

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 3255.7 (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.

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.

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.

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 recent months, the City has red-tagged 17 recreational vehicles because they were either abandoned or had expired tags.

WHEREAS, City staff has also noted that tour buses, boats, truck tractors, and other oversized vehicles are also being parked at various locations in the City.

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.

WHEREAS, the City Council finds that the parking of oversized vehicles on public streets obstructs visibility from driveways and at intersections, 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 thus creates safety risks for motorists, bicyclists, and pedestrians.

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.

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 60 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:

“(a) 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.

(b) Vehicles displaying a current and valid Resident or Accessibility Oversized Vehicle Parking Permit are exempt from this limitation, but shall not be exempt all other parking prohibitions and limitations, including but not limited to, street cleaning, red zones, preferential parking, and fire hydrants.”

Section 2. Sections 3255 thorough 3255.7 (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, boats, truck tractors, decommissioned mail trucks, 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.

“Inoperable” means any vehicle: (a) lacking a current and valid vehicle registration; or (b) in such a condition that it cannot self-propel on City streets. Inoperable vehicles include, but are not limited to, vehicles that have planned nonoperation tags, and vehicles that are on cinder blocks or have flat tires.

Section 3255.2 Oversized Vehicle Parking Prohibited; Enforcement.

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, except as provided for in this chapter.

Section 3255.3 Exceptions.

The prohibition contained in Section 3255.2 shall not apply to any of the following:

(a) An oversized vehicle displaying a valid and current Oversized Vehicle Parking Permit issue pursuant to Section 3255.4, for the duration of the Permit.

(b) 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.

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

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

(e) Any emergency vehicle.

Section 3255.4 Oversized Vehicle Parking Permits.

(a) Oversized Vehicle Parking Permits may only be issued for addresses in Residential Zones.

(b) Resident Oversized Vehicle Parking Permit.

(1) An annual Resident Oversized Parking Permit may be issued to a resident of Carson who owns or leases an operable oversized vehicle that is registered at his or her residence. The purpose of the Permit is to allow the oversized vehicle to be parked directly in front of the permittee's residence. Oversized vehicles must park directly in front of the property for which the Permit has issued (or on the side of the property if it is a corner lot).

(2) No Resident 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.

(3) 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.

(c) Accessibility Oversized Vehicle Parking Permit.

(1) Accessibility Permits are available to residents under the following conditions:

(A) The applicant must be entitled to receive a handicapped placard or license plate pursuant to the provisions of the California Vehicle Code;

(B) The oversized vehicle is the only vehicle owned by the resident and is required to meet the daily transportation needs of the resident.

(2) Accessibility Permits shall not be subject to permit fees.

(3) An oversized vehicle with a current and valid Accessibility Permit shall not be subject to the restrictions of Section 3255.5(a) relating to schools and parks.

(d) Guest Oversized Vehicle Parking 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 Guest 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 24 hours and a maximum of 20 such Permits can be obtained each calendar year for any particular address. No Guest Permits shall issue for any property for which a current annual Oversized Vehicle Parking Permit exists.

(e) Permit Placement. Oversized Vehicle 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.

(f) Permit Parking Limitations.

- (A) Except for any oversized vehicle with a current and valid Accessibility Permit, oversized vehicles shall not be parked within 750 feet of any daycare or school, or within 750 feet of any park where children regularly gather.
- (B) 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.
- (C) Oversized vehicles shall not create a public nuisance because of noise, accumulation of trash and debris, improper disposal of human refuse, odor, damage or destruction of property or landscaping, or leaking of fuel or fluids.
- (D) No person shall run electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to an oversized vehicle parked on a public street or highway.
- (E) Oversized vehicles shall not impair traffic visibility, block a street sign or hydrant, or otherwise create a safety hazard.
- (F) Oversized vehicles shall not create 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.
- (G) Oversized vehicles must be operable and must be kept clean and in good condition.
- (H) Oversized vehicles shall not encroach on any private or public property, including but not limited to, sidewalks, parkways, or driveways.

Section 3255.5 Permit Application; Permit Renewal; Permit Fee.

(a) Permit applications shall be filed with the City Manager (which shall include his/her designee) on a form provided by the City, accompanied by a permit fee established by City Council resolution.

(b) The 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 oversized vehicle is operable and has a current registration.

(6) For an Accessibility Permit, proof of handicap status and an affirmation that the applicant meets the requirements of Section 3255.4(c).

(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 an Oversized Vehicle Parking Permit, subject to subdivision (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 Permit is issued.

(g) Oversized Vehicle Parking Permit applications are subject to a permit fee, as may be established by City Council resolution.

Section 3255.6 Permit Denial or Revocation.

(a) The City Manager may deny or revoke an Oversized Vehicle Parking Permit based on any one or more of the following grounds:

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

(2) The Permit applicant made a material misrepresentation on his or her 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, or leaking of fuel or fluids.

(5) The Permit holder, or any other person, has 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.

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

(7) Except for Accessibility Permits, the oversized vehicle is being parked within 750 feet of a daycare or school, or within 750 feet of any park where children regularly gather.

(8) A City inspection reveals that adequate parking is available on the property itself, as articulated in Section 3255.4(b)(2).

(9) 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.

(10) The oversized vehicle is inoperable or is not kept clean and in good condition.

(11) The oversized vehicle encroaches, or would encroach, on any private or public property, including but not limited to sidewalks, parkways, or driveways.

(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.

(c) Application For a New Permit After Revocation or Denial.

In the event a Permit is denied or revoked, no new application can be made for the same property and/or the same vehicle for a minimum of 90 days.

Section 3255.7 Violations.

(a) Any person who parks or leaves standing an oversized vehicle on a public street or highway in violation of any of the provisions of Section 3255 et seq. is guilty of an infraction and will be subject to citation, towing, or both.

(b) Any person who knowingly creates or displays a fraudulent, forged, altered, or counterfeit Oversized Vehicle Parking Permit is guilty of a misdemeanor.

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

(d) Each day that a violation continues shall be a new and separate offense.

(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 remedy at equity or at law available to the City."

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 ninety (90) days following its adoption.

PASSED, APPROVED and ADOPTED this day of , 2018.

Mayor Albert Robles

ATTEST:

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

Sunny K Soltani, City Attorney