



Date: September 18, 2007

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske 

Subject: AGENDA ITEM: Prohibiting Parking of Rental Cars and Vehicles on the Streets

BACKGROUND

Upon taking office last year, I was contacted by a constituent who requested information as to why the City of Long Beach was allowing rental car operators to utilize residential streets near, and on, Wardlow Road and Clark Avenue to park their inventory. In turn, my office contacted the City Manager and his staff regarding this problem, with a request to provide documentation as to how this situation came about.

The City Manager confirmed on or about September 11, 2007 that nothing in the current agreement with these vendors prohibits them from parking on public streets.

The City's Municipal Code 5.16.010 does prohibit the parking of a variety of vehicles, including:

5.16.010 Definitions.

As used in this Chapter 5.16, the following words and phrases shall have the following meanings:

- A. "Auto repair shop" means any shop, building, room, place or space wherein, for compensation, any automobile, other motor vehicle, or any parts thereof, are repaired, remodeled, overhauled, reconditioned, or painted.*
- B. "Automobile dealer" means and includes any person engaged in, conducting, managing or carrying on the business of buying, selling, offering to buy or offering to sell, consigned to be sold or otherwise dealing in new or used motor vehicles, or both, as the term "motor vehicle" is defined in the State Vehicle Code.*
- C. "Automobile wrecking" means the principal use of any premises for the dismantling, demolition or crushing of any automotive vehicle, or for the storage of abandoned or irreparably damaged vehicles.*
- D. "Public garage" means and includes a room, building or other structure where automobiles are kept or stored by the public, and where a charge is made for such storage or keeping of automobiles.*
- E. "Valet parking" means the service of parking cars for remuneration. (Ord C-6260 § 1 (part), 1986).*

Article II Automobile Dealers--New and Used

5.16.015 Parking on street prohibited.

No person engaged in conducting or carrying on the business of automobile dealer, as defined in Section 5.16.010 shall store, display or park for such purposes any motor vehicle in his possession or under his control upon any public street or highway. This Section shall not apply to any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles as long as the automobile is not for sale by the owner of the business. (Ord. C-6260 § 1 (part), 1986).

Article III Auto Repair Shops

5.16.020 Use of public street prohibited.

A. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code, shall repair, remodel, overhaul, recondition or paint any automobile, other motor vehicle, or any parts thereof, in his/her possession or under his/her control, upon any public street or highway.

B. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code shall store, display or park upon any street or highway any motor vehicle in his/her possession or under his/her control which is inoperable, which has any parts removed therefrom or which is in any way in the process of being painted.

C. No person engaged in conducting or carrying on the business of an auto repair shop as defined in this Code shall store, display or park upon a public street or highway any motor vehicle in his/her possession or under his/her control between the hours of six p.m. and seven a.m., including Saturdays, Sundays and holidays.

Subsection 5.16.020.C shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles.

D. The business of auto repair shall only be conducted at a location approved by the Planning and Building Department and shall not be operated as a mobile business that goes house to house or building to building. (Ord. C-7423 § 4, 1996: Ord. C-6260 § 1 (part), 1986).

Article IV Public Garages and Valet Parking

5.16.030 Parking on street prohibited.

No person engaged in conducting or carrying on the business of a public garage or valet parking shall store, display or park for such purposes any motor vehicle in his possession or under his control upon any public street or highway. This Section shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles. (Ord C-6260 § 1 (part), 1986).

Article V Auto Wreckers

5.16.040 Use of streets prohibited.

A. No person engaged in conducting or carrying on the business of an auto wrecking shop as defined in this Code, shall dismantle, wreck or otherwise tear down any automobile, truck, or parts thereof, in his possession or under his control, upon any public street or highway.

B. No person engaged in conducting or carrying on the business of an auto wrecking shop as defined in this Code, shall store, display or park for any such purposes any motor vehicle in his possession or under his control upon any public street or highway.

C. Subsection 5.16.040.B shall not apply to the parking of any motor vehicle registered in the name of such person or to any motor vehicle for which an application and fee for registration in the name of such person has been filed with the Department of Motor Vehicles. (Ord.C-6260 § 1 (part), 1986).

DISCUSSION

Over this past year in office, my office has received numerous contacts from constituents concerning the issues related to parking on residential streets in the 5th Council District. Parking is at a premium in this and our streets should not be used for the inventory of rental car operators.

RECOMENDATION

Request the City Attorney to prepare an amendment to the Municipal Code at Chapter 5.16 to include the definition of "rental car and vehicle agency" and an article prohibiting parking or storing of these vehicles on public streets. Individuals renting said vehicles shall not be effected by this amendment.