

ORDINANCE NO. 1523

AN ORDINANCE AMENDING TITLE 8 OF THE EL SEGUNDO MUNICIPAL CODE TO CREATE OVERNIGHT PARKING LIMITS FOR OVERSIZED VEHICLES, RECREATIONAL VEHICLES AND TRAILERS, TO ESTABLISH A REGISTRATION AND PERMIT PROCESS AND TO PROHIBIT THE PLACEMENT OF ELECTRICAL CORDS, HOSES, CABLES OR OTHER SIMILAR ITEMS BETWEEN SUCH VEHICLES AND PROPERTIES.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The Council finds and declares as follows:

- A. On June 7, 2016, the City Council directed staff to develop options to limit or prohibit overnight parking of oversized vehicles, recreational vehicles and trailers;
- B. On August 16, 2016, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance;
- C. On October 18, 2016 and November 1, 2016, the City Council considered a proposed Ordinance to address overnight parking of oversized vehicles, recreational vehicles and trailers; per the City Council's direction, a community meeting was held on November 29, 2016 to solicit further input from the public on the proposed Ordinance;
- D. The parking of oversized vehicles, recreational vehicles and trailers on City streets creates a variety of public safety and public health problems, ranging from interference with the normal flow of vehicle traffic, especially on narrow streets; the creation of visual obstacles and reduction of the lines of sight for driveways, intersections, and traffic signage, thereby reducing sidewalk and street safety for motorists, pedestrians, and bicyclists; to illegal dumping of garbage and waste matter on sidewalks and streets.
- E. In addition, the parking of oversized vehicles, recreational vehicles and trailers on City streets exposes bicyclists to greater traffic dangers as they travel around such oversized vehicles and trailers; and fire and Emergency access is reduced, especially on narrow streets and cul-de-sacs;
- F. Further, limited availability of on-street parking is diminished due to oversized vehicles, recreational vehicles and trailers being stored on streets; and trailers hauling debris and other unsightly materials contribute to blight in neighborhoods.

- G. In addition, detached trailers parked on certain City streets constitute a safety hazard as some do not have an independent braking system and could roll unexpectedly down the street;
- H. The City issues encroachment permits for work or encroachments in the public right-of-way (ESMC Title 9, Chapter 2); although encroachment permits would be required for vehicles and other non-vehicular property that are associated with work being performed at adjacent property, and heavy vehicles or machines, the encroachment permit process does not pertain to other oversized vehicles, recreational vehicles or trailers;
- I. The City's current parking regulations are inadequate to address the above-referenced problems associated with the parking of oversized vehicles, recreational vehicles and trailers on City streets;
- J. By creating a permit and registration system, the City Council desires to strike a balance between ensuring that persons who own oversized vehicles, recreational vehicles and trailers have the opportunity to park their vehicles on City streets for short periods of time, while at the same time imposing reasonable regulations on all City streets to address the adverse impacts described above;
- K. California Vehicle Code Sections 22507 and 22507.5, and case law such as *Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4th 1173, confirm the City's authority to restrict the parking of vehicles on certain streets, during all or certain hours of the day, including but not limited to, between the hours of 2 a.m. and 6 a.m.;
- L. The City currently prohibits any wires, pipes or conduit to be placed in or upon any street within the City unless such wires, pipes or conduit are permitted by an encroachment permit issued by the City (ESMC Section 9-2-6);
- M. The City Council is concerned about the potential hazards posed by cords, hoses, cables and wires strewn on City streets and sidewalks between Oversized Vehicles, Recreational Vehicles, and Trailers, and private residences, and desires to prohibit such items in the public right-of-way.

SECTION 2: Section 8-1-1 of the El Segundo Municipal Code (ESMC) is amended to add the following definitions in alphabetical order:

"Oversized Vehicle" means any vehicle, as defined by Section 670 of the California Vehicle Code, or combination of vehicles, which exceeds twenty-two feet in length, seven feet in width, or eight feet in height, exclusive of projecting lights or devices allowed by Section 35109 or 35110 of the California Vehicle Code, as may be amended. The term "Oversized Vehicle" does not include pickup trucks or sport

utility vehicles that are less than twenty-five feet in length and eighty-two inches in height.

“Police Department” means the El Segundo Police Department.

“Recreational Vehicle” has the same meaning as Section 18010 of the Health and Safety Code.

“Trailer” means a trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, or trailer coach as defined in Sections 242, 243, 550, 630, 635, and 636 of the California Vehicle Code, or fifth-wheel travel trailer, as defined in Section 324 of the Vehicle Code. The term “Trailer” includes trailers that are attached to another vehicle by means of a hitch or otherwise, and trailers that are not attached to another vehicle (i.e., “detached” trailers).

SECTION 3: Section 8-5-6 of the ESMC is amended as follows:

~~A. Seventy Two Hours:~~ **Except as otherwise provided in this Chapter, No** person who owns or has possession, custody or control of any vehicle ~~shall~~**may** park the vehicle upon any street or alley for more than a consecutive period of seventy two (72) hours.

~~B. Forty Eight Hours For Certain Vehicles: Except as otherwise provided in this chapter, it is unlawful for any person to park or stand any trailer, camp car or any other similar type of equipment owned, operated or controlled by such person, in or upon any public street, court, drive, alley or other public place in the city for more than forty eight (48) consecutive hours within any period of seven (7) days.~~

SECTION 4: Chapter 5, Article B of Title 8 of the ESMC is amended to add the following new section:

“Section 8-5B-10. Cords Associated with Oversized Vehicles, Recreational Vehicles and Trailers on Public Streets.

No person may run electrical cords, extension cords, hoses, cables, wires or other similar items across, above or on the parkway or sidewalk from a residential or commercial property to an Oversized Vehicle, Recreational Vehicle or Trailer parked on a public street or highway.”

SECTION 5: Chapter 5 of Title 8 of the ESMC is amended by adding a new Article G to read as follows:

“ARTICLE G. OVERSIZED VEHICLE, RECREATIONAL VEHICLE AND TRAILER PERMIT PARKING

8-5G-1: Purpose.

This article is adopted pursuant to the City's police powers, California Constitution article XI, section 11 and California Vehicle Code sections 22507 and 22507.5, and any successor statute or regulation, to allow permit parking in specified areas within the City's jurisdiction.

8-5G-2: Parking Prohibited, Exceptions.

- A. No person may park or leave standing any Trailer, Recreational Vehicle or Oversized Vehicle on any public street or highway in the City between the hours of 2 a.m. through 6 a.m.
- B. No person may park or leave standing any Trailer, Recreational Vehicle or Oversized Vehicle on any public street or highway in the City within twenty-five feet (25') of any intersection.
- C. Exceptions. The prohibition stated in subsection A does not apply:
 - 1. To any Trailer, Recreational Vehicle or Oversized Vehicle for which a valid Oversized Vehicle Parking Permit has been issued and is properly displayed, in accordance with this Article.
 - 2. To any vehicle for which a valid Oversized Vehicle Handicap Parking Permit has been issued and is properly displayed, in accordance with this Article.
 - 3. To any Oversized Vehicle or Trailer for which an encroachment permit has been duly issued by the City.
 - 4. To any Trailers, Recreational Vehicles or Oversized Vehicles parked or left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed twenty-four (24) hours.
 - 5. To any commercial vehicles making pickups or delivery of goods, wares or merchandise, or while providing services to a residence, including, but not limited to yard maintenance, pool care and maintenance, repair and construction services.
 - 6. To any tow trucks and similar vehicles that are in the course of providing services.
 - 7. To any public or utility vehicles and trailers that are in the course of providing services.

8. To any motor coach or bus that is operated by a common carrier of passengers for hire that is associated with a hotel in the City and is parked adjacent to the hotel.
9. To any public emergency vehicle.
10. During any state of emergency declared by the City Council to exist within the City of El Segundo.

8-5G-3: Oversized Vehicle Resident Registration Program.

The purpose of the Oversized Vehicle Resident Registration Program is to have an index of all Oversized Vehicles, Recreational Vehicles and Trailers that are owned by residents and parked within the City. The one-time registration is valid for the life of the vehicle and is signified by a sticker that is issued by the Police Department. Registration alone does not allow an Oversized Vehicle, Recreation Vehicle or Trailer to park at all times on City public streets or highways. Rather, once such a vehicle has been registered with the City, the owner may apply for Oversized Vehicle Parking Permits pursuant to this Article.

8-5G-4: Registration of Oversized Vehicles, Recreational Vehicles or Trailers.

- A. Each person registering an Oversized Vehicle, Recreational Vehicle or Trailer with the City must file with the Police Department a completed application containing the following:
 1. The name, address, and phone number of the registered owner of designated Oversized Vehicle, Recreational Vehicle or Trailer;
 2. The name, address, and phone number of the applicant for the permit;
 3. Proof of residency, which must be current and must include the following: California Driver's License or California Identification Card and one of the following: Property Tax Bill or Public Utility Bill (telephone bills are not acceptable).
 4. The registration from the California Department of Motor Vehicles for the Oversized Vehicle or Trailer that shows the Oversized Vehicle, Recreational Vehicle or Trailer is registered to a resident of the City of El Segundo;
 5. The license number, make, and model of designated Oversized Vehicle, Recreational Vehicle or Trailer; and
 6. Any additional information the Police Department may require.
- B. The applicant must sign the application under penalty of perjury.
- C. The applicant must pay any applicable fees in an amount set by City Council resolution.

- D. The Police Chief or designee must issue an Oversized Vehicle Resident Registration Sticker to each person who submits a completed application, pays the registration fee set by City Council resolution, and otherwise meets the requirements of this Article. The Registration Sticker must be issued within 10 working days from the date all requirements have been met.
- E. The Oversized Vehicle Resident Registration Sticker must be displayed on the left side of the rear bumper of the Oversized Vehicle, Recreational Vehicle or Trailer that has been registered with the City. The sticker must be displayed in a manner so that it is clearly visible from the street.

8-5G-5: Oversized Vehicle Parking Permits.

- A. The purpose of the Oversized Vehicle Parking Permits is to give owners of Oversized Vehicles, Recreational Vehicles and Trailers the opportunity, for a limited time, to park the Oversized Vehicle, Recreational Vehicle or Trailer on a public street or highway adjacent to their residence, and to allow an out-of-town visitor who owns an Oversized Vehicle, Recreational Vehicle or Trailer to park on a public street or highway adjacent to the residence which the out-of-town visitor is visiting for a limited time period. For purposes of this article, the phrase “adjacent to the residence” means as close as practicable to the residence, but no more than 400 feet from the residence.
- B. A duly issued Oversized Vehicle Parking Permit only allows an otherwise prohibited vehicle to lawfully park on a City street or highway from 2:00 a.m. to 6:00 a.m. for two consecutive days. The permit does not allow the vehicle or trailer to be parked in an otherwise unlawful manner.

8-5G-6: Oversized Vehicle Parking Permits – Issuance.

- A. Each person who seeks an Oversized Vehicle Parking Permit for an Oversized Vehicle, Recreational Vehicle or Trailer that is currently registered with the City must:
 - 1. Have registered their Oversized Vehicle, Recreational Vehicle or Trailer and permanently affixed the Oversized Vehicle Residential Sticker to their vehicle or trailer in conformance with Section 8-5G-3 of this Article.
 - 2. File with the Police Department a completed application form containing the following:
 - a. The dates for which the permit is requested;
 - b. The dates and duration of any and all Oversized Vehicle Parking Permits issued to the applicant within the immediately preceding 90-day period;
 - c. Any additional information the Police Department may require.
 - 3. Pay any applicable permit fee set by City Council resolution.

- B. Each person who seeks an Oversized Vehicle Parking Permit for an Oversized Vehicle, Recreational Vehicle or Trailer that is not currently registered with the City must:
 - 1. Be a guest of a resident of the City, and not a resident of the City.
 - 2. File with the Police Department a completed application form containing the following:
 - a. The name, address, and phone number of the registered owner of designated Oversized Vehicle or Trailer;
 - b. The name, address, and phone number of the applicant for the permit;
 - c. The registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the Oversized Vehicle, Recreational Vehicle or Trailer;
 - d. The name, address, and phone number of the resident that is being visited;
 - e. The license plate number, make, and model of designated Oversized Vehicle or Trailer;
 - f. The dates for which the permit is requested;
 - g. The dates and duration of any and all Oversized Vehicle Parking Permits issued to the applicant during the current calendar year;
 - h. The dates and duration of any and all Oversized Vehicle Parking Permits issued to the resident being visited during the current calendar year; and
 - i. Additional information the Police Department may require.
 - 3. Sign the application under penalty of perjury.
 - 4. Pay any applicable permit fee set by City Council resolution.
- C. The Police Chief or designee must issue an Oversized Vehicle Parking Permit to each person who submits a completed application, pays the registration fee set by City Council resolution, and otherwise meets the requirements of this Article. Oversized Vehicle Parking Permit(s) must be issued within two working days from the date all requirements have been met.
- D. Oversized Vehicle Parking Permits issued by the Police Chief or designee must include the license plate number of the designated Oversized Vehicle, Recreational Vehicle or Trailer, the date of issuance, and the day of its expiration.
- E. Permits must be displayed in the vehicle for which it has been issued. The permit must be affixed on the lower driver's side of the windshield or the driver's window so that it is clearly visible from the street and from the exterior of the vehicle. For those vehicles without windows, such as a Trailer, permits must be displayed on the side of the Trailer so that it is clearly visible from the street, which is usually the left side of the Trailer.

8-5G-7: Oversized Vehicle Parking Permits – Duration.

- A. For an Oversized Vehicle Parking Permit that is issued for a registered vehicle pursuant to subsection A of Section 8-5G-6, the permit is valid for two consecutive days. An Oversized Vehicle Parking Permit will allow an otherwise prohibited vehicle to lawfully park on a City street or highway from 2:00 a.m. to 6:00 a.m. one day and 2:00 a.m. to 6:00 a.m. the following day. Upon expiration of the permit, the applicant may apply for and be granted additional Oversized Vehicle Parking Permits if the applicant still qualifies under the conditions set forth in this Article. An applicant may request no more than two consecutive Oversized Vehicle Parking Permits (to allow an otherwise prohibited vehicle to lawfully park on a City street or highway from 2:00 a.m. to 6:00 a.m. for four consecutive days) at one time. An applicant may request no more than 12 two-day Oversized Vehicle Parking Permits per quarter. A “quarter” for purposes of this section is January through March, April through June, July through September, and October through December of each calendar year.

- B. For an Oversized Vehicle Parking Permit that is issued for a vehicle that is not registered pursuant to subsection B of Section 8-5G-6, the permit is valid for two consecutive days. An Oversized Vehicle Parking Permit will allow an otherwise prohibited vehicle to lawfully park on a City street or highway from 2:00 a.m. to 6:00 a.m. one day and 2:00 a.m. to 6:00 a.m. the following day. Upon expiration of the permit, the applicant may apply for and be granted additional Oversized Vehicle Parking Permits if the applicant still qualifies under the conditions set forth in this Article. The Oversized Vehicle Parking Permit must be associated with the residence being visited. An applicant may request no more than two Oversized Vehicle Parking Permits (to allow an otherwise prohibited vehicle to park from 2:00 a.m. to 6:00 a.m. for four consecutive days) at one time. An applicant may request no more than 12 two-day permits per quarter and no more than 48 of such permits per calendar year.

8-5G-8: Oversized Vehicle Handicap Parking Permits.

- A. Purpose. The purpose of authorizing the issuance of Oversized Vehicle Handicap Parking Permits is to allow a handicapped person to park a designated Oversized Vehicle on a street/highway directly in front of (or the side of the property if it is a corner lot) their residence.

- B. Requirements. In order to be eligible to receive an Oversized Vehicle Handicap Parking Permit, both of the following requirements must be met:
 - 1. The applicant must be entitled to receive a handicapped placard or license plate pursuant to the provisions of the California Vehicle Code;

2. The Oversized Vehicle is the only vehicle owned by the resident and is required to meet the daily transportation needs of the resident.

8-5G-9: Oversized Vehicle Handicap Parking Permits – Issuance.

- A. Each person desiring an Oversized Vehicle Handicap Parking Permit must:
 1. Have registered their Oversized Vehicle, Recreational Vehicle or Trailer and permanently affixed the Oversized Vehicle Residential Sticker to their vehicle in conformance with this Article.
 2. File with the Police Department a completed City application form containing the following:
 - a. The name, address, and phone number of the registered owner and applicant of designated Oversized Vehicle;
 - b. The license number, make, and model of designated oversized vehicle;
 - c. The year for which the permit is requested;
 - d. The years of any and all previous Oversized Vehicle Handicap Parking Permits issued to the applicant;
 - e. Additional information the Police Department may require;
 3. Sign the application under penalty of perjury.
- B. The Police Chief or designee must issue an Oversized Vehicle Handicap Parking Permit to each person who submits a completed application and otherwise meets the requirements of this Article. Oversized Vehicle Handicap Parking Permit(s) must be issued within 10 working days from the date all requirements have been met.
- C. Oversized Vehicle Handicap Parking Permits issued by the Police Chief or designee must include the license plate number of the designated Oversized Vehicle, the date of issuance and the day of its expiration.
- D. Oversized Vehicle Handicap Permits must be issued without any fees.
- E. Permits must be displayed in the vehicle for which it has been issued. The permit must be affixed on the lower driver's side of the windshield or the driver's window so that it is clearly visible from the street and from the exterior of the vehicle.

8-5G-10: Oversized Vehicle Handicap Parking Permits – Duration.

Oversized Vehicle Handicap Parking Permits are valid for a period of one year, so long as the permit holder meets the requirements of this section relating to such permits. Permits may be renewed on an annual basis.

8-5G-11: Permit Denial.

An Oversized Vehicle Parking Permit or an Oversized Vehicle Handicap Parking Permit must be denied if the Police Chief or designee finds that:

1. The applicant or the person the applicant is visiting is not a bona fide City resident;
2. The out-of-town visitor is not a guest of the resident;
3. Information submitted by the applicant is materially false; or
4. If the application is for an Oversized Vehicle Handicap Permit, the applicant is not entitled to receive a handicap placard or license plate under the California Vehicle Code; or the Oversized Vehicle is not the applicant's only vehicle.

8-5G-12: Penalties for Violations, Review Request.

- A. Unless otherwise specified, any person who violates any provision in this Article is guilty of an infraction and will be subject to citation, towing, or both.
- B. Every person who displays a fraudulent, forged, altered, or counterfeit Oversized Vehicle Parking Permit or Permit number with the intent to avoid compliance with this Article is guilty of a misdemeanor.
- C. Every person who displays a fraudulent, forged, altered, or counterfeit Oversized Vehicle Handicap Parking Permit or Permit number with the intent to avoid compliance with this Article is guilty of a misdemeanor.
- D. Every person who displays a fraudulent, forged, altered, or counterfeit Oversized Vehicle Resident Registration Sticker with the intent to avoid compliance with this Article is guilty of a misdemeanor.
- E. Every person who forges, alters, or counterfeits an Oversized Vehicle Parking Permit, an Oversized Vehicle Handicap Parking Permit, or an Oversized Vehicle Resident Registration Sticker is guilty of a misdemeanor.
- F. Every person who is issued a notice of parking violation pursuant to this Article may request review of that notice under California Vehicle Code section 40215 et seq.

8-5G-13: Application of Regulations.

- A. The prohibitions in this Article apply at all times, or at those times specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or to comply with the directions of a police officer or official traffic control device.

- B. The time limitations on standing or parking in this Article do not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or this Code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.
- C. Nothing in this Article may be construed to permit vehicle habitation on a public street as prohibited by Section 7-6-1 of this Code.”

SECTION 6: *Implementation Period; Effective Date.*

- A. There will be an implementation period during which the ordinance will not be enforced. The implementation period will start on the effective date of the ordinance and will end on March 31, 2017. The purpose of the implementation period is to give owners of Oversized Vehicles, Recreational Vehicles and Trailers the opportunity to register their vehicles with the City. The registration will consist of completing an application and submitting the required supporting documentation.
- B. Effective April 1, 2017, only Oversized Vehicles, Recreational Vehicles and Trailers with a City of El Segundo Oversized Vehicle Resident Registration Sticker will be allowed to park on any public street or highway in the City between the hours of 2 a.m. and 6 a.m. Effective April 1, 2017, Oversized Vehicles, Recreational Vehicles and Trailers without a City of El Segundo Resident Registration Sticker parked on a public street or highway between the hours of 2 a.m. and 6 a.m., will be in violation of, and subject to the penalty provisions of, this ordinance.
- C. Effective April 1, 2017, no Oversized Vehicle or Recreational Vehicle will be allowed to park on any public street or highway in the City without displaying a valid Oversized Vehicle Parking Permit or Oversized Vehicle Handicap Parking Permit between the hours of 2 a.m. and 6 a.m.

SECTION 7: *Environmental Review.* This ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it consists only of minor revisions and clarifications to existing regulations. It does not portend any new development and does not relax existing regulatory restrictions on future development. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is exempt from CEQA review under 14 Cal. Code Regs. § 15061(b)(3).

SECTION 8: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 10: Enforceability. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 11: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED, AND ADOPTED ORDINANCE No. 1523 on this 21st day of February, 2017.



Suzanne Fuentes, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL SEGUNDO)

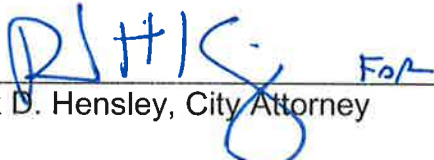
I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1523 was duly introduced by said City Council at a regular meeting held on the 7th day of February 2017, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 21st day of February, 2017, and the same was so passed and adopted by the following vote:

- AYES: Mayor Fuentes, Council Member Brann, Council Member Dugan, and Council Member Pirsztuk
- NOES: None
- ABSENT: None
- ABSTAIN: Mayor Pro Tem Boyles



Tracy Weaver, City Clerk

APPROVED AS TO FORM:



Mark D. Hensley, City Attorney