

ATTACHMENT F
CITY OF CULVER CITY ORDINANCE

ORDINANCE NO. 2005-008

1
2
3 AN ORDINANCE OF THE CITY OF CULVER CITY,
4 CALIFORNIA, AMENDING VARIOUS PROVISIONS OF
5 CHAPTER 7.03 OF THE CULVER CITY MUNICIPAL CODE
6 RELATING TO PARKING OF OVERSIZED, NON-MOTORIZED
7 AND COMMERCIAL VEHICLES, 72-HOUR PARKING
8 LIMITATION AND VEHICLE HABITATION.

9 WHEREAS, the City of Culver City has experienced an increase in
10 complaints regarding the parking and/or storage of oversized vehicles, including
11 recreational vehicles, campers, trailers and boats, on City streets in residential and
12 commercial areas throughout the City; and

13 WHEREAS, the parking of such vehicles throughout the City has caused the
14 City and the community concerns regarding safety issues, including reduced visibility of
15 drivers when backing out of driveways and entering intersections resulting from oversized
16 vehicles being parked on public streets and rights-of-ways; as well as concerns of, visual
17 blight and persons living in vehicles; and

18 WHEREAS, the public streets, highways, parkways and alleys are not
19 intended to be used for the storage of vehicles or vehicle habitation; and

20 WHEREAS, the City acknowledges that the temporary parking of oversized
21 and commercial vehicles is reasonably necessary for limited purposes such as activities
22 that are preparatory or incidental to travel, and the loading and unloading of goods.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

29 ///

1 **NOW THEREFORE**, the City Council of the City of Culver City, California,
 2 **DOES HEREBY ORDAIN** as follows:

3 **SECTION 1.** Chapter 7.03 of the Culver City Municipal Code is hereby
 4 amended to add subchapter 7.03.600, et seq. as follows:

5 **PROHIBITED AND LIMITED PARKING OF OVERSIZED,**
 6 **NON-MOTORIZED AND COMMERCIAL VEHICLES**

7 § 7.03.600 Definitions

8 § 7.03.605 Measurements

9 § 7.03.610 Prohibitions

10 § 7.03.615 Exemption

11 § 7.03.620 Removal and Penalties

12 § 7.03.625 Conflict of Provisions

13 **§ 7.03.600 DEFINITIONS.**

14 For the purposes of this subchapter, the following definitions shall
 15 apply unless the context clearly indicates or requires a different meaning.
 16 Any term that is not defined herein shall have the meaning as set forth in the
 17 California Vehicle Code.

18 **Chief of Police** shall mean the Chief of Police of the City of Culver
 19 City, or his or her designee.

20 **Commercial Vehicle** shall mean any vehicle having more than two
 21 axles, or any single commercial vehicle or combination of said vehicles which
 22 exceed twenty feet (20') in length, any single commercial vehicle or
 23 combination of said vehicles eighty-four inches (84") or more in width, or any
 24 single commercial vehicle or combination of said vehicles having a
 25 manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds
 26 or more. A commercial vehicle includes a truck tractor, but does not include
 27 a large motor vehicle or non-motorized vehicle as defined herein or a pick-up
 28

1 truck without a camper or sports utility vehicle.

2 **Large Motor Vehicle** shall mean any house car, pick up truck with
3 camper, recreational vehicle, or any other vehicle, or combination of vehicles,
4 that measures more than twenty feet (20') in length, or is both more than
5 eight-four inches (84") in width and eighty-four inches (84") in height. The
6 term "large motor vehicle" does not include a commercial vehicle as defined
7 herein, a pick-up truck without a camper or sports utility vehicle.

8 **Non-motorized Vehicle** shall mean any trailer, boat, or any other
9 device that can be used for transporting persons or property, and is not self-
10 propelled.

11 **Motor Vehicle** shall mean any passenger vehicle, pick-up truck
12 without a camper, sports utility vehicle, motorcycle or motor-driven cycle, but
13 shall not include a house car.

14 **Police Department** shall mean the Culver City Police Department.

15 **Residential District** shall mean any area within the City that is zoned
16 R1, R2, R3, RLD, RMD, RHD, and those portions of PD Zone districts which
17 are specified for residential uses.

18 **Vehicle Owner** shall mean the registered owner, or person who has
19 possession, custody or control, of any motor vehicle, large motor vehicle or
20 non-motorized vehicle.

21 **§ 7.03.605 MEASUREMENTS.**

22 To determine the width or length of the vehicles defined in this
23 subchapter, any extension to the vehicle caused by mirrors, air conditioners,
24 or similar attachments shall not be included.

25 **§ 7.03.610 PROHIBITIONS.**

26 A. No person shall, at any time, park or leave standing any large
27 motor vehicle or non-motorized vehicle on any public street, highway,
28

1 parkway or alley except:

2 1. In residential districts, large motor vehicles, or non-
3 motorized vehicles attached to a motor vehicle or large motor vehicle, which
4 are parked adjacent to the vehicle owner's residence, are allowed for a period
5 of time not to exceed forty-eight (48) consecutive hours for the sole purpose
6 of loading, unloading, cleaning, battery-charging, or other activity preparatory
7 or incidental to travel.

8 2. In residential districts, large motor vehicles, or non-
9 motorized vehicles attached to a motor vehicle or large motor vehicle, which
10 are parked adjacent to the vehicle owner's residence, may be allowed for an
11 additional period of time of up to twenty-four (24) consecutive hours, but no
12 more than a total of seventy-two (72) consecutive hours, provided an
13 extension has been granted by the Chief of Police.

14 B. Any large motor vehicle, or non-motorized vehicle attached to a
15 motor vehicle or large motor vehicle, which is parked on a public street,
16 highway, parkway or alley pursuant to either subsection (A)(1) or (A)(2)
17 hereinabove shall, at the end of the permitted period of time, whether forty-
18 eight (48) or seventy-two (72) hours, be removed from its location and shall
19 not be parked on any public street, highway, parkway or alley for a period of
20 at least forty-eight (48) hours.

21 C. No person who owns or has possession, custody or control of
22 any commercial vehicle shall park or leave standing any such vehicle on any
23 public street, highway, parkway, roadway, alley or thoroughfare for more than
24 three (3) hours, except:

25 1. For such reasonable period of time in excess of three (3)
26 hours that may be necessary for the purpose of making pick-ups or deliveries
27 of goods, wares, and merchandise from or to any building or structure or for
28

1 the purpose of delivering materials to be used for repair, alteration,
2 remodeling, or construction of any building or structure upon a restricted
3 street or highway; or

4 2. For such reasonable period of time in excess of three (3)
5 hours that may be necessary when such vehicle is parked in connection with
6 the performance of a service to or on a property in the block in which such
7 vehicle is parked; or

8 3. For such reasonable time in excess of three (3) hours
9 that may be necessary to make emergency repairs.

10 D. No person who owns or has possession, custody or control of
11 any motor vehicle, large motor vehicle, non-motorized vehicle or commercial
12 vehicle, which is six feet (6') or more in height, including any load thereon,
13 shall park or leave standing any such vehicle on any street or highway within
14 forty-five feet (45') of any intersection.

15 **§ 7.03.615 EXEMPTIONS.**

16 The provisions of this subchapter shall not apply to the following:

17 A. Any government, public utility or emergency vehicle; or

18 B. Any motor vehicle, large motor vehicle, non-motorized
19 vehicle or commercial vehicle that is parked on any public street, highway,
20 parkway, roadway, alley or thoroughfare pursuant to a permit, lease, license
21 or other entitlement issued by the City.

22 **§ 7.03.620 REMOVAL AND PENALTIES.**

23 A. Unless otherwise specified, a violation of any provision of this
24 subchapter shall be deemed a civil offense and punishable by a fine
25 established by resolution of the City Council.

26 B. Any vehicle found in violation of this subchapter may be cited or
27
28

1 removed, or both cited and removed, by any member of the Police
 2 Department authorized by the Chief of Police, in the manner and subject to
 3 the requirements of this section and California Vehicle Code Sections 22651
 4 and 22651.05.

5 C. After any vehicle has been removed summarily as provided in
 6 subsection (B) above, the registered and legal owners of the vehicle shall be
 7 given the opportunity for a post-removal hearing to determine the validity of
 8 the storage of the vehicle in accordance with California Vehicle Code Section
 9 22852.

10 D. The procedures for hearings provided for in subsection (C)
 11 above, shall be established by the Chief of Police and the hearing shall be
 12 held by the Chief of Police or his or her designee. Said designee shall not be
 13 the person who directed the storage of the vehicle.

14 E. The disposition of any stored vehicle shall be in accordance
 15 with California Vehicle Code Sections 22850.5 through 22855.

16 **§ 7.03.625 CONFLICT OF PROVISIONS.**

17 In the event of any conflict between this subchapter and any other
 18 provisions of this Code, this subchapter shall control.

19 **SECTION 2.** The title of Section 7.03.220 of the Culver City Municipal Code
 20 is hereby amended as follows:

21 **§ 7.03.220 USE OF STREETS FOR PARKING, STANDING OR**
 22 **STORING OF VEHICLES PROHIBITED.**

23 **SECTION 3.** Sections 7.03.220 (C), (D) and (E) of the Culver City Municipal
 24 Code are hereby repealed. (Note: The provisions of repealed sections (C)(1), (D) and (E)
 25 have been relocated and revised in new subchapter 7.03.600, et seq., as set forth above in
 26 Section 1 of this Ordinance; and the provisions of repealed section (C)(2) have been
 27
 28

1 revised and adopted as a new section (C) as set forth below in Section 4 of this
 2 Ordinance.)

3 **SECTION 4.** A new Section 7.03.220(C) is hereby adopted to read as
 4 follows:

5 C. Exemptions: The provisions of subsections (A) and (B)
 6 above shall not apply to the following:

- 7 1. Any government, public utility or emergency
 8 vehicle; or
- 9 2. Any motor vehicle, large motor vehicle, non-
 10 motorized vehicle or commercial vehicle that is parked on any public
 11 street, highway, parkway, roadway, alley or thoroughfare pursuant to a
 12 permit, lease, license or other entitlement issued by the City.

13 **SECTION 5.** Section 7.03.242 of the Culver City Municipal Code is hereby
 14 repealed and replaced with a new Section 7.03.242 as follows:

15 **§ 7.03.242 REGULATING VEHICLE HABITATION ON PUBLIC**
 16 **STREETS AND OTHER PUBLIC PROPERTY.**

17 A. Except in a verifiable emergency, no person shall use
 18 any vehicle parked or standing upon any public street, alley, right-of-
 19 way, public park or other public property as a temporary or permanent
 20 substitute for a residence or dwelling unit.

21 B. For purposes of this section:

22 1. Evidence that a vehicle is being used as a
 23 temporary or permanent substitute for a residence or dwelling unit
 24 shall include, but not be limited to, use of the vehicle for living,
 25 sleeping, cooking and/or bathing purposes;

26 2. The term "vehicle" shall include any boat and any
 27 device, operable or inoperable with or without wheels, by which any
 28

1 person or property may be propelled, moved or drawn upon any street
2 or highway, including, but not limited to, a motor vehicle, mobile home
3 and trailer.

4 **SECTION 6.** Pursuant to Section 512 of the City Charter, this Ordinance
5 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 514
6 and 517 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
7 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
8 Culver City News and shall post this Ordinance or a summary thereof in at least three
9 places within the City.

10 **SECTION 7.** The City Council hereby declares that, if any provision, section,
11 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
12 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
13 reason of any preemptive legislation, then the City Council would have independently
14 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
15 or words of this ordinance and as such they shall remain in full force and effect.

16 **APPROVED AND ADOPTED** this ____ day of _____, 2005.

17
18
19
20
21
22
23
24
25
26
27
28

ALBERT M. VERA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

CHRISTOPHER ARMENTA, City Clerk

CAROL A. SCHWAB, City Attorney