

**ORDINANCE NO. 17-021**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE  
AMENDING §16.40.045 AND §18.36.040  
OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING TO THE  
OVERNIGHT PARKING OF TRAILERS AND OVERSIZE VEHICLES**

**FINDINGS**

1. The City Council of the City of Pacific Grove (City) regulates parking within City limits and finds that the parking of Trailers and Oversize vehicles on public streets can, unless controlled, provide neighborhood blight and deterioration, impair visibility, constitute a nuisance, and be injurious to the health, safety, and general welfare.
2. City staff conducted a comprehensive review of the City's Municipal Code provisions, and determined that revisions are necessary to clarify overnight parking, to consolidate related municipal code chapter sections and address community member concerns.
3. The ordinance amends §16.40.045 of the Municipal Code to prohibit overnight parking of Trailers, and Oversize Vehicles between the hours of 10:00 p.m. and 5:00 a.m. and amends §18.36.040 of the Municipal Code to remove conflict with the proposed §16.40.045.
4. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and the enactment of this Ordinance qualifies for a Category 1 exemption under California Environmental Quality Act (CEQA) Guidelines §15301.

**IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The text set forth in existing Chapter §16.40 of the Pacific Grove Municipal Code entitled, "Stopping, Standing and Parking shall be amended by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), deletion by ~~strikethrough~~ as follows:

**Chapter 16.40  
STOPPING, STANDING AND PARKING**

**16.40.045 Trailers and semitrailers.**

~~(a) No person shall park any trailer or semitrailer upon any street, alley, public way or public place unless the trailer or semitrailer is at all times while so parked attached to a vehicle capable~~

of moving the trailer or semitrailer in a normal manner upon the street, alley, public way or public place.

(b) This section shall not apply to trailers or semitrailers parked for less than a consecutive period of 48 hours, nor shall it apply to any trailer or semitrailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semitrailer on that portion of the street, alley, public way or public place ordinarily used for public parking.

**16.40.045 Parking of Certain Vehicles Prohibited.**

**It shall be unlawful to park any Trailer or Oversize vehicle on any public street, highway, roadway, alley, parking lot, or other public place between the hours of 10:00 p.m. to 5:00 a.m.**

**(a) Statement of Purpose: The purpose of this section is to establish overnight parking regulations of Trailers and Oversize vehicles on public streets, and other public places, to address concerns related to neighborhood blight and deterioration, impaired visibility, public nuisance, and health, safety, and general welfare.**

**(b) Definitions: For the purposes of this section, the following words and phrases shall have the following meanings:**

**(1) "Trailer" shall be defined pursuant to California Vehicle Code Section 630, as may be amended.**

**(2) "Oversize vehicle" shall be defined as any vehicle in excess of twenty-two feet in length, inclusive of bumpers.**

**(d) Exceptions: For the purposes of this section, the following exceptions shall apply:**

**(1) A permit issued by the chief of police or designee to allow a Trailer or Oversize vehicle of a resident who resides on the public street where the vehicle is parked, shall be limited to a maximum of seventy-two hours in a seven-day period.**

**(2) Emergency vehicles, utility company vehicles, and commercial vehicles, while in the process of providing emergency services or repairs, shall be exempt from the provisions of this section.**

**(3) Oversize vehicles parked on a public street or public parking lot while actively engaged in loading or unloading of goods, wares, or merchandise from or to any building or structure, unless in a business district defined in Chapter 16.40.540 PGMC.**

**(4) A permit to allow an exception to these time limitations may be issued by the chief of police or designee if it is found that the exception is warranted by unique and overriding circumstance that is in furtherance of the purpose of this section. Each permit shall be for a limited term, and shall be conditioned to require renewal after that term.**

***(e) Enforcement:***

- (1) After three parking violations, within a twelve month period, the Trailer or Oversize vehicle, is subject to being towed at the owner's expense pursuant to California Vehicle Code 22651(w)(1).***
- (2) Any violation of this section shall constitute an infraction, and may be enforced pursuant to Chapter 1.16 PGMC.***

SECTION 4. The text set forth in existing section 18.36.040 of the Pacific Grove Municipal Code entitled, "Motor vehicles on streets and other public property" and shall be amended by the addition of all text shown in bold, italic, underscored text (bold, italic, underscored text), deletion by strikethrough as follows:

18.36.040 Motor vehicles on streets and other public property.

No house car, or other motor vehicle, shall be or remain parked upon any public street, lane, or alley at any time it is occupied as living or sleeping quarters.

~~No house car, or other motor vehicle, shall be parked or remain upon any public park, waterfront, or other public property except as allowed and subject to time limits on established roads or other places designated for the parking of automobiles. No house car, whether occupied or vacant, shall remain upon any public street, land, or alley for a continuous period longer than 48 consecutive hours except for trailers attached to operative motor vehicles and self-propelled vehicles which are in operating condition, and as to house cars or other motor vehicles, all applicable parking restrictions shall apply.~~

SECTION 5. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 6. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

SECTION 8. PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 18<sup>th</sup> day of October, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake, and Smith.

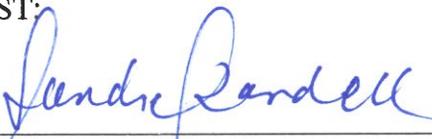
NOES: None.

ABSENT: None.

APPROVED:

  
BILL KAMPE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney