



AGENDA REPORT

Meeting Date: September 15, 2009
Item Number: E-2
To: Honorable Mayor & City Council
From: Aaron Kunz, Deputy Director of Transportation *ak*
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
PROHIBIT THE PARKING OF OVERSIZED VEHICLES IN
RESIDENTIAL ZONES

Attachments: 1. Ordinance

RECOMMENDATION

Staff recommends that the City Council adopt an ordinance amending the Beverly Hills Municipal Code to prohibit the parking of oversized vehicles in residential areas.

INTRODUCTION

Several residential areas of the City experience impacts associated with the staging or parking of large commercial vehicles including stretch limousines, tow trucks and delivery vehicles. Drivers of these vehicles often stage in residential neighborhoods while waiting for calls and/or taking breaks, disturbing the quality of life in residential neighborhoods. The proposed ordinance will provide additional enforcement mechanisms to address the problems associated with large commercial vehicle staging. It is also part of the proposed solution to address impacts experienced by residents of Park Way adjacent to Beverly Gardens Park.

DISCUSSION

Currently, the City's primary enforcement is the 6,000 lbs (3-ton) commercial vehicle weight limit in residential areas as provided in Municipal Code 7-2-201. Many commercial vehicles, including tow trucks and stretch limousines weigh less than 6,000 lbs. Further, enforcing the commercial vehicle weight limit requires the Police Department to weigh the vehicles, a time consuming process.

The proposed ordinance will establish a 21-foot length limit for commercial vehicles. Both the Police Department and the Public Works & Transportation Parking Enforcement Division would be able to issue parking citations to vehicles violating 21-foot length limit. Enforcement of the $\frac{3}{4}$ ton loading capacity limit is intended to apply to vehicles (i.e., tow trucks) that do not exceed the 21-foot length limit. Similar to the 6,000 lbs commercial vehicle weight limit, the enforcement is within the purview of the Police Department. It will be more effective to enforce as vehicles must include a list of load capacity on the car door.

Under this ordinance, signs would need to be posted at street entrances in order to enforce. Staff proposes starting with Park Way and expanding as needed.

FISCAL IMPACT

The proposed ordinance would generate approximately \$5,000 annually in the first year and could increase if expanded.



David Gustavson
Approved By

Attachment 1

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE
BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT THE PARKING
OF OVERSIZED VEHICLES IN RESIDENTIAL ZONES**

**THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ORDAINS
AS FOLLOWS:**

Section 1. A new section 7-3-123 (Parking of Oversized Vehicles Prohibited in Residential Zones) is hereby added to Article 1 of Chapter 3 of Title 7 of the Beverly Hills Municipal Code to read as follows:

“Parking of Oversized Vehicles Prohibited in Residential Zones:

A. No person shall stop, park or leave standing upon any street that is designated by the Director of Public Works and Transportation within a residential zone a vehicle having any of the following:

1. A manufacturer’s rated load capacity greater than three-quarters (3/4) of a ton; or
2. A length in excess of twenty-one feet.

B. The following vehicles are hereby exempt from the provisions of this section:

1. Any authorized emergency vehicle, any authorized highway work vehicle or any vehicle used in the construction, installation, or repair of a utility or a public utility in accordance with Sections 22512 and 35704 of the California Vehicle Code;

2. Any vehicle engaged in loading or unloading;

3. Any vehicle making pickups or deliveries of goods, wares and merchandise.

4. Any vehicle picking up or delivering materials used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure for which an encroachment permit or construction permit has been obtained.

5. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business.

C. The Director of Public Works and Transportation or his designee is authorized to designate the streets subject to the restrictions set forth in paragraph A. Upon such designation, the Director of Public Works and Transportation shall place or cause to be placed signs on said

streets giving notice of the restriction.”

Section 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

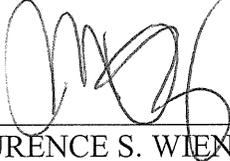
PASSED, APPROVED and ADOPTED this ___ day of _____, 2009.

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

RODERICK J. WOOD, ICMA-CM
City Manager



DAVID D. GUSTAVSON
Director of Public Works & Transportation



AARON KUNZ
Deputy Director of Transportation