

ORDINANCE NO. 2024-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTERS I THROUGH XXI INCLUSIVE OF TITLE 10 (MOTOR VEHICLES AND TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO DEFINITIONS, BICYCLES AND RULES OF THE ROAD

WHEREAS, the City of Costa Mesa, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City of Costa Mesa desires to amend the provisions of the Costa Mesa Municipal Code to impose regulations related to health, safety and welfare; and

WHEREAS, the City Council of the City of Costa Mesa hereby finds that to promote and protect the public health, safety and welfare, various pedestrian, bicycle and other transportation related provisions of the Municipal Code should be revised to be consistent with the California Vehicle Code.

WHEREAS, the City of Costa Mesa, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the ordinance is not a "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapters I through XXI of Title 10 (Motor Vehicles and Traffic) of Title 10 of the Costa Mesa Municipal Code are hereby amended as follows:

See attached Exhibit "A".

Section 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the ordinance in question may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

ATTACHMENT 2

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED AND ADOPTED this XX day of XX, 2024.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

ATTACHMENT 2

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2024-XX was duly introduced for first reading at a regular meeting of the City Council held on the 4th day of June 2024, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the ___ day of ____ 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ___ day of _____, 2024.

BRENDA GREEN, CITY CLERK

(SEAL)

Title 10

Motor Vehicles and Traffic

Chapter I

DEFINITIONS

§ 10-1 **Applicability.**

The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter.

(Code 1960, § 3401.0; Ord. No. 66-35, 8-15-66)

§ 10-2 **Vehicle Code definitions to be applied to undefined words and phrases.**

Whenever any words or phrases used in this title are not defined in this chapter, but are defined in the Vehicle Code and amendments thereto, such definitions shall apply.

(Code 1960, § 3401.1; Ord. No. 66-35, 8-15-66)

§ 10-3 **“Alley” defined.**

As used in this title the term “alley” means a public unnamed roadway which does not exceed 25 feet in width between property lines.

(Code 1960, § 3401.2; Ord. No. 66-35, 8-15-66)

§ 10-4 **“Bicycle” defined.**

(a) A “bicycle” is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in tandem or tricycle arrangement.

(b) An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

~~As used in this title the term “bicycle” means a device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 20 inches in diameter. The term “unicycle” means any device propelled by human power upon which any person may ride having one wheel.~~

(Code 1960, § 3401.3; Ord. No. 66-35, 8-15-66)

§ 10-5 “**Coach**” defined.

As used in this title the term “coach” means any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

(Code 1960, § 3401.4; Ord. No. 66-35, 8-15-66)

§ 10-6 “**Curb**” defined.

As used in this title the term “curb” means the lateral boundary of the roadway, whether or not such curb is marked by curbing construction; however, the word “curb” shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies.

(Code 1960, § 3401.6; Ord. No. 66-35, 8-15-66)

§ 10-7 “**Divisional island**” defined.

As used in this title the term “divisional island” means a raised island or an area defined by painted lines located in the roadway and separating opposing or conflicting streams of traffic.

(Code 1960, § 3401.7; Ord. No. 66-35, 8-15-66)

§ 10-8 “**Holidays**” defined.

As used in this title the term “holidays” shall include:

(a) Every Sunday.

(b) January first.

(c) Third Monday of January, Martin Luther King, Jr. Day

(d) eFebruary twelfth, known as “Lincoln Day.”

(ed) The third Monday in February.

(fe) The last Monday in May.

(g) June 19th, Juneteenth

(hf) Fourth of July.

(ig) First Monday in September.

~~(h) September ninth, known as “Admission Day.”~~

(ji) The second Monday in October, known as “Columbus Day.”

(kj) The fourth Monday in OctoberNovember 11th or closest adjacent weekday, known as “Veterans Day.”

(l) The fourth Thursday in November and the following Friday, known as “Thanksgiving Holiday.”

(mk) December twenty-fifth.

~~(l) Good Friday from 12:00 noon until 3:00 p.m.~~

~~(m) Every day on which an election is held throughout the state.~~

(n) Every day appointed by the President or governor for a public fast, thanksgiving or holiday.

(Code 1960, § 3401.8; Ord. No. 66-35, 8-15-66)

§ 10-9 **“Intersection” defined.**

As used in this title the term “intersection” means the area embraced within the prolongation of the lateral curblines, or, if none, then the lateral boundaries of the roadways of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. The prolongation of alley curbs or lateral boundary lines which intersect a publicly named street is determined to be an intersection.

(Code. 1960, §§ 3401.2, 3401.9; Ord. No. 66-35, 8-15-66)

§ 10-10 **“Loading zone” defined.**

As used in this title the term “loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials or merchandise.

(Code 1960, § 3401.10; Ord. No. 66-35, 8-15-66)

§ 10-11 **Official time standard.**

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the city.

(Code 1960, § 3401.11; Ord. No. 66-35, 8-15-66)

§ 10-12 **“Official traffic-control device” defined.**

As used in this title the term “official traffic-control device” means any sign, signal, marking or device not inconsistent with the Vehicle Code, placed or erected by officials having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(Code 1960, § 3401.12; Ord. No. 66-35, 8-15-66)

§ 10-13 **“Official traffic-control signal” defined.**

As used in this title the term “official traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by officials having jurisdiction.

(Code 1960, § 3401.13; Ord. No. 66-35, 8-15-66)

§ 10-14 **“Park” defined.**

As used in this title the term “park” means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or materials.

(Code 1960, § 3401.14; Ord. No. 66-35, 8-15-66)

§ 10-15 **“Parkway” defined.**

As used in this title the term “parkway” means that portion of a street or road right-of-way other than a roadway or sidewalk.

(Code 1960, § 3401.15; Ord. No. 66-35, 8-15-66)

§ 10-16 **“Parking meter” defined.**

As used in this title the term “parking meter” means a mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time of occupancy of such parking meter space by any vehicle.

(Code 1960, § 3401.16; Ord. No. 66-35, 8-15-66)

§ 10-17 **“Passenger loading zone” defined.**

As used in this title the term “passenger loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Code 1960, § 3401.17; Ord. No. 66-35, 8-15-66)

§ 10-18 **“Pedestrian” defined.**

As used in this title the term “pedestrian” means any person afoot or in a wheelchair.

(Code 1960, § 3401.18; Ord. No. 66-35, 8-15-66)

§ 10-19 **“Police officer” defined.**

As used in this title the term “police officer” means any officer of the police department of the city or any ~~of~~ officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Code 1960, § 3401.20; Ord. No. 66-35, 8-15-66)

§ 10-20 **“Road right-of-way” defined.**

As used in this title the term “road right-of-way” means the entire right-of-way that has been dedicated to a public agency for street and highway purposes.

(Code 1960, § 3401.21; Ord. No. 66-35, 8-15-66)

§ 10-21 **“Stop” defined.**

As used in this title the term “stop,” when required, means complete cessation of movement.

(Code 1960, § 3401.22; Ord. No. 66-35, 8-15-66)

§ 10-22 **“Stop or stand” defined.**

As used in this title the term “stop or stand,” 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 official traffic-control device.

(Code 1960, § 3401.23; Ord. No. 66-35, 8-15-66)

§ 10-23 **“Street” defined.**

As used in this title the term “street” means a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The travel way must be clearly defined by existing curbing or some acceptable form of lateral boundaries before the city will accept the road, by resolution, into the city street system.

(Code 1960, § 3401.24; Ord. No. 66-35, 8-15-66)

§ 10-24 **“Vehicle code” defined.**

As used in this title the term “vehicle code” means the Vehicle Code of the State of California.

(Code 1960, § 3401.25; Ord. No. 66-35, 8-15-66)

§ 10-25 “Yield” defined.

As used in this title the term “yield,” when required, means that the vehicle approaching the yield sign shall yield the right-of-way and stop, if necessary, in order to allow cross traffic to safely pass the intersection.

(Code 1960, § 340.126; Ord. No. 66-35, 8-15-66)

Chapter II TRAFFIC ADMINISTRATION

§ 10-37 Traffic division established.

There is hereby established in the police department a traffic division to be under the control of an officer of the police department appointed by and directly responsible to the chief of police.

(Code 1960, § 3402.0; Ord. No. 66-35, 8-15-66)

§ 10-38 Duties of traffic division generally.

It shall be the duty of the traffic division, with such aid as may be rendered by other members of the police department, to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city transportation services ~~engineer-manager~~ and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the traffic division by this title.

(Code 1960, § 3402.1; Ord. No. 66-35, 8-15-66)

§ 10-39 Traffic accident studies.

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the transportation services ~~engineer-manager~~ in conducting studies of such accidents and determining remedial measures.

(Code 1960, § 3402.2; Ord. No. 66-35, 8-15-66)

§ 10-40 Traffic accident reports.

The records bureau of the police department shall maintain a suitable system of filing traffic accident reports. ~~Accident reports or cards referring to them shall be filed alphabetically by location.~~ Such reports shall be available for the use and information of the transportation services ~~engineer~~manager.

(Code 1960, § 3402.3; Ord. No. 66-35, 8-15-66)

§ 10-41 Annual traffic report.

The traffic division shall annually prepare a traffic report which shall be filed with the city council. Such report shall contain information on traffic matters in the city as follows:

- (a) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.
- (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- (c) The plans and recommendations of the traffic division for future traffic safety activities.

(Code 1960, § 3402.4; Ord. No. 66-35, 8-15-66)

§ 10-42 **Transportation services engineermanager.**

There is hereby established the office of city transportation services engineermanager who shall be appointed by the city manager and whose duties and powers shall be as set forth in this title. The transportation services engineermanager shall also be known as ~~the transportation services manager and~~ city transportation services engineermanager.

(Code 1960, § 3402.5; Ord. No. 66-35, 8-15-66; Ord. No. 93-17, § 1, 11-1-93)

§ 10-43 **Powers and duties of city transportation services engineermanager.**

In addition to the powers and duties set forth in this title, it shall be the general duty of the transportation services engineermanager to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations 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 this title. He or she shall report monthly to the city council all action taken by him or her which will affect the motoring and pedestrian public. Whenever, by the provisions of this title, a power is granted to the transportation services engineermanager or a duty imposed upon him or her, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him or her.

(Code 1960, § 3402.6; Ord. No. 66-35, 8-15-66; Ord. No. 93-17, § 2, 11-1-93)

§ 10-45 **Additional duties of the transportation services engineermanager.**

The duties of the transportation services engineermanager shall be as follows:

- (a) Follow review established by city council on the exercise of authority to install or change traffic control devices.
- (b) Advise the planning commission for appeals on the requests of the public to install or change those traffic control devices that fall under the authority of the transportation services engineermanager.
- (c) Advise the city council concerning proposals for new traffic ordinances or changes in traffic control devices for which the city council retains authority.
- (d) Advise the planning commission and city council regarding proposed amendments to the transportation element of the general plan.
- (e) Advise the city council regarding short-term and long-range plans to improve the transportation systems of the city.
- (f) Advise the city council regarding studies or proposals for actions which may significantly change transportation facilities or conditions within the city.
- (g) Advise the planning commission and city council regarding the adequacy of environmental impact reports and circulation mitigation measures for private or public projects which may affect transportation.
- (h) Advise the police department traffic bureau of locations recommended for increased enforcement of specific or general traffic laws, based on public input.

(Code 1960, § 3402.8; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87; Ord. No. 88-12, § 2, 9-19-88; Ord. No. 93-17, § 4, 11-1-93)

§ 10-46 **Coordination and appeals: Planning commission and transportation services**

engineermanager.

- (a) The transportation services engineermanager may request that action be taken by the planning commission at a public hearing on any matter in this title wherein the transportation services engineermanager is granted exclusive jurisdiction.
- (b) Appeals may be taken from the decisions of the transportation services engineermanager pursuant to Title 2 of this Code on the following matters to the planning commission:
 - (1) Installation or removal of audible pedestrian signals.
 - (2) Implementation of master plan of bikeways.
 - (3) Bus shelter advertising.
 - (4) Implementation of city-wide traffic impact fees.
 - (5) Implementation of congestion management program and transportation demand management program.
 - (6) Intersection improvements.
 - (7) Parking restrictions and permits.
 - (8) Pedestrian access.
 - (9) Signal installations or removals.
 - (10) Speed bumps.
 - (11) Stop sign installation or removals.
 - (12) Street closures.
 - (13) Vehicle parking district.
- (c) The transportation services engineer's-manager's decisions on the matters set forth in subsection (b) shall be final unless appealed to the planning commission.

(Code 1960, § 3402.9; Ord. No. 66-35, 8-15-66; Ord. No. 88-12, § 2, 9-19-88; Ord. No. 93-17, § 5, 11-1-93)

§ 10-48 **Guide signs; transportation.**

It shall be the duty of the transportation services engineermanager to establish a system of guide signs within the city and to approve or disapprove applications and requests for guide signs, upon payment of an application fee set by resolution of city council, subject to the right of the applicant for such sign to appeal to the planning commission. All guide signs shall conform to the "Standards for Guide Signs" in the city, as established by resolution of city council, which is hereby incorporated herein by this reference.

(Ord. No. 83-25, § 2, 11-21-83; Ord. No. 87-26, § 2, 12-7-87; Ord. No. 88-12, § 2, 9-19-88; Ord. No. 93-17, § 7, 11-1-93)

Chapter III

ENFORCEMENT AND OBEDIENCE TO REGULATIONS

§ 10-59 **Authority of police and fire department officers.**

Officers of the police department and such officers as are assigned by the chief of police are hereby

authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department, firemen and flagmen on construction or maintenance projects may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this title or in the vehicle code.

(Code 1960, § 3403.0; Ord. No. 66-35, 8-15-66)

§ 10-60 Persons other than officers shall not direct traffic.

No person other than an officer of the police department or member of the fire department or a person authorized by the chief of police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or audible signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the transportation services ~~engineer~~manager.

(Code 1960, § 3403.1; Ord. No. 66-35, 8-15-66)

§ 10-61 ~~(Reserved)~~Fairview State Hospital enforcement.

~~The police department will be charged with the enforcement of city traffic regulations and all the sections of the vehicle code upon such streets and roads of Fairview State Hospital as are located within the city.~~

(Code 1960, § 3418.0; Ord. No. 66-35, 8-15-66; Ord. No. 69-16, 7-14-69)

§ 10-62 Obedience to police or authorized officers.

No person shall fail or refuse to comply with or perform any act forbidden by any lawful order, signal or direction of a traffic or police officer, or member of the fire department, or a person authorized by the chief of police or by law.

(Code 1960, § 3403.2; Ord. No. 66-35, 8-15-66)

§ 10-63 Required obedience to traffic regulations.

It shall be a misdemeanor for any person driving any vehicle or other conveyance upon any street or for any pedestrian to do any act forbidden or fail to perform any act required as applicable to any such person under this title.

(Code 1960, § 3403.3; Ord. No. 66-35, 8-15-66)

§ 10-64 Traffic regulations apply to persons riding bicycles or animals.

Every person riding a bicycle ~~as defined in § 10-4 or riding or driving an animal upon a highway~~ shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this title ~~and as outlined for individuals riding a bicycle in § 4-26~~, except those provisions which by their very nature can have no application.

(Code 1960, § 3403.4; Ord. No. 66-35, 8-15-66)

§ 10-66 Public employees to obey traffic regulations.

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any such operator to violate any of the provisions of this title except as otherwise permitted in this title or by the vehicle code.

(Code 1960, § 3403.6; Ord. No. 66-35, 8-15-66)

§ 10-67 Exemption of certain vehicles.

- (a) The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the police or fire department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any such vehicle is operated in the manner specified by the vehicle code in response to an emergency call.
- (b) The foregoing exemptions shall not, however, relieve the operator of any such vehicle from the obligation to exercise due care for the safety of others or the consequence of his willful 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 work, or any authorized police vehicle when on official police business other than of an emergency nature, or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

(Code 1960, § 3403; Ord. No. 66-35, 8-15-66)

§ 10-68 Report of damage to certain property.

- (a) The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole or electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street shall, without unnecessary delay, notify the police department wherein the collision occurred.
- (b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle and shall briefly describe the property damage in such accident.
- (c) The operator of any vehicle involved in an accident shall not be subject to the requirements of this section if following the accident he is physically incapable of making a report, but in such event he shall make a report as required in subsection (a) without unnecessary delay after regaining the ability to make such report.

(Code 1960, § 3403.8; Ord. No. 66-35, 8-15-66)

§ 10-69 When vehicles may be removed from streets.

- (a) Any regularly employed or salaried police ~~officer or police cadet of the police~~ department personnel may remove or cause to be removed any vehicle which:
 - (1) Has been parked or left standing upon a street or highway in violation of any of the provisions of section 10-185.
 - (2) Is parked or left standing upon a street or highway when such parking or standing is prohibited by ordinance or resolution of this city and signs are posted giving notice of such removal.
 - (3) Is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, sweeping, repair or construction of the street or highway, or for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that

signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal.

- (4) If parked or left standing in violation of California Vehicle Code section 22651.
- (b) (Reserved)
- (c) After any vehicle has been removed summarily as provided in paragraph (a) above, the vehicle's registered and legal owners of record shall be given the opportunity for a post removal hearing to determine the validity of the storage in accordance with California Vehicle Code section 22852.
- (d) The procedures for hearings under this section shall be established by the chief of police and the hearings held by ~~him~~the chief, or any police officer designated by him or her who did not direct the storage.
- (e) The disposition of any stored vehicle shall be in accordance with California Vehicle Code sections 22704 through 22707, 22850 and 22851.

(Code 1960, § 3403.9; Ord. No. 66-35, 8-15-66; Ord. No. 80-13, § 1, 8-18-80; Ord. No. 02-15, §§ 3—5, 8-5-02)

Chapter IV TRAFFIC-CONTROL DEVICES

§ 10-81 Authority to install.

- (a) The transportation services ~~engineer-manager~~ shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.
- (b) Whenever the vehicle code 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 transportation services ~~engineer-manager~~ is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
- (c) The transportation services ~~engineer-manager~~ may also place and maintain or cause to be placed and maintained such additional traffic-control devices as he may deem necessary or proper 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 city council.

(Code 1960, § 3404.0; Ord. No. 66-35, 8-15-66)

§ 10-82 Signs required for enforcement purposes.

No provision of the vehicle code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

(Code 1960, § 3404.1; Ord. No. 66-35, 8-15-66)

§ 10-83 Obedience to devices.

The operator of any vehicle or train, or any pedestrian, shall obey the instructions of any official traffic control device placed in accordance with this title, unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when

responding to emergency calls.

(Code 1960, § 3404.2; Ord. No. 66-35, 8-15-66)

§ 10-84 Existing devices approved.

Until removed or relocated as provided in this title, all traffic-control devices heretofore installed and in place as of the effective date of this title are hereby approved.

(Code 1960, § 3404.3; Ord. No. 66-35, 8-15-66)

§ 10-85 Installation of signals.

- (a) The transportation services ~~engineer-manager~~ is hereby directed to propose funding for construction of and to maintain traffic signals at those intersections and other places where traffic conditions are such as to benefit from alternate interruption and release of traffic flow in order to prevent or relieve traffic congestion or to protect life or property ~~from exceptional hazards~~.
- (b) The transportation services ~~engineer-manager~~ shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent, and his ~~or her~~ determinations therefrom shall be made in accordance with those traffic engineering and safety standards set forth in the California ~~State Planning Manual on Uniform Traffic Control Devices (Part 8, Traffic)~~ issued by the ~~Division of Highways~~ Department of Transportation of the State ~~of California~~ Division of Public Works.
- (c) Whenever the transportation services ~~engineer-manager~~ installs and maintains an official traffic signal at any intersection, he ~~or she~~ shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic, unless such street name signs have been previously placed and are maintained at any such intersection.
- (d) For the purpose of this section, an official traffic signal is any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(Code 1960, § 3404.4; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

§ 10-86 Lane marking.

The transportation services ~~engineer-manager~~ is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

(Code 1960, § 3404.5; Ord. No. 66-35, 8-15-66)

§ 10-87 Distinctive roadway markings.

The transportation services ~~engineer-manager~~ is authorized to place and maintain distinctive roadway markings as described in the vehicle code on those streets and parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the state department of public works pursuant to the provisions of the vehicle code.

(Code 1960, § 3404.6; Ord. No. 66-35, 8-15-66)

§ 10-88 Authority to remove, relocate and discontinue devices.

The transportation services ~~engineer-manager~~ is hereby authorized to remove, relocate or discontinue the

operation of any traffic-control device not specifically required by the vehicle code or this title, whenever he or she shall determine in any particular case that the conditions which warranted or required the installation no longer exist or remain.

(Code 1960, § 3404.7; Ord. No. 66-35, 8-15-66)

§ 10-89 Hours of operation.

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

(Code 1960, § 3404.8; Ord. No. 66-35, 8-15-66)

§ 10-90 Unauthorized painting of curbs.

No person, unless authorized by the city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of the city pertaining thereto.

(Code 1960, § 3404.9; Ord. No. 66-35, 8-15-66)

Chapter V TURNING MOVEMENTS

§ 10-102 Authority to place and obedience to turning markers.

- (a) The city transportation services engineer-manager is authorized to place markers, buttons, barriers or signs within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections, and the city transportation services engineer-manager is authorized to locate 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.
- (b) When authorized markers, buttons, barriers or other indications are placed within an intersection or the approach to an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Code 1960, § 3405.0; Ord. No. 66-35, 8-15-66)

§ 10-103 Authority to place restricted turn signs.

The city transportation services engineer-manager is hereby 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.

(Code 1960, § 3405.1; Ord. No. 66-35, 8-15-66)

§ 10-104 Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1960, § 3405.2; Ord. No. 66-35, 8-15-66)

§ 10-105 Signal-controlled intersections; right turns.

- (a) No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is

signposted giving notice of such restrictions as provided in subsection (b).

- (b) The city transportation services engineer-manager shall post appropriate signs giving effect to this section where he determines that the making of right turns against a traffic signal stop indication would seriously interfere with the safe and orderly flow of traffic.

(Code 1960, § 3405.3; Ord. No. 66-35, 8-15-66)

Chapter VI ONE-WAY STREETS AND ALLEYS

§ 10-117 To be signed.

- (a) Whenever any ordinance or resolution of the city designates any one-way street or alley, the city transportation services engineer-manager shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- (b) Whenever authorized signs are erected indicating the direction of lawful traffic movement, no driver of a vehicle shall disobey the direction of any such sign.

(Code 1960, § 3406.0; Ord. No. 66-35, 8-15-66)

~~§ 10-118 One-way streets designated.~~

~~In accordance with section 10-117, and when properly signposted, traffic shall move only in the direction indicated upon the following streets:~~

~~Pearmain Way between Magnolia to 18th Street, northerly;~~

~~Irvine Avenue from the northerly limits of the city boundaries to a point 333 feet south of East 17th Street, southerly;~~

~~The southerly 183 feet of the alley westerly of Lot 12 of Tract No. 325 measured from the northerly line of 19th Street, 80 feet wide, northbound;~~

~~That portion of the alley lying at the northerly line of Tract No. 3615 running between Harbor Boulevard and Deodar Avenue, westbound;~~

~~That portion of the alley running southwesterly from Broadway and lying between Newport Boulevard and Fullerton Street, for a distance of 80 feet from the southerly line of Broadway, southbound.~~

~~That portion of the alley located westerly of Deodar Avenue running northerly between Baker Street and Nutmeg Place.~~

~~(Code 1960, § 3416.3; Ord. No. 66-35, 8-15-66; Ord. No. 73-14, § 1, 5-7-73)~~

Chapter VII SPECIAL STOPS REQUIRED

§ 10-131 City transportation services engineer-manager to erect stop signs.

- (a) The transportation services engineer-manager is hereby authorized to erect and maintain stop signs where an intersection approach meets city stop signs warrants, or when such intersection approach does not meet city stop sign warrants, but is necessary for safety reasons. Every such sign shall conform with

and shall be placed as provided in the vehicle code, and no such stop sign regulation shall be in effect until such signs are in place.

- (b) Whenever authorized stop signs are erected no driver of a vehicle shall disobey the instructions of any such signs.

(Code 1960, § 3407.0; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

§ 10-134 Emerging from alley, driveway or building.

Notwithstanding the provisions of section 4-26(e) of the Costa Mesa Municipal Code, 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 alleyway or driveway.

(Code 1960, § 3407.2; Ord. No. 66-35, 8-15-66; Ord. No. 90-8, § 2, 6-4-90)

§ 10-135 Erection of yield signs.

The transportation services engineer-manager is hereby authorized to erect and main YIELD signs at any intersection or portion of an intersection and to designate such intersection as a YIELD intersection, and no such right-of-way assignment shall be effective until such signs are in place.

(Code 1960, § 3407.3; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

Chapter VIII MISCELLANEOUS DRIVING RULES

§ 10-147 Driving through a parade or funeral procession.

- (a) No operator of any vehicle shall drive between the vehicles comprising a parade.
- (b) No operator of any vehicle shall drive between the vehicles comprising a funeral procession, provided that such vehicles are conspicuously so designated, and operating not more than 50 feet apart with lighted headlamps.
- (c) Exceptions: This section shall not apply to authorized emergency vehicles.
- (d) The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department.

(Code 1960, § 3408.0; Ord. No. 66-35, 8-15-66)

§ 10-148 Clinging to moving vehicles.

No person shall attach himself with his hands, or catch on, or hold onto with his hands or by any other means, to any moving vehicle or train for the purpose of receiving motive power therefrom, except those persons required to do so by the nature of their work.

(Code 1960, § 3408.1; Ord. No. 66-35, 8-15-66)

§ 10-149 Commercial vehicles using private driveways.

No person shall operate or drive a commercial vehicle in or on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purpose of this section a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (½) ton.

(Code 1960, § 3408.2; Ord. No. 66-35, 8-15-66)

§ 10-150 ~~Riding or d~~**Driving on sidewalk.**

No person shall ~~ride,~~ drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk, except over permanently constructed driveways and except when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that the sidewalk area shall be substantially protected by wooden planks two inches thick, and a permit shall have been previously obtained from the transportation services ~~engineer~~manager. Such wooden planks shall not be permitted to remain upon the sidewalk area during the hours from 6:00 p.m. to 6:00 a.m.

(Code 1960, § 3408.3; Ord. No. 66-35, 8-15-66)

§ 10-151 **New pavement and markings.**

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

(Code 1960, § 3408.4; Ord. No. 66-35, 8-15-66)

§ 10-152 **Limited access.**

No person shall drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are lawfully established.

(Code 1960, § 3408.5; Ord. No. 66-35, 8-15-66)

§ 10-153 ~~(Reserved)~~ **Restrictions on use of freeways.**

~~No person shall drive or operate any bicycle, motor-driven cycle or any nonmotorized vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law, nor shall any pedestrian walk across or along any such street so designated and described, except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.~~

~~(Code 1960, § 3408.6; Ord. No. 66-35, 8-15-66)~~

§ 10-154 **Obedience to barriers and signs.**

No person, public utility or department of the city, except the fire or police department, shall erect or place any barrier or sign on any street unless a type approved by the transportation services ~~engineer~~manager, or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of the city. No person, public utility or department of the city, except the fire and police departments, shall close a roadway to through traffic or reduce the number of through traffic lanes without first obtaining the approval of the transportation services ~~engineer~~manager.

(Code 1960, § 3408.7; Ord. No. 66-35, 8-15-66)

§ 10-155 **Obstructing intersections.**

No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1960, § 3408.8; Ord. No. 66-35, 8-15-66)

§ 10-156 Overtaking and Passing of a Person Riding a Bicycle

- (a) The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the requirements of the California Vehicle Code applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the highway.
- (b) A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a roadway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. The driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane of travel shall, if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle.
- (c) If the driver of a motor vehicle is unable to comply with subdivision (b), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the rider of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

Chapter IX PEDESTRIANS' REGULATIONS

§ 10-167 **Transportation services ~~engineer-manager~~ to establish marked crosswalks.**

The transportation services ~~engineer-manager~~ shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

- (a) Crosswalks shall be established and maintained at all locations where the transportation services ~~engineer-manager~~ determines that there is particular hazard to pedestrians crossing the roadway, subject to the limitations contained in subsection (b).
- (b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than 400 feet in length and such crosswalk shall be located as nearly as practicable at mid-block.
- (c) The transportation services ~~engineer-manager~~ may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall cross in the crosswalk so indicated. Whenever authorized signs are erected prohibiting the use of certain crosswalks, no pedestrians shall disobey the directions of any such sign.

(Code 1960, § 3409.0; Ord. No. 66-35, 8-15-66)

§ 10-168 **When pedestrians must use crosswalks.**

~~Where crosswalks have been established, no person shall cross a roadway other than by such crosswalks.~~

(a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(Code 1960, § 3409.1; Ord. No. 66-35, 8-15-66)

§ 10-169 Standing, sitting or occupying center medians prohibited.

- (a) No person shall stand or sit upon, or otherwise occupy a center median for any purpose other than to do so temporarily while lawfully crossing any roadway. For purposes of this section, “center median” shall mean and refer to that portion of a highway, not less than two feet in width, which is painted or raised, and which separates the roadway for traffic in opposite directions.
- (b) It is unlawful for any person to violate any provision, or fail to comply with any of the requirements of this section. Any person violating any provision of this section or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in section 1-33 of this Code.
- (c) A violation of any of the provisions of this section shall constitute a public nuisance and may be abated by the city attorney through civil process by means of a restraining order, preliminary or permanent injunction, or any other manner provided by law for the abatement of such nuisance.

(Ord. No. 95-3, § 2, 3-20-95)

Chapter X

STOPPING, STANDING AND PARKING GENERALLY

§ 10-181 Application of regulations.

- (a) The provisions of this title 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.
- (b) 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 vehicle code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

(Code 1960, § 3410.0; Ord. No. 66-35, 8-15-66)

§ 10-182 Stopping or standing in parkways prohibited.

No person shall stop, stand or park a vehicle within any parkway.

(Code 1960, § 3410.1; Ord. No. 66-35, 8-15-66)

§ 10-183 Transportation services engineer-manager to maintain no stopping zones and no parking areas.

The transportation services engineer-manager is hereby authorized to establish and maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this title. When said curb markings or signs are in place, no operator of any vehicle shall stop, stand or park a vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title.

(Code 1960, § 3402.2; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

§ 10-184 No parking areas.

No operator of any vehicle shall stop, stand, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

- (a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.
- (b) On either side of any street between the projected property lines of any public walk, public steps, street or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (c) In any area where the transportation services engineer-manager determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (d) In any area established by resolution of the city council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (e) Upon, along or across any railroad track in such manner as to hinder, delay or obstruct the movement of any railroad car traveling upon such track.
- (f) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.
- (g) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway, or the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of no parking are erected or placed at least 24 hours prior to the effective time of such no parking.
- (h) At any place within 20 feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface.
- (i) Within 20 feet of the vehicle approach side of any marked or unmarked crosswalk or within 15 feet of any crosswalk where a curb extension is present. At any place within 20 feet on the approach side and 10 feet on the backside of a crosswalk at an intersection in any business district when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.
- ~~(j) Within 20 feet of the approach to any traffic signal, boulevard stop sign, yield sign or official electric flashing device, when such place is indicated by appropriate signs or by red paint upon the curb surface.~~

(Code 1960, § 3410.3; Ord. No. 66-35, 8-15-66)

§ 10-185 Use of streets for parking and/or storage of certain vehicles prohibited.

- (a) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“*Chief of police*” means the Chief of Police of the City of Costa Mesa, or his or her designee.

“*Commercial vehicle*” shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed 20 feet in length, any single commercial vehicle or

combination of said vehicles 84 inches or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more. A Commercial Vehicle includes a truck tractor, but does not include a large motor vehicle or nonmotorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle.

"Large motor vehicle" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than 22 feet in length or is both more than 84 inches in width and more than 84 inches in height. The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or sports utility vehicle.

"Nonmotorized vehicle" shall mean any trailer or any other device that is not self-propelled.

"Motor vehicle" shall mean a passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle and motor-driven cycle but shall not include a house car.

"Residential district" shall mean any area within the city which is zoned R1, R2-MD, R2-HD, R3, and those portions of planned community districts and specific plan districts which are specified for residential uses.

- (b) *Measurements.* To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.
- (c) No person who owns or has possession, custody, or control of any motor vehicle shall park, or leave standing, such a motor vehicle upon any public street, highway or alley for more than a period of 72 consecutive hours.
- (d) No person shall, at any time, park or leave standing any large motor vehicle or nonmotorized vehicle on any public street, highway or alley except:
 - (1) In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle or large motor vehicle, parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed 48 consecutive hours.
 - (2) In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle, parked adjacent to the owner's residence may be allowed for up to an additional 24 consecutive hours, but no more than a total of 72 consecutive hours, provided an extension has been granted by the chief of police. The chief of police shall establish general standards for an extension provided for by this section.
 - (3) Any large motor vehicle, or nonmotorized vehicle which is attached to a motor vehicle or large motor vehicle that is parked on a public street pursuant to either subsections (1) or (2) hereinabove shall, at the end of the permitted period of time, whether 48 or 72 hours, be removed from its location and shall not be parked on any public street for the purposes stated hereinabove for a period of at least 48 hours.
- (e) No person who owns or has possession, custody or control of any vehicle or nonmotorized vehicle which is six feet or more in height (including any load thereon) shall park or leave standing any such vehicle on a street or highway within 45 feet of any intersection.
- (f) No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturer's gross vehicle weight of 10,000 pounds, shall park or leave standing any such commercial vehicle on a street or highway which is prohibited to commercial vehicle traffic pursuant to section 10-248 of this Code.
- (g) No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturer's gross vehicle weight of 10,000 pounds, shall park or leave standing any such commercial

vehicle on any restricted street between the hours of 2:00 a.m. and 6:00 a.m.

- (h) No person who owns or has possession, custody, or control of a commercial vehicle exceeding a manufacturer's gross vehicle weight of 10,000 pounds, shall park or leave standing any such commercial vehicle for more than three hours on any public street, highway, roadway, alley or thoroughfare, except:
 - (1) For such reasonable time in excess of three hours that may be necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure or for the purpose of delivering materials to be used for repair, alteration, remodeling, or construction of any building or structure upon a restricted street or highway; or
 - (2) For such reasonable time in excess of three hours that may be necessary when such vehicle is parked in connection with the performance of a service to or on a property in the block in which such vehicle is parked; or
 - (3) For such reasonable time in excess of three hours that may be necessary time to make emergency repairs.
- (i) Vehicles found in violation of this section may be cited or removed, or both cited and removed in accordance with section 10-69.
- (j) The minimum fine for any violation of this section shall be set by the city council by separate resolution.

(Ord. No. 02-15, §§ 1, 2, 8-5-02)

§ 10-186 ~~Reserved. Parking for advertising or sale.~~

~~(a) — No operator of any vehicle shall park said vehicle upon any street in the city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the city council.~~

~~(b) — No person shall park any vehicle upon any street for the purpose of advertising any item or event.~~

~~(Code 1960, § 3410.5; Ord. No. 66-35, 8-15-66)~~

§ 10-187 **Repairing or greasing vehicles.**

No person shall construct or dismantle or cause to be constructed or dismantled, repair or cause to be repaired, grease or cause to be greased any vehicle or any part thereof upon any public street in the city. Temporary emergency repairs may be made upon a public street.

(Code 1960, § 3410.6; Ord. No. 66-35, 8-15-66)

§ 10-188 **Washing or polishing vehicles.**

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in the city, when a charge is made for such service.

(Code 1960, § 3410.7; Ord. No. 66-35, 8-15-66)

§ 10-189 **Parking adjacent to schools.**

(a) The transportation services engineer-manager is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Code 1960, § 3410.8; Ord. No. 66-35, 8-15-66)

§ 10-190 Parking prohibited on narrow streets.

- (a) The city transportation services engineer-manager is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet.
- (b) 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.

(Code 1960, § 3410.9; Ord. No. 66-35, 8-15-66)

§ 10-191 Parking on grades.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding 3% without blocking the wheels of such vehicle by turning them against the curb or by other means.

(Code 1960, § 3410.10; Ord. No. 66-35, 8-15-66)

§ 10-193 Emergency parking signs.

- (a) Whenever the city transportation services engineer-manager or chief of police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the city transportation services engineer-manager shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city transportation services engineer-manager shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the city transportation services engineer-manager shall cause such signs to be removed promptly thereafter.
- (b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

(Code 1960, § 3410.11; Ord. No. 66-35, 8-15-66)

§ 10-194 Sleeping in motor vehicles prohibited.

It is unlawful for any person to sleep in or on any motor vehicle parked any place in the city, other than upon private residential property, at any time between the hours of 9:00 p.m. and 7:00 a.m., or to dwell and/or live in or on any motor vehicle parked upon any city owned, operated, or maintained street, sidewalk, alley, public right-of-way, or any other public property or any private property within the city at any time. This section is not intended to prohibit the use of campers or motor coaches or motor vans for sleeping and/or dwelling purposes where the same are parked in an authorized trailer court or campsite within the city. As used in this section, "dwell" means to use as a basic residence for shelter, sleeping and/or cooking purposes in lieu of traditional code compliant building structures designed for human habitation.

(Code 1960, § 3418.1; Ord. No. 66-35, 8-15-66; Ord. No. 68-31, 7-15-68; Ord. No. 19-09, § 4, 4-2-19; Ord. No. 19-10, § 3, 4-16-19)

§ 10-195 Visibility.

Any motor vehicle parked on the public streets shall have curtains or window obstructions in such a position that there shall be a full view of the interior at all times.

(Code 1960, § 3418.2; Ord. No. 66-35, 8-15-66; Ord. No. 68-31, 7-15-68)

§ 10-196 No parking at Placentia Avenue Fire Station.

It is unlawful for any person to park other than publicly owned and operated vehicles on any of the property owned by the city presently occupied by the Placentia Avenue Fire Station and the city corporation yard, between the hours of 6:00 p.m. and 6:00 a.m.

(Ord. No. 74-68, § 2, 12-17-74)

§ 10-197 Posting.

Signs designating no parking between the hours of 6:00 p.m. and 6:00 a.m. which conform to the manual on uniform traffic control devices shall be placed at the vehicle entryways to the Placentia Avenue Fire Station and corporation yard, and the parking area therein shall be posted with said signs at intervals of not less than 200 feet.

(Ord. No. 74-68, § 2, 12-17-74)

§ 10-198 Removal of parked vehicles from private property.

- (a) Any owner or person in possession of private property may cause the removal of a parked vehicle from such private property when either of the following conditions is satisfied:
- (1) The property is improved with a single-family dwelling; or
 - (2) There is displayed, in plain view at all entrances to the property, a sign at least 18 inches by 24 inches prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the Costa Mesa Police Department.
- (b) The person causing removal of a vehicle pursuant to subsection (a) of this section shall comply with all applicable requirements of California Vehicle Code 22658.
- (c) The provisions of subsection (a) of this section shall also apply to city-owned property and property rented or leased by the city from another person or entity; the request for removal may be made by any employee of the police department, who shall comply with the applicable provisions of section 10-69 of this Code.

(Ord. No. 85-12, § 2, 5-6-85)

§ 10-199 Failure to display handicapped parking placard.

It is unlawful for any person to fail to display a handicapped placard or license that has been lawfully issued to that person on any vehicle parked in a stall or space designated for handicapped persons pursuant to the vehicle code. Any violation of this section shall be subject to a civil penalty in the amount of \$35. For purposes of this section, handicapped placard or license shall mean the distinguishing placard issued pursuant to Vehicle Code section 22511.55 or 22511.59 or the special identification license plate issued pursuant to Vehicle Code section 5007.

(Ord. No. 00-15, § 1, 9-18-00)

Chapter XI
**STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON
CERTAIN STREETS**

Article 1

In General

§ 10-207 **Twenty-four-minute parking.**

- (a) *Green curb marking* shall mean no standing or parking for a period of time longer than 24 minutes at any time between 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays.
- (b) The transportation services **engineer-manager** is hereby authorized to establish and maintain, by appropriate signs, markings, or parking meters, twenty-four-minute, one-hour, or two-hour time limit parking zones. When said signs, parking meters, or curb markings are in place, it is unlawful for the operator of any vehicle to stop, stand or park a vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title.
- (c) The transportation services **engineer-manager** is hereby authorized to change the aforementioned parking time period, the hour or the days as set forth in this section.

(Code 1960, § 3411.0; Ord. No. 66-35, 8-15-66; Ord. No. 72-22, § 2, 6-15-72; Ord. No. 87-26, § 2, 12-7-87)

§ 10-208 **One-hour parking.**

- (a) When authorized signs, parking meters or curb markings have been determined by resolution of the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour.
- (b) The hour limitation, the hours during which it shall be effective and the days on which it shall be effective may be altered or changed from time to time by resolution duly adopted by the city council.

(Code 1960, § 3411.1; Ord. No. 66-35, 8-15-66; Ord. No. 72-22, § 2, 6-15-72)

§ 10-209 **Two-hour parking.**

- (a) When authorized signs, parking meters or curb markings have been determined by resolution of the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two hours.
- (b) The two-hour limitation, the hours during which it shall be effective and the days on which it shall be effective may be altered or changed from time to time by resolution duly adopted by the city council.

(Code 1960, § 3411.2; Ord. No. 66-35, 8-15-66; Ord. No. 72-22, § 2, 6-15-72)

§ 10-210 **Parking parallel on one-way streets.**

- (a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the left-hand curb facing the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.
- (b) In the event a highway includes two 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 oneway roadway unless signs are in place permitting such standing and parking.
- (c) The transportation services **engineer-manager** 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-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.
- (d) The requirement of parallel parking imposed by this section shall not apply in the event any commercial

vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby.

(Code 1960, § 3411.3; Ord. No. 66-35, 8-15-66)

§ 10-211 Diagonal parking.

- (a) On any of the streets or portions of streets or portions of streets established by resolution of the city council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except at the angle to the curb indicated by such signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space, and with the front wheel nearest the curb within six inches of the curb.
- (b) The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in section 10-210 of this title shall be complied with.

(Code 1960, § 3411.4; Ord. No. 66-35, 8-15-66)

§ 10-212 Parking space markings.

- (a) The transportation services engineer-manager is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings-curbs where authorized parking is permitted.
- (b) When such parking space markings are placed on the highway, subject to other and more restricted limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

(Code 1960, § 3411.5; Ord. No. 66-35, 8-15-66)

§ 10-213 No stopping zones.

The transportation services engineer-manager is hereby authorized to establish no stopping and no parking zones by placing and maintaining appropriate signs or curb markings. It is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets when restricted by the appropriate signs or markings.

(Code 1960, § 3411.6; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

Article 2

Restricted Parking on City-Owned Property

§ 10-214 Definition.

For purposes of this article, “vehicle” shall mean any truck, trailer, camper, motor van, house car, passenger automobile or other vehicle licensed to be driven or towed upon a public street or highway.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-215 Prohibited parking.

It is unlawful for any person, firm, corporation, or other entity to park other than city-owned or operated vehicles on city-owned property posted with signs as herein provided.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-216 Exceptions.

Section 10-215 shall not apply to persons having legitimate city business to conduct at said premises, vehicles belonging to persons attending city council, planning or traffic commission meetings, or departmental seminars, vehicles belonging to city officers and employees, or to any vehicle actively engaged in loading or unloading goods or merchandise, or any vehicle undergoing emergency repairs, or to any wrecker or similar vehicle actively engaged in the repair or construction of improvements on municipal parking facilities.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-217 Presumption.

Vehicles not falling within the previous section which are parked upon city-owned property on weekends, or during the hours of 5:00 p.m. to 8:00 a.m. on weekdays, when no evening meetings as described in section 10-216 above are being held, shall be presumed to be illegally parked.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-218 Posting.

Signs designating restricted parking and bearing the legend “parking for city business only,” pursuant to this article, shall be posted on such municipal property as otherwise provided by law.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-219 Penalty.

Violations herein shall be punishable under section 1-33 of the Costa Mesa Municipal Code.

(Ord. No. 77-9, § 2, 2-22-77)

§ 10-220 Enforcement.

Any regularly employed and salaried police officer ~~or~~, police cadet, or any non-safety city employee empowered to issue citations pursuant to section 1-33.1 of this Code and implementing resolutions of the city council, is authorized to enforce the provisions of this article. Vehicles found parked in violation of this article may be cited or removed in accordance with the provisions of section 10-69.

(Ord. No. 77-9, § 2, 2-22-77; Ord. No. 80-13, § 1, 8-18-80)

Article 3

Parking by Permit Only

§ 10-221 Parking of unpermitted vehicles prohibited.

When authorized signs have been posted pursuant to resolution of the city council and are in place giving notice of restrictions, it is unlawful and an infraction for any person to park any vehicle on any public street or alley so restricted, unless a parking permit therefor has been issued by the city as provided for in this article. This restriction shall not apply to police vehicles or other authorized emergency vehicles and/or city-owned vehicles when used for official business, or to service vehicles, clearly marked as such, while the owner or operator of the vehicle is providing a service to a residence located in that residential permit parking zone.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.1 Issuance of permits to residents.

Except for emergency permits and as otherwise provided for in section 10-221.2, parking permits may be issued only to residents of those areas where parking has been limited or prohibited pursuant to this article as

a residential permit parking zone.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.2 Types of permits.

(a) *Residential parking permits.*

- (1) Except as otherwise provided for in this article, a resident of a dwelling unit within an area that has been designated as a residential permit parking zone may be issued one parking permit per eligible driver by filing an application therefore with the public services department pursuant to the provisions of this article.
- (2) A motor vehicle that has been issued a parking permit for a residential parking zone shall be permitted to stand and/or park in that zone without being limited by the parking restrictions established pursuant to this article.
- (3) The maximum number of residential parking permits that shall be authorized to any one dwelling unit shall be four.

(b) *Guest parking permits.*

- (1) Each resident parking permit holder may apply for temporary guest parking permits for use by his or her guests in the parking zone where the permit holder resides by submitting an application therefore to the public services department.
- (2) A parking permit holder may receive up to a maximum of 100 guest parking permits per year per dwelling unit, which must be displayed by guests of such permit holder.
- (c) *Residential permit parking policy.* The city council, the city manager and/or designee may adopt policies and/or administrative regulations to implement this article, including, but not limited to, the establishment of residential permit parking zones and the criteria for the issuance, denial, revocation, duration and/or number of permits.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.2.5 Definitions.

Words and phrases not defined herein shall have the meanings ascribed to them in this Title 10, Title 1 and Title 13.

Director means the director of the public [servicesworks](#) department or his or her designee.

Eligible driver means a licensed driver identified as the registered owner of a currently registered vehicle who resides in a dwelling unit within an area that has been designated as a residential permit parking zone.

Permit means a residential parking permit issued by the director pursuant to the provisions of this article.

Residential permit parking policy or *policy* means the residential permit parking policy and/or administrative regulations adopted by the city to implement this article pursuant to section 10-221.2(c).

Residential permit parking zone or *zone* means a contiguous area within the city comprised of one or more streets and/or alleys that have been designated for parking by residents of that area only pursuant to this article.

(Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.3 Application for permit and action thereon.

- (a) To be issued a residential parking permit, each eligible driver shall provide the following to the public worksservices department:
- (1) The applicant's full, true name and home address, and proof of residence;
 - (2) The applicant's driver license;
 - (3) A valid and current vehicle registration and license plate number of the vehicle for which a permit is sought;
 - (4) The applicable fee; and
 - (5) Such other information set forth in the policy.
- (b) Staff shall issue a temporary permit to an eligible driver for a rented or borrowed registered vehicle where the eligible driver residing in a residential permit parking zone, demonstrates their own vehicle is unavailable for that driver's use for a temporary period. Such permits will expire upon the return to use of the originally permitted vehicle or its replacement.
- (c) Permits will not be issued for commercial vehicles that are registered to business addresses.
- (d) The denial, suspension and/or revocation of a residential parking permit and/or eligibility therefore by the director pursuant to this article may be appealed to the Planning Commission pursuant to Article 2 of Chapter IX of this Code.
- (e) Each type of permit applied for and/or renewed pursuant to this article shall be subject to a fee or fees as established by the city council.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.4 Duration of permits.

- (a) Residential parking permits shall be valid for one year, unless earlier revoked or terminated, provided however that a permit shall automatically terminate when the permit holder ceases to reside in the designated residential permit parking zone.
- (b) No residential parking permit issued pursuant to this article shall be transferable from the permit holder to any other person, nor from one vehicle to another.
- (c) Nothing in this article, nor any permit issued pursuant thereto, shall authorize a violation of section 10185.
- (d) The city council may establish by resolution an expiration date for all outstanding residential and guest parking permits if the city council determines that an unacceptable number of permits are being used by nonresidents of the designated permit-parking zone or that permits are being used in a manner inconsistent with and/or in violation of the purposes of this article.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-221.5 Violations.

- (a) Parking a vehicle in violation of this article shall be an infraction.

- (b) It shall be a violation of this article and an infraction for any person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in an application therefor.
- (c) It shall be a violation of this article and an infraction for any person issued a residential parking permit pursuant to this article to allow the use of such permit for a motor vehicle other than that for which the permit was issued. Any person who so uses a residential parking permit on a motor vehicle other than that for which it was issued is likewise guilty of a violation of this article, and an infraction.
- (d) It shall be a violation of this article and an infraction for any person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit. Any person who knowingly uses a facsimile or counterfeit parking permit, with intent to evade prohibitions or limitations on parking in a designated permit-parking area, is likewise guilty of a violation of this article, and an infraction.
- (e) It shall be a violation of this article and an infraction for any person to sell to, transfer to, or exchange a parking permit with any other person except as provided for in this article.
- (f) In addition to any other penalties under this article, the director may revoke, cancel or suspend a permit and/or eligibility therefore based upon a violation of subsection (b), (c), (d) and/or (e) above.

(Ord. No. 16-02, § 1, 1-19-16; Ord. No. 22-04, § 1, 7-19-22)

§ 10-222 Parking on city property—Designation of “permit parking only” areas.

The city manager may designate portions of city-owned property other than streets, alleys or highways, for parking by permit only and may order the posting of signs bearing the legend, “Permit Parking Only.”

(Ord. No. 89-30, § 2, 12-4-89; Ord. No. 22-04, § 1, 7-19-22)

§ 10-223 Same—Prohibited parking.

When authorized signs have been posted and are in place giving notice of restrictions as provided in this article, it is unlawful and an infraction for any person to park or leave parked a vehicle within an area designated for parking by permit during the times when such parking is prohibited, other than a vehicle that has been issued a valid permit or exempted pursuant to section 10-221.

(Ord. No. 89-30, § 2, 12-4-89; Ord. No. 22-04, § 1, 7-19-22)

§ 10-224 Same—Enforcement.

Any regularly employed and salaried police officer or police cadet, or any non-safety city employee empowered to issue citations pursuant to section 1-33.1 of this Code and implementing resolutions of the city council, is authorized to enforce the provisions of sections 10-221.5 through 10-224 by issuing infraction citations.

(Ord. No. 89-30, § 3, 12-4-89; Ord. No. 22-04, § 1, 7-19-22)

Chapter XII

STOPPING FOR LOADING OR UNLOADING ONLY

§ 10-225 Authority to establish loading zones.

- (a) The city transportation services engineer-manager is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:
 - (1) At any place in any business district.
 - (2) Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the

purpose of public assembly.

- (b) In no event shall more than one-half (½) of the total curb length in any block be reserved for loading zone purposes.
- (c) Loading zones shall be indicated by yellow paint upon all curbs within such zones.
- (d) Passenger loading zones shall be indicated by white paint upon all curbs in said zones.

(Code 1960, § 3412.0; Ord. No. 66-35, 8-15-66)

§ 10-226 Curb markings to indicate no stopping and parking regulations.

The transportation services engineer-manager is hereby authorized, subject to the provisions and limitations of this title, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, which curb markings shall have the following meanings:

- (a) *Red* shall mean no stopping, standing or parking at any time except as permitted by the vehicle code, and except that a bus may stop in a red zone marked or signed as a bus zone.
- (b) *Yellow* shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than 20 minutes.
- (c) *White* shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays and except as follows:
 - (1) When such zone is in front of a theater, restrictions shall apply at all times except when such theater is closed.
 - (2) When such zone is in front of a church, hotel or mailbox, the restrictions shall apply at all times.
- (d) When the transportation services engineer-manager as authorized under this title has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

(Code 1960, § 3412.1; Ord. No. 66-35, 8-15-66)

§ 10-227 Effect of permission to load or unload.

- (a) Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than 20 minutes.
- (b) The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pickup of express and parcel post packages and United States mail.
- (c) Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than three minutes.
- (d) Within the total time limits above specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the

privileges hereby granted.

(Code 1960, § 3412.2; Ord. No. 66-35, 8-15-66)

§ 10-228 Standing for loading or unloading only.

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in section 10-227.

(Code 1960, § 3412.3; Ord. No. 66-35, 8-15-66)

§ 10-229 Standing in passenger loading zone.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in section 10-227.

(Code 1960, § 3412.4; Ord. No. 66-35, 8-15-66)

§ 10-230 Standing in alley.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.

(Code 1960, § 3412.5; Ord. No. 66-35, 8-15-66)

§ 10-231 Bus zones.

The transportation services ~~engineer~~ **manager** is hereby authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers, to determine the location thereof, and to paint the curb red at said bus zone curb space.

(Code 1960, § 3412.6; Ord. No. 66-35, 8-15-66; Ord. No. 87-26, § 2, 12-7-87)

§ 10-232 Buses transporting minor children.

All buses, except those specifically exempted in section 10-235, transporting minor children under 18 years of age either gratuitously or for compensation, shall, while operating within the city, carry in addition to the driver an adult person 18 years of age or over.

(Code 1960, § 3412.7; Ord. No. 66-35, 8-15-66)

§ 10-233 Duty of accompanying nondriver adult.

At all stops made on city streets by buses for the purpose of discharging minor children from the buses, the accompanying nondriver adult shall precede the minor children from the bus, and shall then accompany them across any street that such minor children must cross.

(Code 1960, § 3412.8; Ord. No. 66-35, 8-15-66)

§ 10-234 ~~Reserved. Accompanying nondriver adult to carry vehicle warning device.~~

~~Every nondriver adult riding on buses transporting minor children shall carry a vehicle warning device to be provided by the city, and shall, when accompanying a minor child or children across any street, use such vehicle warning device.~~

~~(Code 1960, § 3412.9; Ord. No. 66-35, 8-15-66)~~

§ 10-235 Exceptions to sections 10-232, ~~and 10-233 and 10-234.~~

The provisions of sections 10-232, ~~and 10-233 and 10-234~~, inclusive, shall not apply to the following buses transporting minor children within the city:

- (a) Any school bus, either public or private, regulated by the State of California.
- (b) Any commercial carrier buses regulated by the State of California.

(Code 1960, § 3412.10; Ord. No. 66-35, 8-15-66)

Chapter XIII RESTRICTED USE OF CERTAIN STREETS

~~§ 10-247 Advertising vehicles.~~

~~No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound amplifying or loudspeaking device upon any street or alley at any time without first securing a permit to do so from the city council, or its designate.~~

~~(Code 1960, § 3413.0; Ord. No. 66-35, 8-15-66)~~

§ 10-248 **Truck routes.**

- (a) Whenever any resolution of the city council designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight of 10,000 pounds.
- (b) When any such truck route is established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of 10,000 pounds shall drive on such route and none other, except that the operator of any vehicle exceeding a maximum gross weight of 10,000 pounds coming from a truck route may use restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained. The phrase “maximum gross weight” used in this section shall have the same meaning as the phrase “manufactured gross vehicle weight rating” defined in the California Vehicle Code section 390.
- (c) The provisions of this section shall not apply to:
 - (1) Passenger buses under the jurisdiction of the Public Utilities Commission, Metropolitan Transit Authority; or
 - (2) Any vehicle owned by a public utility while necessarily in use in the construction, installation of or repair of any public utility.
- (d) Those streets and parts of streets established by resolution of the city council are hereby declared to be the truck routes for the movement of vehicles exceeding a maximum gross weight of 10,000 pounds.
- (e) The use of any street or part of any street not established as part of the truck route is hereby prohibited by any commercial vehicle (as defined by California Vehicle Code section 260) exceeding a maximum gross weight of 10,000 pounds, except as allowed in subsections **(b)** and **(c)** above. Appropriate signs shall be posted as designated by the California Department of Transportation “Traffic Manual” in accordance with criteria established by the transportation services manager of the City of Costa Mesa, showing which streets are truck routes. It is unlawful for any person to operate or park, or cause to be operated or parked, any vehicle in violation of this provision.

(Code 1960, § 3413.1; Ord. No. 66-35, 8-15-66; Ord. No. 86-22, § 2, 11-17-87; Ord. No. 92-4, § 2, 2-3-92)

§ 10-249 **Load limit.**

The transportation services engineer-manager is hereby authorized to establish and post signs giving notice of a maximum load limit of 6,000 pounds per vehicle on any street or part of a street which is not a truck route.

(Ord. No. 75-51, § 2, 11-3-75; Ord. No. 87-26, § 2, 12-7-87)

§ 10-250 **Penalty.**

Exceeding the load limit as set forth in section 10-249 shall be deemed a misdemeanor and shall be punishable as set forth in section 1-33 of the Costa Mesa Municipal Code.

(Ord. No. 75-51, § 2, 11-3-75)

Chapter XIV PARKING METERS

§ 10-261 **Parking meter zones.**

- (a) Parking meter zones are those streets or portions of streets established by ordinance of the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of parking meters.
- (b) The city transportation services engineer-manager shall cause parking meters to be installed and maintained in all parking meter zones, once said zones have been created by the city council.

(Code 1960, § 3414.0; Ord. No. 66-35, 8-15-66)

§ 10-262 **Manner of installation.**

- (a) Parking meters shall be installed upon the curb or sidewalk area 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 thereto is or is not legally in use.
- (b) 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 of parking time for the zone in which said 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 the street 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 proper signal that the lawful parking period has expired.

(Code 1960, § 3414.1; Ord. No. 66-35, 8-15-66)

§ 10-263 **Time of operation of parking meters.**

The provisions of this chapter relating to the operation of parking meters shall be effective between the hours of 9:00 a.m. and 6:00 p.m. of every day except Sundays and holidays.

(Code 1960, § 3414.2; Ord. No. 66-35, 8-15-66)

§ 10-264 **Operational procedure to be followed.**

Immediately after occupancy of a parking meter space, the operator of a vehicle shall ~~deposit a coin of the United States~~provide payment in the parking meter ~~and if necessary turn a crank, knob or handle or online application~~ in accordance with the instructions posted on the face of the parking meter or applicable signage.

(Code 1960, § 3414.3; Ord. No. 66-35, 8-15-66)

§ 10-265 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.

(Code 1960, § 3414.4; Ord. No. 66-35, 8-15-66)

§ 10-266 Unlawful to extend time beyond limit.

No person shall follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

(Code 1960, § 3414.5; Ord. No. 66-35, 8-15-66)

§ 10-267 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, nor shall any person deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

(Code 1960, § 3414.6; Ord. No. 66-35, 8-15-66)

§ 10-268 ~~Reserved. 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 the owner or operator of the vehicle using the parking space immediately adjacent to the meter.~~

~~(Code 1960, § 3414.7; Ord. No. 66-35, 8-15-66)~~

§ 10-269 Parking meters and parking meter standards not to be used for certain purposes.

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

(Code 1960, § 3414.8; Ord. No. 66-35, 8-15-66)

§ 10-270 Rule of evidence.

The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute prima facie evidence that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

(Code 1960, § 3414.9; Ord. No. 66-35, 8-15-66)

§ 10-271 Use of money deposited in parking meters.

All monies collected from parking meters in the city shall be placed in a special fund, hereby established and designated as the "Parking Fund," which fund shall be devoted exclusively to the following purposes:

- (a) For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters in the city and for the payment of any and all expenses relating or incidental thereto.
- (b) For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities in the city.
- (c) For the proper regulation, control and inspection of parking and traffic upon the public streets.

(Code 1960, § 3414.10; Ord. No. 66-35, 8-15-66)

§ 10-272 Application of other chapters.

No section of this chapter shall be construed as permitting any parking in violation of any other provision of this title.

(Code 1960, § 3414.11; Ord. No. 66-35, 8-15-66)

Chapter XV
VEHICLE PARKING DISTRICTS

Article 1
In General

~~§ 10-284 Board of parking place commissioners; term.~~

~~(a) The two three member commissions for vehicle parking districts 1 and 2 are hereby merged into one five member commission.~~

~~(b) The redevelopment agency board members as presently constituted or hereafter appointed are the members of the new parking place commission. In the event of a vacancy within the redevelopment agency, an automatic vacancy will result on the board of parking place commissioners until such vacancy within the redevelopment agency is filled. The terms of the board of parking place commissioners shall run concurrently with the terms of the redevelopment agency board members.~~

~~(Code 1960, § 2515; Ord. No. 76-43, § 2, 9-7-76)~~

§ 10-285 Two-hour parking in districts.

- (a) There is hereby established for all off-street parking places owned and/or operated by and under the control of the parking commission under the city council, within Costa Mesa Vehicle Parking District 1 a parking limit of two hours between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.
- (b) This section shall be effective upon the posting of appropriate signs marking such parking lots for two hour parking.
- (c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$50 or by imprisonment in the county jail for not more than five days, or by both such fine and imprisonment.

(Res. No. 655, §§ 1—3, 10-19-59; Ord. No. 97-3, § 1, 2-18-97)

Article 2
Vehicle Parking District No. 1

§ 10-294 Formation.

The city council hereby declares that Vehicle Parking District No. 1, wholly located in the incorporated territory of the city as hereinafter described, is hereby formed pursuant to the Vehicle Parking District Law of 1943. The boundaries of said district are hereby fixed, established and defined as follows:

Beginning at the point of intersection of the centerline of Newport Avenue and the northwesterly prolongation of the northeasterly line of Lot 2, Block "B," of Harper, as said Newport Avenue and Lot 2 are shown on a map thereof recorded in Book 6, page 27, of Miscellaneous Maps, records of Orange County, California; thence southeasterly along the northwesterly prolongation of the northeasterly line of said Lot 2 and along said northeasterly line and the southeasterly prolongation thereof to an intersection with the

centerline of the alley, 10.00 feet in width, as shown on said map of Harper; thence northeasterly along said centerline of alley to an intersection with the northwesterly prolongation of the northeasterly line of Lot 25 of Tract No. 847 as shown on a map thereof recorded in Book 26, page 7 of Miscellaneous Maps, records of Orange County; thence southeasterly along the said northwesterly prolongation of the northeasterly line of Lot 25 and along the northeasterly line of Lots 25, 26, 27, 28 and 29 of said Tract No. 847 to the most easterly corner of said Lot 29; thence southwesterly along the southeasterly line of said Lot 29 to the most southerly corner thereof; thence southwesterly in a direct line to the most easterly corner of Lot 16 of said Tract No. 847; thence southwesterly along the southeasterly line of said Lot 16 and the southwesterly prolongation thereof to an intersection with the centerline of the alley, 15.00 feet in width, as shown on said map of Tract No. 847; thence northwesterly along the centerline of said alley to an intersection with the centerline of the alley, 10.00 feet in width, lying southeasterly of Lots 5 to 12 inclusive of Block "A" of said Harper; thence southwesterly along the centerline of alley and along the northwesterly line of Lot 17, Block "A" of said Harper to a point 111.00 feet northeasterly of the most westerly corner of said Lot 17; thence southeasterly along a line parallel to the southwesterly line of said Lot 17 to a point 5.00 feet northwesterly of the southeasterly line of said Lot 17; thence northeasterly along a line parallel to said southeasterly line of said Lot 17 to a point 165.00 feet southwesterly of the northeasterly line of said Lot 17; said northeasterly line of Lot 17 being the centerline of Magnolia Street; thence southeasterly along a line parallel to the said northeasterly line of Lot 17 and the northeasterly line of Lot 16, Block "A" of Harper 54.00 feet; thence southwesterly along a line parallel to the said southeasterly line of Lot 17 to a point in the southwesterly line of said Lot 16; thence in a direct line to the most easterly corner of Lot 7, Tract No. 337, as shown on a map thereof recorded in Book 14, page 44 of Miscellaneous Maps, records of Orange County; thence southwesterly along the southeasterly line of Lot 7, 150.00 feet; thence northwesterly along a line parallel to the northeasterly line of said Lot 7 to the most southerly corner of Lot 6 of said Tract No. 337; thence northeasterly along the southeasterly line of Lot 6 to the most easterly corner thereof; thence northwesterly along the northeasterly line of said Lot 6 and the northwesterly prolongation thereof to an intersection with the centerline of the alley, 15.00 feet in width, as shown on said map of Tract No. 337; thence southwesterly along the centerline of said alley to point of intersection with the southeasterly prolongation of the southwesterly line of Lot 5 of said Tract No. 337; thence northwesterly along the said southeasterly prolongation of the southwesterly line of Lot 5 and the southwesterly line of said Lot 5 and the northwesterly prolongation thereof to an intersection with the centerline of Newport Avenue as shown on said map of Tract No. 337; thence southwesterly in a direct line to the point of intersection of the centerline of Newport Avenue with the centerline of 18th Street as shown on a map of Tract No. 18. First addition to Harper, recorded in Book 9, page 20 of Miscellaneous Maps, records of Orange County, California; thence westerly along the said centerline of 18th Street to an intersection with the centerline of the alley, 20.00 feet in width, lying within Block "C" of said Tract No. 18; thence northeasterly along said centerline of alley to an intersection with the centerline of Center Street, formerly Balboa Street, as shown on a map of said Tract No. 18; thence easterly along the centerline of Center Street to the intersection with the westerly line of Lot 16, Block "A," Tract 18, as said tract is laid out and shown on a map thereof recorded in Book 9, page 20 of Miscellaneous Maps, records of Orange County, California; thence southerly along said westerly line of Lot 16, to the intersection with the southeasterly line of Block "A," Tract 18; thence northeasterly along said line to its intersection with the easterly prolongation of the centerline of Center Street; thence easterly along said extension to the intersection with the centerline of Newport Avenue as Newport Avenue is shown on said map of Harper; thence northeasterly along said centerline of Newport Avenue to the point of beginning.

(Code 1960, § 2516)

§ 10-295 Designation of district.

The vehicle parking district set forth in section 10-294 shall be designated as "Vehicle Parking District No. 1 of the City of Costa Mesa."

[\[Image\]](#)

(Code 1960, § 2517)

Chapter XVI **(RESEVERED) TRAINS**

~~§ 10-318 Railway gates.~~

~~No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.~~

~~(Code 1960, § 3415.0; Ord. No. 66-35, 8-15-66)~~

~~§ 10-319 Trains not to block crossings.~~

~~No person shall cause or permit any railway train or railway car or similar vehicle on rails to stop or stand or to be operated in such a manner as to prevent the use of any street for the purpose of travel for a period of time longer than 10 minutes, except that this provision shall not apply to railway trains, cars, or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident.~~

~~(Code 1960, § 3415.1; Ord. No. 66-35, 8-15-66)~~

Chapter XVII **SPECIAL SPEED ZONES**

§ 10-331 **Increasing state speed limit in certain zones.**

The transportation services engineer-manager is hereby authorized to post signs for speed limits which are established either by resolution of the city council or by staff upon the basis of an engineering and traffic survey, when the speed permitted by state law upon streets within the city is less than is necessary for safe operation of vehicles thereon. It is hereby declared that the prima facie speed limit shall be as posted on those streets or parts of streets designated when signs are erected giving notice thereof. All current posted limits are to remain in place unless changes are determined by an engineering and traffic survey and by resolution of the city council.

(Code 1960, § 3416.0; Ord. No. 66-35, 8-15-66; Ord. No. 67-5, 3-20-67; Ord. No. 6710, 4-17-67; Ord. No. 67-28, 9-5-67; Ord. No. 69-19, 8-18-69; Ord. No. 70-38, 9-8-70; Ord. No. 70-39, 9-21-70; Ord. No. 71-1, 1-18-71; Ord. No. 71-36, § 1, 12-6-71; Ord. No. 72-31, § 1, 8-21-72; Ord. No. 73-31, § 1, 8-20-73; Ord. No. 76-42, § 1, 9-7-76; Ord. No. 77-13, § 1, 4-4-77; Ord. No. 78-23, § 1, 5-1-78; Ord. No. 85-36, § 1, 1-6-86; Ord. No. 87-26, § 2, 12-7-87)

§ 10-332 **Decrease of state law maximum speed.**

The transportation services engineer-manager is hereby authorized to post signs for speed limits which are established either by resolution of the city council or by staff upon the basis of an engineering and traffic survey, when the speed permitted by state law outside of business and residential districts, as applicable upon streets within the city, is greater than is reasonable or safe under the conditions found to exist upon such streets. It is hereby declared that the prima facie speed limit shall be as posted on those streets or parts of streets designated when signs are erected giving notice thereof. All current posted limits are to remain in place unless changes are determined by an engineering and traffic survey and by resolution of the city council.

(Code 1960, § 3416.1; Ord. No. 66-35, 8-15-66; Ord. No. 67-10, 4-17-67; Ord. No. 67-28, 9-5-67; Ord. No. 67-35, 11-20-67; Ord. No. 68-33, 8-19-68; Ord. No. 68-38, 10-21-68; Ord. No. 69-19, 8-18-69; Ord. No. 70-8, 2-16-70; Ord. No. 70-15, 3-16-70; Ord. No. 70-24, 6-22-70; Ord. No. 70-37, 8-17-70; Ord. No. 72-1, § 2,

1-17-72; Ord. No. 72-7, § 1, 2-22-72; Ord. No. 72-16, § 1, 6-5-72; Ord. No. 73-45, § 1, 1-7-74; Ord. No. 75-28, § 1, 5-20-75; Ord. No. 75-59, § 1, 2-1-75; Ord. No. 76-26, §§ 1, 2, 6-7-76; Ord. No. 76-46, § 1, 10-4-76; Ord. No. 78-37, § 1, 9-5-78; Ord. No. 79-26, § 1, 12-3-79; Ord. No. 84-34, § 1, 8-20-84; Ord. No. 85-35, §§ 1, 2, 11-4-85; Ord. No. 85-34, § 1, 11-9-85; Ord. No. 87-26, § 2, 12-7-87)

§ 10-333 Regulation of speed by traffic signals.

The city transportation services ~~engineer~~manager is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(Code 1960, § 3416.2; Ord. No. 66-35, 8-15-66)

Chapter XVIII INTERSTATE TRUCKS

§ 10-345 Purpose.

The purpose of this chapter is to establish procedures for designation of terminals, and truck routes to terminals, for interstate trucks operating on a federally designated highway system.

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-346 Definitions.

The following words and phrases shall have the meanings set forth, and 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; provided that if any such word or phrase is not defined in the vehicle code, it shall have the meaning attributed to it in ordinary usage:

Caltrans means the State of California Department of Transportation or its successor agency.

Interstate truck means a truck tractor and semi-trailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the vehicle code.

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.

Transportation ~~engineer~~Manager means the transportation services ~~manager~~engineer of the City of Costa Mesa or ~~his~~their authorized representative.

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-347 Application.

- (a) Any interested person requiring terminal access, using Costa Mesa highways, for interstate trucks from the federally designated highway system shall submit an application, on a form provided by the city, together with such information as may be required by the transportation ~~engineer~~manager, and appropriate fees to the City of Costa Mesa.
- (b) Upon receipt of the application, the transportation ~~engineer~~manager will 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 approval of that designation, he will then determine the capabilities of the route requested and of alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane widths of ramps, intersections and highways, and general traffic conditions such as sight distance, speed, and traffic volumes. No

access from the California State highways system will be approved without the approval of Caltrans.

- (c) Should the requested route pass through the City of Costa Mesa to a terminal located in another jurisdiction, the route shall not be designated until the applicant also complies with that jurisdiction's application process. Costs for trailblazer signs shall be as provided in section 10-348(b).

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-348 Fees and costs.

- (a) The applicant shall pay a nonrefundable application fee, as established by the city council by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.
- (b) Upon the approval of the terminal designation and route by the City of Costa Mesa and by Caltrans, the applicant shall deposit with the City of Costa Mesa sufficient funds as estimated by the transportation ~~engineer~~ manager to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the city along the route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed, and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, as appropriate. No terminal or route may be used until all required signs are in place. Costs for trailblazer signs may be reapportioned in accordance with the procedures in section 10-349(d).

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-349 Retrofitting.

- (a) If all feasible routes to a requested terminal are found unsatisfactory by the transportation ~~engineer~~ manager, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of the deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the city or by a contractor for the applicant acceptable to the city.
- (b) When the work is to be done by the city, the applicant shall deposit with the City of Costa Mesa funds equal to 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 appropriate.
- (c) When the work is done by the applicant's contractor, the applicant may file with the transportation ~~engineer~~ manager, on a form satisfactory to the transportation ~~engineer~~ manager, a statement detailing the actual costs of the retrofitting.
- (d) If, at any time within five years from the date of completion of the retrofitting, any other applicant should seek terminal access approval which would use the route upon which such retrofitting was accomplished, any such applicant's fee may include that applicant's proportionate share of the cost of retrofitting, as determined by the transportation ~~engineer~~ manager, which fee shall be disbursed by the City of Costa Mesa 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. Nothing herein shall require the payment of a proportionate share of the fee if the applicant doing the work failed to file with the transportation ~~engineer~~ manager the report cost statement required by subsection (c) above.

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-350 Revocation of route.

The transportation ~~engineer~~ manager may revoke any approved terminal or route if the terminal or route

becomes a hazard to vehicular traffic. A safety hazard exists when interstate trucks are unable to negotiate the route or when said vehicles cause unsafe conditions for other vehicular traffic or for pedestrians.

(Ord. No. 85-5, § 2, 3-18-85)

§ 10-351 Appeal process.

- (a) If the transportation engineer-manager denies an application for terminal designation or route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within 10 days following the date of mailing of the decision of the transportation engineer-manager, may appeal said decision to the city council in writing. An appeal shall be filed with the city clerk. The appeal shall state specific facts showing an error or abuse of discretion by the transportation engineer-manager or that the decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the transportation engineer-manager shall transmit to the city clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the transportation engineer-manager, the findings of the transportation engineer-manager and his-their decision on the application.
- (b) The city clerk shall make copies of the data provided by the transportation engineer-manager available to the applicant and to the appellant (if the applicant is not the appellant) for inspection, and may give notice to any other interested party who requested notice, of the time when the appeal will be considered by the city council.
- (c) If Caltrans, and not the transportation engineer-manager, denies or revokes terminal access from a state highway, no appeal may be made to the city council, but any appeal must be made to Caltrans as may be permitted by Caltrans.

(Ord. No. 85-5, § 2, 3-18-85)

Chapter XIX

**SOLICITATION OF EMPLOYMENT, BUSINESS, OR CONTRIBUTIONS FROM
STREETS AND CERTAIN COMMERCIAL PARKING LOTS**

§ 10-354 (Reserved)

(Ord. No. 13-03, § 1, adopted October 1, 2013, repealed § 10-354.)

§ 10-354.1 Prohibition of solicitation in commercial parking areas.

- (a) No person in a commercial parking area shall solicit employment, business or contributions of money where the owner has posted a sign on the premises complying with this section giving notice of the prohibition. This prohibition does not apply to walkways, plazas, or other areas adjacent to a parking area which are primarily intended for the congregation of persons and communication between persons of any kind, does not apply to premises which are intended or required by law to be open to the public for communicative purposes pursuant to *Pruneyard Shopping Center v. Robins*, 447 U.S. 74 (1980), and does not apply to only distribution of literature.
- (b) The sign shall comply with each of the following requirements:
 - (1) Be posted in a conspicuous place making it easily viewable by persons entering or standing in the commercial parking area. Where necessary to be easily viewable due to the size or configuration of the area, more than one sign shall be posted.
 - (2) Have a size of not less than eighteen by 24 inches and not exceeding a total area of six square feet.
 - (3) Contain a notice with lettering not less than one inch in height in substantially the following form:
“It is prohibited and illegal to solicit employment, business or contributions of money anywhere in this

parking area without the owner's written authorization by order of the owner. CMMC 10_354.1"

The notice may be written in English or in English and Spanish, at the owner's discretion.

- (c) Where a sign (or signs) is posted in a commercial parking area complying with this section, there is a presumption it was posted by the owner.
- (d) An owner who has posted such a sign in a commercial parking area shall send written notification of the prohibition to the chief of police containing a map showing the legal boundaries of the owner's property and of the commercial parking area thereon and the name, address and telephone number of the owner or the owner's property manager agent.

(Ord. of 02-7, § 1, 4-1-02; Ord. No. 05-7, § 3, 4-26-05; Ord. No. 05-8, § 2, 5-3-05)

§ 10-354.2 **Definitions.**

As used in this chapter:

~~*Actively solicit* shall mean solicitation accompanied by action intended to attract the attention of a person in a vehicle traveling in the street such as waving arms, making hand signals, shouting to someone in a traveling vehicle, jumping up and down, waving signs pointed so as to be readable by persons in traveling vehicles, quickly approaching nearer to vehicles which are not lawfully parked, and entering the roadway portion of a street. "Actively solicit" does not include peaceably standing on a sidewalk, or on a parkway on any street segment without a sidewalk, with a sign seeking employment, contributions or business; distribution of literature to pedestrians or occupants of legally parked vehicles; or verbally communicating desire or availability for employment, contributions or business to pedestrians or to persons in lawfully parked vehicles.~~ *(2) Commercial parking area* shall mean privately owned property open to the public and used primarily for the parking of vehicles of customers, guests, and/or employees of nearby business establishments.

~~*Curb* shall mean the lateral boundary of the roadway, whether or not such curb is marked by curbing construction; however, the word "curb" shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies.~~

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

~~*Median* shall mean a paved or planted area separating a street, or highway, into two or more lanes or directions of travel.~~

Owner shall mean the fee owner of a commercial parking area, the lessee of an entire commercial parking area, or the property manager agent of such fee owner or lessee.

~~*Parkway* shall mean the area of a public street that lies between the curb and the adjacent property line or physical boundary definition (such as a sidewalk), which is used for landscaping and/or passive recreational purposes.~~

~~*Sidewalk* shall mean that portion of the public right-of-way which is between the curbface and the parallel edge of the pavement furthest from the curb but still within the public right-of-way where the sidewalk is contiguous with the curb, or that portion of the public right-of-way which is a paved area between a parkway and adjacent private or public property, which is generally used by pedestrians and persons in non-motorized vehicles. Sidewalk does not include median.~~

Solicit shall mean and include any request, offer, enticement, or action which announces the availability for

or of employment, the sale of goods, or other request for funds; or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money. As defined herein, 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 takes place.

~~Street shall mean all of the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, medians, alleys, sidewalks, driveways, curbs, and public ways.~~

~~Traveling along a street shall mean a vehicle being operated on a street, excluding vehicles lawfully parked at the edge of a street or temporarily, lawfully stopped at a marked passenger loading zone.~~

(Ord. No. 02-7, § 1, 4-1-02; Ord. No. 05-7, § 4, 4-26-05; Ord. No. 05-8, § 3, 5-3-05)

Chapter XX MOTOR VEHICLE AIR POLLUTION REDUCTION

§ 10-355 Purpose.

This chapter is intended to support the SCAQMD's imposition of the motor vehicle registration fee and to establish a fund to assist the city in complying with the requirements set forth in section 44223 of the California Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

(Ord. No. 91-17, § 2, 7-1-91)

§ 10-356 Definitions.

As used in this chapter the following words and terms shall have the meaning ascribed thereto:

City shall mean the City of Costa Mesa.

Fee administrator shall mean the finance director of the city or the designee of the director.

Mobile source air pollution reduction programs shall mean any program or project implemented by the city to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code and section 65089 of the California Government Code.

(Ord. No. 91-17, § 2, 7-1-91)

§ 10-357 Administration of motor vehicle registration fee.

- (a) Receipt of fee: The additional motor vehicle registration fees disbursed by the SCAQMD and remitted to the city, pursuant to this chapter, shall be accepted by the fee administrator.
- (b) Establishment of air quality improvement trust fund: The fee administrator shall establish a separate interest bearing trust fund account in a financial institution authorized to receive deposits of city funds.
- (c) Transfer of funds: Upon receipt of vehicle registration fees, the fee administrator shall deposit such funds into the separate account established pursuant to subsection (b) above. All interest earned by the trust fund account shall be credited only to that account.
- (d) Expenditure of air quality trust fund revenues: All revenues received from the SCAQMD and deposited in the trust fund account shall be exclusively expended on mobile source emission reduction programs as defined in subsection (b) of section 10-356. Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.

- (e) Audits: All programs and projects funded by motor vehicle registration fee revenues received from the SCAQMD pursuant to section 44223 of the Health and Safety Code are subject to an audit to be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1(a) of the Health and Safety Code.

(Ord. No. 91-17, § 2, 7-1-91)

Chapter XXI COMMERCIAL VENDING VEHICLES

§ 10-358 Purpose and findings.

The city council of the City of Costa Mesa finds that commercial vending vehicles pose traffic hazards, public health hazards and impact the safety of residents within the City of Costa Mesa. The intent of this chapter is to provide clear and concise regulations to ensure public safety and prevent traffic and health hazards. This chapter is also intended to preserve the peace and welfare of the residents of the City of Costa Mesa.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-359 Definitions.

For the purposes of this chapter:

Chief of police shall mean the police chief or his or her designee.

City attorney shall mean the city attorney or his or her designee.

City planning commission shall mean the planning commission.

City treasurer shall mean the city treasurer or his or her designee.

Commercial vending vehicle shall mean any vehicle, as that term is defined in the California Vehicle Code, which is equipped or primarily used for retail sales of fruits, vegetables or produce or non-food sundries, including but not limited to goods, wares or merchandise, and/or prepared, prepackaged, unprepared, unpackaged food of any kind or any goods, wares or merchandise on any public street, alley or highway or private street or alley within the City of Costa Mesa. The inventory of these vehicles is not necessarily limited to edible items and may include non-food sundries. A human powered device is not a commercial vending vehicle.

Director of development services shall mean the director of development services or his or her designee.

Goods or merchandise includes items and products of every kind and description, including all foods, produce and beverage items.

Human powered device shall mean any device moved by human power, including but not necessarily limited to any pushcart, wagon, bicycle as defined in § 10-4(a), tricycle, grocery cart, or other wheeled container or conveyance.

Mobile vendor shall mean any person as defined in this chapter who:

- (1) Owns, controls, manages and/or leases a commercial vending vehicle; and/or
- (2) Contracts with a person(s) to drive, operate, prepare foods and/or vend from a commercial vending vehicle.

Operator as used in this chapter, shall mean any and all person(s) who drive, operate, prepare foods and/or vend from a commercial vending vehicle.

Person shall mean any natural person, firm, partnership, association, corporation, or other entity of any kind or nature.

Public property shall mean any real property, or interest therein, owned, leased, operated, or otherwise controlled by the City of Costa Mesa other than a street, alley, parkway or sidewalk.

Restocking shall mean any transfer of goods or merchandise to a commercial vending vehicle from any other person or vehicle and includes, but is not limited to loading and delivery.

Risk manager shall mean the city's risk manager or his or her designee.

Vehicle shall mean a device as defined in the California Vehicle Code and shall not include any human powered device.

Vend or vending as used in this chapter means soliciting, displaying, or offering, moving or standing of a commercial vending vehicle for the purpose of searching for, obtaining or soliciting retail sales of produce, fruits, vegetables, prepared or unprepared food, repackaged or unpackaged food or non-food sundries of any kind or any goods, wares, or merchandise for sale or barter or exchange from a vehicle on a public or private street, alley, highway or public place within the city.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-360 Permit required.

No person shall own, control, manage, lease or contract with other persons for the operation of a commercial vending vehicle in the city without the appropriate valid permit issued pursuant to the provisions of this chapter in addition to any other license or permit required by the city.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-361 Operator's permit required.

- (a) Any person desiring to obtain an operator's permit to engage in the vending of goods or merchandise from a commercial vending vehicle, or the driving of such vehicle, pursuant to this chapter shall make application to the city treasurer or his or her designee. Such application shall be accompanied by a nonrefundable application fee in such amount as established by resolution of the city council. Any such permit shall be required to be renewed annually and a separate nonrefundable application fee paid yearly for such renewal application. Each applicant for an operator's permit shall furnish the following information and documentation as part of or in conjunction with such application:
- (1) The present or proposed address from which the business is to be conducted, including the location of restocking and overnight parking of the commercial vending vehicle;
 - (2) The full and true name under which the business will be conducted and description of items to be offered for sale;
 - (3) The full and true name and any other names used by the applicant;
 - (4) The present residence address and telephone number of the applicant;
 - (5) California driver's license number of the applicant;

- (6) Acceptable written proof that the applicant is at least 18 years of age. The number of vehicles to be owned, operated, or controlled by the applicant and the makes, body styles, years, serial and engine numbers, license plate numbers, and names and addresses of the registered and/or legal owners of each vehicle;
 - (7) The applicant's height, weight, color of eyes and hair;
 - (8) A description of the logo, color scheme, insignia, and any other distinguishing characteristics of the applicant's vehicles.
 - (9) The permit history of the applicant for the three-year period immediately preceding the date of the filing of the application, including whether such applicant, in previously operating in this city, has ever had any similar license or permit revoked or suspended or has been convicted of a violation of this chapter and, if so, the circumstances of such suspension, revocation or conviction;
 - (10) Written proof in a form satisfactory to the city attorney or risk manager that the applicant is insured under the policy of insurance required for such business pursuant to section 10-371 of this chapter;
 - (11) Such other identification and/or information as the city treasurer or chief of police or his or her designee may require in order to discover the truth of the matters required to be set forth in the application.
- (b) When any charge occurs regarding the written information required in this chapter, the applicant shall give written notification of such change to the city treasurer within 15 days after such change.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-362 Display of operator's permit and business license required.

Each operator shall possess and at all times display in conspicuous view upon the left corner of the front windshield of each such commercial vending vehicle a City of Costa Mesa business license, issued pursuant to Title 9 of this Code, and an operator's permit issued pursuant to this chapter.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-363 Issuance of permit.

The city treasurer shall grant the operator's permit within 10 days after receiving the completed application only if he or she finds that all of the following requirements have been met:

- (a) The required fees have been paid;
- (b) The application conforms in all respects to the provisions of this chapter;
- (c) The applicant has not made a material misrepresentation of fact in the application;
- (d) The applicant has not had a similar permit denied or revoked by the city within one year prior to the date of such application; and
- (e) The applicant does not have any outstanding debt owing to the city and has obtained a valid city business license.
- (f) Where applicable, the applicant has obtained a valid Orange County Health Department permit as required for food handlers pursuant to Title 8 of this Code and California Health and Safety Code.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-364 Denial of permit.

- (a) If the city treasurer finds that not all of the requirements set forth in section 10-363 as applicable have been met, he or she shall deny the application for the operator's permit. In the event the application for the permit is denied by the city treasurer, written notice of such denial shall be given to the applicant specifying the ground(s) of such denial. Notice of denial of the application for the permit shall be deemed to have been served on the date it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at his or her residence address as set forth in the application or permit.
- (b) Any applicant whose application for a operator's permit has been denied by the city treasurer may appeal such denial to the planning commission by filing a written notice of appeal with the city treasurer within seven days following the date of service of the decision and payment of the appeal fee prescribed by resolution of the city council. The date of filing of said notice of appeal shall be the date said notice and appeal fee are received by the city treasurer.
- (c) No person or entity whose permit is finally denied shall be eligible to apply for a new permit for a period of one year following such denial.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-365 Revocation of permit.

- (a) Any operator's permit may be revoked by the city treasurer for good cause shown including but not necessarily limited to any of the following reasons:
 - (1) Falsification of any information supplied by the permittee upon which issuance of the permit was based.
 - (2) Failure of the permittee or any employees or subcontractors of the permittee to comply with the regulations set forth in this chapter.
 - (3) Conviction of a violation, or plea of guilty or nolo contendere, by the permittee, or any employee, subcontractor or independent contractor of the permittee, of any state law or municipal ordinance while in the course of conducting vending operations from a vehicle pursuant to the permit.
 - (4) Conviction of a violation, or a plea of guilty or nolo contendere, by the permittee of any applicable provision or requirement of this chapter.
- (b) No revocation shall become effective until expiration of the appeal period. Notification of the permit holder shall be made either by personal delivery or by certified or registered mail, return receipt requested, addressed to the permit holder at such permit holder's residence address as set forth on the application for a permit. Service shall be deemed made on the permit holder on the date personally delivered or on the date of mailing. A permit holder may appeal such revocation to the planning commission by filing a written notice of appeal with the city treasurer within seven days following the date of service of such decision and payment of the appeal fee as prescribed by resolution of the city council. The date of filing of said notice of appeal shall be the date said notice and appeal fee are received by the city treasurer. If a timely appeal is filed, the revocation shall be stayed pending the decision of the planning commission. Otherwise, the suspension or revocation shall become effective immediately upon expiration of said appeal period; and
- (c) No person or entity whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-366 Appeals.

Upon receipt of a timely appeal by the planning commission, or its secretary, the commission shall hear such appeal within 30 days following the date of such appeal and shall give the appellant not fewer than five days' advance notice of the date of such hearing. The decision of the planning commission shall be based upon the same criteria as set forth in this chapter which are applicable to the issuance or revocation of such permit. The appellant shall be notified of the decision of the planning commission by mailed, written notice. The decision of the planning commission shall be final and subject to California Code of Civil Procedure section 1094.6. No revocation of a permit pursuant to this chapter shall be deemed effective during the pendency of a timely filed appeal until the date of mailing of the planning commission decision; provided, however, that no permit holder shall operate during any period of time in which the insurance coverage required by this chapter is not in full force and effect.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-367 Enforcement.

The director of development services, director of finance and the chief of police have the authority to enforce the provisions of this chapter. In addition to other remedies, vehicles found in violation of this chapter may be cited and removed in accordance with section 10-69.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-368 Temporary special events permit.

A person wishing to conduct a vending business at any special event shall apply to the city for a temporary vending permit. Application for such a permit must be made at least 30 days prior to the beginning of the event. Applicants must meet the same application requirements as other operators of commercial vending vehicles. The permit is valid only for the duration of the special event. A person granted a temporary permit is subject to the same operating regulations as other operators, except where otherwise specified.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-369 Trash receptacles and removal.

- (a) All commercial vending vehicles shall be equipped with refuse receptacles large enough to contain all refuse generated by the operation of such vehicle consistent with California Health and Safety Code; and
- (b) The operator of the commercial vending vehicle shall pick up all refuse generated by such operation within a fifty-foot radius of the vehicle before such vehicle is moved. All refuse shall be disposed of at an approved solid waste facility.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-370 Hours of operation.

- (a) No vehicle or stand used for vending shall remain on public property during non-operating hours. Overnight parking of commercial vending vehicles on a public street or alley is prohibited as set forth in section 10-186; and
- (b) No vending shall be permitted by any operator or conducted by any vendor on a residential street except between the hours of 9:00 a.m. and 5:00 p.m.

(Ord. No. 97-12, § 3, 5-5-97; Ord. No. 01-25, § 1, 10-01-01)

§ 10-371 Insurance provisions.

All operations conducting business pursuant to this chapter shall have liability insurance covering the vehicle

in accordance with the laws of the State of California.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-372 Required stickers, signs and lettering.

- (a) There shall be displayed in a conspicuous place on both the right and left side of the commercial vending vehicle permanently affixed lettering showing the name of the company or operator of the commercial vending vehicle and the business address and telephone number thereof. The lettering for the name of the company or the operator of the commercial vending vehicle shall not be less than four inches in height, shall be in contrast to the color of the background upon which they are placed, and shall have strokes at least three-eighths (3/8) inches wide. The lettering for the operator's business address and telephone number (as listed on the permit) shall not be less than one inch high;
- (b) No other lettering, numbering, price lists, signs or insignia shall be displayed on the right or left side of the commercial vending vehicle so as to interfere with the visibility of the lettering required in subsection (a); and
- (c) Each commercial vending vehicle shall also possess and display a valid Orange County Health inspection sticker affixed to the lower portion of the windshield if the operator is causing the sale of or offering for sale any produce or other food item for which a food handling permit or other health permit is required.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-373 Sound-making devices.

No bell, horn, music or other amplified or non-amplified sound-making device may be used to advertise, draw attention to, or announce the presence of any commercial vending vehicle. This section shall not prohibit use of vehicle horns required by the California Vehicle Code, provided that use of such horns shall be limited to the purposes specified in said code.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-374 Prohibited conduct.

- (a) No person shall vend from a commercial vending vehicle which is stopped, parked or standing on any public street, alley or highway in any of the following situations:
 1. Within 500 feet of any active public school property, park, playground or recreational facility;
 2. Within 300 feet of any other commercial vending vehicle which is engaged in the operation of vending;
 3. Within 100 feet of an intersection, including public alleys;
 4. When the posted speed limit on the public street, alley or highway is greater than 35 miles per hour;
 5. When the commercial vending vehicle is parked in violation of any other provision of this Code or the California Vehicle Code;
 6. When the commercial vending vehicle is not duly registered and licensed by the State of California or exceeds an unladen weight of 6,000 pounds;
 7. When any part of the commercial vending vehicle is open to prospective customers other than on the side of the vehicle next to the right side of the street or highway;
 8. When the commercial vending vehicle is not legally stopped, parked or standing on the right side of the

street or highway;

9. When the prospective customer is standing or sitting in another vehicle.
 10. When the prospective customer is located in that portion of the street, alley or highway which is open to vehicular traffic; and
 11. When the commercial vending vehicle is on or within any parkway, alley, sidewalk, driveway, a no “parking” area as defined by this Code or other public property that is not a street or highway.
- (b) Restocking of a commercial vending vehicle is prohibited on a public street or alley as set forth in this title;
 - (c) No commercial vending vehicle shall attach or receive any utilities from private or public property;
 - (d) Operators of commercial vending vehicles shall not conduct the business of vending in any location for a period in excess of 10 minutes and said vehicle must be moved a distance of not less than 100 feet between each successive location at which vending occurs;
 - (e) No additional lighting other than that required by the California Vehicle Code and Health and Safety Code may be installed or operated on a commercial vending vehicle; and
 - (f) All commercial vending vehicles are prohibited from operating on private property except, with the permission of the property owner or his or her agent, commercial vending vehicles shall be permitted to provide meals/snacks for employees at private property locations (such as construction sites) for a period of 30 minutes or less (such as construction sites).

§ 10-375 Applicability of regulations to existing businesses.

The provisions of this chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this chapter into law. All such persons and businesses shall have 30 days from said effective date to file a completed application for an operator’s permit with the city.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-376 Conducting as a nuisance.

Any commercial vending vehicle operated contrary to the provisions of this chapter shall be hereby declared to be unlawful and a public nuisance and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner provided in this Code, and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating a commercial vending vehicle contrary to the provisions of this chapter.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-377 Penalty for violation.

Every violation of the provisions of this chapter shall be deemed to be a misdemeanor punishable pursuant to section 1-33 of this Code. Each and every day of any violation of any provisions of this chapter shall constitute a separate and distinct offense.

(Ord. No. 97-12, § 3, 5-5-97)

§ 10-378 Exemptions.

The requirements of this chapter shall not apply to:

- (a) Any person delivering any goods or merchandise by vehicle where such goods or merchandise have been ordered in advance for such delivery from any business located at a permanent location regardless of the point of sale thereof; and
- (b) Any person engaged in the vending of goods or merchandise on public property where such persons have been authorized by the city to engage in such activity by a permit, lease, real property license, agreement, or other entitlements issued by the city for such purpose.

(Ord. No. 97-12, § 3, 5-5-97)