

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
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CA	___

DATE: MAY 6, 2008

TO: THE HONORABLE MAYOR AND CITY COUNCIL

**FROM: DOUG CHOTKEVYS, CITY MANAGER
PATRICK MUNOZ, CITY ATTORNEY**

SUBJECT: STORAGE OF VEHICLES ON PUBLIC STREETS

RECOMMENDED ACTION:

That the City Council receive and file this report on the Traffic Improvement Commission's ordinance modification recommendation concerning the storage of vehicles on public streets.

BACKGROUND:

At its meeting on February 5, 2008, the City Council received public testimony and reviewed a proposed Ordinance recommended by the City's Traffic Improvement Commission. The Traffic Improvement Commission considered this issue at three public meetings on July 18, September 18, and October 17, 2007 and unanimously proposed the municipal code adjustments contained herein.

At the February 5, 2008 City Council meeting, the City Attorney and Chief of Police Services indicated that they had concerns relative to the City's ability to successfully enforce provisions of the proposed Ordinance. As a result of the Council's review and the public testimony received at the February 5th City Council meeting, the City Council directed the City Attorney and the City Manager to work with Mayor Pro Tem Lisa Bartlett and Council Member Steven Weinberg to review the language contained in the proposed Ordinance to better reflect the comments and direction of the City Council as provided at that meeting and to return with a proposed modified Ordinance at the March 4th City Council meeting.

As a result of that direction, Mayor Pro Tem Bartlett and Council Member Weinberg met with staff and directed staff to examine a few points that were developed at that meeting with the City Attorney and the Chief of Police Services as well as other staff as appropriate for discussion and consideration by the group before a recommendation was returned for City Council consideration. As reported at the March 4, 2008 City Council meeting, the Council appointed group was

working to return at a future Council meeting with a revised approach for City Council consideration to deal with the storage of vehicles on public streets.

During the past several months, Police Services has been working closely with Public Works and the Code Enforcement Division of Community Development to see if a heightened and directed enforcement effort of existing Vehicle Code and Municipal Code sections could achieve the same effect as adopting a “one-size” fits all type of Ordinance to deal with issues identified as part of the Traffic Improvement Commissions study and eventual deliberation of the issue. Given street width, vehicle length, varying individual residential neighborhood issues and commercial development patterns and elements of the City’s Zoning Code, it was determined that a “one-size” fits all type of Ordinance to deal with issues identified as part of the Traffic Improvement Commissions study would be very difficult to enforce and be sustained in Court. As a result of the aforementioned, Police Services worked closely with the other Departments to identify “focused” areas where trial heightened and directed enforcement could be implemented to achieve desired results.

To date, staff has achieved success with the heightened and directed enforcement approach. As such, staff is recommending that the City Council suspend its efforts for an additional six to twelve months so staff can further administer a heightened and directed enforcement pattern in problem areas that are brought to our attention to see if we can gain greater compliance with existing codes as well as mitigate those situations where problem parking situations and potential public nuisances exist in the Community.

DISCUSSION:

As a result of heightened and directed enforcement actions taken by Police Services, Public Works and the Code Enforcement Division of Community Development, using existing code sections, the working group believes that no ordinance modifications are necessary at this time. It is recommended that this process continue and staff report back in six to twelve months on how well our customers are satisfied with this approach. The original Traffic Improvement Commission Ordinance Modification Recommendations are included as Supporting Document A for reference.

FISCAL IMPACT:

There is no fiscal impact associated with this action at this time.

SUPPORTING DOCUMENTS:

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A. [Traffic Improvement Commission Ordinance Modification Recommendation](#)

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SUPPORTING DOCUMENT A: Adjusted Code Sections 6.14.002(n), 12.08.020 and 12.08.050 (with changes indicated)

6.14.002 Public Nuisances Designated.

(n)(1) Construction equipment, buses, limousines, tow trucks, dump trucks, flatbed trucks grading equipment, tractors, tractor trailers, truck trailers, or any other commercial vehicle over twenty-five (25) feet long or eight (8) feet in height or ~~ninety (90)~~ eighty (80) inches wide, supplies, materials, or machinery of any type or description, parked or stored upon any street or property within a residential zone;

(2) Commercial vehicle, for the purposes of this section, shall be defined as any motorized or non-motorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation. Any commercial vehicle (except oversized vehicles noted above), when used as the primary source of transportation by the person owning, leasing, occupying or having charge of any such vehicle, shall be excluded from the provision of this Subsection;

(3) Vehicle servicing related vehicles, for the purpose of this section, shall be defined as vehicles parked on a public street that are awaiting sale, repair or service from a vehicle service, alteration or repair business, are in the process of repair or service by such a business, or have already had repair and service performed by such a business and are awaiting to be picked up by their owner. The definition of vehicle servicing related vehicles shall also include vehicles of owners and employees of vehicle repair, alteration or repair businesses that are parked on public streets in connection with the vehicle owner's employment at or operation of the business. Vehicle service, alteration or repair businesses shall maintain sufficient parking on their private property site for vehicle servicing related vehicle parking. Vehicle service, alteration or repair businesses shall not routinely use public streets for vehicle servicing related vehicle parking except immediately adjacent to their property. Existing businesses shall have 90 days to comply with this provision following notification, and may request an extension of up to one year for difficult situations.

12.08.020 Storage of Vehicles on Streets Prohibited.

It is the intent of this Section to prohibit the storage or parking for extended periods of time of vehicles upon any public street or upon publicly owned, maintained, or operated property. Further, it is intended to prohibit repeatedly moving the vehicle short distances to avoid citation. No person who owns or has possession, custody, or control of any vehicle, shall park such vehicle upon any public street or upon publicly owned, maintained, or operated property for a period of seventy-two (72) or more consecutive hours. For purposes of this Section, the vehicle shall be considered to have remained parked unless, during any seventy-two (72) hour period, said vehicle has been moved, i.e. operated and parked at least one mile from the position it previously occupied. Generally it is expected that first time offenders will be cited while multiple offenses or failure to acknowledge a citation shall be cause to tow the vehicle.

12.08.050 Commercial, Recreational and Wide Vehicle and Trailer Parking Restricted.

It is the general intent of this section to preclude large commercial, recreational, business related, wide vehicles and trailers from being stored or parked for extended periods of time on residential streets.

(a) During hours of 8:00 pm to 6:00 am, no person shall park any vehicle, except a private passenger automobile registered as such, of a width in excess of eighty (80) inches (excluding mirrors and other extensions) other than to make deliveries or repairs of an emergency nature on either the vehicle itself or to the adjacent properties, on any of the following described street locations:

(1) Any street or the cul-de-sac thereof, which has a curb width of forty (40) feet or less.

(2) Any street on which a traffic lane line has been painted where the distance between the painted lane line and the nearest part of the vehicle or trailer is eleven (11) feet or less.

However, this subsection does not preclude a resident from parking a single business related vehicle in front of their home that is regularly used by the resident on weekdays and that is not oversized per code section 6.14.002.

(b) No person shall park or leave standing any trailer or recreational vehicle, including but not limited to any camp trailer, trailer coach, house car or boat trailer which includes commonly called campers, RV's and toy boxes, regardless of width, on any street or alley in the City except by City permit. No more than three temporary 72 hour permits shall be issued to a specific vehicle by City per calendar year. Citations may be dismissed upon proof of correction. The permit shall be placed in front driver's side windshield, easily visible from the street. Parking shall be allowed only adjacent to owner's property where vehicle is registered or temporarily visiting, unless permission is granted by neighbor to use neighboring property frontage. Exceptions are:

(1) A vehicle as described above, registered to the resident of the adjacent property, for the purpose of loading, unloading, or servicing, for a period not to exceed seventy-two (72) hours;

(2) A City permitted vehicle for the purpose of temporarily visiting adjacent property, for a period not to exceed seventy-two (72) hours; or

(3) An unattached trailer, for any purpose, for a period not to exceed two (2) hours.

(c) No person shall park or leave standing any commercial vehicle or any vehicle used or maintained for the transportation for hire, compensation or profit or designed or maintained for the transportation of property, including, but not limited to buses, motor trucks, trailers, semi-trailers, truck tractors, or trailer coaches between 8:00 pm and 6:00 a.m. on any street in the City except for the purpose of loading, unloading, or servicing adjacent property. Loading and unloading, as used in this section, shall mean active loading or unloading including the performance of those activities required to prepare the vehicle for either travel or storage. This section excludes a single owner operated commercial vehicle parked immediately adjacent to owner's business or residential property and registered there as such which is not oversized as specified in code section 6.14.002. Existing businesses with multiple vehicles will have 90 days with a possible extension of up to one year to comply with this provision upon notification.

(d) The following definitions shall govern this Section:
"Camp trailer" shall have the meaning set forth in California Vehicle Code Section 242.
"Trailer coach" shall have the meaning set forth in California Vehicle Code Section 635.
"House car" shall have the meaning set forth in California Vehicle Code Section 362. (Amended by Ord. 97-10, 9/9/97)
"Trailer" shall have the meaning set forth in California Vehicle Code Section 630.
"Truck Tractor" shall have the meaning as set forth in California Vehicle Code Section 655.
"Motor Truck" shall have the meaning as set forth in California Vehicle Code Section 410.
"Bus" shall have the meaning as set forth in California Vehicle Code Section 233.