




# POLICY AND PROCEDURE

SCANNED

<b>Subject:</b> Parking Enforcement	<b>Index:</b> Police Services <b>Number:</b> 401-1
<b>Effective Date:</b> May 17, 2000	<b>Prepared By:</b> Police Services
<b>Supersedes:</b> 401-1 Dated July 2, 1997	<b>Approved By:</b> 

## 1.0 PURPOSE:

To establish and clarify a policy to be followed by San Clemente Police Services for dealing with parking enforcement issues related to short driveways located within the City of San Clemente.

## 2.0 ORGANIZATIONS AFFECTED:

San Clemente Police Services / Orange County Sheriff's Department

## 3.0 REFERENCES:

Municipal Ordinance 1115, Parking on public right of way, California Vehicle Code Sections 22500 (f) Parking on a Sidewalk, 22502 (a) Parking more than 18 inches from the curb, and 22651 (b) Obstructing normal movement of traffic on the highway.

## 4.0 POLICY:

- 4.1 It shall be the policy of San Clemente Police Services to proactively enforce parking violations related to SCMC 1115, CVC 22500, 22502 and 22651 throughout the City of San Clemente.
- 4.2 It shall be the policy of San Clemente Police Services to issue citations for vehicles that park on or block any improved "continuous" sidewalk.
  - 4.2.1 On those streets where no "continuous" sidewalk exists and the vehicle extends into the street it will be the policy of San Clemente Police Services to issue citations under the following circumstances. If the vehicle extends into the street farther than the width of a vehicle legally parked parallel on the same street or the wheels extend into the street by 18" or more, then a citation will be issued for obstruction of traffic.
  - 4.2.2 In those situations where no parking is allowed on a street and a vehicle extends beyond the curb line for any distance, the vehicle will be cited for obstructing the roadway.

4.2.3 Vehicles will be cited anytime they obstruct a street sweeper in areas where parking is prohibited during street sweeping. During the restricted time periods for street sweeping, no vehicle may extend out onto the street for any distance and will be cited for interfering with street sweeping.

**5.0 DEFINITIONS:**

5.1 "Park or parking" shall mean the standing of a vehicle, whether occupied or not, and regardless of whether the engine is running or not. Vehicles temporarily parked and actually engaged in the loading or unloading of merchandise or passengers for a period of five minutes or less will not be considered parked for purposes of this policy.

5.2 "Continuous sidewalk" is defined as a sidewalk that runs unobstructed for the length of an entire block, allowing pedestrians to walk on the sidewalk for the entire length of the street. The existence of small passable impediments such as mailboxes, fire hydrants or poles where a pedestrian could be required to step into the roadway for a very short distance (one or two steps) and then back onto the sidewalk, will not render a sidewalk as "non-continuous". A minimal amount of landscaping at the beginning or end of a block will also not be used to render the sidewalk as "non-continuous". The final determination of whether a sidewalk is "continuous" or "non-continuous" will be whether a reasonable person would walk around these impediments and then return to the sidewalk, or do the impediments create such a obstruction to using the sidewalk that a reasonable person would simply walk in the roadway rather back onto the sidewalk.

5.3 For the purposes of this policy, an improved walkway is defined as that portion of the highway, other than the roadway, set apart by curbs, markings or other delineation, that is continuous, improved with asphalt, concrete, markings or other delineation to accommodate pedestrian travel.

**6.0 PROCEDURE:**

6.1 Parking enforcement is the primary responsibility of the Community Service Officers. However, all members of San Clemente Police Services, as time and resources allow, will enforce parking violations. Parking violations will be enforced through proactive observation by enforcement personnel, or as a response to a call for service. As always, officer discretion will be applied to accomplish the City of San Clemente's public safety goals, exercising good judgment and appropriate utilization of Police Services Resources.

6.2 A street survey was completed to identify those streets with "continuous sidewalks". The survey provides a list of those streets that have and do not have a "continuous sidewalks" for parking enforcement purposes. The street survey will be maintained by Police Services. Current copies of the street survey will be available to the public and copies can be obtained from the City Clerks office.

**6.3** Any changes or disputes related to whether a street has or does not have a “continuous sidewalk” shall be forwarded to the San Clemente Police Services Traffic Sergeant. The Traffic Sergeant shall personally examine the street and make a determination on whether the street has a “continuous or non-continuous” sidewalk. The Police Services Chief will review and finalize this decision. If there is an appeal to the findings made by Police Services, the issue will be forwarded to the City Manager for review.