

**ORDINANCE NO. 18-1815**

**AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING CHAPTER 2 OF ARTICLE III OF THE CARSON MUNICIPAL CODE TO ADD SECTIONS 3255 THROUGH 3255.6 (PARKING OF OVERSIZED VEHICLES) TO PART 6 (PARKING REGULATIONS) OF CHAPTER 2 (TRAFFIC REGULATIONS) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE, TO ESTABLISH PARKING RESTRICTIONS FOR OVERSIZED VEHICLES ON CITY STREETS.**

**WHEREAS**, the City Council of the City of Carson has the authority to adopt regulations to further the health, safety, and welfare pursuant to its police power, as conferred upon it by Section 7 of Article XI of the California Constitution; and

**WHEREAS**, the City Council has the authority to regulate parking of vehicles on City streets, pursuant to Section 22500 et seq. of the Vehicle Code; and

**WHEREAS**, neighboring cities, such as Long Beach and Torrance, have recently adopted oversized vehicle regulation, which has resulted in a sudden increase in parking of such vehicles in the City of Carson, and the impacts of such vehicles are becoming increasingly acute; and

**WHEREAS**, City staff has inventoried at least 377 recreational vehicles that park in the City, with 115-125 usually parked in the City at any time of the day or night; in the last 5 months, the City has red-tagged 17 recreational vehicles because they were either abandoned or had expired tags; and

**WHEREAS**, City staff has also noted that tour buses and large trailers are also being parked at various locations in the City; and

**WHEREAS**, the City has received and continues to receive many complaints regarding oversized vehicles parked in a way that causes a traffic hazard, or regarding secondary impacts such as human waste and trash being discarded in the public right-of-way; and

**WHEREAS**, the City Council finds that the parking of oversized vehicles on public streets obstructs visibility at driveways and intersections, creates safety risks for motorists and pedestrians, blocks the view of regulatory and warning signs, partially blocks and/or reduces the width of travel lanes, disrupts traffic flow, affects emergency access by fire and paramedic vehicles, creates an aesthetic problem, generates noise from generators and engines, generates odors from holding tanks, and results in fire hazards; and

**WHEREAS**, the City is currently addressing issues relating to parking of oversized vehicles as they arise, and street by street; this however only solves to move the oversized vehicles from one street to the next; a more comprehensive, City-wide solution is needed; and

**WHEREAS**, the City Council finds that in order to provide residents and visitors to the City of Carson with sufficient time to inform the residents of the City and to process all the necessary permits, this Ordinance shall not take effect until 180 days following its adoption.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 3220 (Removal of Vehicles) of Part 3 (Miscellaneous) of Chapter 2 (Traffic Regulations) of Article III (Public Safety) of the Carson Municipal Code is amended as follows:

“The traffic enforcement agency shall remove to a safe place every vehicle which has been parked or left standing upon a public street or alley for seventy-two (72) or more consecutive hours without being moved under its own motive power more than one (1) block. Vehicles displaying a current and valid oversized vehicle parking permit are exempt from this limitation, but shall not be exempt from street cleaning parking prohibitions or other violations, including but not limited to, parking in red zones, preferential zones, or in front of fire hydrant.”

**Section 2.** Sections 3255 thorough 3255.6 (Parking of Oversized Vehicles) are added to Part 6 (Parking Regulations) of Chapter 2 (Traffic Regulations) of Article III (Public Safety) of the Carson Municipal Code as follows:

**“Section 3255 Parking of Oversized Vehicles.**

**Section 3255.1 Definitions.**

“Oversized vehicle” means any vehicle or combination of attached vehicles that exceeds 20 feet in length, 80 inches in width, or 85 inches in height (exclusive of lights, mirrors, antennas, or other legal projections), including, but not limited to, motor homes, recreational vehicles, trailers, and fifth-wheel travel trailers. An oversized vehicle does not include pickup trucks or sport utility vehicles that are fewer than 25 feet in length.

“Resident” means any individual who has a permanent, fixed place of abode within the City of Carson, any individual whose vehicle is registered in the City of Carson, or any individual registered to vote in the City of Carson.

**Section 3255.2 Parking Permit Required; Enforcement.**

(a) No person shall park or leave standing any oversized vehicle on any public street, highway, alley, or other public way or public place in the City of Carson, unless such oversized vehicle has a valid oversized vehicle parking permit prominently displayed in accordance with this chapter. Vehicles displaying a current and valid oversize vehicle parking permit shall be exempt from Section 3220.

(b) Oversized vehicle parking permits may be issued only for residential zones. Overnight parking of an oversized vehicle in any commercial or industrial area is not permitted

(c) No person shall display in a vehicle a permit that was issued for a different vehicle or display a facsimile or counterfeit permit for an oversized vehicle.

(d) This Ordinance shall be enforced effective January 1, 2019.

**Section 3255.3 Oversized Vehicle Parking Permits; Permit Placement.**

(a) Oversized Vehicle Parking Permit. An oversized vehicle parking permit may be issued by the City of Carson Administrative Services Group as follows:

(1) Resident Permit.

(A) An annual resident permit may be issued to a resident of Carson who owns or leases an oversized vehicle that is registered at an address in Carson. The purpose of the permit is to allow the oversized vehicle to be parked directly in front of the property to which the permit is issued (or on the side of the property if it is a corner lot). Oversized vehicles must park directly in front of the property for which the permit has issued. No oversized vehicle parking permit will issue for properties that can accommodate the parking of such vehicles on the property itself; prior to issuance of the permit, City will inspect the property to ensure on-site parking is not available. If available parking is being used for storage, or if available parking has been improperly converted to living space, no permit shall issue.

(B) Resident permits shall issue only to persons whose primary residence is within the City of Carson, at the address of their primary residence. No more than one permit shall issue per property and/or property owner.

(2) Guest Permit. A guest permit may be issued to a resident of Carson for an oversized vehicle that is registered at an address outside of Carson. The purpose of the permit is to allow out-of-town guests to park an oversized vehicle directly in front of the property to which the permit is issued (or on the side of the property if it is a corner lot). Each guest permit shall have a duration of one to seven calendar days and a maximum of 12 such permits can be obtained each calendar year for any particular address or vehicle. A gap of at least one day must separate any two consecutive guest permits issued to a particular address or vehicle. No guest permits shall issue for any property for which a current resident permit exists.

(b) Permit Placement. Parking permits shall be displayed in the lower driver's side of the windshield of the vehicle for which the permit has been issued so that it is clearly visible from the exterior of the vehicle. Failure to properly display the permit is not a correctable violation and may subject the vehicle to citation and/or towing.

(c) Permit Validity. Immediately upon establishment of residency outside the City of Carson, the permit shall automatically expire and shall no longer be valid.

(d) No oversized vehicles may be parked within 500 feet of any daycare or school, or within any park where children regularly gather. Any permit issued in violation of this restriction is invalid.

(e) Oversized vehicles parked pursuant to a parking permit must be kept clean and in good condition. Parking permits shall not confer authority to encroach on sidewalks, parkways, or driveways.

**Section 3255.4 Permit Application; Permit Renewal; Permit Fee.**

(a) Permit applications shall be filed with the City Manager's Office on a form provided by the City, accompanied by a permit fee established by City Council resolution.

(b) The oversized vehicle parking permit applicant must be the resident owner or legal tenant of the property with which the permit application is associated.

(c) The application shall include the following information:

(1) Applicant's name, mailing address, telephone number, and email address.

(2) Name, address, telephone number, email address of the owner of the vehicle, and address where the vehicle is registered, if different.

(3) Year, make, and model of the vehicle, license plate number, and vehicle identification number.

(4) A statement that no other active oversize vehicle parking permits exist for this vehicle or this property.

(5) Proof that the vehicle is operable and has a current registration.

(d) The City Manager shall review and respond to applications within 10 days. If all the requirements of Section 3255 et seq. are met, the City Manager shall issue a permit, subject to (e), below. If the application is incomplete, the City Manager shall request additional information. A second incomplete application shall be deemed abandoned. No response shall be deemed a denial.

(e) The City Manager may add reasonable conditions to the permit to protect the health, safety, and welfare.

(f) Renewal applications will require that the applicant submit any new or changed information in writing, and the applicant's affirmation that their primary residence is at the address to which the parking permit is issued.

(g) An oversized vehicle parking permit shall not issue under the following circumstances:

(1) parking the oversized vehicle will result in impaired traffic visibility, blocking the view of street signs from other vehicles on the road, or create any other type of hazard.

(2) A City inspection reveals that adequate parking is available on the property itself, in accordance with Section 3255.3(a)(1)(A).

(3) The vehicle would be parked within 500 feet of a daycare or school, or within any park where children regularly gather.

(h) Oversized vehicle permit applications are subject to a permit fee, as may be established by City Council resolution.

**Section 3255.5 Permit Revocation.**

(a) The City Manager may revoke an oversized vehicle permit on the following grounds:

(1) The permit applicant is no longer a City resident.

(2) The permit applicant made a material misrepresentation on a permit application.

(3) The oversized vehicle to which the permit relates has been parked in violation of the provisions of this ordinance three or more times within a 90-day period.

(4) The oversized vehicle has created a public nuisance because of noise, accumulation of trash and debris, improper disposal of human refuse, odor, damage or destruction of property or landscaping, encroachment on public or private property, or leaking of fuel or fluids.

(5) The oversized vehicle impairs traffic visibility, blocks a street sign or hydrant, or otherwise creates a safety hazard.

(6) The oversized vehicle is being parked within 500 feet of a daycare or school, or within any park where children regularly gather.

(7) A City inspection reveals that adequate parking is available on the property itself, in accordance with Section 3255.3(a)(1)(A).

(8) The vehicle is creating a disturbance, nuisance, or any condition that is a threat to the public health, safety, and welfare, as determined by the City Manager or the Chief of Police.

(b) Revocation Procedure.

(1) The City Manager shall issue a permit revocation notice, which shall be placed on the oversized vehicle and sent by U.S. first class mail to the permittee's mailing address as provided on the permit application. The permit revocation notices shall provide the specific articulable facts in support of the revocation, and shall state that the permit holder may appeal the revocation, in writing, within 15 days of the date of the revocation notice.

(2) Failure to request an appeal within 15 days shall result in the immediate revocation of the permit.

(3) If the permittee appeals the revocation, the City Manager shall schedule an appeal hearing within 15 days of receipt of the appeal. The hearing may be continued once upon a showing of good cause.

(4) The hearing officer will provide a decision in writing within 5 days of the hearing, which will articulate the hearing officer's findings of fact and conclusions of law. The hearing officer's decision is final and may be challenged pursuant to Sections 1094.5 and 1094.6 of the Code of Civil Procedure.

(5) In the event a permit is revoked, the oversized vehicle will be subject to the City's already existing parking restrictions.

### **3255.6 Exceptions.**

(a) The provisions of this chapter shall not apply to any of the following:

(1) Commercial vehicles making pickups or delivery of goods, wares, or merchandise, or while providing services to a residence, including, but not limited to, yard maintenance, pool care and maintenance, repairs, and construction services.

(2) Tow trucks and similar vehicles that are in the course of providing services.

(3) Public or utility vehicles that are in the course of providing services.

(4) Any emergency vehicle.

(5) An oversized vehicle that is actively being used for the immediate loading or unloading of materials or passengers or is otherwise legally parked while the occupants patronize a nearby business (for a maximum duration of two hours).

(b) Any oversized vehicle with a valid permit shall be subject to all other applicable traffic and parking laws and regulations, including, but not limited to, street sweeping restrictions, posted time limits, and painted curb restrictions.

### **Section 3255.7 Violations.**

(a) No person shall run electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from a residential or commercial property to an oversized vehicle parked on a public street or highway. Any such violation shall be deemed an infraction.

(b) Any person who parks or leaves standing an oversized vehicle on a public street or highway in violation of any of the provisions of this chapter is guilty of an infraction and will be subject to citation, towing, or both.

(c) Any person who knowingly creates or displays a fraudulent, forged, altered, or counterfeit oversized vehicle parking permit is guilty of a misdemeanor.

(d) Any violation of the provisions of this chapter is deemed a public nuisance.

(e) Violations of any provision of this chapter may be punished in accordance with Sections 1200, 1201, and Section 1203 et seq. of the Carson Municipal Code, as well as any applicable state laws.”

**Section 3.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**Section 4.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and published in the manner required by law.

**Section 5.** This ordinance shall be effective January 1, 2019 ~~thirty (30) days~~ following its adoption.

**PASSED, APPROVED and ADOPTED** this            day of            , 2018.

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Mayor Albert Robles

ATTEST:

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City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

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Sunny K Soltani, City Attorney