



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-27

ROBERT E. SHANNON
City Attorney

HEATHERA. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

- Dominic Holzhaus
- Anne C. Lattime
- Monte H. Machit
- J. Charles Parkin

DEPUTIES

- C. Geoffrey Allred
- Gary J. Anderson
- Richard E. Anthony
- Amy R. Burton
- Christina L. Checel
- Randall C. Fudge
- Charles M. Gale
- Barbara J. McTigue
- Barry M. Meyers
- Cristyl Meyers
- Howard D. Russell
- Tiffany L. Shin
- Linda Trang
- Theodore B. Zinger

August 24, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 10.41.010, 10.41.040, 10.41.060, 10.41.080, 10.56.020, 10.56.030, 10.56.040 and 10.56.060 all relating to overweight vehicles and cargo read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on August 3, 2010, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

AMY R. BURTON
Deputy City Attorney

REDLINE

10.41.010 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this section:

A. "Designated streets" means those eCity streets or portions thereof (including streets or portions thereof within the harbor district) that have been designated by the eCity eCouncil and the board of harbor commissioners (for streets within the harbor district) by resolution as being open to travel by overweight vehicles pursuant to a special permit issued under the provisions of this eChapter.

B. "Director" means the Director of Public Works of the City of Long Beach, or his designee.

C. "Harbor district" means that portion of the eCity bounded on the north by Anaheim Street, on the east by the Los Angeles flood control channel, on the south by the southerly limits of the eCity and on the west by the westerly limits of the eCity.

D. "Overweight vehicle" means a vehicle or combination of vehicles or ~~special mobile~~ various intermodal shipping equipment capable of transporting a forty foot (40') or longer ocean shipping container containing cargo of a nature which can be physically separated without affecting the cargo, the weight of which exceeds the maximum allowed by the California Vehicle Code. Ocean shipping containers ~~equipment~~ under the seal of United States Customs shall not be subject to the provisions of this eChapter.

E. "Person" means any natural person, firm, association, organization, partnership, corporation, public corporation, political subdivision or any department or agency thereof.

F. "Residential street" means a public or private right-of-way or portion thereof providing access to one (1) or more dwellings (as defined in Section 21.15.900 of this Code).

G. "Year" means calendar year commencing January 1 and ending the following December 31.

1 H. "Intermodal" means a type of international freight system that permits trans-shipping
2 among sea, highway, rail, and air modes of transportation.

3 I. "Flatrack" means a portable, open-topped, open-sided unit that fits into existing
4 intermodal container cells and provides the capability for container ships to carry
5 oversized cargo.

6
7 10.41.040 - Authority to issue special permit.

8 The dDirector or his designee is authorized to issue special permits under this eChapter
9 for either a single movement or on a yearly basis for continuous operations. _Every permit
10 issued for continuous operations shall expire on December 31 of the year for which
11 issued. _The dDirector may issue or withhold a special permit in his or her discretion or
12 may issue a special permit conditioned upon any or all of the following:

13 A. The number of trips authorized.

14 B. Seasonal or other time limitations within which the overweight vehicle may be
15 operated on the designated streets.

16 C. An undertaking or other security as may be deemed necessary to protect the eCity's
17 streets and bridges from damage.

18 D. Required proof of financial responsibility in an amount required for compliance with
19 California Vehicle Code Section 16500.5.

20 E. Such conditions of operation of the overweight vehicle as may be necessary to assure
21 against undue damage to the road foundations, surfaces, bridges or other structures.

22 F. Potential negative safety or environmental impacts in the opinion of the City Traffic
23 Engineer, Fire Marshall, or the Chief of Police.

24
25 10.41.060 - Special permit conditions.

26 Every special permit issued pursuant to this eChapter shall provide the following:
27
28

1 A. The maximum allowable gross combined vehicle weight to be permitted may not
2 exceed ~~ninety-five thousand (95,000) pounds~~ the maximum allowed by the California
3 Vehicle Code with appropriate equipment.

4 ~~B. The maximum speed limit for any overweight vehicle shall be thirty (30) miles per~~
5 ~~hour.~~

6 ~~C. Special permits shall be issued for the movement of forty-foot (40') and longer~~
7 ~~ocean intermodal shipping container equipment only.~~

8 ~~D. Each person to whom a special permit is issued shall agree to defend and indemnify~~
9 ~~eCity, its boards, officers and employees from any and all damages, costs and expenses~~
10 ~~sustained or incurred by eCity, its boards, officers and employees resulting from or~~
11 ~~arising out of the issuance of a special permit and the use of eCity streets whether~~
12 ~~designated or non-designated. Each such person shall further agree to be responsible~~
13 ~~for all injuries or death of persons and for all damages to property of every kind caused~~
14 ~~by or resulting from or arising out of this issuance of a special permit and the use of city~~
15 ~~streets, whether designated or non-designated.~~

16 ~~E. No detour from a permitted route may be made without prior permission of the~~
17 ~~dDirector or his designee. No route (whether permitted or detour) shall be on residential~~
18 ~~streets. Nothing contained in this eChapter shall prohibit an overweight vehicle for which~~
19 ~~a special permit has been issued from operating or moving upon a non-designated street~~
20 ~~to a designated street by the most direct route when necessary for the purpose of picking~~
21 ~~up or delivering an ocean shipping container.~~

22 ~~F. Every overweight vehicle permitted under this eChapter and each special permit~~
23 ~~issued pursuant hereto shall be subject to inspection by the Ddirector or his designee and~~
24 ~~any peace officer at any time it is on a eCity street within the limits of the eCity for the~~
25 ~~purpose of determining compliance with the provisions of the special permit.~~

26 ~~G. As a condition precedent to the issuance of a special permit, the applicant shall~~
27 ~~furnish the dDirector evidence that each driver of an overweight vehicle shall have~~
28 ~~completed training in the operation of an overweight vehicle.~~

1 HG. The person to whom a special permit is issued shall furnish evidence satisfactory to
2 the dDirector that the overweight vehicle has undergone a safety inspection by a
3 governmental agency having jurisdiction within ninety (90) days preceding the issuance
4 of the special permit and at least once each ninety (90) days during the permit period.

5 IH. Each person to whom a special permit is issued shall at all times comply with all
6 laws, ordinances, rules and regulations of all federal, state and local governmental
7 authorities having jurisdiction over the operation and maintenance of the overweight
8 vehicle.

9
10 10.41.080 - Rules and regulations.

11 The city council Director or his designee may adopt, repeal, amend and modify
12 administrative regulations implementing the provisions of this eChapter, including, but not
13 limited to, ~~the amount of the application fee~~ operating requirements, trailer requirements,
14 ~~special driver training requirements~~, and any other matter deemed necessary for the
15 effective administration of this eChapter.

16
17 10.56.020 - Statutes applicable.

18 The applicable provisions of dDivision 15 of the California Vehicle Code ~~of the state~~ shall
19 constitute the regulations of the eCity relative to the size and weight of vehicle loads,
20 together with such additional provisions and requirements as are specifically contained in
21 this eChapter, and Chapter 10.41.

22
23 10.56.030 - Permit—Issuance.

24 The dDirector of pPublic serviceWorks, or his designee, shall be responsible for the
25 issuance of special permits for loads exceeding the maximum sizes and/or weights
26 specified in dDivision 15 of the California Vehicle Code, and for administering the rules
27 and regulations pertaining thereto: ~~except that the superintendent of building and safety~~
28 ~~shall be responsible for issuance of special permits as may be necessary in conjunction~~

1 with house-moving permits issued by the building and safety department under
2 provisions of chapter 18.52.

3 10.56.040 - Permit—Application.

4 All persons, firms or agencies desiring to move any load across or upon streets and
5 highways within the eCity, which load exceeds any of the limitations imposed by dDivision
6 15 of the California Vehicle Code, shall apply to and first receive a special permit from the
7 individual(s) designated by the city manager relating to house-moving permits,

8 authorizing the move Director of Public Works, or his designee. The special permit shall
9 specify the streets upon which the move is authorized and the date and time of the move.

10 A charge for issuing the permit as established by the city manager Director of Public
11 Works, or his designee, and shall be paid by the applicant prior to issuance of the permit.

12
13 10.56.060 - Costs responsibility.

14 If, in the judgment of the dDirector of pPublic service Works, or his designee, it is
15 determined necessary to strengthen any structure over which an overload must pass, or
16 to perform any other work in order to ensure the safe passage of the load upon eCity
17 streets, the permittee will be required to pay the full cost of such work. _Permittee will also
18 be required to reimburse the eCity for any cost necessitated by the temporary relocation
19 of traffic signals, street lights or other appurtenances in order to permit the safe passage
20 of the loaded vehicle.

21
22
23
24
25
26
27
28

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 10.41.010,
10.41.040, 10.41.060, 10.41.080, 10.56.020, 10.56.030,
10.56.040 and 10.56.060 ALL RELATING TO
OVERWEIGHT VEHICLES AND CARGO

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 10.41.010 of the Long Beach Municipal Code is
hereby amended to read as follows:

10.41.010 Definitions.

The following words and phrases, whenever used in this Chapter,
shall be construed as defined in this Section:

A. "Designated streets" means those City streets or portions
thereof (including streets or portions thereof within the harbor district) that
have been designated by the City Council and the board of harbor
commissioners (for streets within the harbor district) by resolution as being
open to travel by overweight vehicles pursuant to a special permit issued
under the provisions of this Chapter.

B. "Director" means the Director of Public Works of the City of
Long Beach, or his designee.

C. "Harbor district" means that portion of the City bounded on the
north by Anaheim Street, on the east by the Los Angeles flood control
channel, on the south by the southerly limits of the City and on the west by
the westerly limits of the City.

1 D. "Overweight vehicle" means a vehicle or combination of
2 vehicles or various intermodal shipping equipment containing cargo of a
3 nature which can be physically separated without affecting the cargo, the
4 weight of which exceeds the maximum allowed by the California Vehicle
5 Code. Ocean shipping equipment under the seal of United States Customs
6 shall not be subject to the provisions of this Chapter.

7 E. "Person" means any natural person, firm, association,
8 organization, partnership, corporation, public corporation, political
9 subdivision or any department or agency thereof.

10 F. "Residential street" means a public or private right-of-way or
11 portion thereof providing access to one (1) or more dwellings (as defined in
12 Section 21.15.900 of this Code).

13 G. "Year" means calendar year commencing January 1 and
14 ending the following December 31.

15 H. "Intermodal" means a type of international freight system that
16 permits trans-shipping among sea, highway, rail, and air modes of
17 transportation.

18 I. "Flatrack" means a portable, open-topped, open-sided unit
19 that fits into existing intermodal container cells and provides the capability
20 for container ships to carry oversized cargo.

21

22 Section 2. Section 10.41.040 of the Long Beach Municipal Code is
23 hereby amended to read as follows:

24 10.41.040 Authority to issue special permit.

25 The Director or his designee is authorized to issue special permits
26 under this Chapter for either a single movement or on a yearly basis for
27 continuous operations. Every permit issued for continuous operations shall
28 expire on December 31 of the year for which issued. The Director may

1 issue or withhold a special permit in his or her discretion or may issue a
2 special permit conditioned upon any or all of the following:

3 A. The number of trips authorized.

4 B. Seasonal or other time limitations within which the overweight
5 vehicle may be operated on the designated streets.

6 C. An undertaking or other security as may be deemed
7 necessary to protect the City's streets and bridges from damage.

8 D. Required proof of financial responsibility in an amount
9 required for compliance with California Vehicle Code Section 16500.5.

10 E. Such conditions of operation of the overweight vehicle as may
11 be necessary to assure against undue damage to the road foundations,
12 surfaces, bridges or other structures.

13 F. Potential negative safety or environmental impacts in the
14 opinion of the City Traffic Engineer, Fire Marshall, or the Chief of Police.

15
16 Section 3. Section 10.41.060 of the Long Beach Municipal Code is
17 hereby amended to read as follows:

18 10.41.060 Special permit conditions.

19 Every special permit issued pursuant to this Chapter shall provide the
20 following:

21 A. The maximum allowable gross combined vehicle weight to be
22 permitted may not exceed the maximum allowed by the California Vehicle
23 Code with appropriate equipment.

24 B. Special permits shall be issued for the movement of
25 intermodal shipping equipment only.

26 C. Each person to whom a special permit is issued shall agree to
27 defend and indemnify City, its boards, officers and employees from any and
28 all damages, costs and expenses sustained or incurred by City, its boards,

1 officers and employees resulting from or arising out of the issuance of a
2 special permit and the use of City streets whether designated or non-
3 designated. Each such person shall further agree to be responsible for all
4 injuries or death of persons and for all damages to property of every kind
5 caused by or resulting from or arising out of this issuance of a special
6 permit and the use of city streets, whether designated or non-designated.

7 D. No detour from a permitted route may be made without prior
8 permission of the Director or his designee. No route (whether permitted or
9 detour) shall be on residential streets. Nothing contained in this Chapter
10 shall prohibit an overweight vehicle for which a special permit has been
11 issued from operating or moving upon a non-designated street to a
12 designated street by the most direct route when necessary for the purpose
13 of picking up or delivering an ocean shipping container.

14 E. Every overweight vehicle permitted under this Chapter and
15 each special permit issued pursuant hereto shall be subject to inspection by
16 the Director or his designee and any peace officer at any time it is on a City
17 street within the limits of the City for the purpose of determining compliance
18 with the provisions of the special permit.

19 F. As a condition precedent to the issuance of a special permit,
20 the applicant shall furnish the Director evidence that each driver of an
21 overweight vehicle shall have completed training in the operation of an
22 overweight vehicle.

23 G. The person to whom a special permit is issued shall furnish
24 evidence satisfactory to the Director that the overweight vehicle has
25 undergone a safety inspection by a governmental agency having jurisdiction
26 within ninety (90) days preceding the issuance of the special permit and at
27 least once each ninety (90) days during the permit period.

28 H. Each person to whom a special permit is issued shall at all

1 times comply with all laws, ordinances, rules and regulations of all federal,
2 state and local governmental authorities having jurisdiction over the
3 operation and maintenance of the overweight vehicle.
4

5 Section 4. Section 10.41.080 of the Long Beach Municipal Code is
6 hereby amended to read as follows:

7 10.41.080 Rules and regulations.

8 The Director or his designee may adopt, repeal, amend and modify
9 administrative regulations implementing the provisions of this Chapter,
10 including, but not limited to, operating requirements, trailer requirements,
11 driver requirements, and any other matter deemed necessary for the
12 effective administration of this Chapter.
13

14 Section 5. Section 10.56.020 of the Long Beach Municipal Code is
15 hereby amended to read as follows:

16 10.56.020 Statutes applicable.

17 The applicable provisions of Division 15 of the California Vehicle
18 Code shall constitute the regulations of the City relative to the size and
19 weight of vehicle loads, together with such additional provisions and
20 requirements as are specifically contained in this Chapter, and Chapter
21 10.41.
22

23 Section 6. Section 10.56.030 of the Long Beach Municipal Code is
24 hereby amended to read as follows:

25 10.56.030 Permit-Issuance.

26 The Director of Public Works, or his designee, shall be responsible
27 for the issuance of special permits for loads exceeding the maximum sizes
28 and/or weights specified in Division 15 of the California Vehicle Code, and

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

for administering the rules and regulations pertaining thereto.

Section 7. Section 10.56.040 of the Long Beach Municipal Code is hereby amended to read as follows:

10.56.040 Permit-Application.

All persons, firms or agencies desiring to move any load across or upon-streets and highways within the City, which load exceeds any of the limitations imposed by Division 15 of the California Vehicle Code, shall apply to and first receive a special permit from the Director of Public Works, or his designee. The special permit shall specify the streets upon which the move is authorized and the date and time of the move. A charge for issuing the permit as established by the Director of Public Works, or his designee, shall be paid by the applicant prior to issuance of the permit.

Section 8. Section 10.56.060 of the Long Beach Municipal Code is hereby amended to read as follows:

10.56.060 Costs responsibility.

If, in the judgment of the Director of Public Works, or his designee, it is determined necessary to strengthen any structure over which an overload must pass, or to perform any other work in order to ensure the safe passage of the load upon City streets, the permittee will be required to pay the full cost of such work. Permittee will also be required to reimburse the City for any cost necessitated by the temporary relocation of traffic signals, street lights or other appurtenances in order to permit the safe passage of the loaded vehicle.

Section 9. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
2 Mayor.

3 I hereby certify that the foregoing ordinance was adopted by the City
4 Council of the City of Long Beach at its meeting of _____, 20__,
5 by the following vote:

6
7 Ayes: Councilmembers: _____
8 _____
9 _____
10 _____

11 Noes: Councilmembers: _____
12 _____

13 Absent: Councilmembers: _____
14 _____

15
16
17 _____
18 City Clerk

19
20 Approved: _____
21 (Date) Mayor

22
23
24
25
26
27
28