

ORDINANCE NO. 34-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
PROHIBITING THE PARKING OF SPECIFIED VEHICLES IN THE PUBLIC
RIGHT-OF-WAY ESTABLISHING §10.24.075 OF
THE ELK GROVE MUNICIPAL CODE**

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to establish §10.24.075 of the Elk Grove Municipal Code, prohibiting the parking of Specified Vehicles in the public right-of-way. This Ordinance is authorized by Article 11, Section 7 of the California Constitution.

Section 2: Findings

In adopting this Ordinance, the City Council makes the following findings:

- A. A dangerous hazard exists within the City in connection with the on-street parking on public rights-of-way of large recreational vehicles and commercial trailers and semi-trailer rigs.
- B. There have been instances where the owners or operators of commercial trailers, commercial semi-trailers and trailer rigs have detached the commercial trailers or semi-trailers from the truck tractor thereof, and have left the same stored in the public right-of-way.
- C. Storage of large recreational vehicles and attached and detached trailers and semi-trailers on public streets is detrimental to the public health, safety and welfare inasmuch as the same are a hazard to traffic and other persons lawfully using the streets, and that such storage is not the parking or standing of a vehicle as contemplated by this Code.
- D. The storage of detached trailers or semi-trailers on public streets is not an authorized public use of the streets, and should be restricted.
- E. The City Council finds that the revised Code is consistent with the goals, policies, implementation programs and land use designations specified in the City's General Plan, as required by Government Code Section 65860.

Section 3: CEQA Findings

- 1. The proposed project is categorically exempt as a Class 5 Exemption (CEQA §15305).

2. The City Council finds that adoption of this Ordinance will not result in any significant effects on the environment.

Section 4: Amendment to Elk Grove Municipal Code Creating §10.24.075

The Elk Grove Municipal Code is hereby amended to establish §10.24.075 as follows:

Chapter 10.24.075

PROHIBITION OF PARKING SPECIFIED VEHICLES
IN THE PUBLIC RIGHT-OF-WAY

Sections

10.24.075 – Prohibition of Parking Specified Vehicles in the Public Right-of-Way

§10.24.075 – PROHIBITION OF PARKING SPECIFIED VEHICLES IN THE PUBLIC
RIGHT-OF-WAY

- (a) No person who owns or has custody or control of any commercial or recreational vehicle shall park or store such vehicle on any public street, highway or right of way within the City limits of City of Elk Grove that is not within a designated industrial zone (M-1 and M-2 classification), or other areas specifically posted to permit parking or unless otherwise authorized by subsections 10.24.070 (h) or 10.24.070(i).
- (b) “Commercial or recreational vehicle” includes, but is not limited, to all motorized and non-motorized tractors, trailers, semi-trailers, vans, trucks, open bed or flat bed pickups, mobile equipment, machinery, motor homes, campers, or other vehicles which meet one or more of the following criteria:
1. Vehicle or load height exceeds 7 feet; or
 2. Vehicle or load width exceeds 7.5 feet, as measured from the widest portion of the vehicle or load, but not including mirrors; or
 3. Vehicle or load length exceeds 20 feet (in combination with any attached trailers); or
 4. Manufacturer’s gross vehicle weight rating exceeds 10,000 pounds; or
 5. Any non-motorized vehicle regardless of its height, width, length or weight when it has been detached from a motor vehicle that is capable of towing such vehicle.
- (c) This section shall not prohibit the parking of Commercial Vehicles if they are at the time engaged in any of the following activities.

1. Loading or unloading of persons and/or property; or
 2. Parked in connection with or in the aid of the immediate performance of a service to or on a property in the immediate proximity in which such vehicle is parked; or
 3. Parked or left standing to allow the operator respite in the immediate proximity in which such vehicle is parked for a period of not to exceed 30 minutes; or
 4. Parked or left standing as a result of a mechanical breakdown so as to allow for the performance of emergency repairs on the vehicle, or while waiting for a tow operator for a period not to exceed two hours; or
 5. Parked or left standing as allowed by a permit issued by the City pursuant to established procedures; or
 6. Emergency vehicles of any political subdivision of the State of California or of a public utility, while the driver of any such vehicle is engaged in the necessary performance of public emergency duties; or
 7. Parking of motor homes, trailer coaches, recreational trailers, truck campers, camping trailers, or boat trailers designed for personal use for less than 72 hours in a residential district.
- (d) The traffic engineer shall place appropriate signs on all streets, roads or highways, as the traffic engineer may determine will best serve to give notice of this section, indicating the affected residential and commercial streets, roads or highways where commercial vehicle parking is prohibited.
- (e) Any person violating any of the provisions of this Section or any rule or regulation established under the provisions of this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$300.00, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Section 5: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity

of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

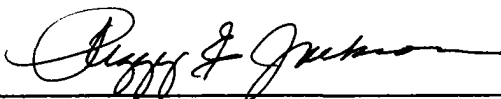
Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

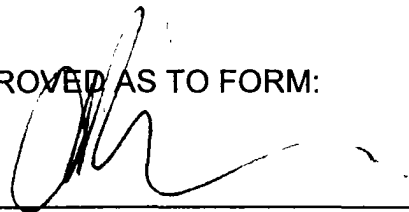
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 17th day of November 2004.


SOPHIA SCHERMAN, MAYOR of the C
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: December 17, 2004

AYES: Scherman, Soares, Briggs
NOES: None
RECUSAL: Cooper, Leary
ABSENT: None