

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2870**

**ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, POLICE MEASURES/PARKING REGULATIONS AND ENFORCEMENT CODE SECTION 8.16 TO ADD SECTIONS: 8.16(d) PROHIBITION OF PARKING IN DISABLED PERSONS PARKING ZONES; 8.16(e) SEVENTY-TWO (72) HOUR PARKING RESTRICTIONS; 8.16(f) PROHIBITION OF INOPERABLE VEHICLES AND VEHICLE HABITATION; 8.16(g) VIOLATIONS OF SECTION 8.16 CONSTITUTE AN INFRACTION WITH FINES PURSUANT TO SECTION 8.15**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the San Diego Unified Port District (District) Harbor Police Department (HPD) is charged with administering parking regulations for the District in order to allow public access to tideland areas developed by the District and District tenants; and

**WHEREAS**, HPD has determined that additions or amendments are necessary to San Diego Unified Port District Code (UPD Code) Article 8, Police Measures/Parking Regulations and Enforcement in order to provide the public better access to parking on tidelands; and

**WHEREAS**, there are vehicles parked in ADA or Accessible Parking Areas which do not have valid ADA or Accessible Parking Placards; and

**WHEREAS**, District parking lots and parking areas, which do not have hourly time limits, have vehicles that have been parked without moving in some instances for over six months and have vast amounts of dirt and cobwebs on them; and

**WHEREAS**, many of these vehicles have expired registrations and some do not have working engines and are therefore being stored on tidelands, being used for habitation, or being offered for sale on tidelands; and

**WHEREAS**, a seventy-two (72) hour ordinance is necessary to prohibit these activities and provide proper public access to parking in these areas; and

**WHEREAS**, this amendment provides that violations of San Diego Unified Port District Code (UPD Code) Section 8.16 constitute an infraction and shall be fined as provided in UPD Code Section 8.15; and

**WHEREAS**, the issues raised in this amendment to UPD Code Section 8.16 were first presented and discussed in an Accessibility Advisory Committee (AAC) meeting on December 17, 2014; and

**WHEREAS**, the committee gave input on the issues and staff, including HPD and the General Counsel's Office, worked to draft amendments to the UPD Code which were consistent with the committee's input; and

**WHEREAS**, the draft amendment was provided to the AAC which unanimously supports the proposed amendment.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District, does ordain as follows:

Section 1. That Section 8.16 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

**Section 8.16 (d) – PARKING RESTRICTIONS**

(d) Parking or Standing in Disabled Persons Parking Zones - No person shall park or stand any vehicle in a Disabled Persons Parking Zone unless the operator or the passenger being transported by said vehicle, is physically disabled and the vehicle displays a license issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code. Disabled Persons Parking Zones shall be operative twenty-four (24) hours a day (Sundays and holidays included); provided, however, that the Executive Director may determine and declare limited periods during which any Disabled Persons Parking Zone shall be operative, and such limited operative period shall be effective when appropriate signs giving notice thereof are erected.

Section 2. That Section 8.16 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

**Section 8.16 (e) – PARKING RESTRICTIONS**

(e) Seventy-Two (72) Hour Limitation - No person shall park or leave standing, or cause to be parked or left standing any vehicle on any street, parking lot or parking area on the property of the San Diego Unified Port District for seventy-two (72) or more consecutive hours. This Seventy-Two (72) Hour limitation applies to any street, parking lot or parking area within the San Diego Unified Port District's jurisdiction, regardless of any other posted parking designations and/or restrictions. A vehicle must move at least one-tenth (1/10) of one mile in order to park and be afforded a seventy-two (72) hour period.

Section 3. That Section 8.16 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

Section 8.16 (f) – PARKING RESTRICTIONS

(f) Prohibition of Use of Streets for Storage, Service or Sale of Vehicles or for Habitation - It is unlawful for any person to leave standing, or cause or allow to be left standing, any inoperable vehicle on any street for more than four consecutive hours. A vehicle is considered to be inoperable when it is wrecked, burned, dismantled, when it lacks a motor, transmission, or wheels, when it is on blocks, or when it is otherwise incapable of being driven upon roads or highways in conformity with the requirements of the Vehicle Code. It is unlawful for any person to use a vehicle as temporary or permanent living quarters, abode or place of habitation either overnight or during the day. This Section applies to any street, parking lot or parking area within the San Diego Unified Port District's jurisdiction, regardless of any other posted parking designations and/or restrictions.

Section 4. That Section 8.16 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

Section 8.16 (g) – PARKING RESTRICTIONS

(g) A violation of any of these provisions shall constitute an infraction and shall be punished as provided in Section 8.15. In addition, any such vehicle may also be impounded as provided in Section 8.17.

Section 5. This ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of September, 2016, by the following vote:

AYES: Bonelli, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Castellanos.

ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)