

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING CHAPTER 14.32 (PARKING AND STOPPING) TO ADD SECTION 14.32.206 (PARKING OVERSIZED VEHICLES—RESTRICTED); TO AMEND SECTION 14.32.205 (LIMITATION ON THE PARKING OF LARGE COMMERCIAL VEHICLES IN THE RESIDENTIAL ZONES OF THE CITY); AND, FINDING AND DETERMINING THAT THIS ORDINANCE IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15060(C)(2), 15060(C)(3) AND 15061(B)(3) OF THE STATE CEQA GUIDELINES, BECAUSE IT WILL NOT RESULT IN A DIRECT OR REASONABLY FORESEEABLE INDIRECT PHYSICAL CHANGE IN THE ENVIRONMENT BECAUSE THERE IS NO POSSIBILITY THAT IT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND BECAUSE IT IS NOT A PROJECT AS DEFINED IN SECTION 15378 OF THE CEQA GUIDELINES.

WHEREAS, in California Vehicle Code Sections 22507 and 22507.5, the Legislature delegated to local governments the authority to regulate vehicular parking within their jurisdictions. In accordance with this authority, the City Council of the City of Anaheim ("City Council") adopted Chapter 14.32 (Parking and Stopping) of Title 14 (Traffic) of the Anaheim Municipal Code (the "Code") to regulate the parking of vehicles in the City of Anaheim ("City"); and

WHEREAS, pursuant to Section 14.32.200 of the Code, it is unlawful to park any truck, trailer, or combination of truck or trailer, having a gross vehicle weight rating of ten thousand pounds or more, on any street within the City between the hours of three a.m. and six a.m.; and

WHEREAS, pursuant to Section 14.32.205 of the Code, it is unlawful to park truck tractors, trailers, buses and large commercial vehicles in residential zones except while mechanically disabled, or while loading or unloading property, or when such vehicle is parking in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked; and

WHEREAS, some large, oversized and recreational vehicles (collectively, "Oversized Vehicles") may exceed 22 feet in length, or 7 feet in width and 7 feet in height but not meet the definition of vehicles restricted by AMC Sections 14.32.200 or 14.32.205; and

WHEREAS, the proliferation of Oversized Vehicles parked on public streets raises public safety concerns, including the obstruction of access to rights-of-way, reduced sight distance, reduced visibility at intersections, all of which have a detrimental effect on the public health, safety, welfare and quality of life in the City of Anaheim; and

WHEREAS, certain neighborhoods and areas of the City do not have sufficient on or off street space to accommodate the parking of vehicles and the proliferation of Oversized Vehicles parked in the limited supply of spaces reduces parking spaces for other uses, which adversely affects residents; and

WHEREAS, Oversize Vehicles have a large storage capacity which provides for an increased opportunity for vehicle thefts and deterioration of safety, tranquility, aesthetics and other similar values in the City; and

WHEREAS, restricting the parking of Oversized Vehicles will mitigate the public safety concerns associated with the parking of Oversize Vehicles; will increase the availability of parking for city residents and visitors; and, will preserve the character of neighborhoods to the benefit the health, safety and welfare of City residents; and

WHEREAS, the City wishes to restrict Oversized Vehicles on City streets pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, and the City Council has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the City of Anaheim and its residents; and

WHEREAS, the City Council determines that this ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; herein referred to as "CEQA") and the State of California Guidelines for Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "State CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA pursuant to Section 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project," as that term is defined in Section 15378 of the State CEQA Guidelines; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

SECTION 1. That Section 14.32.206 be, and the same is, hereby added to Title 14 of the Anaheim Municipal Code (Parking and Stopping) to read in full as follows:

14.32.206 PARKING OF OVERSIZED VEHICLES —RESTRICTED

.010 Definitions. The following words and terms as used in this section shall have the following meanings:

.0101 “Oversized Vehicle” shall mean any of the following:

(a) Any motorized vehicle as defined in Section 670 of the Vehicle Code or combination of motorized vehicle(s) and/or non-motorized vehicle(s), including any attached trailers, vehicles or loads thereon, which exceeds 22 feet in length or 7 feet in width and 7 feet in height. To determine the height, width or length of a vehicle defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments allowed by Section 35109, 35110 or 35111 of the Vehicle Code, as the same may be amended from time to time, shall not be included.

(b) any camp trailer, camper, fifth wheel travel trailer, house car, mobilehome, trailer coach, as defined in California Vehicle Code Sections 242, 243, 324, 362, 396, 635, or successor statutes, or any recreational vehicle, as defined by California Health and Safety Code Section 18010 or successor statute.

.0102 “Loading and Unloading” shall mean loading or unloading passengers or material to or from an Oversized Vehicle including the activities required to prepare the vehicle for travel or storage.

.020 Overnight Parking Prohibition. Unless otherwise authorized by this section or Sections 14.32.200 and 14.32.205 of this Code, no person shall stop, stand, park or leave standing any Oversized Vehicle on any public street.

.030 Exemptions. This section shall not apply to:

.0301 Oversized Vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for 24 consecutive hours where an Oversized Vehicle is left parked on a City street because of mechanical breakdown or because of physical incapacity of the driver or owner.

.0302 Oversized Vehicles belonging to federal, state or local authorities or public utilities that are parked while the operator of the vehicle is conducting official business.

.0303 Oversized Vehicles actively engaged in Loading and Unloading or deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to an adjacent residence or building. Oversized Vehicle actively engaging in Loading and Unloading shall park at the street curb immediately adjacent to the residence or building, or within 400 feet of the residence if this area is not available for parking due to curb configuration or codified parking restrictions.

.0304 Oversized Vehicles engaged in Loading and Unloading and/or preparation for travel and displaying a temporary placard issued by the City pursuant to administrative guidelines or regulations that may be established by the City Manager as necessary to facilitate implementation and enforcement of this Chapter.

.0305 Oversized Vehicles parked or standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such Oversized Vehicle is parked.

.0306. The City Traffic and Transportation Manager shall erect, or cause to be erected, signs giving notice of restrictions provided in this section.

SECTION 2. That Section 14.32.205.020 (Limitation on the Parking of Large Commercial Vehicles in the Residential Zones of the City) of the Anaheim Municipal Code (Parking and Stopping) be, and the same is, hereby amended to read in full as follows

.020 Any trailer not attached to a motor vehicle;

SECTION 3. SEVERABILITY.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

SECTION 4. SAVINGS CLAUSE.

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SECTION 5. CERTIFICATION; PUBLICATION BY CLERK.

The City Clerk shall certify to the passage of this ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ____ day of _____, 2018, and thereafter passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: _____
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM