ORDINANCE NO.  ORD-17-0012

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 10.24.005,
10.24.077, 10.24.078, 10.24.079, AND 10.24.080; BY
ADDING SECTION 10.24.081; AND BY REPEALING
SECTION 10.24.076, ALL RELATING TO PARKING OF
OVERSIZED VEHICLES

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

Section 1. Section 10.24.005 of the Long Beach Municipal Code is
amended to read as follows:

10.24.005 Parking of oversized vehicles prohibited.

The following definitions shall apply to this Chapter:

A. "City Entrance Streets" means all streets crossing City
boundaries entering the City of Long Beach and all freeway exit ramps
within the City.

B. "Oversized Vehicle" means a vehicle which exceeds eighty-
five inches (85") high or eighty inches (80") wide or twenty-two feet (22')
long on a residential street or eighty-five inches (85") high or twenty-two
feet (22') long, as determined by Department of Motor Vehicles records,
exclusive of projecting lights or devices allowed by Section 35109 or 35110
of the California Vehicle Code, as may be amended, on a nonresidential
street. A boat, equipment or other object on or attached to a trailer shall be
measured together with the trailer.

C. "Nonresidential street" means a street or portion thereof on
which the majority of traffic is nonresidential, and which is adjacent to
property on which the majority of uses are commercial, industrial or
institutional.

D. "Residential street" means a street or portion thereof adjacent
to property on which the majority of uses are residential in nature.

E. "Permitted commercial loading period" means the time
allowed for the actual loading or unloading of goods. The permitted
commercial loading period shall be twenty (20) minutes, or such other time
period as posted by the City Traffic Engineer.

Section 2. Section 10.24.077 of the Long Beach Municipal Code is
amended to read as follows:

10.24.077 Posting of restrictions.

The City Traffic Engineer shall place and maintain or cause to
be placed and maintained, on City Entrance Streets appropriate signs
notifying the public of Oversized Vehicle residential parking restrictions.

Section 3. Section 10.24.078 of the Long Beach Municipal Code is
amended to read as follows:


A. No person who owns, has custody, or control of an Oversized
Vehicle as defined in Section 10.24.005, shall cause it to be parked in a
residential area, as defined in Section 10.24.005, on any public street.

B. Subsection A of this Section shall not apply to an Oversized
Vehicle, so long as it is parked in a manner which otherwise complies with
applicable State law and the City of Long Beach Municipal Code, when a
valid permit is displayed on the inside of the lower left corner of the
windshield of an Oversized Vehicle so as to be visible from the street. The
permit shall state the address of the resident and the permit shall only be valid within the same block as the resident's address, on either side of the street. A resident may obtain an Oversized Vehicle parking permit for a non-resident visitor temporarily residing with the resident under the same terms as set forth herein. Said permit may be obtained and displayed in accordance with Section 10.24.080 of this Chapter.

C. Subsection A of this Section shall not apply to a commercial vehicle which is engaged in the active loading or unloading of goods for a period of time which does not exceed the Permitted Commercial Loading Period as defined in Section 10.24.005.

Section 4. Section 10.24.079 of the Long Beach Municipal Code is amended to read as follows:

10.24.079 Designation and termination of Oversized Vehicle parking restrictions in nonresidential areas.

In nonresidential areas, installation or removal of Oversized Vehicle parking restrictions may be initiated in one (1) of the following ways:

A. Safety/traffic hazards. The City Traffic Engineer may install or remove Oversized Vehicle parking restrictions from one (1) or both sides of any street or block when the need has been established by evidence satisfactory to the City Traffic Engineer based on factors including, but not limited to, street size and width, traffic patterns and volume, traffic on nearby streets or street segments, location of the street in the parking impacted area, neighborhood characteristics and City-wide traffic plans; or

B. Petition. The City Traffic Engineer is authorized to install or remove Oversized Vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a petition containing the signatures of occupants of two-thirds (2/3) of the street addresses of properties with front
curbs proposed to be affected by the action. The City Traffic Engineer shall make available for this purpose a petition form containing the street addresses of said properties. In the case of nonresidential properties, the petition must contain the signatures of owners or owners' agents for at least two-thirds (2/3) of the linear street frontage described on the petition, irrespective of the property's legal address; or

C. Council district office. As an alternative to the petition process, the City Traffic Engineer is authorized to install or remove Oversized Vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a written request from a Council district office and a determination by the City Traffic Engineer that there is either majority support for or lack of sufficient opposition to the proposed restrictions. The City Traffic Engineer's determination shall be based on responses from occupants of properties with front curbs proposed to be affected by the action received after notice of the proposed restrictions.

Section 5. Section 10.24.080 of the Long Beach Municipal Code is amended to read as follows:

10.24.080 Oversized Vehicle seventy-two (72) hour parking permit for residential streets.

A. The City Traffic Engineer in the Public Works department, or such other department as the City Manager shall designate, is authorized to issue Oversized Vehicle parking permits for campers, trailers, boats on trailers and recreational vehicles for the purpose of such activities as loading, unloading or performing maintenance on such vehicles for a period of not more than seventy-two (72) hours. Such activities must be conducted in compliance with all other laws and regulations. No more than twenty (20) permits shall be issued to any one (1) eligible resident or to any one (1)
eligible vehicle within one (1) calendar year and a twenty-four (24) hour
period must elapse between permits.

B. Oversized Vehicle parking permits shall be issued for motor
vehicles upon application of the registered owner or such other person who
can provide evidence of residency at a location at which on-street parking
of Oversized Vehicles is prohibited and can demonstrate exclusive use and
control of the vehicle for which application is made.

C. Each Oversized Vehicle parking permit shall be issued for a
period not to exceed seventy-two (72) hours in duration. Each application or
reapplication for Oversized Vehicle parking permits shall be in writing and
shall contain sufficient information to satisfy the administering department
as to the identity and residential address of the applicant, the applicant's
registered ownership or exclusive use and control of the vehicle for which
application is made, the license number of the vehicle, and any other
information that the administering department deems necessary for the
proper processing of the application.

D. The City Traffic Engineer or his designee may place further
restrictions on any permit issued as deemed necessary to protect the public
health and safety. Such restrictions shall appear on the face of the permit
which shall be displayed on the inside of the windshield of the vehicle for
which the permit is issued so as to be readily visible to a person
approaching the vehicle from the front thereof.

E. Applications for issuance of seventy-two (72) hour permits
shall be accompanied by such fee therefor as may be established from time
to time by resolution of the City Council.

F. Exceptions. The City Traffic Engineer may issue Oversized
Vehicle permits when an application made in writing and containing a
statement of reasons, establishes good cause in the following
circumstances:

1. A time extension for not more than forty-eight (48) additional consecutive hours;

2. Additional Oversized Vehicle parking permit(s) after the twenty (20) annual permit maximum has been reached;

3. A temporary permit to park an Oversized Vehicle otherwise prohibited by Section 10.24.078 if there is a finding that the Oversized Vehicle is used on a daily basis and on-premises parking is not reasonably available. A permit issued based on this finding shall not be valid for longer than six (6) months.

For applications under subsections F(1) and (2), applicants will be required to show proof of a current, valid rental or other agreement for storage of the applicant's Oversized Vehicle.

Section 6. Section 10.24.081 is added to the Long Beach Municipal Code to read as follows:

10.24.081 Oversized Vehicle Disability Parking Permit.

A. Permit issuance. The City Traffic Engineer is authorized to issue permits for disabled persons to park Oversized Vehicles which are needed as a result of their disability.

B. Eligibility and duration. To be eligible for an Oversized Vehicle Disability Parking Permit, a person must:

1. Eligibility.
   a. Own or lawfully possess an Oversized Vehicle, which is used as their primary vehicle.
   b. Be a permanent resident of the City of Long Beach.
   c. Possess a valid, distinguishing disabled placard...
or license plate properly issued pursuant to the California Vehicle Code.

  d. Demonstrate that by reason of the disability which warranted issuance of their California distinguishing placard or license plate, the Oversized Vehicle is specially equipped and necessary to accommodate the disability of the person seeking the permit so that a reasonable modification to the City's on-street parking regulations is warranted under State and federal law. If an Oversized Vehicle Disability Parking Permit applicant or permit holder fails or refuses to provide the information required by these rules and regulations, the City Traffic Engineer may, but need not, obtain from the Department of Motor Vehicles the information allowed by Vehicle Code section 22511.58(a). When he or she deems it necessary or advisable, the City Traffic Engineer may convene a review panel for the purposes enumerated in Vehicle Code section 22511.58(b).

 2. Duration.

  a. The Oversized Vehicle Disability Parking Permit will be valid for one (1) year, and is renewable. A single permit may be issued for each location at which the applicant resides, and at each facility at which the applicant receives services.

  b. The Oversized Vehicle Disability Parking Permit provides an exception to the Oversized Vehicle parking prohibition only. All other parking restrictions apply, including but not limited to the seventy-two (72) hour parking restriction and posted street cleaning closures.

C. Application Process. To obtain an Oversized Vehicle Disability Parking Permit, a person must:

  1. Be eligible for an Oversized Vehicle Disability Parking Permit under Section 10.24.081.B.

  2. Provide complete and correct information on the
application for an Oversized Vehicle Disability Parking Permit.

3. Provide current California Vehicle Registration for the vehicle for which an Oversized Vehicle Disability Parking Permit is requested. If the vehicle is not owned by the applicant, sufficient evidence must be presented to prove that the applicant has the legal right to use the vehicle.

4. Provide a copy of a valid disabled parking placard properly issued pursuant to the California Vehicle Code OR provide current California Vehicle Registration for the vehicle for which the permit is requested that indicates that the vehicle has valid and properly issued disabled license plate.

D. Application Review and Permit Issuance. Upon receipt of a complete application for an Oversized Vehicle Disability Parking Permit, and prior to issuing any such permit, the City Traffic Engineer shall:

1. Review the application and all supporting materials for completeness and compliance with Section 10.24.081.

2. Inspect the Oversized Vehicle to determine whether it is specially equipped and necessary to accommodate the applicant's disability.

3. Review the requested parking locations to verify that they are a legal dwelling unit where the applicant resides, or a facility at which the applicant receives services, or the applicant's place of employment. A single permit may be approved for multiple locations or, as appropriate, Citywide use subject to the approved parking locations.

E. Specific Oversized Vehicle.

1. An Oversized Vehicle Disability Parking Permit may only be used upon the vehicle that was identified in the application for the permit and inspected by the City Traffic Engineer or his or her designee. If
the vehicle is not owned by the applicant, sufficient evidence must be
presented to prove that the applicant has the legal right to use the vehicle.
At such time as the vehicle is no longer used by the applicant, the permit
holder shall return the permit to the City Traffic Engineer. To qualify for an
Oversized Vehicle Disability Parking Permit, the size of the applicant’s
vehicle must be necessary to accommodate the required on-street parking
modification.

2. Approved Parking Locations.
   a. An Oversized Vehicle Disability Parking Permit
      is only valid at the locations approved by the City upon permit issuance.
   b. An Oversized Vehicle Disability Parking Permit
      may only be approved for use at:
         (i) the legal dwelling unit at which the
         applicant resides;
         (ii) any location or facility at which the
         applicant receives services, or
         (iii) the applicant’s place of employment.
   c. The permitted parking location cannot create or
      exacerbate a traffic safety hazard. An oversized vehicle may not be parked
      at any location that leaves less than ten feet (10’) in the adjacent travel
      lane, or within forty feet (40’) of any driveway or intersection. Doing so could
      result in revocation of the permit, and possible citation. Some streets may
      not be able to accommodate oversized vehicles due to street width or
      driveway frequency.

F. Grounds for Refusal to Issue or Revocation of an Oversized
Vehicle Disability Parking Permit. Any of the following are grounds for
refusal to issue or revocation of an Oversized Vehicle Disability Parking
Permit:
1. Lawful possession of vehicle. The applicant fails to demonstrate that he or she owns or lawfully possesses the Oversized Vehicle for which he or she seeks a permit.

2. Incomplete application. The applicant fails to provide complete and correct information as required by the City.

3. Oversized Vehicle not necessary to accommodate disability. The oversized nature of the applicant's vehicle is not necessary to accommodate a disability, or the oversized nature of the vehicle is not necessary to accommodate a modification that is necessary to for a disability.

4. Dangerous Traffic Safety Condition. The permit holder uses the permit to park in a manner that creates or exacerbates a dangerous traffic safety condition.

5. Improper use. The permit holder uses the permit on a vehicle not approved by the City and designated on the permit, or the permit holder uses the permit at a location not approved by the City and designated on the permit, or the permit holder gives the permit to an ineligible vehicle or person for use.

6. Failure to comply with all laws, rules, and regulations. The permit holder fails to comply with any City law, rule, or regulation pertaining to Oversized Vehicle permit parking.

G. Supplemental Disability Determination Consultation

1. An unsuccessful Oversized Vehicle Disability Parking Permit applicant may seek consultation with the City's Disability Coordinator. The Disability Coordinator may also consult with the City Traffic Engineer to assure reasonable modifications to any City program, including on-street parking, when warranted to provide equal access for a person with disabilities.
Section 7. Section 10.24.076 of the Long Beach Municipal Code is hereby repealed.

Section 8. 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 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of August 15, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw, Mungo, Andrews, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Approved: 6/17 (Date)
STATE OF CALIFORNIA ) ss
COUNTY OF LOS ANGELES )
CITY OF LONG BEACH )

Samantha Vargas Rios being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 16th day of August 2017, I posted three true and correct copies of Ordinance No. ORD-17-0012 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me
this 16th day of August, 2017.