

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.

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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

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1 for administering the rules and regulations pertaining thereto.

2

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

5 10.56.040 Permit-Application.

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

14

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

17 10.56.060 Costs responsibility.

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

26

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

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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 September 7, 2010,
5 by the following vote:

6
7 Ayes: Councilmembers: Garcia, DeLong, O'Donnell, Schipske,
8 Johnson, Gabelich, Neal.

9
10
11 Noes: Councilmembers: None.

12
13 Absent: Councilmembers: Lowenthal, Andrews.

14
15
16 

17 _____
City Clerk

18
19
20 Approved: 9/13/10
21 (Date)

22 
23 _____
24 Mayor