

## TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CHIEF OF POLICE

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**Portions of this document are deemed by the San Diego Police Department to be exempt from public disclosure because the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure, pursuant to California Government Code section 7922.000.**

### **NEIGHBORHOOD PARKING PROTECTION ORDINANCE (NPPO)**

**This Training Bulletin supersedes Training Bulletins 22-16 and 16-05.**

#### **I. PURPOSE**

To provide direction and clarification for officers enforcing the Neighborhood Parking Protection Ordinance (sometimes referred to as the Oversized Vehicle Ordinance or OVO), as codified in sections 86.0139(a) and 86.0139(b) of the San Diego Municipal Code (SDMC).

#### **II. BACKGROUND**

The Neighborhood Parking Protection Ordinance (NPPO) creates safer streets and neighborhoods through minimizing the negative effects created by recreational vehicles, non-motorized vehicles, and oversized vehicles parking on public streets. Specifically, Municipal Code section 86.0139(a) prohibits oversized vehicles, non-motorized vehicles, and recreational vehicles from parking on public streets and parking lots in parks between the hours of 2:00 a.m. and 6:00 a.m. Section 86.0139(b) prohibits parking any such vehicle within fifty (50) feet of an intersection at any time. A violation of the NPPO is a parking violation.

#### **III. DEFINITIONS**

The following definitions apply to the NPPO:

- A. Non-motorized vehicle means any trailer or trailer bus, as defined in Vehicle Code sections 630 and 636. SDMC § 81.0102

- B. Oversized vehicle means any vehicle, including any attached trailers, vehicles or loads thereon, that exceeds 27 feet in length **and** 7 feet in height. SDMC § 81.0102 (emphasis added)
- C. Parking lot means those parking lots contained within public parks. SDMC § 81.0102
- D. Park road means a right-of-way within a public park that is not a publicly dedicated street. SDMC § 81.0102
- E. Public park means any property designated, dedicated or developed by or on behalf of the City of San Diego for park or open space use. SDMC § 56.54
- F. Recreational vehicle means:
  - 1. Any camp trailer, camper, trailer coach, or house car, as defined in Vehicle Code sections 242, 243, 635 or California Health and Safety Code section 18010; or,
  - 2. any boat, dune buggy, all-terrain vehicle (“ATV”) or other motorized or towed vehicle designed, maintained, or used primarily for recreational purposes. SDMC § 81.0102

#### IV. **THE ORDINANCE**

The NPPO restricts where certain types of vehicles can park. SDMC section 86.0139 states:

- (a) It is unlawful for any person to park or leave standing upon any public street, park road or parking lot, any oversized vehicle, non-motorized vehicle, or recreational vehicle between the hours of **2:00 a.m. and 6:00 a.m.**
- (b) It is unlawful for any person to park or leave standing within 50 feet of any intersection of public streets, a public street and park road, a public street and alley or a park road and alley, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street or alley, any oversized vehicle, non-motorized vehicle, or recreational vehicle **at any time.**

#### V. **GUIDELINES FOR ENFORCING THE ORDINANCE**

- A. Overnight enforcement of SDMC section 86.0139(a) (parking between 2:00 – 6:00 a.m.) shall be conducted within the following guidelines.
  - 1. *Bloom v. City of San Diego* Settlement

On October 10, 2024, the United States District Court approved a settlement in *Bloom v. City of San Diego*, a class action lawsuit challenging the NPPO (OVO). The settlement applies to all class members, defined as “[a]ll persons in the City of San Diego who used, use, or will use an RV or other vehicle as their only form of shelter, anywhere, at any time after November 15, 2017,” and will be in effect for three years. The following guidelines apply to NPPO (OVO) enforcement against class members during the term of the settlement.

2. **Only Neighborhood Policing Division (NPD) officers, Parking Enforcement Officers (PEO’s) or officers from patrol commands who have received specific training regarding OVO enforcement and are working under the direction of a NPD supervisor shall issue citations or conduct enforcement as related to overnight violations of OVO.**
3. **When officers are conducting enforcement for OVO related parking violations, they shall not investigate suspected violations of the Vehicle Habitation Ordinance. Enforcement of these two ordinances shall be conducted separately. Officers conducting parking enforcement for OVO violations where it appears a person may be using their recreational or oversized vehicle as the primary form of shelter shall make a reasonable attempt to contact and direct occupants of vehicles parked in violation of the OVO to Safe Parking sites as an option to legally park their vehicles. Enforcement of SDMC 86.0139(a) (parking between 2:00 – 6:00 a.m.) shall be conducted within the following guidelines:**
  - a) Prior to issuing a parking citation for SDMC 86.0139(a) officers shall determine whether a space is available within the City’s Safe Parking Program. Between the hours of 0700-1600, officers shall call the JFS intake number at H Barracks at (Redacted – record exempt). Between the hours of 1730-2230, officers shall call the officer only line for the City’s Safe Parking Program at (Redacted – record exempt) and confirm the availability of a parking space for the type of vehicle in question, and within a reasonable proximity, prior to conducting enforcement for overnight violations of the OVO. Past 2230 hours, this number will have an outgoing message of the number of available spaces for SDPD personnel to refer persons into the program. If no Safe Parking space is available, no enforcement action shall be taken.
  - b) If a Safe Parking space is available and the vehicle occupant accepts the space, no enforcement shall occur. The vehicle occupant shall be given a reasonable opportunity to relocate to the Safe Parking location. Persons contacted for OVO violations who

agree to move their vehicles to a safe parking site shall not be cited under these circumstances.

- c) If a Safe Parking space is available and the vehicle occupant refuses to accept the space, enforcement action may be taken.
  - d) If a Safe Parking space is available and an officer is unable to contact the occupant of a vehicle which is parked in violation of the OVO, an officer may take enforcement action by issuing a parking citation to the vehicle.
  - e) When issuing a parking citation to a vehicle in violation of the OVO, officers should also leave a flyer or information on how to access the City's Safe Parking Program.
- 4. Officers shall use the template to document the circumstances around the parking violation(s) when issuing a citation for 86.0139(a) when it appears a person may be using the vehicle as a form of shelter. The template will include documentation that safe parking options were available, any attempt to contact the owner/occupant and if that attempt was successful, if safe parking was rejected, and any accompanying observations or evidence the oversized vehicle was or was not a potential class member. The template is located in the (Redacted – record exempt)
  - 5. The template or the offering of a safe parking option is **not** required when an officer issues a citation to a vehicle in violation of the OVO where there is no evidence it is being used for habitation (e.g. boat or truck trailers). Notes in the remarks section of the parking ticket face documenting the officers' observations is sufficient.
  - 6. Officers who issue a citation for OVO violations shall forward a copy of the citation and the template which documents their observations supporting the parking citation to NPD, as outlined in Section VIII below.
  - 7. If vehicle has received in excess of 5 parking violations for a violation of OVO 86.0139(a), NPD officers should notify a member of the Homeless Outreach Team (HOT) so a reasonable effort can be made to contact the individual(s) during daytime hours to connect them with outreach services and/or direct them to the City's Safe Parking Program.
- B. SDMC 86.0139(b) (parking within 50 feet of an intersection) may be enforced as needed by any officer and is not restricted by the *Bloom* settlement.

## **VI. TEMPORARY OVERNIGHT RECREATIONAL VEHICLE PERMITS (TORVP)**

- A. Through a permitting process, City of San Diego residents may obtain a Temporary Overnight Recreational Vehicle Permit (TORVP) online, which will allow for the overnight parking of *recreational vehicles only*, on the resident's block. SDMC § 86.0143
- B. TORVP's cannot be issued to oversized vehicles or non-motorized vehicles. If an officer contacts a recreational vehicle with a TORVP, a NPD field supervisor should be contacted prior to any enforcement for clarification. If it is confirmed a recreational vehicle has a valid TORVP or is displaying the emailed receipt for the permit, it is considered legally parked, and no enforcement action will be taken.
- C. If officers or PEO's observe or respond to a radio call where the recreational vehicle is parked within fifty (50) feet of an intersection, at any time, they may issue a citation for 86.0139(b) SDMC.
- D. Officers are encouraged to visit City of San Diego website for further details: **(Redacted – record exempt)**

## **VII. OVERSIZED AND NON-MOTORIZED VEHICLES**

If officers or PEO's observe or respond to a radio call where an oversized vehicle **or** non-motorized vehicle is parked within fifty (50) feet of an intersection, at any time, they may issue a citation for 86.0139(b) SDMC.

## **VIII. REPORTING OBLIGATIONS**

Under the *Bloom v. City of San Diego* settlement discussed in Section V, the City must provide certain records and information to Plaintiffs' counsel during the three-year term of the settlement. Accordingly, the Department must track, compile, and report records of OVO enforcement to Plaintiffs' counsel every three months during the three-year continuing jurisdiction period.

- A. NPD will be responsible for compiling and ensuring reporting compliance. Any OVO parking citations issued by officers under NPD direction but submitted at a patrol command shall be forwarded to NPD for processing promptly. The required documentation may be delivered to NPD two ways.
  - 1. Hard copies of enforcement records may be hand delivered or interofficed to MS **(Redacted – record exempt)** attention Officer **(Redacted – record exempt)** by each due date.
  - 2. Hard copies of enforcement records may be scanned and emailed to NPD Operations at **(Redacted – record exempt)**.

- B. NPD will be responsible for ensuring reporting compliance by the following deadlines:
1. December 31, 2024, March 31, 2025, June 30, 2025, September 30, 2025
  2. December 31, 2025. March 31, 2026, June 30, 2026, September 30, 2026
  3. December 31, 2026. March 31, 2027, June 30, 2027, September 30, 2027
- C. If there are any questions regarding the documentation, please contact NPD by phone (**Redacted – record exempt**) or email, (**Redacted – record exempt**).