



Agenda Date: 8/13/07
Agenda Item: CC 5.3

MEMORANDUM

Date: August 3rd, 2007
To: Bryan Montgomery ~~City Manager~~
From: Chris Thorsen-Chief of Police
Subject: Oversized Vehicle Ordinance Introduction

Approved and Forwarded to
City Council

Bryan Montgomery, City Manager

Summary

Currently the City of Oakley has local ordinances prohibiting the parking of oversized vehicles and/or trailers on public streets Muni Code # 6.1.402 thru 6.1.412 address this issue (copies attached). This section has been in existence since the adoption of the original municipal code in early 2004. Enforcement of the section did not begin until the 4th quarter of 2006. Clearly the spirit of this ordinance was to prevent the storage of these oversized vehicles on the public right of way.

In February, the Oakley City Council held a work session regarding this issue and received input from the community. At the conclusion, staff was directed to continue enforcing the ordinance and report back with effects and reaction at a future meeting.

In June, the City Council held an additional work session. At the meeting, some minor changes to the code were suggested by members of the council and citizens. At the June meeting, it appeared we reached some consensus on the major issues in the ordinance. The major remaining issue seemed to center around the issuance of permits and how many permits residents would be allowed to obtain.

Most residents at the meeting expressed they could accomplish their goal of preparing their vehicle in the 24 hour time period. In those cases, no permit would be necessary. For those residents preparing for or returning from a longer extended trip additional time may be necessary.

During the June meeting, there was considerable discussion as to how many permits citizens could obtain. I have attached a calendar which details a citizens ability to store their

vehicle on the right of way using a permit. As you can see, issuing multiple permits on a monthly basis would virtually allow the storage of RV's and other vehicles on the public right of way. For this reason, I am suggesting the issuance of no more than two permits per month.

The second issue of considerable discussion is the ability to obtain permits via the internet and e-mail. In speaking with technical staff, I have learned this is a fairly easy process to complete. I have begun the process and am currently "working the bugs" out now. Ideally, I would like to create a direct link from the City of Oakley web site for citizens to access the process. The down side to this process is that anybody with some computer skills and the right program could easily alter any permit sent to them.

With the initial 24 hour grace period, and the limiting of the number of permits, I anticipate very few permits being issued. With the easy altering and the low number of anticipated requests in mind, I am unsure if the dedication of further staff time and resources to update the web site are warranted.

Recommendation

Adopt the modifications to the existing ordinance.

Advise on desire for web base permit issuance.

Attachments

- 1) City of Oakley Municipal Code 6.1.402 through 6.1.410.
- 2) Proposed Ordinance Modification.
- 3) Calendar

6.1.310 Exceptions.

This section does not apply to the following:

- a. A truck coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary to make a pickup or delivery of goods, wares and merchandise from or to a building or structure located on a restricted street or for the purpose of delivering material to be used in the actual and bona fide repair, alteration, remodeling or construction of a building or structure upon a restricted street for which a building permit has previously been issued;
- b. School bus and passenger bus under the jurisdiction of the Public Utilities Commission;
- c. A vehicle owned or operated by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of a public utility;
- d. A vehicle owned or operated by the City or a vehicle used for the removal of refuse under contract with the City;
- e. An authorized emergency vehicle.

6.1.312 Penalty.

A person who violates this section is punishable by a fine of not more than \$500 or imprisonment for not more than six months, or both. Each violation and each day during any portion of which this section is violated is a separate offense.

Article 4 PARKING OF OVERSIZED VEHICLES AND TRAILERS PROHIBITED.

6.1.402 Findings and Declaration of Intent.

The City Council finds that the parking of oversize vehicles and trailers and unattached trailers on public streets can, unless controlled, provide neighborhood blight and deterioration, impair visibility, constitute a nuisance, and be injurious to the health, safety and general welfare. Therefore the presence of such vehicles on public rights-of-way is prohibited except as permitted in this section and is declared to constitute a public nuisance.

6.1.404 Definitions.

As used in this section:

- a. "Loading and unloading" shall mean and include the packing of food, clothing or supplies, preparing a vehicle's refrigeration, and unpacking the vehicle after a trip.
- b. "Oversize vehicle" shall mean a vehicle or vehicle and trailer combination the dimensions of which exceed 20 feet in length or seven feet in height.
- c. "Residential area" shall mean a residential land use district as set forth in the City's Zoning Ordinance.
- d. "Trip" shall means an extended overnight use of an oversize vehicle which requires additional time to prepare the vehicle beforehand.
- e. "Unattached trailer" shall mean a trailer, as defined in Section 630 of the California Vehicle Code, which is left free standing and is not attached, connected or joined to a motor vehicle.

6.1.406 Parking, Prohibited on Residential Streets.

Except as provided in Section 6.1.408, no person may park or leave standing an oversize vehicle or unattached trailer on a street in a residential area.

6.1.408 Exceptions.

- a. The parking prohibition of Section 6.1.406 does not apply to:
- 1) An authorized emergency vehicle (as defined by California Vehicle Code Section 165).
 - 2) A resident with a permit issued by the Oakley Police Department whose oversize non-commercial vehicle or trailer is parked for a period not to exceed 48 consecutive hours in front of the permittee's residence for the purpose of loading or unloading before or after a trip.
 - 3) Any bona fide guest of a resident who has secured a permit from the Oakley Police Department. A permit not to exceed seven days will be issued if:
 - a) The guest is not a resident of the City; and
 - b) The vehicle is registered to an address not within the City.
 - 4) A person who is engaged in the loading or unloading of a noncommercial vehicle or is making emergency repairs on such a vehicle.
 - 5) A commercial oversize vehicle making pickups or deliveries of goods, wares, or merchandise or delivering building materials to a site for which a building permit has previously been obtained and posted.
- b. The exceptions listed above shall not apply to any oversize vehicle or trailer parked (1) within 25 feet from the street corner; or (2) in such a manner as to obstruct and prevent the free use of sidewalks.
- c. An oversize vehicle parked at night under this section shall be equipped with reflecting safety devices to alert oncoming vehicles to the oversize parked vehicle.
- d. An oversize vehicle or unattached vehicle parked under this section is not permitted to connect to utilities such as water, electricity or sewer.

6.1.410 Posting Signs.

Signs announcing the parking prohibition in this section shall be posted at major entry points to the City and this section applies only after such notice is posted.

6.1.412 Enforcement.

- a. Violation of this section is an infraction, punishable under Chapter 1.5 of this Code.
- b. In addition, under California Vehicle Code Section 22651, the City may remove a vehicle parked or left standing in violation of this section.

Article 5 PARKING ON CITY PROPERTY REGULATIONS.

6.1.502 Parking on City Property.

Whenever the City Manager or his/her designee shall determine that the orderly, efficient conduct of the City's business requires that parking or standing of vehicles

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AMENDING SECTIONS 6.1.406 AND 6.1.408 OF ARTICLE 4, CHAPTER 1,
TITLE 6 OF THE OAKLEY MUNICIPAL CODE, DEALING WITH OVERSIZED
VEHICLES AND TRAILERS

The City Council of the City of Oakley does ordain as follows:

Section 1. Sections 6.1.406 and 4.1.408 of Article 4, Chapter 1, Title 6 of the Oakley Municipal Code are hereby amended to read as follows:

6.1.406 Parking, Prohibited on Residential Streets

Except as provided in Section 6.1.408, no person may park or leave standing an oversize vehicle or unattached trailer on a street in a residential area.

6.1.407 Parking, Restrictions

- (a) No oversize vehicle or trailer may be parked within 25 feet from a street corner or in such a manner as to obstruct or otherwise prevent the free use of sidewalks.
- (b) An oversize vehicle parked at night under this section shall be equipped with reflecting safety devices to alert oncoming vehicles to its presence.
- (c) An oversize vehicle or unattached trailer parked pursuant to this section is not permitted to connect to sewer, nor to discharge sewage.

6.1.408 Exceptions

The parking prohibition of Section 6.1.406 does not apply to:

- a. An authorized emergency vehicle, as defined by Vehicle Code Sec. 165;
- b. A non-commercial oversize vehicle or unattached trailer parked or left standing in front of the registered owner's address for a period not to exceed 24 hours. Moving the oversize vehicle or unattached trailer from one location to another shall not extend the 24-hour period.
- c. A resident with a permit issued by the Oakley Police Department whose oversize non-commercial vehicle or trailer is parked for a period not to exceed 48 consecutive hours in front of the permittee's residence for the purpose of loading or unloading before or after a trip. Permits will be issued for a maximum of 48 hours. Permits will not be issued for consecutive 48 hour periods,

and there must be a minimum of 48 consecutive hours between the issuance of permits. No more than two parking permits will be granted in any 30-day period.

- d. Any bona fide guest of a resident who has secured a permit from the Oakley Police Department. A permit not to exceed seven days may be issued if the guest is not a resident of Oakley and the vehicle is not registered to an address within the city.
- e. A commercial oversize vehicle involved in construction activities and parked in front of a property for which there is an active building permit.

Section 2. Effective Date and Posting. In accordance with Section 36937 of the Government Code, this Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause this ordinance to be posted in at least three (3) public places in the City of Oakley in accordance with Section 36933 of the Government Code.

ADOPTED THIS _____ day of _____, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENTIONS:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Aug 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Arrive with RV from storage 10:00 am	2 Obtain Permit for 48 hours 10:00 am	3	4 Leave for Trip, 10:00 am
5	6 Return from Trip 10:00 am	7 Obtain Permit 10:00 am	8	9 Return to Storage 10:00 am	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
plus2net.com Monthly Planner						