



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

R-20

Date: August 21, 2007

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District *GS*

Subject: AGENDA ITEM: Request City Attorney to Prepare an Ordinance Prohibiting the Parking of Limousine's in Residential Zones

BACKGROUND

Parking is an essential component of making a neighborhood attractive. Limousines are commercial vehicles intended for the transportation of guests who pay for the transit service. However, when limousines are not in service they are often parked in residential neighborhoods and remain parked, becoming an eyesore and "attractive nuisance" to the neighborhood.

Further, many residential neighborhoods are considered to be parking impacted, and the problem is only further exacerbated when a limousine is parked in a residential neighborhood.

A limousine is defined in Section 5371.4 of the Public Utilities Code as "any luxury sedan, of either standard or extended length, with a seating capacity of not more than 9 passengers including the driver, used in the transportation of passengers for hire on a pre-arranged basis within the state."

Chapter 8 of the State Public Utilities Code contains the laws regulating those who use motor vehicles to transport passengers for hire. In accordance with this chapter, the State PUC issues "charter-party carrier of passengers" certificates (Class A, B or C) and permits (P, S or Z). Charter-party carrier of passengers in Section 5360 of the Public Utilities Code "means every person engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in this state." Motor vehicles designed to carry not more than 8 passengers, including the driver, must display a PUC issued decal on the lower right hand corner of their rear bumper. However, in lieu of the decal, limousines must display special "livery" license plates issued by the California Department of Motor Vehicles (DMV) pursuant to Section 5011.5 of the California Vehicle Code.

Whether limousines for hire are commercial vehicles is not clear. Commercial vehicle is defined in Section 260 of the California Vehicle Code as "a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation or profit..." Presumably this includes limousines for hire. On the other hand, according to the DMV, any person who operates any commercial motor vehicle on the public highway is required to obtain a Motor Carrier Permit (MCP).

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However, as it pertains to the MCP program, commercial motor vehicle does not include a "Vehicle providing transportation of passengers only, a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers" (Section 34601, California Vehicle Code).

Because the law is not clear as to whether or not these vehicles can be restricted from residential areas as commercial vehicles, Long Beach needs to amend its municipal code or adopt a new law to specifically restrict the parking of limousines for hire in residential areas.

The City of Beverly Hills, the City of Los Angeles and the City and County of San Francisco have all enacted similar measures.

This measure would go towards protecting the quality and character of Long Beach's varied residential communities by establishing a set of standards. Those standards should include the following provision:

No person shall stop, park or leave standing any limousine on any street within a residential zone, except for the immediate loading and unloading of passengers.

RECOMENDATION:

Request that the City Attorney prepare an ordinance prohibiting the parking of limousines in residential zones except for loading and unloading passengers and to set a fine accordingly for violation of the ordinance.