



AGENDA REPORT

Meeting Date: October 1, 2009
Item Number: F-5
To: Honorable Mayor & City Council
From: City Attorney
Subject: 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

It is recommended that the proposed ordinance be adopted.

INTRODUCTION

This ordinance will prohibit staging or parking of vehicles that exceed 21 feet in length or a load capacity greater than three-quarters (3/4) ton in residential areas where signs are posted. Vehicles parked adjacent to a residence that are engaged in loading and unloading, making pick-ups or deliveries, or construction activities for that residence will be exempt.

DISCUSSION

The ordinance was introduced for first reading at the September 15, 2009 Council meeting.

FISCAL IMPACT

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



Laurence S. Wiener, City Attorney

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.

Any vehicle stopped, parked or left standing shall be subject to removal.

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 adjacent to the residence;
3. Any vehicle making pickups or deliveries of goods, wares and merchandise adjacent to the residence;
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 adjacent to the residence;
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

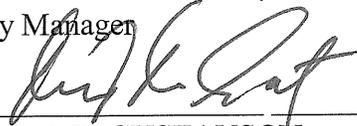
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

RODERICK J. WOOD, ICMA-CM
City Manager



DAVID D. GUSTAVSON
Director of Public Works & Transportation



for

AARON KUNZ
Deputy Director of Transportation