking Permits.**

- A. Upon proper application of a resident of property located adjacent to a street or portion of street within a permit parking area, the director shall issue the resident a residential parking permit for each vehicle that is registered in such resident's name or that is under such resident's use and control. Notwithstanding the foregoing, no more than three residential parking permits shall be issued to each residence in the Horace Mann permit parking area and South University permit parking area, and no more than one residential parking permit shall be issued to each residence in the Cahill Park permit parking area; except the limitation shall not apply to: (1) residents living in sororities and fraternities while attending college or other educational institutions, and (2) residents living in a residential care facility, residential service facility, or similar type of group living arrangements located in the Horace Mann permit parking area and South University permit parking area as set forth in Section 11.48.500D. below.
- B. Each resident qualifying for a residential parking permit shall receive no more than one residential parking permit per vehicle.
- C. Each residential parking permit issued shall state the license plate number of the vehicle for which it is issued.
- D. The Director may issue more than three residential parking permits to each sorority and fraternity residence and residential service facility, or similar type of group living arrangements in the Horace Mann permit parking area and South University permit parking area if the Director determines issuance of additional parking permits will not substantially limit the availability of parking in the area based on a review of the current or proposed surrounding land use, parking and traffic conditions, and impact to the community.
- E. Notwithstanding subsection (A), the Director shall have the authority to establish and modify the number of residential permits that may be issued to households in the Cadillac, Lynhaven, Via Monte, Eden and West Berryessa Permit Parking Areas, based on a consideration of factors, including on-street parking occupancy, parking capacity to housing ratio, changes in land-use, and input from residents.

(Ords. 25003, 26610, 28905, 29910, 29969, 30064.)

### **11.48.510 Permanent Guest Parking Permits.**

- A. Upon proper application of a resident of property located adjacent to a street or portion of street within a permit parking area, the director shall issue such resident a permanent guest parking permit.
  - 1. A permanent guest parking permit issued to a resident of property located adjacent to a street or portion of street within a permit parking area shall be for the exclusive use of a guest visiting the residence to which the permit was issued.
  - 2. No more than two permanent guest parking permits shall be issued to each residence located adjacent to a street or portion of street within a permit parking area. Notwithstanding the foregoing, a resident of property located in the Cahill Park permit parking area is not eligible for a permanent guest parking permit if a residential parking permit has been issued to the residence.
  - 3. Notwithstanding subsection (A)(2), the Director shall have the authority to establish and modify the number of permanent guest permits that may be issued to households in the Cadillac, Lynhaven, Via Monte, Eden and West Berryessa Permit Parking Areas, based on a consideration of factors, including on-street parking occupancy, parking capacity to housing ratio, changes in land-use, and input from residents.
- B. Upon proper application of a nonresident owner of residential property located adjacent to a street or portion of street within a permit parking area, the director shall issue such owner a permanent guest parking permit.

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1. A permanent guest parking permit issued to a nonresident owner shall be for the exclusive purpose of inspecting, repairing, or maintaining the residence for which the permit was issued.
  2. No more than one permanent guest parking permit shall be issued to a nonresident owner of residential property located adjacent to a street or portion of street within a permit parking area.

(Ords. 25003, 28905, 29910, 29969, 30064.)

#### **11.48.520 Temporary guest permits.**

- A. Upon proper application of a resident of property located adjacent to a street or portion of street within a permit parking area, the director may, in the director's discretion, issue temporary guest parking permits to the resident to accommodate special circumstances.
- B. A temporary guest parking permit shall be for the exclusive use of a guest visiting the residence for which the permit was issued.

(Ord. 25003.)

#### **11.48.530 Employee parking permits.**

- A. Upon proper application of a business owner whose business is located adjacent to a street or portion of street within a permit parking area, the director shall issue to the business owner employee parking permits based on the number of employees who require such permits. Each employee parking permit issued to a business owner shall be for the exclusive use of that business owner and his or her employees.
- B. The determination of the appropriate number of employee parking permits to be issued to any one business owner shall be made by the director. Such number shall not, however, exceed the lesser of the actual number of employees of the particular business or the number of employees identified on the business tax certificate application for that business.
- C. The business owner to whom any employee parking permit is issued shall be responsible for retaining such permit upon departure of an employee for whom a permit was issued.

(Ord. 25003.)

#### **11.48.540 Special use parking permits.**

- A. Upon proper application to the director, the director may, in the director's discretion, issue special use parking permits for special uses not otherwise addressed in this chapter.
- B. Special use parking permits shall be issued exclusively for uses associated with properties located adjacent to a street or portion of street within a permit parking area.
- C. The director may exercise the discretion to issue special use parking permits only if the director determines that issuance of the permits will not adversely affect the overall availability of parking in the neighborhood within which the special use will occur. In making this determination, the director shall consider:
  1. The duration of the proposed special use;
  2. The number of special use parking permits requested;
  3. The number of available parking spaces on the days and hours for which the special use parking permits are requested;
  4. The impacts on traffic circulation; and
  5. Any other factors that the director deems relevant.

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- D. As a condition of issuing any special use parking permit, the director may set reasonable restrictions on the days and times of the week during which such permit will be valid. Any such restrictions shall appear on the face of the permit.

(Ord. 25003.)

## ***Part 7 ISSUANCE AND RENEWAL OF PARKING PERMITS***

### **11.48.600 Application to director.**

- A. Any of the parking permits provided for in this chapter may be obtained or renewed upon application to the director.
- B. The director shall:
  - 1. Promulgate rules and regulations for the determination of the manner in which proof of eligibility for parking permits shall be demonstrated; and
  - 2. Promulgate all other rules and regulations, not inconsistent with this chapter, that the director determines are necessary for governing the manner in which persons shall qualify for parking permits.

(Ord. 25003.)

### **11.48.610 Application for residential parking permit.**

Each application for a residential, permanent guest or temporary guest parking permit shall contain:

- A. The name of the applicant;
- B. Information sufficient to demonstrate that the applicant is a resident of property located adjacent to a street or portion of street within a permit parking area or, if the applicant is a nonresident owner of residential property seeking a permanent guest parking permit, that applicant's residential property is located on a street or portion of street within a permit parking area;
- C. If the application is for a residential parking permit, the license number of each vehicle for which a permit is sought and information sufficient to establish applicant's ownership or use and control over such vehicle;
- D. If the application is for a temporary guest parking permit, a brief, but detailed, statement of the reason that the applicant is seeking a temporary guest parking permit and the length of time, not to exceed fourteen days, that the permit is needed;
- E. If the application is for a permanent guest parking permit by a nonresident owner, information sufficient to demonstrate that the applicant is not a resident of property located adjacent to a street or portion of street within a permit parking area; and
- F. Such other information as may be deemed relevant by the director.

(Ord. 25003.)

### **11.48.620 Application for employee parking permits.**

Each application for an employee parking permit shall contain:

- A. The name of the applicant;

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- B. Information sufficient to identify that the business for which the permits are being sought is located adjacent to a street or portion of street within a permit parking area;
  - C. The number of persons employed by applicant at the business located adjacent to a street or portion of street within a permit parking area and the number of commercial parking permits being requested; and
  - D. Such other information as may be deemed relevant by the director.

(Ord. 25003.)

#### **11.48.630 Application for special use parking permit.**

Each application for a special use parking permit shall contain:

- A. The name of the applicant;
- B. Information sufficient to identify that applicant is a resident or business located on property adjacent to a street or portion of street within a permit parking area;
- C. A detailed statement of the proposed special use, including, but not limited to, the duration of the proposed special use, the number of special use permits needed, and the days and hours of the special use; and
- D. Such other information as may be deemed relevant by the director.

(Ord. 25003.)

#### **11.48.640 Permit for replacement vehicle.**

- A. Whenever the holder of a valid residential parking permit replaces the vehicle for which the parking permit was issued with another vehicle, a new residential parking permit for the replacement vehicle shall be issued upon return of the old permit.
- B. There shall be no charge for the new residential parking permit.
- C. The new residential parking permit shall have the same expiration date as the permit that it is replacing.

(Ord. 25003.)

#### **11.48.650 Duration of permits.**

- A. The director shall fix the period during which all parking permits issued pursuant to this chapter shall be valid subject to the following limitations:
  - 1. No residential, permanent guest, or employee parking permit shall be valid for more than two years;
  - 2. No temporary guest parking permit shall be valid for more than fourteen consecutive days; and
  - 3. No special use parking permit shall be valid for more than ninety consecutive days.
- B. All parking permits issued pursuant to this chapter shall clearly indicate the date upon which they expire.
- C. All parking permits issued pursuant to this chapter may be renewed in accordance with the rules established by the director.

(Ord. 25003.)

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**11.48.660 Prohibition on sale or transfer.**

- A. No person shall sell, transfer or allow another person to use a parking permit issued pursuant to this chapter unless authorized to do so by this chapter.
- B. No person shall purchase, transfer, acquire or obtain a parking permit described in this chapter unless otherwise authorized to purchase, transfer, acquire or obtain such parking permit by this chapter.

(Ord. 25003.)

**11.48.670 Fees.**

- A. Except as provided in subsection B. of this section, the fees for obtaining, replacing and renewing a parking permit shall be as set forth in the schedule of fees established by resolution of the city council.
- B. Parking permits that are lost by fire, vandalism, theft or accident shall be replaced free of charge, upon presentation of evidence satisfactory to the director that such loss has occurred.

(Ord. 25003.)

***Part 8 DENIAL OR REVOCATION OF PARKING PERMITS***

**11.48.700 Denial or revocation of parking permit.**

- A. The director may deny an application for issuance or renewal of a parking permit described under this chapter, or revoke a parking permit issued under this chapter, upon determining that the applicant or permittee has:
  - 1. Supplied the director with incorrect information;
  - 2. Violated any conditions placed upon the parking permit; or
  - 3. Otherwise failed to comply with the provisions of this chapter or any rules or regulations promulgated by the director pursuant to this chapter.
- B. With regard to a special use permit, the director shall revoke such permit upon determining that it adversely affects the availability of parking in the neighborhood within which the special use will occur or is occurring. In determining whether the special use parking adversely impacts the availability of parking, the director shall consider:
  - 1. Complaints by persons issued residential and employee parking permits regarding the availability of parking;
  - 2. Increased traffic congestion in the area resulting from motorists searching for parking; and
  - 3. Any other factors that the director deems relevant.

(Ord. 25003.)

**11.48.710 Appeal.**

- A. The director shall notify an applicant or permittee, in writing, of the director's decision to deny or revoke a parking permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the parking permit and shall notify the applicant or permittee of the opportunity for a hearing pursuant to Section 11.48.720.

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- C. The notice of decision shall become final unless a written request for hearing is received by the director within ten days after the date of the notice of decision.

(Ord. 25003.)

### **11.48.720 Hearing.**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of a parking permit or to revoke a parking permit, the director shall schedule a hearing. The director promptly shall notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the director shall be held within ten business days after receipt of the request for hearing.
- C. At the hearing, the permittee or applicant may present any relevant evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.
- D. After closing the hearing, the director shall give a decision sustaining, reversing or modifying the decision to deny or revoke a parking permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant.
- E. The decision of the director shall be final.

(Ord. 25003.)

## **Chapter 11.49 SAN JOSÉ STATE UNIVERSITY PARKING PERMIT AREA**

### ***Part 1 GENERAL PROVISIONS***

#### **11.49.010 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ord. 25959.)

#### **11.49.020 Administrator.**

"Administrator" means the San José State University representative charged with administering parking permits in accordance with the provisions of this chapter and the San José State University parking permit procedures on behalf of San José State University.

(Ord. 25959.)

#### **11.49.030 Director.**

"Director" means the director of the department of streets and traffic.

(Ord. 25959.)

#### **11.49.040 Permit times.**

"Permit times" mean the time periods during which a permit is required in order to park in the San José State University permit parking area.

(Ord. 25959.)



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### **11.49.050 San José State University permit parking area.**

"San José State University permit parking area" means any area designated in Part 2 of this chapter where a permit is required to park on the street during the time periods designated in this chapter.

(Ord. 25959.)

### **11.49.060 Student.**

"Student" means any person enrolled in at least one class at San José State University during the semester for which the permit is issued.

(Ord. 25959.)

## ***Part 2 PERMIT PARKING AREA***

### **11.49.200 Permit parking area.**

The San José State University permit parking area shall consist of the following streets and portions of streets:

- A. The north side of San Salvador Street between Tenth Street and Eighth Street, and
- B. The north side of San Salvador Street between Seventh Street and Sixth Street, and
- C. The east side of Fourth Street between a point five hundred seventy-four feet south of San Fernando Street and a point seven hundred sixty-seven feet south of San Fernando Street, and
- D. The south side of San Fernando Street between a point forty-eight feet east of Fifth Street and a point two hundred sixty-five feet east of Fifth Street, and
- E. The south side of San Fernando Street between Seventh Street and Eighth Street, and
- F. The south side of San Fernando Street between Ninth Street and a point two hundred sixty feet west of Ninth Street, and
- G. The west side of Tenth Street between San Fernando Street and Elizabeth Street, and
- H. The west side of Tenth Street between a point one hundred seventy-six feet south of San Fernando Street and a point two hundred twenty-one feet south of San Fernando Street, and
- I. The west side of Tenth Street between San Salvador Street and a point seven hundred seventy-four feet north of San Salvador Street.

(Ord. 25959.)

## ***Part 3 PARKING PROHIBITION***

### **11.49.300 Prohibition.**

- A. Except as otherwise specified in this chapter, no person shall park a vehicle on any street in the San José State University permit parking area during the permit times unless such vehicle has a properly displayed and valid parking permit issued pursuant to this chapter.
- B. The permit times are between the hours of 8 a.m. and 5 p.m., Monday through Friday, from August 20 through December 20, and from January 20 through May 31, excluding holidays recognized by San José State

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University. Recognized holidays are those holidays in which classes are not being conducted at San José State University.

- C. The permit will allow the permit holder to park in the San José State University permit parking area for a period of no longer than three hours at any single time. This three hour restriction does not apply to residential special use permits.

(Ord. 25959.)

**11.49.310 Posting.**

- A. The director shall cause appropriate signs to be erected and maintained on all streets in the San José State University permit parking area.
- B. The signs shall provide clear notice of the days, times, and three hour parking limit applicable to the street upon which the sign is erected.
- C. The parking prohibition set forth in this chapter shall not be effective and enforceable on any street in the San José State University permit parking area unless the signs required by this section have been erected.

(Ord. 25959.)

**11.49.320 Display of permit.**

- A. Parking permits shall be displayed in the manner determined by the administrator.
- B. The administrator shall notify each permittee in writing of the proper manner in which to display a parking permit.
- C. The proper display on a vehicle of a valid parking permit issued pursuant to this chapter grants only the privilege of parking the vehicle in the San José State University permit parking area.
- D. Each vehicle displaying a parking permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and by the California Vehicle Code.
- E. A valid parking permit issued under this chapter shall not guarantee or reserve to the holder an on-street parking space on any street in the San José State University parking permit area.

(Ord. 25959.)

***Part 4 EXCEPTIONS TO PROHIBITION***

**11.49.400 Parking prohibition exceptions.**

The following types of vehicles may park within the San José State University permit parking area without a parking permit:

- A. Any commercial vehicle while making a pickup or delivery of goods, wares or merchandise from or to any building or structure located adjacent to any street in the San José State University permit parking area;
- B. Any commercial vehicle while under the control of a person involved in, or while delivering materials to be used in the maintenance, repair, alteration, remodeling or construction of any property that is located adjacent to any street in the San José State University permit parking area;

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- C. Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility located adjacent to any street in the San José State University permit parking area;
  - D. Any vehicle owned and operated by a government agency while engaged in government business;
  - E. Any emergency vehicle, including, but not limited to, an ambulance, fire engine or police vehicle, while being operated on official business; or
  - F. Any vehicle that displays the identifying disabled person's license plate or the disabled person's placard issued by the department of motor vehicles.

(Ord. 25959.)

## ***Part 5 TYPES OF PARKING PERMITS, ISSUANCE AND RENEWAL***

### **11.49.500 Types of parking permits.**

This chapter authorizes the following two types of permits: (1) student permits which are administered by San José State University, and (2) residential special use permits which are administered by the city.

(Ord. 25959.)

### **11.49.510 Issuance of student permit.**

The administrator shall have the authority to issue student permits in accordance with the San José State University parking permit procedures and this chapter.

(Ord. 25959.)

### **11.49.520 Application for residential special use permits.**

- A. Upon proper application to the director, residential special use permits shall be issued under the following circumstances:
  - 1. The residential unit is located directly across the street from the San José State University permit parking area; and
  - 2. The residential unit is a single family dwelling and does not have at least two off-street parking spaces for its use; or
  - 3. The residential unit is a multi-family dwelling and does not have at least one off-street parking space per dwelling unit.
- B. A maximum of two residential special use permits will be provided to each single family dwelling and a maximum of one residential special use permit will be provided to each dwelling unit within a multi-family dwelling.
- C. Students who have access to university parking permits will not be eligible for residential special use permits.
- D. Residential special use permits are not be subject to the three hour limitation set forth above.
- E. Residential special use permits may be transferred among cars belonging to the occupants of the dwelling in connection with which the permit was issued.

(Ord. 25959.)

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### **11.49.530 Promulgation of rules by director.**

The director shall:

- A. Promulgate rules and regulations for the determination of the manner in which proof of eligibility for residential special use permits shall be demonstrated; and
- B. Promulgate all other rules and regulations, not inconsistent with this chapter, which the director determines are necessary for governing the manner in which persons shall qualify for residential special use permits.

(Ord. 25959.)

### **11.49.540 Information required to apply for residential special use permits.**

Each application for a residential special use permit shall contain the following information:

- A. The name of the applicant;
- B. Information sufficient to demonstrate that the applicant is a resident of property located adjacent to a street in the San José State University permit parking area;
- C. The license number of the vehicle(s) for which a permit is sought and information sufficient to establish applicant's ownership or use and control over such vehicle; and
- D. Such other information as may be deemed relevant by the director.

(Ord. 25959.)

### **11.49.550 Permit for replacement vehicle.**

- A. Whenever the holder of a valid residential special use parking permit replaces the vehicle for which the parking permit was issued with another vehicle, a new permit for the replacement vehicle shall be issued upon return of the old permit.
- B. There shall be no charge for the new residential special use parking permit.
- C. The new residential special use parking permit shall have the same expiration date as the permit that it is replacing.

(Ord. 25959.)

### **11.49.560 Duration of permits.**

- A. Residential special use permits shall be valid for two years from the date of issuance.
- B. Student permits shall be valid for a period of one semester.
- C. All parking permits issued pursuant to this chapter shall clearly indicate the date upon which they expire.
- D. Residential special use parking permits issued pursuant to this chapter may be renewed in accordance with the rules established by the director.

(Ord. 25959.)

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**11.49.570 Prohibition on sale or transfer.**

- A. No person shall sell, transfer or allow another person to use a parking permit issued pursuant to this chapter except for transfers pursuant to Section 11.49.520.
- B. No person shall purchase, transfer, acquire or obtain a parking permit described in this chapter except for transfers pursuant to Section 11.49.520 of this chapter.

(Ord. 25959.)

**11.49.580 Fees.**

- A. There will be no fee for a residential special use permit.
- B. Any fee for a student permit will be determined by the administrator in accordance with the San José State University parking permit procedures.

(Ord. 25959.)

***Part 6 DENIAL OR REVOCATION OF RESIDENTIAL SPECIAL USE PARKING PERMITS***

**11.49.600 Denial or revocation of residential special use parking permits.**

The director may deny an application for issuance or renewal of a residential special use permit described under this chapter, or revoke a residential special use parking permit issued under this chapter, upon determining that the applicant or permittee has:

- A. Supplied the director with incorrect information;
- B. Violated any conditions placed upon the parking permit; or
- C. Otherwise failed to comply with the provisions of this chapter, or any rules or regulations promulgated by the director pursuant to this chapter.

(Ord. 25959.)

**11.49.610 Appeal for residential special use parking permits.**

- A. The director shall notify an applicant or permittee, in writing, of the director's decision to deny or revoke a residential special use parking permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the residential special use permit and shall notify the applicant or permittee of the opportunity for a hearing pursuant to this chapter.
- C. The notice of decision shall become final unless a written request for hearing is received by the director within ten days after the date of the notice of decision.

(Ord. 25959.)

**11.49.620 Hearings for residential special use parking permit.**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application for a residential special use parking permit or to revoke a residential special use parking permit, the director shall schedule a hearing. The director promptly shall notify the applicant or permittee of the hearing date, time and location.

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- B. The hearing with the hearing officer shall be held within ten business days after receipt of the request for hearing.
  - C. At the hearing, the permittee or applicant may present any relevant evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any person may represent the permittee or applicant.
  - D. After closing the hearing, the hearing officer shall provide a verbal decision sustaining, reversing or modifying the decision to deny or revoke a residential special use parking permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant.
  - E. The decision of the director shall be final.
- (Ord. 25959.)

## **Chapter 11.51 CURB MARKINGS<sup>14</sup>**

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<sup>14</sup>State law reference(s)—For statutory provisions on local parking curb markings, see Vehicle Code § 21458; for provisions authorizing local authorities to regulate passenger vehicles for hire, see Vehicle Code § 21100; for provisions authorizing local authorities to regulate the location of stands for taxicabs and other public carriers, see Vehicle Code § 21112; for provisions on local parking regulation, see Vehicle Code § 22500 et seq.

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### **11.51.010 Curb marking.**

The city traffic engineer is hereby authorized, subject to the provisions and the limitations of this chapter and Chapters 11.52 and 11.54, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

- A. Red shall mean that no person shall cause his or her vehicle to stop, stand or park at any time except as permitted by the California Vehicle Code, except that buses are exempted from this restriction.
- B. Yellow shall mean that no person shall cause his or her vehicle to stop, stand or park at any time between the hours indicated on the sign adjacent to said yellow zone, on every day except as indicated on said sign, for any purpose other than the pick up or drop off of passengers or the loading or unloading of freight.
- C. White shall mean that no person shall cause his or her vehicle to stop, stand or park for any purpose except for pick up or drop off of passengers, the pick up or drop off of vehicles as part of an approved on-street valet parking zone or the deposit of mail in an adjacent mail box limited to a time period of not more than five consecutive minutes.
- D. Green shall mean that no person shall cause his or her vehicle to stand or park for longer than the time and days specified on the sign adjacent to such green zone. If no time limitation is specified on the sign, no vehicle shall stand or park for longer than twelve consecutive minutes in the green zone.

(Ords. 26356, 27182.)

### **11.51.020 Theaters.**

The stopping, parking or standing regulations applicable to such curb marking in front of a theater shall apply at all times except when the theater is closed.

(Ord. 26356.)

### **11.51.030 Applicability of restrictions.**

The city traffic engineer may determine that the stopping, parking or standing regulations applicable to a particular curb marking shall only be effective at certain times in certain zones and shall indicate any changes in time restrictions by a sign adjacent to the curb marking.

(Ord. 26356.)

### **11.51.040 Obedience to curb markings or signs required.**

When the city traffic engineer, as authorized under this chapter, has caused curb markings to be placed, or signs to be erected, no person shall stop, stand or park a vehicle adjacent to any such curb marking, and/or sign, in violation of the curb marking and/or sign.

(Ord. 26356.)

## **Chapter 11.52 FREIGHT LOADING ZONES**

### ***Part 1 GENERAL PROVISIONS***

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### **11.52.010 Definitions.**

The definitions set forth in this chapter shall govern the application and interpretation of this chapter.  
(Ord. 26356.)

### **11.52.020 Commercial vehicle.**

"Commercial vehicle" means a vehicle that has license plates identifying it as a commercial vehicle.  
(Ord. 26356.)

### **11.52.030 Director.**

"Director" means the director of the department with the authority for administering programs related to the operation and maintenance of public streets.  
(Ord. 26356.)

### **11.52.040 Loading or unloading.**

"Loading or unloading" and "loading and unloading" means the active loading and/or unloading of freight from a vehicle, and the execution of all activity connected with the loading or unloading of the freight.  
(Ord. 26356.)

### **11.52.050 Freight.**

"Freight" means goods, wares, merchandise, equipment, materials, or cargo.  
(Ord. 26356.)

### **11.52.060 Large live entertainment venue.**

"Large live entertainment venue" shall mean a business operating in a facility having a performance area, including a stage and assembly area, with an occupancy capacity of at least six hundred people, where live amplified musical entertainment is provided two or more times per week.  
(Ord. 26356.)

## ***Part 2 FREIGHT LOADING ZONE***

### **11.52.300 Authority to establish.**

The director is authorized to establish freight loading zones consistent with the requirements of this Part 2.  
(Ord. 26356.)

### **11.52.310 Designating.**

The director shall establish a freight loading zone by a yellow paint line upon the top and face of the curb within such zone or by signs indicating such freight loading zone placed at the beginning and end of the zone.  
(Ord. 26356.)



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**11.52.320 Use prohibition.**

No person shall stop, stand or park a vehicle in any freight loading zone for any purpose other than the following:

- A. The pick up or drop off of passengers;
- B. The loading or unloading of freight to or from a commercial vehicle making a commercial delivery or pick up; or
- C. The delivery or pick up of express or parcel post packages or United States mail.

(Ord. 26356.)

**11.52.330 Time prohibition.**

- A. No person shall stop, stand or park a vehicle in any freight loading zone for the purpose of the pick up or drop off of passengers for longer than the time necessary to complete such activity, and in no event for more than five consecutive minutes.
- B. No person shall stop, stand or park a commercial vehicle in any freight loading zone for the purpose of loading or unloading freight for longer than the time necessary to complete such activity, and in no event for more than one consecutive hour, except in compliance with a special loading/unloading permit issued pursuant to Part 4 of this Chapter 11.52.
- C. No person shall stop, stand or park a vehicle in any freight loading zone for the purpose of delivering or picking up express or parcel post packages or United States mail for longer than the time necessary to complete such activity, and in no event for more than one consecutive hour.

(Ord. 26356.)

**11.52.340 Length.**

No freight loading zone, combined with any zone established pursuant to Chapter 11.54, shall exceed more than one-half of the total curb length in any block.

(Ord. 26356.)

**11.52.350 Day and time of restrictions.**

The director may post signs limiting the applicability of the restrictions set forth in Part 2 to only certain days and/or times.

(Ord. 26356.)

***Part 3 SPECIAL FREIGHT LOADING ZONES***

**11.52.500 Authority to establish.**

The director is authorized to establish special freight loading zones in the Central Traffic District consistent with the requirements of this Part 3.

(Ord. 26356.)

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### **11.52.510 Special freight loading zone.**

The director may establish a special freight loading zone upon the request of a business if each of the following conditions exist:

- A. The business requesting the special freight loading zone is a large live entertainment venue; and
- B. The business requesting the special freight loading zone is located on the side of the block immediately adjacent to the proposed zone; and
- C. An ongoing and regular part of the business requesting the special freight loading zone involves deliveries or pick ups at least two days per week, with each delivery or pick up requiring the loading or unloading of freight in excess of two consecutive hours; and
- D. The delivery needs of the business requesting the special freight loading zone can only be accommodated through the use of the immediately adjacent public street; and
- E. The establishment of a special freight loading zone would not result in inadequate on-street parking or inadequate freight loading zones established pursuant to Part 2 to accommodate the needs of other businesses located on either side of the street on the city block upon which the proposed special freight loading zone would be established.

(Ord. 26356.)

### **11.52.520 Length.**

- A. The director shall not establish a special freight loading zone of a length greater than reasonably appropriate to accommodate the needs of any business to be served by the zone. The director shall consider the on-street parking, and the loading and unloading needs of other businesses in determining the length of the special freight loading zone.
- B. Any block containing a special freight loading zone shall not be subject to the restriction set forth in Section 11.52.340.

(Ord. 26356.)

### **11.52.530 Designating.**

- A. The director shall designate a special freight loading zone by a yellow paint line upon the top and face of the curb within such zone and by signs indicating such special freight loading zone placed adjacent to the painted curb at the beginning and end of the zone.
- B. The signs designating a special freight loading zone shall give notice that parking or stopping within the zone is prohibited except for vehicles displaying a special freight loading zone permit issued pursuant to this Part 3.
- C. The signs designating a special freight loading zone shall also give notice that parking or stopping in violation of the prohibition set forth in this Part 3 may result in removal of the vehicle.

(Ord. 26356.)

### **11.52.540 Permit issuance.**

Upon the proper application of a business, the director shall issue the applicant business a special freight loading zone permit in the Central Traffic District if each of the following requirements exist:

- A. The business requesting the special freight loading zone permit is a large live entertainment venue; and

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- B. The business requesting the special freight loading zone permit is located on the side of the block immediately adjacent to the proposed zone; and
  - C. An ongoing and regular part of the business requesting the special freight loading zone permit involves deliveries or pick ups at least two days per week, with each delivery or pick up requiring the loading or unloading of freight in excess of two consecutive hours; and
  - D. The applicant business does not have sufficient on-site or off-site areas to accommodate the loading and unloading of freight in excess of two consecutive hours, and such loading and unloading needs can only be accommodated through the use of the immediately adjacent public street.

(Ord. 26356.)

#### **11.52.550 Number of permits.**

The director shall issue to each applicant business that qualifies to use a special freight loading zone no more than the number of permits needed by the business.

(Ord. 26356.)

#### **11.52.560 Permit conditions.**

- A. The holder of a special freight loading zone permit is authorized to display the permit on any vehicle making a delivery or pick up of freight to the permit holder.
- B. A vehicle properly displaying a special freight loading zone permit is authorized to park in a special freight loading zone for no longer than the time necessary to complete the loading or unloading of freight to the permit holder.
- C. The holder of a special freight loading zone permit shall use only the special freight loading zone for all of its other freight loading and unloading needs to the extent the zone is not occupied or needed for the loading and unloading of freight anticipated to be in excess of two consecutive hours.
- D. The holder of a special freight loading zone permit is authorized to use freight loading zones for its other loading and unloading needs only to the extent the special freight loading zone is unavailable because of use by vehicles making deliveries or pickups in accordance with this Part 3. All vehicles parking in the freight loading zone shall strictly adhere to the regulations applicable to freight loading zones.
- E. A special freight loading zone permit is only valid in the special freight loading zone for which it is issued.
- F. A valid special freight loading zone permit does not guarantee or reserve to the permit holder a parking space within a special freight loading zone.

(Ord. 26356.)

#### **11.52.570 Prohibition.**

- A. No person shall park or stop a vehicle in a special freight loading zone without displaying, in the manner required by the director, a valid special freight loading zone permit and acting in compliance with the conditions set forth in Section 11.52.560.
- B. No person to which a special freight loading zone permit has been issued shall use the permit except as set forth in this Part 3.

(Ord. 26356.)

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**11.52.580 Permit duration.**

- A. The director shall fix the period during which special freight loading zone permits are valid, provided that no such permit shall be valid for longer than two years.
- B. The director will automatically renew a special freight loading zone permit upon affirmative evidence showing that the same business use that formed the basis for the original permit issuance is continuing.
- C. Renewal of special freight loading zone permits shall be in accordance with the rules established by the director.

(Ord. 26356.)

**11.52.590 Prohibition on sale or transfer.**

Except as otherwise provided in Section 11.52.560, no business that has been issued a special freight loading zone permit shall sell, transfer or allow another business to use the permit.

(Ord. 26356.)

**11.52.600 Fees.**

The fees for obtaining, renewing, and replacing a special freight loading zone permit shall be as set forth in the schedule of fees established by resolution of the city council.

(Ord. 26356.)

**11.52.610 Permit denial or revocation.**

The director may deny an application for issuance or renewal of a special freight loading zone permit upon determining that the applicant or permittee has:

- A. Supplied the director with incorrect information;
- B. Violated any conditions placed upon the permit; or
- C. Otherwise failed to comply with the provisions of Part 3.

(Ord. 26356.)

**11.52.620 Appeal.**

- A. The director shall notify an applicant or permittee, in writing, of the director's decision to deny or revoke a special freight loading zone permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the special freight loading zone permit and shall notify the applicant or permittee of the opportunity and procedures for a hearing.
- C. The notice of decision shall become final unless a written request for hearing is received by the director within ten days after the date of the notice of decision.

(Ord. 26356.)

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### **11.52.630 Hearing.**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of a special freight loading zone permit or to revoke such a permit, the director shall schedule a hearing. The director shall promptly notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the director shall be held within ten business days after receipt of the written request for hearing.
- C. The hearing will be informal and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.
- D. After closing the hearing, the director shall give a decision sustaining, reversing or modifying the decision to deny or revoke a special freight loading zone permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant within five business days following the hearing.

(Ord. 26356.)

## ***Part 4 SPECIAL LOADING/UNLOADING PERMIT***

### **11.52.700 Permit scope.**

Upon proper application of a business, the director may issue the applicant a special loading/ unloading permit in the Central Traffic District authorizing one of the following activities:

- A. The backing of a vehicle to the curb for the purpose of loading or unloading freight except as prohibited in the Central Traffic District in accordance with 11.52.140; or
- B. The parking of a vehicle in a freight loading zone in excess of one consecutive hour for the purpose of loading or unloading freight.

(Ord. 26356.)

### **11.52.710 Permit issuance.**

To obtain a special loading/unloading permit, the applicant must demonstrate to the satisfaction of the director that one of the following requirements exists:

- A. The backing of a vehicle to the curb is the only reasonable method by which the loading or unloading of freight can occur; or
- B. The loading or unloading of freight is anticipated to exceed one consecutive hour and the applicant cannot otherwise comply with the requirements to obtain a permit for a special freight loading zone.

(Ord. 26356.)

### **11.52.720 Permit duration.**

- A. The director shall fix the period during which the special loading/unloading permits are valid, provided that such permit will be valid a minimum of one day and shall be valid no longer than three days as to be determined by the director.
- B. The director may renew a special loading/ unloading permit upon a showing by the applicant that the same or similar business use that formed the basis for the original permit issuance is continuing.

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- C. Renewal of special loading/unloading permits shall be in accordance with the rules established by the director.

(Ord. 26356.)

**11.52.730 Prohibitions.**

- A. No person shall back a vehicle to the curb for the purpose of loading or unloading freight without displaying, in the manner required by the director, a valid special loading/unloading permit authorizing such loading or unloading in compliance with the conditions set forth in the permit.
- B. No person shall park a commercial vehicle in a freight loading zone in excess of one consecutive hour without displaying, in the manner required by the director, a valid special loading/unloading permit authorizing the loading and/or unloading in compliance with the use and time conditions detailed on the permit and the restrictions posted at the freight loading zone.

(Ord. 26356.)

**11.52.740 Prohibition on sale or transfer.**

No business that has been issued a special loading/unloading permit shall sell, transfer or allow another business to use the permit.

(Ord. 26356.)

**11.52.750 Fees.**

The fees for obtaining a special loading/unloading permit shall be set forth in the schedule of fees established by resolution of the city council.

(Ord. 26356.)

**Chapter 11.54 OTHER LOADING ZONES**

***Part 1 PASSENGER LOADING ZONES***

**11.54.010 Authorization to establish.**

The director is authorized to establish passenger loading zones consistent with the requirements of this chapter.

(Ord. 26356.)

**11.54.020 Designating.**

The director shall indicate a passenger loading zone by a white line upon the top and face of the curb within such zone, or by signs indicating such passenger loading zone placed at the beginning and end of the zone.

(Ord. 26356.)

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**11.54.030 Use prohibition.**

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 or their personal baggage, or the depositing of mail in an adjacent mail box.

(Ord. 26356.)

**11.54.040 Time prohibition.**

No person shall stop, stand or park a vehicle in any passenger loading zone for more than the time necessary to load or unload passengers or their personal baggage, or to deposit mail in an adjacent mail box, and in no event for more than five consecutive minutes.

(Ord. 26356.)

**11.54.050 Day and time of restrictions.**

The director may post signs limiting the applicability of the restrictions set forth in Part 1 to only certain days and/or times.

(Ord. 26356.)

***Part 2 BUS ZONE***

**11.54.200 Bus defined.**

The word "bus" as used in this part, means any motor bus, motor coach, or passenger stage used as a common carrier of passengers.

(Ord. 26356.)

**11.54.210 Establishment.**

The director is authorized to establish bus zones opposite curb space for the loading and unloading of buses and to determine the location thereof, subject to the directives and limitations set forth in this chapter.

(Ord. 26356.)

**11.54.220 Designation.**

A bus zone shall be indicated by:

- A. A red paint line upon the top and face of the curb within the zone used in conjunction with a sign or signs designating a bus zone; or
- B. "No stopping" signs used in conjunction with signs designating a bus zone at the beginning and end of the zone.

(Ord. 26356.)

***Part 3 TAXICAB STANDS***

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**11.54.300 Establishment.**

- A. A taxicab stand shall be established when the director, in his/her discretion, director, determines that a stand is necessary for the need and convenience of the public.
- B. The director's authority to establish a taxicab stand is limited to the extent that the director of aviation has authority to establish taxicab stands at San José International Airport.

(Ord. 26356.)

**11.54.310 Signs.**

Taxicab stands shall be indicated by authorized signs installed by the city in a manner designated by the director.

(Ord. 26356.)

**11.54.320 Conditions for granting.**

Taxicab stands shall be granted only on the basis of public need and convenience, and it shall be the responsibility of the applicant to prove such public need and convenience to the satisfaction of the director.

(Ord. 26356.)

**11.54.330 Fee.**

For every parking space occupied by a taxicab stand on streets outside of the parking meter district, a fee of five dollars per month shall be paid. The fee shall be paid monthly in advance to the city.

(Ord. 26356.)

***Part 4 ON-STREET VALET PARKING ZONES***

**11.54.400 Authority to establish.**

The director is authorized to establish on-street valet parking zones consistent with the requirements of this Part 4.

(Ord. 27182.)

**11.54.410 On-street valet parking zone.**

The director may establish an on-street valet parking zone upon the request by a business if each of the following conditions exist:

- A. The business requesting the establishment of an on-street valet zone is able to demonstrate a necessity for valet parking service on the side of the block immediately adjacent to the business; and
- B. The business is able to show that sufficient or conveniently located parking is not readily available for its daily operations; and
- C. The business requesting the on-street valet parking zone is located on the side of the block adjacent to the proposed zone; and
- D. The establishment of an on-street valet parking zone would not result in inadequate on-street parking or inadequate freight loading zones established pursuant to Part 2 of this chapter to accommodate the

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- needs of other businesses or residences located on either side of the street on the city block upon which the proposed on-street valet parking zone would be established; and
- E. The business can demonstrate that its proposed valet service operations will not negatively impact on-street traffic flow; and
  - F. The business has provided an on-street valet parking zone traffic and operations plan. The on-street valet parking zone traffic and operations plan shall include:
    - 1. The proposed weekly schedule of the valet operation.
    - 2. Proposed staffing for the valet operation.
    - 3. Contact information for both the business and proposed valet service operator.
    - 4. Proof that the business has secured adequate parking in an off-street parking facility.
    - 5. Routes to and from the off-street parking facility that mitigate traffic impacts in the area.
    - 6. Proof that the business and/or its proposed valet service operator has obtained an insurance policy for its valet service operations in a form acceptable to the director of finance or the director's authorized designee ("risk manager").

(Ord. 27182.)

#### **11.54.420 Length.**

The director shall not establish an on-street valet parking zone of a length greater than reasonably appropriate to accommodate the needs of any business to be served by the zone. The director shall consider the on-street parking, and the loading and unloading needs of other businesses and residences in determining the length of the on-street valet parking zone.

(Ord. 27182.)

#### **11.54.430 Designating.**

The director shall indicate an on-street valet zone by a white line upon the top and face of the curb within such zone, or by signs indicating such on-street valet zone placed at the beginning and end of the zone.

(Ord. 27182.)

#### **11.54.440 Permit issuance.**

Upon the proper application of a business, the director shall issue the applicant business an on-street valet parking zone permit if each of the following requirements exist:

- A. The business requesting the on-street valet parking zone permit is located on the side of the block adjacent to the established on-street valet parking zone; and
- B. The business requesting the on-street valet parking zone permit is able to demonstrate a necessity for valet parking service on the side of the block immediately adjacent to its business; and
- C. The business is able to show that sufficient or conveniently located parking is not readily available for its daily operations; and
- D. The establishment of on-street valet parking services would not result in inadequate on-street parking or inadequate freight loading zones established pursuant to Part 2 of this chapter to accommodate the needs of other businesses located on either side of the street on the city block; and

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- E. The business can demonstrate that its proposed valet service operations will not negatively impact on-street traffic flow; and
  - F. The business has provided an on-street valet parking zone traffic and operations plan. The on-street valet parking zone traffic and operations plan shall include, but is not limited to:
    - 1. The proposed weekly schedule of the valet operation.
    - 2. Proposed staffing for the valet operation.
    - 3. Contact information for both the business and proposed valet service operator.
    - 4. Proof that the business has secured adequate parking in an off-street parking facility.
    - 5. Routes to and from the off-street parking facility that mitigate traffic impacts in the area.
    - 6. Proof that the business and/or its proposed valet service operator has obtained an insurance policy for its valet service operations in a form acceptable to the director of finance or the director's authorized designee ("risk manager").

(Ord. 27182.)

#### **11.54.450 Number of permits.**

The director shall issue one permit to each applicant business that qualifies to use an established on-street valet parking zone.

(Ord. 27182.)

#### **11.54.460 Permit conditions.**

An on-street valet parking zone permit is only valid for valet services in the on-street valet parking zone for which it is issued.

(Ord. 27182.)

#### **11.54.470 Prohibition.**

No person shall stop, stand or park a vehicle in a space designated for valet parking for any purpose other than the acceptance of vehicles for valet parking or retrieval of a vehicle as part of a valet parking service.

(Ord. 27182.)

#### **11.54.480 Time prohibition.**

No person shall stop, stand or park any vehicle in a space designated as an on-street valet parking zone for the purpose of the retrieval or drop off of vehicles as part of an authorized valet parking service for a time period of not more than five consecutive minutes.

(Ord. 27182.)

#### **11.54.490 Day and time of restrictions.**

The director may post signs limiting the applicability of the restrictions set forth in this Part 4 to only certain days and/or times.

(Ord. 27182.)

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### **11.54.500 Prohibition on sale or transfer.**

No business that has been issued an on-street valet parking zone permit shall sell, transfer or allow another business to use the permit.

(Ord. 27182.)

### **11.54.510 Fees.**

The fees for obtaining, renewing and replacing an on-street valet parking zone permit shall be as set forth in the schedule of fees established by resolution of the city council. The fee shall be paid annually in advance to the city.

(Ord. 27182.)

### **11.54.520 Permit denial or revocation.**

The director may deny an application for the establishment or renewal of an on-street valet parking zone permit upon determining that the applicant or permittee has:

- A. Supplied the director with incorrect information;
- B. Violated any conditions placed upon the permit; or
- C. Otherwise failed to comply with the provisions of this Part 4.

(Ord. 27182.)

### **11.54.530 Appeal.**

- A. The director shall notify an applicant or permittee, in writing, of the director's decision to deny or revoke an on-street valet parking zone permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the on-street valet parking zone permit and shall notify the applicant or permittee of the opportunity and procedures for a hearing.
- C. The notice of decision shall become final unless a written request for hearing is received by the director within ten days after the date of the notice of decision.

(Ord. 27182.)

### **11.54.540 Hearing.**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of an on-street valet parking zone permit or to revoke such a permit, the director or the city manager's designee shall schedule a hearing. The director or the city manager's designee shall promptly notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the director or the city manager's designee shall be held within ten business days after receipt of the written request for hearing.
- C. The hearing will be informal and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.

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- D. After closing the hearing, the director or the city manager's designee shall give a decision sustaining, reversing or modifying the decision to deny or revoke an on-street valet parking zone permit. The decision of the director or city manager's designee shall be final.
  - E. A written notice of final decision shall be hand-delivered or sent by mail to the permittee or applicant within five business days following the hearing.

(Ord. 27182.)

## **Chapter 11.56 REMOVAL OF VEHICLES<sup>15</sup>**

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<sup>15</sup>State law reference(s)—For statutory provisions on the removal of parked and abandoned vehicles, see Vehicle Code § 22650 et seq.

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### **11.56.010 Statutory authority to remove vehicles.**

Any regularly employed and salaried peace officer of the city may remove vehicles from a street or highway, or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state of California, whenever he is authorized to so do by or under the provisions of Section 22651 of the said Vehicle Code or by any other law of the state.

(Prior code § 3318.5.)

### **11.56.020 Vehicles parked in street for seventy-two or more consecutive hours.**

In the event a vehicle is illegally parked or left standing upon a street or highway in the city for seventy-two or more consecutive hours in violation of Section 11.36.220 of this Code, any regularly employed and salaried peace officer of the city may remove such vehicle from the street or highway in the manner and subject to the requirements of the Vehicle Code of the state.

(Prior code § 3318.1.)

### **11.56.030 Removal to facilitate flow of traffic.**

- A. Whenever he finds and determines that the flow of traffic upon any street or highway, or portion thereof, in the city is being unreasonably interfered with or restricted by or because of parking or standing of vehicles on such street or highway or portion thereof in violation of any provision of the San José Municipal Code or of any other ordinances of the city, and that the removal of such vehicles is or will be necessary for the free or unrestricted flow of traffic on such street or highway or portion thereof, the city traffic engineer or his authorized representative is authorized to erect or place signs, or cause signs to be erected or placed, on said street or highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, giving notice that any vehicle illegally parked or left standing thereon in violation of any city ordinance may be removed, and keep said signs thereon until he finds that the removal of vehicles is no longer necessary for the above mentioned purpose or until the city council orders him to remove them.
- B. Upon and after the expiration of twenty-four hours from and after the time said signs shall have been erected or placed on said street or highway or portion thereof, any regularly employed and salaried peace officer of the police department may remove from said street or highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, any vehicle illegally parked or left standing thereon in violation of any provision of the San José Municipal Code or of any other ordinance of the city.

(Prior code § 3318.4.)

### **11.56.040 Removal for authorized special use of street.**

- A. Whenever the use of a highway or street, or any portion thereof, in the city has been authorized by the city council or other authorized officer of the city for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size, and he finds that the parking of vehicles thereon will prohibit or interfere with such use or movement and that the removal of vehicles illegally parked thereon in violation of Section 11.36.200 of the San José Municipal Code will be necessary for said special use or movement, the city traffic engineer or his authorized representative is authorized to erect or place signs, or cause signs to be erected or placed, on said street or highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, giving notice that any vehicle illegally parked thereon may be removed, and keep said signs thereon until said special use or movement is completed.

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- B. Upon and after the expiration of twenty-four hours from and after the time said signs shall have been erected or placed on said street or highway or portion thereof, any regularly employed and salaried peace officer of the police department may remove from said street, highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, any vehicle illegally parked thereon in violation of Section 11.36.200 of this Code.
  - C. Each request, other than by the city council or police department, for the establishment of such a temporary tow-away zone shall be accompanied by a fee as set forth in the schedule of fees established by resolution of council. Upon the payment of this fee and the issuance of a permit, the holder of said permit may request the removal of any vehicle parked in violation of the posted restrictions and any regularly employed and salaried peace officer of the police department shall remove any such illegally parked vehicle in the manner provided in and subject to the requirements of the Vehicle Code.

(Prior code § 3318.3; Ords. 20643, 21021, 21290.)

### **11.56.050 Removal for street cleaning, repair or construction or for installation of underground utilities.**

- A. Whenever he finds that it is or will be necessary for the cleaning, repair or construction of any street or highway or portion thereof in the city, or for the installation of underground utilities therein, to remove vehicles illegally parked or left standing thereon in violation of Section 11.36.190 of the San José Municipal Code, the city traffic engineer or his authorized representative is authorized to erect or place signs, or cause signs to be erected or placed, on said street or highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, giving notice that any vehicle illegally parked or left standing thereon may be removed, and keep said signs thereon until said cleaning, repair, construction or installation is completed.
- B. Upon and after the expiration of twenty-four hours from and after the time said signs shall have been erected or placed on said street, highway or portion thereof, any regularly employed and salaried peace officer of the police department may remove from said street, highway or portion thereof, in the manner provided and subject to the requirements of the Vehicle Code of the state, any vehicle illegally parked or left standing thereon in violation of Section 11.36.190 of this Code.

(Prior code § 3318.2.)

## **Chapter 11.61 POLICE ESCORTED MOTOR VEHICLE PROCESSIONS<sup>16</sup>**

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<sup>16</sup>State law reference(s)—For statutory provisions authorizing local authorities to regulate processions on the highways, see Vehicle Code § 21100.

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**11.61.010 Police escorts for private processions prohibited.**

Police escorts shall not be provided for private motor vehicle processions within the City of San José except as specified in Section 11.61.020.

(Ord. 23675.)

**11.61.020 Police escorts for official motor vehicle processions.**

The chief of police may provide police escorts for:

- A. Motor vehicle processions for heads of state, state or federal government officials and under other situations deemed appropriate by the chief of police;
- B. Official, government-sponsored or sanctioned functions or events;
- C. Emergency situations when escorts are furnished to assist in preserving life, protecting public safety or when expediting movements of supplies or personnel for any federal, state or local agency during a national, state or local emergency; and
- D. Parades permitted under Chapter 13.12 of this Code.

(Ord. 23675.)

**Chapter 11.62 PRIVATE FUNERAL ESCORT SERVICES**

**11.62.010 Permit required for private funeral escorts.**

- A. Motor vehicle funeral processions may be led or escorted by private escorts within the City of San José in accordance with the requirements of this chapter.
- B. No person shall stop, obstruct or otherwise direct traffic in intersections while leading or escorting a motor vehicle funeral procession without first obtaining a valid funeral escort permit pursuant to this chapter.

(Ord. 23675.)

**11.62.020 Authorized traffic direction.**

- A. Any person holding a valid funeral escort permit pursuant to this chapter and leading or otherwise escorting a motor vehicle funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross traffic, to enable all vehicles in the funeral procession to proceed together as an unbroken chain, at intersections controlled by:
  - 1. Stop signs or yield signs, providing that the permittee remains in the intersection until all funeral procession vehicles have cleared the intersection; and
  - 2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the permittee remains in the intersections at all times when the light is not green until all funeral procession vehicles have cleared the intersection.
- B. A permittee is authorized to direct traffic in the manner specified in this section only while wearing the uniform and using the equipment authorized by the chief of police for this purpose, and while carrying on the permittee's person a valid funeral escort permit.
- C. The chief of police may order the immediate suspension or revocation of a funeral escort permit if the permittee has not directed traffic in the manner specified in this section.

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(Ord. 23675.)

**11.62.030 Permit application procedures.**

- A. Applications for a funeral escort permit shall be filed with the chief of police on forms provided by the chief of police, and shall contain or be accompanied by the following:
  - 1. Name and address of applicant, and the applicant's funeral escort service employer if the applicant is employed by such a service;
  - 2. Proof of liability insurance in compliance with this chapter;
  - 3. Proof of satisfactory completion of a traffic safety program of instruction, as described in Section 11.62.120, and satisfactory completion of a written traffic safety test issued by the chief of police;
  - 4. Proof that the applicant holds a valid California Vehicle Operator's license, properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;
  - 5. Payment of permit, insignia and inspection fees, as established by the schedule of fees resolution of the city council;
  - 6. Proof that the vehicle to be used in the course of conducting escorts has been inspected by the chief of police to ensure that it meets the equipment and safety requirements set forth by the chief of police;
  - 7. An indemnification and hold harmless agreement as set forth in Section 11.82.10 of this chapter signed by the applicant and the applicant's funeral escort service employer; and
  - 8. Such other information as may be required by the chief of police.
- B. If all the requirements for approval of a funeral escort permit are met, then the chief of police shall issue a permit within fourteen days of submission of the completed application.
- C. The funeral escort permit shall be valid for a period of two years from the date of issuance.

(Ord. 23675.)

**11.62.040 Denial, suspension or revocation of permit.**

Funeral escort permits issued pursuant to this chapter may be denied, suspended or revoked by the chief of police upon any of the following grounds:

- A. The application is incomplete or illegible;
- B. The applicant has knowingly made false statements on the application;
- C. The applicant has been convicted of a crime, and the time for appeal has elapsed, provided, however, that the permit may be denied upon this ground only if the crime is substantially related to the qualifications, functions or duties associated with operating motor vehicles or with leading or otherwise escorting a motor vehicle funeral procession;
- D. Failure to meet any of the requirements of this chapter;
- E. The applicant's unlawful or negligent operation of a motor vehicle during the three years prior to the date of application;
- F. The applicant's unlawful or negligent direction of traffic while escorting a vehicular funeral procession or other motor vehicle procession.

(Ord. 23675.)



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### **11.62.050 Notice of decision to deny, suspend or revoke permit.**

- A. Upon determining the existence of any of the grounds for denial, suspension or revocation in accordance with Section 11.62.040, the chief of police shall issue a notice of decision to deny, suspend or revoke the permit.
- B. The notice of decision shall state all the grounds and reasons upon which the denial, suspension or revocation is based.
- C. The notice of decision shall be mailed to the applicant or permittee at the address stated on the application or permit. Alternatively, the notice of decision may be delivered to the applicant or permittee or to the address given in the application or permit.
- D. The notice of decision shall advise that the denial, suspension or revocation shall become final unless the applicant or permittee files a written request for hearing before the chief of police within the time period specified in Section 11.62.060 of this chapter.

(Ord. 23675.)

### **11.62.060 Procedure for hearing before the chief of police.**

- A. The written request for a hearing before the chief of police must be received by the chief of police within ten days of the date of mailing the decision to deny, suspend or revoke the permit.
- B. The chief of police shall schedule a hearing which shall be held no later than thirty days after receipt of a timely request for hearing.
- C. The notice of hearing shall be mailed to the applicant or permittee not later than ten days prior to the scheduled date of the hearing.
- D. At the hearing before the chief of police, the applicant or permittee shall be given the opportunity to present witnesses and documentary evidence and to cross-examine witnesses.
- E. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all other evidence which the chief of police deems reliable, relevant and not unduly repetitious may be considered.
- F. The applicant or permittee may be represented by another person.
- G. Issuance of a written notice of cancellation by an insurance company shall be conclusive proof at the hearing of the effective cancellation of an insurance policy.

(Ord. 23675.)

### **11.62.070 Decision of the chief of police after hearing.**

Within twenty days after the hearing, the chief of police shall mail a written decision sustaining, reversing or modifying his or her initial decision to the applicant or permittee at the address stated in the application or permit.

(Ord. 23675.)

### **11.62.080 Appeals to appeals hearing board.**

- A. If an applicant or permittee is dissatisfied with the written decision of the chief of police, he or she may file an appeal to the appeals hearing board.
- B. The appeal must be in writing and received by the secretary of the appeals hearing board within fifteen days of the date of the police chief's hearing decision.

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- C. The appeal hearing shall be conducted in conformance with Part 29 of Chapter 2.08 and the rules and regulations of the appeals hearing board.

(Ord. 23675.)

### **11.62.090 Nontransferability of permits.**

Funeral escort permits shall be issued by the chief of police in the names of individual persons actually conducting such escorts and shall expire two years from the date of issuance. Permits shall not be transferable or assignable.

(Ord. 23675.)

### **11.62.100 Indemnity and hold harmless.**

- A. As a term and condition of the funeral escort permit, the funeral escort permittee and his or her funeral escort service employer shall assume all responsibility for his or her activity and operation, shall bear all losses and damages directly or indirectly resulting to him or her, any subcontractor, the city or its officers, agents and employees, that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences or other causes, regardless of the active or passive negligence of the city, its officers, agents or employees.
- B. As a term and condition of the permit, the permittee and his or her funeral escort service employer shall assume the defense of and indemnify and hold harmless the city and its officers, agents and employees from all claims, loss, damage, injury and liability of every kind, nature and description, including punitive damages, directly or indirectly arising from the escorting of a motor vehicle funeral procession.

(Ord. 23675.)

### **11.62.110 Liability insurance.**

- A. During the term of a funeral escort permit issued pursuant to this chapter, the permittee or his or her funeral escort service employer shall maintain in full force and effect, at the permittee's or his or her employer's own cost, a motor vehicle liability insurance policy and a comprehensive general liability insurance policy:
1. In an amount not less than one million dollars single limit per occurrence; and
  2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and
  3. Providing that the City of San José, its officers, employees and agents are to be named as additional insureds under the policies; and
  4. Covering all losses and damages as specified in this chapter; and
  5. Stipulating that the policies will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and
  6. Providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the funeral escort service permit, without thirty days written notice to the city prior to the effective date of such cancellation or reduction in coverage.
- B. Proof of insurance shall be provided as required by the office of the risk manager.
- C. 1. In the event of failure of any permittee or his or her funeral escort employer to maintain in effect the required insurance policies, the funeral escort permit shall be considered to be suspended as a matter of law from the date of cancellation or a lapse of the required insurance.

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2. The chief of police may reinstate the permit when the suspended permittee provides the chief of police with proof of insurance as required by this section.

(Ord. 23675.)

**11.62.120 Traffic safety instruction program.**

- A. Each applicant for a funeral escort permit shall submit to the chief of police evidence of satisfactory completion of an instructional program of traffic safety.
- B. Evidence of successful completion of an instructional program of traffic safety shall include, but not be limited to, instructional materials received by the applicant from the program, test scores, and grades received by the applicant.
- C. The chief of police shall review and approve each submitted instructional program if the chief reasonably believes that the program provides the applicant sufficient training to safely direct traffic.

(Ord. 23675.)

**11.62.130 Permit renewal procedures.**

- A. A permittee seeking renewal of his or her funeral escort permit shall meet all the requirements for a permit renewal that applicants are required to meet in order to first obtain a funeral escort permit.
- B. All provisions of this chapter applicable to first-time applicants shall apply to a permittee applying for renewal of a funeral escort permit.

(Ord. 23675.)

**11.62.140 Official insignia.**

The chief of police shall approve an official insignia, uniform and any equipment which shall be worn by all permittees while directing traffic in the manner specified in Section 11.61.020. The chief of police shall also approve vehicular equipment regulations including a color and/or insignia scheme.

(Ord. 23675.)

**11.62.150 Regulations.**

- A. The chief of police may prepare and issue written regulations for distribution to applicants and permittees regarding the implementation of the provisions of Chapter 11.62, including but not limited to, the safe and lawful conduct of funeral escort services, and the maintenance of insignia, uniforms, motor vehicles and equipment used in escorting funeral processions.
- B. Such regulations shall be binding upon applicants and permittees. Permittees shall comply with these written regulations as a term and condition of the permit.

(Ord. 23675.)

**11.62.160 Private processions must obey all traffic laws.**

Persons participating in private funeral processions or other processions within the city without police escort must obey all state and city traffic laws, except as specifically authorized by this chapter.

(Ord. 23675.)

## Chapter 11.64 PEDESTRIANS<sup>17</sup>

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<sup>17</sup>State law reference(s)—For statutory provisions on local authority to establish crosswalks, see Vehicle Code § 21106; for provisions on local regulation of pedestrian crosswalk use, see Vehicle Code § 21961.

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### **11.64.010 Crosswalks - Establishment.**

The city traffic engineer is authorized to establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway where in his opinion there is particular danger to pedestrians crossing the roadway. The traffic engineer is further authorized to close any existing crosswalk by the installation of signs at or adjacent to the intersection or other place of crossing which make it unlawful for any pedestrian to cross the roadway in the manner prohibited.

(Prior code § 3309.1.)

### **11.64.020 Standing in roadway prohibited when.**

No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This provision shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street in line of duty.

(Prior code § 3309.5.)

### **11.64.030 Crosswalks - Use required when.**

Unless otherwise directed by a police officer, no pedestrian shall cross a roadway other than by a crosswalk in the central business district or in any business district, except at intersections where the pedestrian phased traffic signal system of crossing (Scramble) is in effect and designated by official signals.

(Prior code § 3309.2.)

### **11.64.040 Pedestrians to use right half of crosswalks and sidewalks.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks and sidewalks.

(Prior code § 3309.3.)

### **11.64.050 Method of crossing roadways.**

Unless otherwise directed by a police officer no pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk and except at intersections where pedestrian phased traffic signal system of crossing (Scramble) is in effect and designated by official signals.

(Prior code § 3309.4.)

### **11.64.060 Pedestrian tunnels and overhead pedestrian crossings - Designation - Signs required.**

The city traffic engineer is authorized to designate pedestrian tunnels and overhead pedestrian crossings for the exclusive use of pedestrians and he shall indicate same by the use of appropriate signs.

(Prior code § 3309.12; Ord. 19156.)

### **11.64.070 Stop sign cane - Use for crossing roadway - Vehicles to yield right-of-way.**

The driver of any vehicle shall yield the right-of-way, by coming to a full stop, to a pedestrian who carries a cane displaying a stop sign, and in the act of crossing the roadway within any marked crosswalk or within any

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unmarked crosswalk at the end of a block. Such cane must be held at arm's length by such pedestrian so that the stop sign thereon is in clear view of the drivers of vehicles in the vicinity.

(Prior code § 3309.6.)

**11.64.080 Stop sign cane - Who may use - Permit required.**

- A. Stop signs of the type referred to in this chapter shall be used and carried only by blind persons, or by persons so crippled, afflicted or infirm as to require the use of such signs to enable them to traverse street intersections of the city on foot, and shall only be used and carried by such of the foregoing persons as have obtained a permit therefor from the chief of police.
- B. Users of such stop signs shall carry their permits while traveling upon the streets of the city.

(Prior code § 3309.8.)

**11.64.090 Stop sign cane - Permit recordkeeping.**

- A. The chief of police shall keep a record of the persons to whom such permits are issued, together with their addresses and the reason for the issuance of such permits.
- B. No person shall use any such stop sign without having first obtained the permit required.

(Prior code § 3309.9.)

**11.64.100 Stop sign cane - Use restriction.**

No holder of any such permit shall use the stop sign authorized by it for any purpose other than to enable him to traverse street intersections.

(Prior code § 3309.10.)

**11.64.110 Sign to be attached to cane - Description.**

Stop signs to be attached to canes for the purposes of Section 11.64.070 shall be made of any substantial materials and shall be not smaller than three and one-half by twelve inches in size. Such signs shall be white with red letters thereon, the lettering to occupy a space not smaller than three by ten inches, the lines forming the letters themselves to be not less than one-half of an inch in thickness. The word "stop" on such sign may be printed either horizontally or vertically.

(Prior code § 3309.7.)

**11.64.120 Stop required for blind person carrying white cane - Precautions.**

No driver or operator of any wheeled vehicle who approaches or comes in contact with a person who is wholly or partially blind, which blind person is carrying a white cane with a red tip, shall fail to come immediately to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to such blind person.

(Prior code § 3309.11; Ord. 19033.)

## **Chapter 11.72 BICYCLES<sup>18</sup>**

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<sup>18</sup>State law reference(s)—For statutory provisions on bicycle licensing, see Vehicle Code § 39000 et seq.; for provisions on local regulation of bicycles, see Vehicle Code § 21206.

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**11.72.010 Reserved.**

Editor's note(s)—Ord. 29515, adopted Dec. 9, 2014, renumbered former § 11.72.010, which pertained to bicycle defined, as § 11.04.021 as set out in Ch. 11.04.

**11.72.020 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.020, which pertained to bicycle license requirement.

**11.72.030 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.030, which pertained to bicycle license issuance and recordkeeping requirements.

**11.72.040 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.040, which pertained to bicycle license fees.

**11.72.050 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.050, which pertained to bicycle license term and renewal.

**11.72.060 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.060, which pertained to transfer of bicycle ownership and notification of police department.

**11.72.070 Reserved.**

Editor's note(s)—Ord. 28855, adopted November 30, 2010, repealed § 11.72.070, which pertained to change of address of bicycle owner and notification of police department.

**11.72.080 Bicycle retailer requirements.**

Each bicycle retailer shall supply to each purchaser a record of the following information: Name of retailer, address of retailer, year and make of bicycle, and serial number of bicycle. No bicycle retailer shall sell any new bicycle in this city unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. Serial numbers shall be stamped or cast in the head of the frame, either side of the seat down post tube or the bottom sprocket bracket.

(Prior code § 3405.)

**11.72.100 Locking bicycle required.**

Every bicycle when placed or left unattended on a street or other public place shall be securely locked by the operator thereof.

(Prior code § 3409.)



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### **11.72.110 Bicycle parking areas - Determination - Regulations.**

The city traffic engineer on the basis of a traffic and engineering study shall determine and designate areas for the installation of bicycle racks for "regular bicycle parking," and shall indicate such areas by appropriate markings on the street and/or sidewalk and by the installation of bicycle racks. "Regular bicycle parking" is defined as that consistent day-by-day parking of bicycles that can be measured and for which the reservation of curb space is found by the city traffic engineer to be justified. The city traffic engineer shall establish standard bicycle regulations for bicycle racks in keeping with safety, economy, and usage.

(Prior code § 3412.)

### **11.72.120 Method of parking bicycles.**

It is unlawful for any person to park a bicycle on any street or sidewalk in any block in which a bicycle rack has been installed except on a bicycle rack. In blocks in which no bicycle rack is provided bicycles shall be parked on the outside edge of the sidewalk in an upright position and independent of other bicycles. In no event shall more than one-half of the width of the sidewalk be occupied by bicycles.

(Prior code § 3415.)

### **11.72.130 Additional parking facilities required where - Permit conditions.**

An operator of a business that attracts or may attract bicycles shall be responsible for providing bicycle parking facilities in excess of the number provided for "regular bicycle parking." Permits may be obtained from the city traffic engineer for the use of curb space by bicycle racks under the following conditions:

- A. That the rack be provided by the applicant;
- B. That the construction of the rack meet the specifications of the city traffic engineer;
- C. That the installation of the rack meet with the approval of the city traffic engineer;
- D. That such other regulations that the city traffic engineer may impose be complied with.

(Prior code § 3414.)

### **11.72.140 Irregular and excessive bicycle parking - Curb space permits.**

The city traffic engineer may issue permits for the use of parking meter spaces or other curb space by bicycle racks for "irregular and excessive bicycle parking," when he finds the need for such racks exists. "Irregular and excessive bicycle parking" is defined as the gathering of large numbers of bicycles at regular or infrequent times as a result of a business or public attraction.

(Prior code § 3413.)

### **11.72.150 Impoundment authorized when.**

The police department of the city as well as any member thereof may impound and retain possession of any bicycle operated, parked or used in violation of any of the provisions of this chapter, and may retain possession of any such bicycle until criminal proceedings for the violation resulting in the impounding have been terminated and the judgment satisfied, and all charges and expenses incurred by reason of the impounding, including but not limited to storage charges, have been paid by the owner of the bicycle. The police department and members thereof hereby are authorized to store any bicycles impounded in garages or other suitable places and to incur storage charges therefor. Such storage charges shall be paid by the owner of the bicycle.

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(Prior code § 3416; Ord. 28855.)

**11.72.160 Walking bicycles on roadway.**

Bicycles may be walked on a roadway subject to all provisions of law applicable to pedestrians.

(Prior code § 3424.)

**11.72.170 Yielding right-of-way required when.**

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering a bicycle lane, shall yield the right-of-way to all bicycles approaching on said lane, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Prior code § 3419.)

**11.72.180 Reserved.**

Editor's note(s)—Ord. No. 29547, § 3, adopted April 21, 2015, repealed § 11.72.180, which pertained to bicycle lane signs and derived from prior code § 3426.

**11.72.190 Bicycle riding prohibited on sidewalks in any designated area.**

It shall be unlawful to ride or operate a bicycle on any sidewalk located within any designated area.

(Ord. 29515.)

**11.72.200 Exceptions to prohibited bicycle riding.**

- A. Notwithstanding Section 11.72.190 of this chapter, or any other section of this Code, police officers may ride or operate bicycles in the performance of their duties on sidewalks within a designated area.
- B. Notwithstanding Section 11.72.190 of this chapter, or any other section of this Code, any person twelve years of age or under may ride or operate bicycles on sidewalks within a designated area.
- C. Notwithstanding Section 11.72.190 of this chapter, or any other section of this Code, any adult accompanying a person twelve years of age or under riding a bicycle or transporting a person twelve years of age or under, may ride or operate a bicycle on sidewalks within a designated area.
- D. Notwithstanding Section 11.72.190 of this chapter or any other section of this Code, any person may ride or operate a bicycle on those portions of sidewalks within a designated area where there is an obstruction in the bicycle lane adjacent to the sidewalk.

(Ord. 29515.)

## **Chapter 11.76 ELECTRIC CARTS<sup>19</sup>**

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<sup>19</sup>State law reference(s)—For statutory provisions authorizing local authorities to permit the operation of electric carts on public sidewalks, see Vehicle Code § 21114.5.

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### **11.76.010 Definitions.**

Where used in this chapter, the following words and terms are hereby defined and shall mean as indicated below:

- A. "Cart" means an electrically powered, one-passenger, three-wheel or four-wheel vehicle, adapted to or commonly used by persons who are disabled, for nonhighway or nonstreet transportation. To be considered a cart, the width of the vehicle shall be more than thirty inches wide, with a length of at least forty-eight inches, and powered by more than two twelve-volt standard automobile batteries. The cart shall possess the required safety equipment hereinafter set forth in this chapter.
- B. "Cart operator's permit" means a document issued, pursuant to the provisions of this chapter, by the chief of police, which authorizes a disabled person to operate a cart on the sidewalks of the city, subject, however, to the provisions of this chapter and to the rules promulgated and prescribed by the chief of police relating to areas restricted to cart use, time of use, and special safety equipment required to be attached to or installed in the cart.
- C. "Chief of police" means the chief of police of the city or his duly authorized representative.
- D. "City" means the City of San José, a municipal corporation of the state of California.
- E. "Disabled person" means any human being who:
  - 1. Has lost one or both feet or legs or the effective use thereof; or
  - 2. Is so physically handicapped as to be unable to walk without the assistance of another person or a mechanical device; or
  - 3. The physical act of walking subjects the person to abnormal pain; or
  - 4. The physical effort involved in walking endangers the person's health or life; or
  - 5. The act of walking has been so impaired as to render walking as a means of personal transportation impracticable.
- F. "Operator" means a disabled person who has been issued and holds a valid and current cart operator's permit which authorizes said person to operate a cart on and along the sidewalks of the city.
- G. "Sidewalk" means a public sidewalk located within the corporate boundaries of the city and owned by the city.
- H. "Sticker license" means a shaped piece of plastic or weather-resistant paper which can be easily affixed to the cart for the purpose of identifying the cart as being authorized for use on the sidewalks of the city. The information to be set forth thereon shall be prescribed by the chief of police.

(Prior code § 3811.)

### **11.76.020 Operation - Permit required.**

No person shall operate an electrically powered cart upon or over the sidewalks of the city unless such person is a disabled person, as defined in Section 11.76.010, and has obtained a permit to do so from the chief of police of the city.

(Prior code § 3810.)

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### **11.76.030 Permit - Application.**

Any disabled person who desires to operate a cart on the sidewalks of the city shall prepare and file with the chief of police an application for a permit to operate such cart. The application shall contain information regarding the applicant, the type or nature of the applicant's disability, the type of cart to be operated, and any other information that the chief of police may deem relevant and necessary to properly evaluate the applicant and his request for the privilege to operate a cart on the sidewalks of the city. Application forms shall be furnished by the chief of police upon request.

(Prior code § 3812.)

### **11.76.040 Permit - Issuance and term.**

The chief of police shall issue to any disabled person who owns, leases, rents or otherwise has the right of possession to or use of a cart a permit to operate a cart on the sidewalks of the city. The term of the cart permit shall be for a period of one year from date of issuance, and shall be subject to suspension or revocation as hereinafter provided.

(Prior code § 3813.)

### **11.76.050 License sticker - Issuance and attachment to vehicle.**

The chief of police shall issue a license sticker to be affixed to cart that is to be operated by the disabled person. No license sticker shall be issued for affixing to any electrically powered vehicle unless it meets the requirements of this chapter and is owned, leased, rented, in the possession of or available for the use of a disabled person who qualifies for an operator's permit.

(Prior code § 3814.)

### **11.76.060 Affidavit of disability required when.**

In any case in which the nature of the applicant's disability is not readily apparent to the chief of police by visual observation, the chief of police may require that the applicant submit a written affidavit, sworn to under oath on penalty of perjury, describing the nature and type of infirmity which he believes qualifies him as a disabled person as hereinabove described.

(Prior code § 3815.)

### **11.76.070 Operating test authorized when.**

The chief of police may require any applicant for an operator's permit to demonstrate his/her ability to operate the cart under such conditions as the chief of police believes the applicant may be reasonably expected to encounter.

(Prior code § 3817.)

### **11.76.080 Permit - Grounds for denial.**

The chief of police shall deny the issuance of an operator's permit to operate a cart on the sidewalks of the city for the following reasons:

- A. The applicant is not a disabled person as defined in this chapter;
- B. The physical or mental disability of the applicant is so severe as to make the operation of a cart on the sidewalks dangerous to pedestrian users of the sidewalks or to the disabled person;

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- C. The applicant has not attained sufficient expertise in the operation and manipulation of the cart so as to enable him to safely operate the same under normal operating conditions;
  - D. The applicant had obtained a previous permit which had been suspended as herein provided, and said suspension is still in effect on the date the new permit application was filed;
  - E. The applicant's previous permit had been revoked within two years last past because of a conviction in a court of competent jurisdiction of operating a cart on the sidewalks while under the influence of alcohol and/or illegal drugs;
  - F. Refusal by applicant to furnish a statement sworn to under oath on penalty of perjury regarding disability when requested by the chief of police;
  - G. Refusal by applicant to take a cart operating test when requested by the chief of police.

(Prior code § 3816.)

### **11.76.090 Permit - Suspension conditions.**

The chief of police may suspend for a period of not to exceed ninety days the permit of any disabled person who has been convicted in a court of competent jurisdiction for the violation of negligent or reckless cart operations. The chief of police may revoke or suspend for a period not to exceed one hundred eighty days the permit of any disabled person who has been convicted in a court of competent jurisdiction of operating a cart on the sidewalks while under the influence of intoxicating liquor and/or illegal drugs.

(Prior code § 3820.)

### **11.76.100 Operation a privilege - Grievances.**

The operation of a cart on the sidewalks of the city by a disabled person pursuant to the issuance of a permit is a privilege and not a right, and is similar in nature to a license issued by the state to operate a motor vehicle upon and along the public streets and highways. Any grievances of an applicant or operator, based upon suspension of an operator's permit, or refusal to issue the operator's permit shall be subject to judicial review only on grounds that the official decision related thereto was whimsical, arbitrary, capricious or fraudulent.

(Prior code § 3822.)

### **11.76.110 Equipment requirements.**

No cart shall be operated on the public sidewalks of the city unless it is equipped with a functional rear view mirror on the right and left side of the cart, a horn or other warning device, and, if operated on the sidewalks between sundown and sunrise, a front driving light and two lighted, red rear warning lights. The abovementioned equipment must be considered satisfactory by the chief of police before a sticker is issued for the cart.

(Prior code § 3819.)

### **11.76.120 Operation requirements and restrictions.**

No cart operator shall operate a cart on the sidewalks in any manner that is inconsistent with or in violation of the following driving rules:

- A. A cart shall at all times be operated at a safe speed so as not to endanger pedestrians who are standing or walking on the sidewalks, the cart operator, and property, but at no time at a speed in excess of five miles per hour.
- B. A cart shall at all times be operated on the cart operator's right side of the sidewalks, except:

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1. When passing obstructions on the sidewalks; or
  2. When passing a pedestrian, in which event the passing shall be made on whichever side the pedestrian yields.
  - C. A cart operator shall not permit any passengers to ride on or in the cart vehicle being operated on the sidewalks.
  - D. In all encounters between a pedestrian and a cart, the pedestrian shall have the right-of-way, and in all situations the cart operator shall operate his cart in accordance to this sidewalks-use priority.
  - E. When a cart operator intends to pass a pedestrian, the operator shall sound a horn or other warning device at a distance of at least one hundred feet from the pedestrian and shall continue the warning sound until the operator is sure that the pedestrian is aware of the approaching cart and the operator's intention to pass.
  - F. No cart shall be operated on the sidewalks by an operator who is under the influence of intoxicating liquor and/or illegal drugs. For the purpose of this subsection, the provisions of the California Vehicle Code relating to the operation of motor vehicles on the public streets and highways shall be applicable, except that the conviction for violating any of the provisions of this subsection shall be considered as a violation of the San José Municipal Code and shall be punished in accordance with the punitive sanctions provided for herein.
  - G. No operator shall drive a cart on the sidewalks in a negligent or reckless manner. For the purpose of this subsection, the provisions of the California Vehicle Code relating to the operation of motor vehicles on the public streets and highways shall be applicable, except that the conviction for violating any of the provisions of this subsection shall be considered as a violation of the San José Municipal Code and shall be punished in accordance with the punitive sanctions provided for herein.
  - H. No operator shall stop or park his cart on the sidewalk for a continuous period of time in excess of one hour. When so stopped or parked the cart shall be located on the street side of the sidewalk and as close to the edge of the sidewalk as is practicable, but in no event shall the street side wheels of the cart be more than six inches from the edge of the sidewalk.
  - I. Prior to any change in direction of movement the cart operator shall indicate his intention of such change by arm and hand signal provided for in the California Vehicle Code for observation by motor vehicles operating on the public streets and highways. The signal for change of direction shall be made at least twenty-five feet prior to the point at which the direction change maneuver will be accomplished. No cart shall be operated, stopped or parked on the sidewalks of the city between sundown and sunrise unless it has attached or affixed thereto lighting equipment required in this chapter and that said lighting equipment is in full operation.
  - J. While operating a cart on the sidewalks, all operators shall have in their possession a cart operating permit and shall present the same to any police officer for inspection upon request.

(Prior code § 3818.)

### **11.76.130 Financial responsibility.**

The Financial Responsibility Act of the state of California, or as amended, and which relates to the operation of motor vehicles on the public streets and highways of the state and accidents involving same, shall apply to the operation of carts on the sidewalks of the city and accidents involving same, except that the official responsible for the enforcement of the provisions of said act and the suspending authority shall be the chief of police.

(Prior code § 3821.)

## Chapter 11.80 OFF-ROAD VEHICLES

### 11.80.010 Scope of chapter provisions.

This chapter is designed to regulate the operation of registered and unregistered motor vehicles by all persons, whether they possess a valid California motor vehicle operator's license or not, upon unimproved property and upon all public property except highways in the city.

(Prior code § 3800; Ord. 20961.)

### 11.80.020 Definitions.

As used in this chapter, the following words have the significance attached to them herein defined:

- A. "Motor vehicle" means any vehicle which is self-propelled, which includes, but is not limited to, the following:
  - 1. Any motorcycle or motor-driven cycle;
  - 2. Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle;
  - 3. Any motor vehicle commonly referred to as a jeep, pickup truck, or four-wheel-drive vehicle;
  - 4. Any motor vehicle when such motor vehicle is operated on land to which this chapter applies.
- B. "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. "Unimproved property" means any parcel of land which either contains no structures or which is not surfaced with cement, concrete, asphaltic concrete, or other similar material, or which does not have a hard surface made of a mixture of rock, sand or gravel bound together with a chemical or mineral substance other than natural soil.

(Prior code § 3801; Ord. 20961.)

### 11.80.030 Operation - Prohibited on public property.

No person shall operate a motor vehicle, other than a publicly owned motor vehicle, upon any public sidewalk, walkway, parkway, or in any public park or recreational area or upon any other publicly owned property, except highways, within the city. This shall not be construed to prohibit the operation of a motor vehicle having a valid California vehicle registration by any person possessing a valid California operator's license upon the public highways in the city.

(Prior code § 3802; Ord. 20961.)

### 11.80.040 Operation on private property - Permit required.

No person shall operate a motor vehicle, other than a publicly owned motor vehicle, upon any unimproved parcel of real property within the city without first obtaining and having in his immediate possession an authorization for such operation, in writing, from the present owner of the unimproved private property, such authorization identifying the operator by name and being signed by the owner in the presence of not less than two witnesses. The authorization shall contain the printed or typewritten name of the owner or his agent, the address and phone number of the owner or his agent, a description of the property upon which such operation is authorized, and the type of motor vehicle authorized to be operated thereon.

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(Prior code § 3803; Ord. 20961.)

**11.80.050 Operation on private property - Display of authorization to peace officer.**

Every person operating a motor vehicle upon any unimproved parcel of real estate within the city shall present the written authorization by the property owner for examination upon demand of a peace officer enforcing the provisions of this chapter.

(Prior code § 3804; Ord. 20961.)

**Chapter 11.84 TOY VEHICLES**

**11.84.010 Use of coasters, roller skates and similar devices restricted.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street in a crosswalk, and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.

(Prior code § 3303.9; Ord. 19264.)

**Chapter 11.88 TRAINS**

**11.88.010 Speed limit at intersections.**

No person shall operate any steam train, railroad train, or locomotive upon, along or across any street or along or across the intersection of any streets within the city at a greater rate of speed than twelve miles per hour; provided, however, that the provisions of this chapter shall not apply to the operation of any such steam train, railroad train or locomotive, upon, along or across any street, or the intersection of any streets in the city where the person operating and running such trains or locomotives shall regularly maintain flagmen, gates or other mechanical devices for the protection of the public.

(Prior code § 3313.23.)

**Chapter 11.90 TRANSPORTATION PERMITS**

**11.90.010 Delegation to director of streets and traffic.**

All of the powers granted to the city by Article 6 of Chapter 5 of Division 15 of the State of California Vehicle Code are hereby delegated to the director of streets and traffic.

(Ords. 22045, 23734.)

**11.90.020 Definitions.**

- A. Multiple Trip Transportation Permit. A multiple trip transportation permit shall be defined to mean a permit that will allow a vehicle of an extralegal size, weight or load to operate on more than a single trip within the City of San José. Such permit shall expire on the last day of the calendar year in which it was issued.
- B. Single Trip Transportation Permit. A single trip transportation permit shall be defined to mean a permit that will allow a vehicle of an extralegal size, weight, or load to operate on a single trip within the City of San José.

(Ord. 22045.)



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### **11.90.030 Issuance of permits.**

Upon good cause appearing, the director of streets and traffic may, in his or her discretion, issue a single trip transportation permit or a multiple trip transportation permit.

(Ords. 22045, 23734.)

### **11.90.040 Fees.**

The fees for transportation permits shall be as set forth in the schedule of fees established by resolution of the city council.

(Ord. 22045.)

### **11.90.050 Insurance for permit to transport hazardous materials.**

As a condition to the issuance of a transportation permit, an applicant for a transportation permit under this chapter to transport hazardous materials as defined in California Vehicle Code Section 353 and as set forth in Title 13 of the California Administrative Code shall obtain and maintain during the full term of the permit, and during any renewal or extension thereof, insurance as required by the director of finance.

(Ord. 22045.)

### **11.90.060 Required transportation permit.**

No person shall operate any vehicle within the limits of the City of San José of a size or weight or load in excess of the maximum limits established by California Vehicle Code, Division 15 (Size, Weight, and Load), without a valid transportation permit issued by the director of streets and traffic.

(Ords. 22045, 23734.)

## **Chapter 11.92 SHARED MICRO-MOBILITY DEVICES**

### **11.92.010 Purpose.**

Consistent with the City's goals of enhancing mobility and access, easing traffic congestion, and promoting sustainability, this Chapter creates a permit program to facilitate shared micro-mobility devices offered for public use. The purpose of this permit program is to ensure the protection of public health and safety, including the safety of the public traveling by foot, bicycle, or vehicle on public sidewalks, streets, and other public rights-of-way.

(Ord. 30205.)

### **11.92.020 Definitions.**

The definitions set forth in this Chapter shall govern the application and interpretation of this Chapter.

(Ord. 30205.)

### **11.92.030 Administrative Regulations.**

"Administrative Regulations" shall mean the regulations adopted pursuant to Section 11.92.110.

(Ord. 30205.)

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### **11.92.040 Director.**

"Director" shall mean the Director of Transportation or designee.

(Ord. 30205.)

### **11.92.050 Operator.**

"Operator" shall mean any person that is issued a permit under this Chapter to operate a Shared Micro-Mobility Device System in the Public Right-of-Way or in a Public Area.

(Ord. 30205.)

### **11.92.060 Public Area.**

"Public Area" shall mean any outdoor area that is open to the public for public use, whether owned or operated by the City or a private party.

(Ord. 30205.)

### **11.92.070 Public Right-of-Way.**

"Public Right-of-Way" shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.

(Ord. 30205.)

### **11.92.080 Shared Micro-Mobility Device.**

"Shared Micro-Mobility Device" shall mean any transportation device by which a person can be propelled, moved or drawn, that is displayed, offered or placed for rent in any Public Area or Public Right-of-Way, except that a "Shared Micro-Mobility Device" does not include vehicles that are made available for rent, including, but not limited to, taxis or any other device excluded pursuant to the Administrative Regulations.

(Ord. 30205.)

### **11.92.090 Shared Micro-Mobility Device System.**

"Shared Micro-Mobility Device System" shall mean all of the Shared Micro-Mobility Devices that an Operator offers to the public for use either to rent or for free in the Public Right-of-Way or in a Public Area.

(Ord. 30205.)

### **11.92.100 Shared Micro-Mobility Operator Permit Application Procedure, Fees and Requirements.**

- A. The procedures set forth in Chapter 6.02 for permits and licenses shall govern the application for, investigation, approval, denial, suspension and revocation of a permit to operate a Shared Micro-Mobility Device System issued pursuant to this Chapter, except as specifically provided in this Chapter.
- B. Any person seeking to obtain a permit for the operation of a Shared Micro-Mobility System shall pay the City of San José a property repair and maintenance deposit totaling Ten Thousand Dollars (\$10,000) prior to permit issuance to ensure adequate funds are available to reimburse the City for future public property repair and maintenance costs that may be incurred, including but not limited to any costs of repairing or

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maintaining public property damaged by the Operator or its customers, administrative fines, removing Shared Micro-Mobility Devices improperly parked and addressing and abating any other violations.

- C. The Director may specify the information that must be provided in connection with an application and the form in which the information is to be provided. In addition to the information set forth in Chapter 6.02, the application shall contain, at a minimum, the following information:
1. The name and business address of each person or entity that: (i) has more than a ten percent (10%) equity, participation, or revenue interest in the applicant; or (ii) is a trustee, director, partner, or officer of that entity or of another entity that owns or controls the applicant, excepting persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c)(3), (4), or (6) of the United States Internal Revenue Code;
  2. The name and business address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity;
  3. Information sufficient to show that the applicant is technically and legally qualified to operate and maintain a Shared Micro-Mobility Device System;
  4. A description of the proposed plan of operation, including, at a minimum, a detailed description of:
    - a. The applicant's current operations in the City and other jurisdictions;
    - b. The applicant's proposed operations in the City including the plan for balancing Shared Micro-Mobility Devices for Citywide coverage, the plan for Shared Micro-Mobility Device maintenance, levels of staff for operations and administration, and the plan for customer service;
    - c. The applicant's regulatory compliance program;
    - d. The applicant's history of and ability to comply with state and local law;
    - e. The applicant's plans to implement safety programs, including, for example, a program by which the applicant will receive information about and notify users of unlawful use of a Shared Micro-Mobility Device;
    - f. The applicant's plans to educate users of Shared Micro-Mobility Devices about applicable California Vehicle Code provisions and other applicable laws and regulations;
    - g. The applicant's plan to comply with the operating requirements in the Administrative Regulations;
    - h. The applicant's plan to comply with the low-income discount and Communities of Concern requirements in the Administrative Regulations;
    - i. The applicant's plan to comply with the data sharing requirements in the Administrative Regulations;
    - j. The applicant's plans to comply with applicable federal, state, and local data privacy laws and otherwise to protect the privacy of personal information provided by users; and
    - k. Any other requirements set forth by Administrative Regulations.
- D. Notwithstanding any other requirement, the Director has the authority to deny a permit to the extent that issuing a permit would conflict with existing contractual agreements or permits issued to other Operators, lead to an overconcentration of Shared Micro-Mobility Devices in the Public Right-of-Way, or otherwise adversely impact an existing Shared Micro-Mobility Device System.

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(Ord. 30205.)

### **11.92.110 Administrative Regulations.**

The Director shall adopt Administrative Regulations, and update as the Director determines is necessary, to implement the provisions of this Chapter, including, but not limited to, permit application procedures, permit standards and permit conditions, which may include regulations relating to lawful conduct, operating standards for public safety, data sharing, data privacy, area of the program, number of Operators, number of devices, maintenance of devices, customer service, user discounts and the timely removal of hazards.

(Ord. 30205.)

### **11.92.120 Prohibited Conduct.**

Notwithstanding any other provision of this Code, no person shall:

- A. Display, offer or make available for rent any Shared Micro-Mobility Device within the City, unless the person has first obtained a valid permit for the operation of a Shared Micro-Mobility System;
- B. Leave a Shared Micro-Mobility Device not permitted by this Chapter in the Public Right-of-Way or in a Public Area in such a way that the device is available for rent; or
- C. Leave a Shared Micro-Mobility Device in either the Public Right-of-Way or in a Public Area in a manner that: (1) obstructs travel upon or blocks access to a Public Right-of-Way; (2) poses an immediate public safety hazard; or (3) is otherwise prohibited by applicable laws or the Administrative Regulations.
- D. No person shall fail to comply with the Administrative Regulations or any provision of this Chapter. Any violation of any Administrative Regulation or this Chapter shall constitute a violation of this Code.

(Ord. 30205.)

### **11.92.130 Maximum Number of Shared Micro-Mobility Operator Permits and Shared Micro-Mobility Devices Permitted.**

The Director is authorized to define in the Administrative Regulations the minimum and maximum number of Shared Micro-Mobility Devices within a specified geographic area and the minimum and maximum number of total Shared Micro-Mobility Devices citywide.

(Ord. 30205.)

### **11.92.140 Limitations on City Liability; Permit Conditions.**

To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a permit for the operation of a Shared Micro-Mobility System or otherwise approving the operation of any Shared Micro-Mobility Device. As a condition to the issuance of any permit for the operation of a Shared Micro-Mobility System, the Operator shall be required to meet all of the following conditions:

- A. The Operator must execute an agreement or agree to permit conditions, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold harmless the City, and its officers, officials, employees, representatives, and agents from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of or decision to approve a permit for the operation of a Shared Micro-Mobility System, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the applicant or any of its officers, managers, employees or agents.

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- B. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time, as determined by the City's Risk Manager, and name the City as additional insured and provide the City with a certificate of insurance evidencing the required coverage and identifying the City as an additional insured. If any insurance policy issued to an Operator in order for the Operator to comply with this Subsection is cancelled for any reason, the permit issued under this Chapter is automatically suspended. In order to reinstate the permit, the Operator shall provide a new certificate of insurance meeting the requirements of this Chapter to the City.
  - C. Reimburse the City for all costs and expenses, including, but not limited to, attorney fees and costs, which it may be required to pay as a result of any legal challenge related to the City's approval of or activities conducted pursuant to the Operator's permit for the operation of a Shared Micro-Mobility System. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

(Ord. 30205.)

### **11.92.150 Grounds for Revocation, Suspension, Reduction, or Denial.**

- A. An Operator's permit may be revoked, suspended, or denied, by the Director based upon any of the grounds specified in Chapter 6.02 or any of the following grounds:
  - 1. An applicant or Operator, including its employees, managers, officers, principals, directors, owners, contractors, representatives, or agents has:
    - a. Made one or more false or misleading statements, or material omissions on the permit application, during the application process;
    - b. Failed to provide information requested or required by the City;
    - c. Operated or has proposed to operate in a manner that endangers public health or safety; or
    - d. Failed to comply with any requirement imposed by the provisions of this Code including any rule, regulation, condition or standard adopted pursuant to this Chapter, or any term or condition imposed on the permit for the operation of a Shared Micro-Mobility System, or any provision of California law.
  - 2. Conviction of the Operator, to include any of its officers, owners or principals, of a criminal offense that is substantially related to the qualifications, functions or duties of the shared micro-mobility business or profession, including, but not limited to, any criminal conviction involving a violent or serious felony, fraud, deceit, or embezzlement.
- B. An Operator's fleet size may be temporarily, permanently or conditionally reduced by the Director for violation of any of the provisions of this Chapter or the Administrative Regulations.

(Ord. 30205.)

### **11.92.160 Duration of Permits Issued.**

Permits issued pursuant to this Chapter shall be effective for up to one (1) year. An Operator who meets all requirements of this Chapter may apply for permit renewal.

(Ord. 30205.)

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### **11.92.170 Removal or Impoundment of Devices.**

- A. A Shared Micro-Mobility Device that is displayed, offered, or made available for rent, or abandoned, in the Public Right-of-Way or in a Public Area in violation of Section 11.92.120 shall be subject to immediate impoundment by the City or removal by the City under Chapter 13.24.
- B. The City Council may adopt impound fees as set forth in the schedule of fees and charges established by resolution of the City Council, which shall reflect the City's enforcement, investigation, storage and impound costs.
- C. No person shall retrieve any impounded Shared Micro-Mobility Device except upon demonstrating proper proof of ownership of the device and payment of applicable impound fees.

(Ord. 30205.)

## **Chapter 11.93 VEHICLE SHARING**

### **11.93.010 Findings and Purpose.**

The Council finds that the use of vehicle sharing within San José has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within San José by establishing a program under which permitted one-way shared vehicles may park in metered and unmetered spaces in which parking is allowed for up to two (2) hours or longer/time limited spaces.

(Ord. 30571.)

### **11.93.020 Definitions.**

- A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization's eligibility requirements, which offers members access to a network of vehicles, twenty-four (24) hours per day, seven (7) days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.
- B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified vehicle share organization that operates that vehicle.
- C. "Vehicle sharing organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle sharing organization. The Transportation Department will maintain the criteria necessary to become a qualified vehicle share organization. The Transportation Director or their designee may make changes to these criteria at any time.
- D. "One-way shared vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) owned and operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.
- E. "Qualified vehicle sharing organization" is a vehicle sharing organization that has a fleet of at least twenty (20) one-way vehicles for member use.

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F. "One-way shared vehicle parking zone" is the area identified by the Director of the Transportation Department, which bounds the geographic area where one-way vehicle sharing members may legally park one-way shared vehicle within San José.

G. "Director" shall mean the Director of the Department of Transportation or his designee.

(Ord. 30571.)

#### **11.93.030 Permit Parking Exemption.**

A. A one-way shared vehicle with a metered zone shared vehicle permit parked at metered parking spaces in which parking is allowed for up to two (2) hours or longer that is located within the defined one-way shared vehicle parking zone shall be exempt from the provisions stated in Chapter 11.40, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than seventy-two (72) hours.

B. A one-way shared vehicle with a residential permit parking shared vehicle permit shall be permitted to stand or be parked in residential permit parking areas established pursuant to Chapter 11.48 Permit Parking Program with the same rights and restrictions as permit parking holders if the defined one-way shared vehicle parking zone includes the permit parking zone.

(Ord. 30571.)

#### **11.93.040 Metered Zone Shared Vehicle Permit.**

A. A metered zone shared vehicle permit entitles qualified vehicle sharing organization members to park one-way shared vehicles in metered and unmetered spaces in which parking is allowed for up to two (2) hours or longer, for up to seventy-two (72) hours within the designated one-way shared vehicle parking zone.

B. This Chapter shall not exempt a member of a vehicle sharing organization or a qualified vehicle sharing organization from any other traffic controls and regulations.

(Ord. 30571.)

#### **11.93.050 Residential Permit Parking One-Way Vehicle Permit.**

A. A residential permit parking shared vehicle permit entitles qualified vehicle sharing organization members to park one-way shared vehicles in a residential permit parking area as if the member had a residential parking permit for that zone as designated by Chapter 11.48, even if the member is not a resident or employee within that zone.

B. The residential permit parking shared vehicle permit does not guarantee or reserve a parking space for the member of the vehicle sharing organization.

C. This Chapter shall not exempt a member of a vehicle sharing organization or qualified vehicle sharing organization from any other traffic controls and regulations.

(Ord. 30571.)

#### **11.93.060 One-Way Shared Vehicle Parking Zone.**

The one-way shared vehicle parking zone boundaries will be established by the Director. Current and updated maps of one-way vehicle sharing parking zones will be publicly available on the City of San José's website. The GPS coordinates of one-way vehicle sharing parking zones and residential permit parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is

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permitted. Qualified vehicle sharing organizations shall notify their members of any modifications to the one-way vehicle sharing parking zones applicable to their vehicles at least three (3) days prior to such modification.

(Ord. 30571.)

### **11.93.070 Modification After Initial Designation of One-Way Vehicle Share Parking Zone.**

A qualified vehicle sharing organization may request modifications to the one-way vehicle sharing parking boundary zone once per quarter during the term of the parking permit. Application for such modifications shall be made to the Director.

(Ord. 30571.)

### **11.93.080 Issuance of Parking Permits.**

- A. Metered zone shared vehicle permits shall be issued by the Transportation Department in accordance with requirements set forth in this Chapter.
- B. Residential permit parking shared vehicle permits shall be issued by the Transportation Department in accordance with requirements set forth in this Chapter.
- C. A vehicle sharing organization applying for parking permits shall provide the license plate numbers for the one-way shared vehicles for which permits are sought to the Transportation Department.
- D. The Transportation Department shall issue the permits with a maximum term of one(1) year. Permits can be granted quarterly each year through the end of the City's fiscal year.
- E. The Transportation Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle sharing organization with the on-street parking needs of private residents and employees.
- F. Any metered zone and/or residential permit parking shared vehicle permits that are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Transportation Department may attach additional conditions to a renewed permit.
- G. The Transportation Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way shared vehicle is owned by a qualified vehicle sharing organization with a valid meter zone and/or residential permit parking shared vehicle permit.

(Ord. 30571.)

### **11.93.090 Parking Permit Fees.**

Fees for meter zone shared vehicle permits and residential permit parking shared vehicle permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council.

(Ord. 30571.)

### **11.93.100 Denial or Revocation of Parking Permit.**

The Director may deny an application for issuance or renewal of a parking permit described under this Chapter, or revoke a parking permit issued under this Chapter, upon determining that the applicant or permittee has:

- A. Supplied the Director with incorrect information;
- B. Violated any conditions placed upon the parking permit; or

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- C. Otherwise failed to comply with the provisions of this Chapter or any rules or regulations promulgated by the Director pursuant to this Chapter.

(Ord. 30571.)

### **11.93.110 Appeal.**

- A. The Director shall notify an applicant or permittee, in writing, of the Director's decision to deny or revoke a parking permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the parking permit and shall notify the applicant or permittee of the opportunity for a hearing pursuant to Section 11.93.120.
- C. The notice of decision shall become final unless a written request for hearing is received by the Director within ten (10) days after the date of the notice of decision.

(Ord. 30571.)

### **11.93.120 Hearing.**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of a parking permit or to revoke a parking permit, the Director shall schedule a hearing. The Director promptly shall notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the Director shall be held within ten (10) business days after receipt of the request for hearing.
- C. At the hearing, the permittee or applicant may present any relevant evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.
- D. After closing the hearing, the Director shall give a decision sustaining, reversing or modifying the decision to deny or revoke a parking permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant.
- E. The decision of the Director shall be final.

(Ord. 30571.)

## **Chapter 11.94 INTERSTATE TRUCKS**

### **11.94.010 Definitions.**

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

- A. "Terminal" means any facility at which freight is consolidated to be shipped or where full-load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored or manufactured.
- B. "Interstate truck" means a truck tractor and semitrailer or truck tractor, semitrailer and trailer with unlimited length as regulated by the California Vehicle Code Section 35401.5.
- C. "Caltrans" means the State of California Department of Transportation or its successor agency.

(Ord. 22025.)

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(Supp. No. 41)

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### **11.94.020 Purpose.**

The purpose of this chapter is to implement the provisions of California Vehicle Code Section 35401.5 by establishing procedures for terminal designation and truck route designation to such terminals for interstate trucks from the federally designated highway system and to promote the general health, safety and welfare of the public.

(Ord. 22025.)

### **11.94.030 Applications.**

- A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form to be provided by the city, together with such information as may be required by the director of streets and traffic, and required fees to the city.
- B. Upon receipt of the completed application, the director of streets and traffic shall cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon his or her approval of that designation, the director will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of the adequacy of turning radii and lane widths of ramps, intersections and highways as well as general traffic conditions such as sight distance, speed and traffic volumes and congestion. No access off the federally designated highway system shall be approved without the approval of Caltrans.
- C. Should the requested route pass through the city to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction's application process. Coordination of the approval of the route through the city shall be the responsibility of the entity which controls the terminal's land use. Costs for trailblazer signs shall be as provided in Section 11.94.040B.

(Ords. 22025, 23734.)

### **11.94.040 Fees and costs.**

- A. The applicant shall pay a non-refundable application fee as set forth in the schedule of fees established by resolution of council.
- B. Upon the approval of the terminal designation and route by the city and by Caltrans, the applicant shall pay a fee as set forth in the schedule of fees established by resolution of council for the purchase and installation of terminal trailblazer signs.

(Ord. 22025.)

### **11.94.050 Retrofitting.**

- A. If all feasible routes to a requested terminal are found unsatisfactory by the director of streets and traffic, the applicant may request retrofitting to mitigate or eliminate the deficiencies. All costs of engineering, construction and inspection shall be the responsibility of the applicant. Except when such retrofitting is within the jurisdiction of Caltrans, the actual construction will be done by the city or by the applicant through a standard construction agreement with the city pursuant to Chapter 13.36 of this Code, at city's option.
- B. When the work is to be done by the city, the applicant shall deposit with the city the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, as the case may be. When the work is done by the applicant, the applicant shall file with the director of streets

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and traffic, on a form satisfactory to the director of streets and traffic, a statement detailing the actual costs of the retrofitting.

- C. If at any time within five years from the date of completion of the retrofitting paid for by the applicant, should any other applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicant's fee may include the applicant's proportionate share of the retrofitting, as determined by the director of streets and traffic, which fee shall be disbursed by the city to the applicant who paid for the retrofitting as well as to any other applicant who contributed to the cost of retrofitting under this subsection.

(Ords. 22025, 23734.)

#### **11.94.060 Revocation of route.**

The director of streets and traffic may revoke any approved terminal or route, if the terminal or route becomes a traffic hazard for vehicular or pedestrian traffic. A traffic hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe operating conditions for other vehicular or pedestrian traffic.

(Ords. 22025, 23734.)

#### **11.94.070 Appeal.**

- A. If the director of streets and traffic denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner may appeal said decision to the San José city council by filing a written notice of appeal within ten days following the date of mailing of the decision of the director of streets and traffic. The appeal shall state specifically wherein there was an error or abuse of discretion by the director of streets and traffic, or wherein its decision is not supported by the evidence in the record. Within ten days of the filing of an appeal, the director of streets and traffic shall transmit to the city clerk the terminal application, the sketches of the denied or revoked route and all other data filed therewith, the report of the director of streets and traffic, the findings of the director of streets and traffic and its decision on the application.
- B. The city clerk shall make copies of the data provided by the director of streets and traffic available to the applicant and to the appellant for inspection and may give notice to any other interested party who made a written request for notice of the time when the appeal will be considered by the San José city council.
- C. If Caltrans denies or revokes terminal access from federally designated highways, no appeal may be made to the city council, but must be made to Caltrans in accordance with Caltrans regulations.

(Ords. 22025, 23734.)

## **Chapter 11.96 LARGE VEHICLE ROUTES**

#### **11.96.010 General.**

The definitions set forth in this Chapter 11.96 shall govern the application and interpretation of this chapter.

(Ord. 24295.)

#### **11.96.020 Commercial vehicle.**

"Commercial vehicle" shall mean a vehicle that is required to be registered under the California Vehicle Code and that is used or maintained for the transportation of persons for hire, compensation or profit or designated, used or maintained primarily for the transportation of property.

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(Ord. 24295.)

**11.96.030 Emergency vehicle.**

"Emergency vehicle" shall mean:

- A. Any ambulance or other vehicle containing life saving equipment and designed to operate in response to emergency calls;
- B. Any police or fire department vehicle used, equipped and designed to operate in response to emergency fire, rescue or communication calls; and
- C. Any other vehicle described in California Vehicle Code Section 165, as it may be amended from time to time.

(Ord. 24295.)

**11.96.040 Maximum gross vehicle weight.**

"Maximum gross vehicle weight" shall mean the unladen weight of a vehicle or vehicles in combination, plus the weight of any load thereon.

- A. "Unladen weight" shall mean the weight of a vehicle without any load thereon. The vehicle weight stated on a vehicle's registration shall be prima facie evidence of the unladen weight.
- B. The term "vehicles in combination," as used herein, shall mean vehicles coupled together including, but not limited to, a truck tractor coupled to a semitrailer or to one or more trailers.

(Ord. 24295.)

**11.96.050 Restricted streets.**

"Restricted streets" shall mean those streets or portions of streets within the city upon which commercial vehicles exceeding a specified maximum gross vehicle weight are prohibited.

(Ord. 24295.)

**11.96.060 Waste material.**

"Waste material" shall include all garbage, rubbish, refuse, solid and semisolid waste substances and liquid waste substances associated with human habitation or with producing, manufacturing or processing operations of whatever nature.

(Ord. 24295.)

**11.96.070 Restricted streets - Five tons.**

No person shall operate a commercial vehicle exceeding a maximum gross vehicle weight of five (5) tons during the posted time restrictions on any of the following restricted streets:

- 1. Archer Street between State Street and Grand Avenue.
- 2. Atlas Avenue between The Alameda and San Fernando Street.
- 3. Bird Avenue between Coe Avenue and Minnesota Avenue.
- 4. Blewett Avenue between Minnesota Avenue and Willow Street.

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5. Brooklyn Avenue between Hadley Avenue and Dana Avenue.
  6. Buena Vista Avenue between San Carlos Street and Martin Avenue.
  7. Calaveras Avenue between Dana Avenue and Park Avenue.
  8. Cape Buffalo Drive between Berryessa Road and Commodore Drive.
  9. Chapman Street between Naglee Avenue and Singletary Street.
  10. Cleaves Avenue between The Alameda and Park Avenue.
  11. Colton Place along its entire length.
  12. Curci Drive between St. Elizabeth Drive and Meridian Avenue.
  13. Curtiss Avenue between Minnesota Avenue and Willow Street.
  14. Dana Avenue between San Carlos Street and Naglee Avenue.
  15. De Rose Way between Southwest Expressway and McKinley Avenue.
  16. Eighth Street between Martha Street and Humboldt Street.
  17. Eighth Street between Taylor Street and Empire Street.
  18. Empire Street between Second Street and Sixth Street.
  19. Essex Avenue between State Street and Grand Boulevard.
  20. Fifth Street between Hedding Street and Taylor Street.
  21. Fifth Street between Taylor Street and Sixth Street.
  22. Fourth Street between Taylor Street and Saint James Street.
  23. Fremont Street between Park Avenue and The Alameda.
  24. Garland Street between Race Street and Keeble Avenue.
  25. Grand Boulevard between First Street and Spreckles Avenue.
  26. Hanchett Avenue between Martin Avenue and The Alameda.
  27. Hensley Street between Second Street and Fourth Street.
  28. Hester Avenue between San Carlos Street and The Alameda.
  29. Hicks Avenue between Minnesota Avenue and Curtner Avenue.
  30. Humboldt Street between Eleventh Street and Twelfth Street.
  31. Humboldt Street between Fifth Street and Tenth Street.
  32. Jackson Street between Second Street and Sixth Street.
  33. Julian Street between Sixth Street and Twenty-First Street.
  34. Keeble Avenue between The Alameda and San Fernando Street.
  35. Kotenberg Avenue between Minnesota Avenue and Willow Street.
  36. La Barbera Drive between McKinley Avenue and Southwest Expressway.
  37. Luther Avenue between Race Street and Rainier Avenue.
  38. Magnolia Avenue between Park Avenue and The Alameda.

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39. Mariposa Avenue between Park Avenue and Race Street.
  40. Martha Street between Fifth Street and its easterly terminus.
  41. Martin Avenue between Shasta Avenue and The Alameda.
  42. McKay Drive between Ringwood Avenue and Oakland Road.
  43. Michigan Avenue between First Street and Spreckles Avenue.
  44. Mission Street between Fourth Street and Seventh Street.
  45. Morrison Avenue between The Alameda and Park Avenue.
  46. Morse Street between Naglee Avenue and Singletary Street.
  47. Nineteenth Street between Santa Clara Street and William Street.
  48. Ninth Street between Empire Street and Taylor Street.
  49. Ninth Street between Martha Street and Humboldt Street.
  50. Norton Avenue between Yosemite Avenue and Meridian Avenue.
  51. Olive Street between Wabash Avenue and Hester Avenue.
  52. Pacific Avenue between State Street and Grand Boulevard.
  53. Park Avenue between Naglee Avenue and Meridian Avenue.
  54. Pine Avenue between Hicks Avenue and Bird Avenue.
  55. Rainier Avenue between Park Avenue and San Fernando Street.
  56. Randol Street between Park Avenue and The Alameda.
  57. Saint Elizabeth Drive between Fruitdale Avenue and McKinley Drive.
  58. Saint John Street between Second Street and Sixth Street.
  59. Saint James Street between Sixth Street and Nineteenth Street.
  60. San Fernando Street between Race Street and Sunol Street.
  61. Santa Clara Street between Sixth Street and Seventeenth Street.
  62. School Street between First Street and Wilson Way.
  63. Second Street between Taylor Street and Saint James Street.
  64. Settle Avenue between Minnesota Avenue and Willow Street.
  65. Sequoia Avenue between Shasta Avenue and Sierra Avenue.
  66. Seventh Street between Empire Street and Taylor Street.
  67. Seventh Street between Virginia Street and Keyes Street.
  68. Shasta Avenue between San Carlos Street and The Alameda.
  69. Sierra Avenue between Buena Vista Avenue and Race Street.
  70. Singletary Street between Park Avenue and The Alameda.
  71. Sixth Street between Empire Street and Taylor Street.
  72. Sixth Street between Hedding Street and Taylor Street.

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73. Sixth Street between Virginia Street and Humboldt Street.
  74. Stokes Street between Southwest Expressway and McKinley Avenue.
  75. Third Street between Taylor Street and Saint James Street.
  76. Tillman Avenue between Hester Avenue and Park Avenue.
  77. Twelfth Street between Martha Street and Humboldt Street.
  78. Twentieth Street between Santa Clara Street and William Street.
  79. Twenty-First Street between Santa Clara Street and William Street.
  80. Twenty-Second Street between Santa Clara Street and William Street.
  81. Twenty-Third Street between Santa Clara Street and William Street.
  82. Vistapark Drive between Capitol Expressway and Branham Lane.
  83. Wabash Street between its westerly terminus and Spreckles Avenue.
  84. Washington Street between Fourth Street and Sixth Street.
  85. Wayne Avenue between Ringwood Avenue and Oakland Road.
  86. Willard Avenue between Sierra Avenue and San Carlos Street.
  87. Wilson Way between School Street and Grand Boulevard.
  88. Yosemite Avenue between its southernmost terminus and Race Street.

(Ords. 24295, 24481, 24853, 26444, 26626, 26675, 26919, 27633.)

#### **11.96.080 Restricted streets - Seven tons.**

No person shall operate a commercial vehicle exceeding a maximum gross vehicle weight of seven tons on any of the following restricted streets:

1. Eighth Street between Empire Street and Santa Clara Street.
2. Eighteenth Street between Taylor Street and Saint John Street.
3. Eleventh Street between Taylor Street and Santa Clara Street.
4. Empire Street between Ninth Street and Twenty-Second Street.
5. Fifteenth Street between Taylor Street and Saint John Street.
6. Fourteenth Street between Taylor Street and Santa Clara Street.
7. Hillsdale Avenue between Snell Avenue and Old Almaden Road.
8. Jackson Street between Ninth Street and Monferino Drive.
9. Monferino Drive between Taylor Street and Jackson Street.
10. Nineteenth Street between Taylor Street and Julian Street.
11. Ninth Street between Empire Street and Santa Clara Street.
12. Roosevelt Street between Nineteenth Street and Twentieth Street.
13. Saint John Street between Sixth Street and Nineteenth Street.
14. Seventeenth Street between Taylor Street and Saint John Street.

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15. Seventh Street between Empire Street and Santa Clara Street.
  16. Sixteenth Street between Taylor Street and Santa Clara Street.
  17. Sixth Street between Empire Street and Santa Clara Street.
  18. Tenth Street between Taylor Street and Santa Clara Street.
  19. Twelfth Street between Taylor Street and Santa Clara Street.
  20. Twentieth Street between Taylor Street and Roosevelt Street.
  21. Twenty-First Street between Taylor Street and Julian Street.
  22. Twenty-Second Street between Jackson Street and Empire Street.
  23. Washington Street between Sixth Street and Terrace Drive.

(Ords. 24295, 24395.)

### **11.96.090 Posting of restricted streets.**

- A. The director of streets and traffic shall erect or cause to be erected upon each restricted street appropriate signs giving notice of the restriction. The signs shall identify:
  1. The portion or portions of the street restricted pursuant to this chapter; and
  2. The maximum gross vehicle weight beyond which commercial vehicles are prohibited from traveling on the restricted street.
- B. This chapter shall be effective and enforceable only upon those restricted streets where such signs have been erected.

(Ord. 24295.)

### **11.96.100 Exceptions.**

The prohibitions in this chapter shall not apply to:

- A. Any commercial vehicle making a pickup or delivery of goods, wares or merchandise from or to any building or structure located on a restricted street;
- B. Any commercial vehicle delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure that is located upon a restricted street and for which a building permit has previously been obtained;
- C. Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility located on a restricted street;
- D. Any vehicle owned and operated by a government entity while engaged in government business or by a licensed contractor while being operated pursuant to government business;
- E. Any commercial vehicle licensed to collect, transport or dispose of waste materials, including recyclable waste materials, from any building or structure located on a restricted street;
- F. Any emergency vehicle being operated in response to an emergency; and
- G. Any passenger stage vehicle subject to Sections 1031 through 1036, inclusive, of the California Public Utilities Code, as may be amended from time to time.

(Ord. 24295.)



## Chapter 11.98 LARGE VEHICLE PARKING

### 11.98.010 Definitions.

As used in this chapter, the following words or phrases are defined as follows:

- A. "Affected zone" means any property which is abutting the zone to be designated or under consideration for designation as a "no large vehicle parking zone."
- B. "Director" means the director of the department of streets and traffic of the City of San José.
- C. "Large vehicle" includes every vehicle, including any load thereon, which exceeds six feet in height, or which exceeds seven feet in width.
- D. "No large vehicle parking zone" is defined as a street, or portion thereof, where no large vehicles may be parked and which is posted by signs or other markings which give notice that large vehicle parking is prohibited.
- E. "Park" is defined as set forth in Section 11.04.090 of the San José Municipal Code.
- F. "Street" is defined as set forth in Section 13.28.010.I. of the San José Municipal Code.
- G. "Vehicle" is defined as set forth in Section 670 of the California Vehicle Code, as amended.

(Ords. 22736, 23734.)

### 11.98.020 No large vehicle parking zones.

The director may, in the director's sole discretion, designate a street, or portions thereof, as a "no large vehicle parking zone" whenever the director determines that parking of large vehicles upon such street, or portions thereof, creates a safety hazard for pedestrians or vehicles.

(Ord. 22736.)

### 11.98.030 Determination of designated zone.

- A. Upon a citizen's request or pursuant to information received or obtained by staff in the department of streets and traffic, the director may initiate a traffic study to determine if any street or portion thereof should be designated as a "no large vehicle parking zone."
- B. After the director makes a determination as to whether a zone shall or shall not be designated as a "no large vehicle parking zone," the director shall send a notice of determination by mail to the owners of real property in the affected zone.
- C. The director may consider the following factors in making the determination:
  - 1. Safety problems occurring within the affected zone.
  - 2. Pedestrian and vehicular visibility from intersecting streets or driveways.
  - 3. Width of the street(s) in the affected zone.
  - 4. Number of vehicles parked on the street in the affected zone at the time of the study.
  - 5. Other relevant data including, but not limited to, volume and speed of traffic, and the size of vehicles parked in the affected zone.

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- D. Any determination made pursuant to this chapter, and any zone either designated or not designated, pursuant to this chapter, is a plan or design of, or improvement to, public property which may be approved by the director.

(Ords. 22736, 23734.)

#### **11.98.040 Posting of zone.**

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

(Ord. 22736.)

#### **11.98.050 Request for reconsideration.**

- A. The determination that a zone shall or shall not be designated as a "no large vehicle parking zone" is subject to reconsideration upon presentation of information to the director which was not considered at the time of the determination.
- B. Any person may file a request for reconsideration.
- C. Such request for reconsideration shall be submitted to the director on a form provided by the director and shall set forth the specific grounds for the request. The request for reconsideration may be filed at any time after a notice of determination has been made.
- D. The director shall consider the request for reconsideration within a reasonable time after it is filed.
- E. A copy of the director's decision on the request for reconsideration shall be mailed to the requestor within fifteen days after the director makes the decision on the request. If the reconsidered decision changes the director's prior determination, a notice of the reconsidered decision shall be mailed to those parties notified pursuant to Section 11.98.030.B.
- F. The decision of the director on the request for reconsideration shall be final unless a party in the affected zone petitions the city council to review the director's decision. Such petition shall be submitted to the council within ten days after the director places a notice in the mail notifying the requestor of the decision on the request for reconsideration.
- G. The city council may, in its sole discretion, decide whether a street or portions thereof should be designated as a "no large vehicle parking zone."

(Ord. 22736.)

#### **11.98.060 Large vehicle parking prohibited.**

No person shall park a large vehicle in any zone posted as a "no large vehicle parking zone."

(Ord. 22736.)

### **Chapter 11.100 SURVEY FOR ADULT CROSSING GUARDS**

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**11.100.010 Engineering and traffic survey for adult crossing guard requested by school officials.**

The governing board or official of any school district may request the city to install adult crossing guards in accordance with warrants established by the city. The city shall undertake an engineering and traffic survey to determine whether the requested crossing protection meets the warrants established by the city. Should the governing board or official of any school district request subsequent engineering and traffic surveys for the same location during the same school years, the school district will be billed an amount set forth in the schedule of fees established by resolution of council for each subsequent engineering and traffic survey at that location.

(Ords. 19721, 21290.)

**Chapter 11.104 ABANDONED, DISMANTLED OR INOPERATIVE VEHICLES**

**11.104.010 Abandoned or inoperative vehicles - Public nuisance.**

- A. The presence of abandoned, dismantled or inoperative vehicles, or parts thereof, on private property or public property, is declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.
- B. No person shall maintain or keep an abandoned, dismantled or inoperative vehicle on his or her property or public property except in accordance with this chapter.

(Ord. 24056.)

**11.104.020 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings set forth below:

- A. "Abandoned vehicle" means any vehicle, or part thereof, left parked, or standing, for thirty days on property other than that which is owned or leased by the vehicle owner.
- B. "Director" means the director of neighborhood preservation.
- C. "Dismantled vehicle" means a vehicle which lacks any part or equipment necessary to operate safely on the highways of the state.
- D. "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.
- E. "Inoperative vehicle" means a vehicle which cannot operate safely on the highways of the state.
- F. "Property owner" means the owner of the real property on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- G. "Vehicle owner" means the last registered owner or legal owner of record of a motor vehicle.
- H. "Public property" does not include "highway."
- I. "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.

(Ord. 24056.)

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### **11.104.030 Administration.**

- A. This chapter shall be administered by the director of neighborhood preservation.
- B. The director may, in the manner allowed by law, enter upon private or public property to inspect a vehicle, or part thereof, to obtain information as to the identity of and to remove or cause the removal of any vehicle or part thereof declared by the director to be a public nuisance pursuant to this chapter.

(Ord. 24056.)

### **11.104.040 Exceptions.**

- A. This chapter shall not apply to the following:
  - 1. A vehicle, or part thereof, on private property 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
  - 2. A vehicle, or part thereof, which is parked in a lawful manner on private property in a fenced side or rear yard and is not visible from the street or other public or private property; or
  - 3. 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 or legally permitted dismantler, vehicle dealer, junkyard, garage, parking lot, or motor vehicle repair shop.

(Ord. 24056.)

### **11.104.050 Notice of violation (thirty-day grace period).**

- A. A notice of violation shall be issued by the director when the director determines upon investigation authorized by Section 11.104.030 of this chapter that a public nuisance exists on private property as defined in Section 11.104.010 A. of this chapter.
- B. A notice of violation shall be secured to the vehicle and a copy of the notice of violation shall be mailed by registered or certified mail, to the vehicle owner and the property owner. Notice may also be posted to the door of the house, apartment, building or other structure on the property where the vehicle is situated.
- C. If the violation is not corrected within thirty days from the date of mailing of the notice, the director may take further action to abate the public nuisance in accordance with this chapter.
- D. The procedure set out in Section 11.104.060 shall be used for motor vehicles located on public property in violation of this chapter in lieu of the procedure set out in this section.

(Ord. 24056.)

### **11.104.060 Removal - Notification of interested parties.**

- A. When the director determines after the end of the thirty-day grace period for voluntary compliance granted under Section 11.104.050 of this chapter that the conditions existing on public or private property still constitute a public nuisance as defined in Section 11.104.010 due to the continued presence of abandoned, dismantled or inoperative vehicles and parts thereof, then the director may do the following:
  - 1. Issue a ten-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance. This notice shall be directed to the property owner on which the vehicle or part thereof is located and, if known to be different, the owner of the vehicle or part thereof. This notice shall contain:
    - a. The street address and such other description as is required to identify the land on which the vehicle or part thereof is located.

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- b. A description of the vehicle or part thereof to be abated.
  - c. A statement that the director has found the vehicle or part thereof to be a public nuisance as specified in this chapter, including sufficient detail to provide the owner with information as to the conditions constituting the alleged nuisance.
  - d. A statement of the action required to be taken to abate the nuisance as determined by the director, and that such action is to be completed within ten days after the mailing of the notice.
  - e. A statement providing for an abatement hearing before the appeals hearing board upon written request delivered to the director either by the property owner on which the vehicle or part thereof is located or by the vehicle owner, within ten days after the mailing of the notice.
  - f. A statement that failure either to take the action required to abate the nuisance or to request an abatement hearing within the applicable ten-day period shall be deemed a waiver of the right to a hearing and that the director may then proceed to abate the nuisance and also to assess the costs of abatement against the property owner.
  - g. A statement that the board will also determine, based upon all the evidence presented at the hearing, which person, the property owner or vehicle owner, will bear the cost of administration and abatement of the nuisance.
2. The notice shall be sent by certified mail, postage prepaid, to the property owner as shown on the latest equalized assessment roll of the county of Santa Clara using the address shown by said assessment roll and to the last registered or legal owner of record of the vehicle, unless the vehicle or part thereof is in such condition that identification numbers are not readily visible to determine ownership.
  3. The director shall also provide additional notice by posting a copy of the ten-day notice conspicuously on the vehicle or part to be abated.

(Ord. 24056.)

#### **11.104.070 Notice - Right to disclaim responsibility.**

The ten-day notice shall include a statement in substantially the following form on the copy of the notice sent to the property owner:

- A. You may file with the director of neighborhood preservation a written statement sworn to under penalty of perjury denying responsibility for the presence of the vehicle or part thereof listed herein on your property. This statement shall include the reasons for such denial.
- B. This statement shall be construed as a request for a hearing before the appeals hearing board to disclaim responsibility by you which you may, but need not, attend. In the alternative or in addition to the sworn statement, you may attend the hearing and provide relevant testimony or other evidence.
- C. This statement shall also be construed as your consent to authorize the city or authorized personnel as described in Section 11.104.170 to enter onto your property and abate the public nuisance.

(Ord. 24056.)

#### **11.104.080 Abatement hearing notice.**

- A. Whenever the property owner or the vehicle owner requests a hearing within ten days of the date of mailing of the notice of intention to abate, the director shall issue a hearing notice to the requesting party allowing that party to appear before the appeals hearing board to show cause why the vehicle or part thereof is not a public nuisance and should not be abated by the city. The notice shall include the date, time and place of the

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hearing. The director shall schedule the hearing to be held within a reasonable period of time after receipt of a request for a hearing.

- B. The hearing notice shall be served upon the requesting party either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, not less than ten calendar days prior to the hearing date.
- C. Notice may also be provided to any person who has expressed to the director an interest in the abatement of the condition of the vehicle or part thereof and any other person asking for notice of the hearing, in the same manner as provided for the requesting party in subsection 11.104.080.B. above.

(Ord. 24056.)

#### **11.104.090 Abatement hearing.**

At the abatement hearing, the enforcing or investigating officer or employee, the requesting party, persons who have expressed an interest in the condition of the vehicle or part thereof, and any other person with relevant evidence shall be allowed to testify and present any other relevant evidence to the board. Strict rules of evidence shall not apply. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(Ord. 24056.)

#### **11.104.100 Form and content of decision.**

- A. The board's decision shall be based upon a preponderance of the evidence presented at the hearing.
- B. The board's decision shall be in writing and shall contain findings of fact and a determination of the issues presented.
- C. If the board finds that the preponderance of evidence proves the existence of a public nuisance in violation of this chapter, the board shall also make a finding, based upon the preponderance of the evidence, as to which party, the property owner or the vehicle owner, shall be held responsible for the cost of administration and abatement of the nuisance. A decision finding the existence of a public nuisance shall:
  - 1. Direct the responsible party to abate the nuisance within fifteen days of mailing of the decision to the responding party or, in the alternative, within such time as the board shall determine to be reasonable under the circumstances; and
  - 2. Notify the responsible party that the city shall abate the nuisance if the responsible party does not do so by the end of the last day the board sets for compliance.

(Ord. 24056.)

#### **11.104.110 Abatement - Assessment of costs.**

- A. Costs of administration and abatement shall be assessed against the property owner if, based on all relevant evidence presented at the hearing, the board finds that the vehicle or part thereof was placed upon the property with the knowledge of the property owner or that the property owner has subsequently acquiesced in its presence.
- B. If the board determines that the costs of administration and abatement should be assessed against the property owner, then the costs of administration and abatement will be assessed against the parcel of land from which the vehicle or part thereof was abated and removed, in accordance with the abatement cost recovery procedures set out in Part 4 of Chapter 17.02 of Title 17 of the San José Municipal Code.

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- C. If the board determines that the costs of administration and abatement should not be assessed against the property owner, then the costs may be assessed against the vehicle owner, and the director or director of finance may take such action to recover the cost of administration and abatement of the nuisance as the city is authorized to do by law for the recovery of a civil debt.
  - D. The city may recover the costs of any legal or administrative action it takes in order to recover its costs under this chapter from either the vehicle or the property owner or both.

(Ord. 24056.)

#### **11.104.120 Failure to request abatement hearing.**

If the property owner does not deliver a request for an abatement hearing to the director within ten days after the director mails the ten-day notice of intention to abate, then the notice of intention to abate shall become the final decision to abate and remove. The director shall have the authority to proceed to abate the public nuisance without an abatement hearing and to assess costs of administration and abatement against the property owner in accordance with Part 4 of Chapter 17.02 of the San José Municipal Code.

(Ord. 24056.)

#### **11.104.130 Removal by authorized personnel only.**

- A. The director may enter into an agreement with any person or persons for the purpose of removing or causing the removal of an abandoned, dismantled or inoperative vehicle or part thereof under the provisions of this chapter.
- B. The city or its agent shall be authorized to enter upon private property or public property to remove or cause the removal of an abandoned, dismantled or inoperative vehicle or part thereof declared to be a public nuisance pursuant to this chapter.
- C. All entrances upon private and public property for removal of said nuisance shall occur in full compliance with local, state and federal law.

(Ord. 24056.)

#### **11.104.140 Removal and disposition of low-valued vehicles.**

- A. This section applies only to inoperable vehicles located upon a parcel that is:
  - 1. Zoned for agricultural use pursuant to Part 1 of Chapter 20.20; or
  - 2. Not improved with a residential structure containing one or more dwelling units.
- B. Without using the advance notice and hearing procedure set out in Sections 11.104.050 through 11.104.100, the director may cause to be removed any vehicle or part thereof which meets the following criteria:
  - 1. It is inoperable due to the absence of a motor, transmission or wheels and incapable of being towed;
  - 2. It is valued at less than two hundred dollars by a person specified as an appraiser under California Vehicle Code Section 22855;
  - 3. It is determined by the director to be a public nuisance presenting an immediate threat to public health or safety; and
  - 4. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

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- C. Prior to final disposition of the vehicle or part removed pursuant to this section, for which evidence of registration was recovered, the director shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part thereof.
  - D. If the vehicle or part thereof is not claimed and removed within twelve days after the notice is mailed from a disposal site as specified in California Vehicle Code Section 22662, final disposition may proceed.
  - E. Evidence of registration as referred to in subsection 11.104.140.C. above shall include the registration card, certificate of ownership or license plates.

(Ord. 24056.)

#### **11.104.150 Abatement - Removal.**

- A. If a timely request for hearing pursuant to Section 11.104.060.A.1.e. is not received or if the appeals hearing board after a public hearing so orders, the director shall abate and remove and dispose of the vehicle and/or part thereof.
- B. The city and any contractor with which the city has an agreement to remove vehicles under this chapter shall not be liable for any damage caused to the vehicle or part thereof removed pursuant to this chapter.

(Ord. 24056.)

#### **11.104.160 Abatement and removal - Notice to department of motor vehicles.**

Within five days after abatement and removal, notice shall be given to the California Department of Motor Vehicles identifying the vehicle or part thereof. Any evidence of registration available including, but not limited to, registration certificates, certificates of title and license plates, shall be transmitted together with such notice.

(Ord. 24056.)

#### **11.104.170 Property subject to inspection.**

Property is subject to inspection in accordance with the provisions of Section 17.02.030.

(Ord. 24056.)

#### **11.104.180 Entry for inspection authorized.**

- A. Entry for inspection is authorized in accordance with the provisions of Section 17.02.040.
- B. All inspections upon private and public property for the purpose of enforcing this chapter shall be in full compliance with local, state and federal laws.

(Ord. 24056.)

#### **11.104.190 Obstruction or interference with work prohibited.**

No person shall obstruct, impede or interfere with any person who is engaged in abatement actions performed pursuant to this chapter or who is directing or performing any act necessary or incidental to such abatement including, but not limited to, any inspections taken as part of an investigation into the existence of or enforcement action taken to abate a public nuisance under this chapter, and any sign or posting used by the director as part of any abatement actions taken under this chapter.

(Ord. 24056.)



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### **11.104.200 Extension of time permitted.**

Any party required to take abatement action pursuant to this Code may apply to the director for an extension of time in order to comply. The director may grant an extension of time, if the director, at his or her discretion, determines that such an extension of time is reasonable under the circumstances. The director may require a written agreement by such person that the order will be complied with, as a condition for such extension. The extension of time to complete an abatement action will not extend the time for any hearing hereunder unless the director expressly so states.

(Ord. 24056.)

### **11.104.210 Injunctive relief.**

- A. As an alternative to any remedy allowed under this chapter, the city may apply to any court having jurisdiction for any relief to abate or remove such nuisance and restrain any person from using, maintaining or taking any action regarding any property, contrary to the provisions of this chapter.
- B. This chapter may be enforced by an injunction issued by any court having jurisdiction upon suit by the city or by the owner or occupant of any property, adversely by any violation or threatened violation of the provisions of this chapter.

(Ord. 24056.)

### **11.104.220 Summary abatement.**

The provisions of this chapter do not in any way preclude the director from taking summary abatement action pursuant to the provisions of Chapter 17.02 with regard to an abandoned, dismantled or inoperative vehicle or part thereof when such vehicle or part thereof constitutes an imminent danger to the life, health or safety of members of the public.

(Ord. 24056.)

## **Chapter 11.105 TRANSPORTATION DEMAND MANAGEMENT**

### **11.105.010 Definitions.**

Unless otherwise stated, the definitions set forth in Rule 1 of Bay Area Air Quality Management District Regulation 13 shall govern the application and interpretation of this chapter.

(Ord. 24607.)

### **11.105.020 Program.**

- A. The Bay Area Air Quality Management District currently administers, implements, and enforces an employer trip reduction program in the City of San José applicable to all employers having one hundred or more employees at a work site. The rules, regulations and guidelines governing the employer trip reduction program are contained in Rule 1 of the Bay Area Air Quality Management District Regulation 13.
- B. The administration, implementation, and enforcement by the Bay Area Air Quality Management District of Rule 1 of Regulation 13 within the City of San José is hereby deemed to satisfy the trip reduction and travel demand requirements of Government Code Section 65089.3.

(Ord. 24607.)

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**11.105.030 Certification.**

The director of public works shall annually certify to the Santa Clara County Congestion Management Agency, or any successor to such agency, that this chapter remains in effect. Such certification shall be given no later than October 31 of each year.

(Ord. 24607.)