



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

R-17

Date: January 20, 2009

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District *Gerrie Schipske*

Subject: **AGENDA ITEM: Request for Review of City Municipal Code 10.40
Regarding Definition and Prohibition of Commercial Vehicles on
Residential Streets**

Background:

Citation of Commercial Vehicles Parked in Residential Areas

The current City Municipal Code 10.40 prohibits the parking of "commercial vehicles" "exceeding a maximum gross weight of three tons" on residential (non-truck) streets.

10.40.010 Establishment.

A. Whenever any provision of this title designates and describes any street or portion thereof as a truck route, the traffic engineer is authorized to designate such street or streets by appropriate signs.

B. When any such truck route or routes are established and designated by appropriate signs, no operator of a commercial vehicle, as defined in Cal. Veh. Code Section 260, Subd.(a), exceeding a maximum gross weight of three tons shall operate or park, and no vehicle for hire or advertised for hire shall park, along any other route or routes, except that nothing in this section shall prohibit such vehicle from coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or the immediate loading and unloading of passengers, or from parking in designated areas such as taxi zones or bus zones, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted streets.

C. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission; or any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility; or trucks used for the transportation of explosives.

D. Those streets and portions of streets described in Section 10.40.030 are declared to be truck routes for the movement of commercial vehicles exceeding a

maximum gross weight of three tons. (ORD-07-0042 § 1, 2007; prior code § 3410.116).

The definition of "commercial vehicle" is contained in California Vehicle Code Section 260:

§ 260. "Commercial vehicle"

(a) A "commercial vehicle" is a motor vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) Passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing with Section 6700) of Division 3.

(c) Any vanpool vehicle is not a commercial vehicle.

Most cities establish three tons (6,000 pounds) as the maximum weight of a commercial vehicle allowed to be parked in a residential area or driven on a non-truck route. The authority of the city to establish the maximum weight is contained in the state vehicle code at Chapter 5, Article 4. Local Authority. Section 35701:

Decreases by Local Authorities

35701. (a) Any city, or county for a residence district, may, by ordinance, prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit, except with respect to any vehicle which is subject to Sections 1031 to 1036, inclusive, of the Public Utilities Code, and except with respect to vehicles used for the collection and transportation of garbage, rubbish, or refuse using traditionally used routes in San Diego County when the solid waste management plan prepared under Section 66780.1 of the Government Code is amended to designate each traditionally used route used for the purpose of transporting garbage, rubbish, or refuse which intersects with a local or regional arterial circulation route contained within a city or county's traffic circulation element and which provides access to a solid waste disposal site.

(b) The ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

(c) No ordinance adopted pursuant to this section after November 10, 1969, shall apply to any state highway which is included in the National System of Interstate

and Defense Highways, except an ordinance which has been approved by a two-thirds vote of the California Transportation Commission.

(d) The solid waste management plan prepared under Section 66780.1 of the Government Code by San Diego County may designate the traditionally used routes.

(e) "Traditionally used route," for purposes of this section, means any street used for a period of one year or more as access to or from a solid waste disposal site.

Amended Ch. 616, Stats. 1987. Effective January 1, 1988.

Resident Meeting on December 29, 2008

I attended a meeting of more than 50 residents of the 5th Council District (as well as a representative of the Long Beach Police Department) in the garage of Kathy and Charlie Evans to protest the issuance of citations on December 29, 2008.

Residents were concerned that without being able to park their vehicles on their streets that they would not be able to conduct their businesses which would seriously impact their livelihood. Additionally, many of these residents utilize these vehicles as their only vehicle and method of transportation.

Residents raised the issue that there are no signs on the streets indicating that their vehicles are in violation of the law. Residents also demanded to know why the City of Long Beach has set 6,000 pounds as the weight limit for residential streets for "commercial vehicles" when there are SUV's, camper trucks, RV's, trucks and trailers, station wagons and other vehicles that exceed the 6,000 pounds but are not included in the city's Municipal Code prohibition. Also, if a resident does not disclose he or she is using their vehicle weighing over 6,000 pounds for "commercial" purposes, then they would also be exempt from the restriction.

Another factor was raised that homes in the 5th District are 50-60 years old and their driveways and garages do not accommodate current larger vehicles.

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RECOMMENDATION

Refer the item to the City Council on Transportation and Infrastructure
Committee for further discussion and review for possible modification including,
but not limited to placing the item on the 2010 ballot