



PLANNING COMMISSION

AGENDA REPORT

VIII. 2

MEETING DATE: SEPTEMBER 12, 2011

ITEM NUMBER:

SUBJECT: COMMERCIAL VEHICLE PARKING ON PUBLIC STREETS

DATE: SEPTEMBER 1, 2011

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, AICP
(714) 754-5278 (CFLYNN@CI.COSTA-MESA.CA.US)

DESCRIPTION

Pursuant to the request of Chair McCarthy, this item relates to concerns with commercial vehicle parking in public streets (Title 10, Chapter X, Section 10-185 of the Municipal Code.)

RECOMMENDATION

Provide direction.

ANALYSIS

Although the Planning Commission's purview is limited to Title 13 (Zoning Code) and Title 20 (Property Maintenance), Commission may raise issues which will then be addressed by the appropriate City staff, as applicable.

In this case, Title 10, Motor Vehicles and Traffic, is enforced by the Police Department. The issue is related to the definition and enforcement of commercial vehicle parking in public streets.

"Commercial vehicle" shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-four (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 ten thousand (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.

If there are any recommended changes to Title 10 of the Municipal Code, the Code amendment would be considered by the City Council.



CLAIRE FLYNN, AICP.
Act. Asst. Dev. Svcs. Director

cc: Deputy City Attorney
Public Services Director
City Engineer
Transportation Svcs. Manager
Fire Protection Analyst
Staff (4)
File

**ATTACHMENT 1
EXCERPT OF TITLE 10**

Sec. 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.

(1)

"Chief of police" means the Chief of Police of the City of Costa Mesa, or his designee.

(2)

"Commercial vehicle" shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-four (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 ten thousand (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.

(3)

"Large motor vehicle" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than twenty-two (22) feet in length or is both more than eighty-four (84) inches in width and more than eight-four (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.

(4)

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

(5)

"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.

(6)

"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 seventy-two (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 forty-eight (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 twenty-four (24) consecutive hours, but no more than a total of seventy-two (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 forty-eight (48) or seventy-two (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 forty-eight (48) hours.

(e)

No person who owns or has possession, custody or control of any vehicle or nonmotorized vehicle which is six (6) feet or more in height (including any load thereon) shall park or leave standing any such vehicle on a street or highway within forty-five (45) feet of any intersection.

(f)

No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturers gross vehicle weight of ten thousand (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 manufacturers gross vehicle weight of ten thousand (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 manufacturers gross vehicle weight of ten thousand (10,000) pounds, shall park or leave standing any such commercial vehicle for more than three (3) hours on any public street, highway, roadway, alley or thoroughfare, except:

(1)

For such reasonable time in excess of three (3) 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 (3) 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 (3) 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)

~~Editor's note~~

Ord. No. 02-15, §§ 1, 2, adopted Aug. 5, 2002, repealed and readopted § 10-185 in its entirety. Former § 10-185 pertained to similar subject matter and derived from the Code of 1960; Ord. No. 66-35, adopted Aug. 15, 1966; Ord. No. 76-40, adopted Sept. 7, 1976; Ord. No. 80-13, adopted Aug. 18, 1980; Ord. No. 83-6, adopted March 21, 1983; Ord. No. 85-16, adopted June 3, 1985; and Ord. No. 87-27, adopted Dec. 7, 1987.