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NEIGHBORHOOD SERVICES DEPARTMENT
Code Enforcement Division

CITY OF SACRAMENTO
CALIFORNIA

1231 I Street, Suite 400
SACRAMENTO, CA

95814-2977

PH 916-264-5948
FAX 916-264-7643

October 24, 2002

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Commercial Vehicles Parked on Residential Properties

LOCATION AND COUNCIL DISTRICT: City-wide.

RECOMMENDATION:

Staff is providing a report back at the request of the Law & Legislation Committee. This is a follow-up from the Law and Legislation Committee meeting of June 6, 2002. Staff has been requested to draft an ordinance to amend the current city code regarding parking commercial vehicles in residential zones. It is recommended that the Law and Legislation Committee review and approve the attached ordinance amending Sacramento City Code Sections 10.36.120, 10.44.020 and 15.140.020 to be forwarded to City Council.

CONTACT PERSONS: Max B. Fernandez, Director Area 1, 264-7940
Robert L. Rose, Chief of Code Enforcement, 264-5947

FOR COMMITTEE MEETING OF: November 7, 2002

SUMMARY:

This report is a follow-up to the Law and Legislation Committee's request that the current ordinance be amended relating to parking of commercial vehicles in residential zones. Regulations presently exist regarding the parking of commercial vehicles on residential properties as specified in Sacramento City Code Sections 10.36.120 and 10.44.020 et seq. and Section 15.140.020 et seq. Currently, if the conditions as specified by city code are satisfied, it is lawful to park commercial vehicles with a gross vehicle weight of 10,000 pounds or more on residentially zoned property. After

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Law and Legislation Committee
Re: Commercial Vehicles Parked on Residential Properties

surveying other similar cities and reviewing a ticket analysis of violations of SCC 10.36.120 and 10.44.020, staff is proposing an ordinance amendment (Exhibit A) which will help eliminate parking of campcars in residential areas as well as eliminate parking of defined commercial vehicles in residential areas. The new ordinance also includes definitions as needed. The revisions will help maintain the traditional activity and quality of life in residential zoned neighborhoods.

BACKGROUND:

As a follow-up to the Law and Legislation Committee's request for additional information regarding the parking of commercial vehicles on residential properties, staff is providing the following information on current City Code, comparison studies, and vehicle specifications:

- A. Code Enforcement has surveyed the weight limits for commercial vehicles in residential areas in the similar cities of Oakland, San Diego, Long Beach, West Sacramento, and Fresno. All of these cities have a weight limit of 5 tons except for Oakland whose limit is 4 ½ tons.
- B. Various sizes and measurements of vehicles are listed in Exhibit B.
- C. The number of citations issued in the past year from September 16, 2001 to September 16, 2002 for violation of Section 10.36.120 relating to commercial vehicles parking on residential streets total 420 citations which were issued by Code Enforcement, the Police Department, and Parking Control.

The number of citations issued for the same above time period for violation of Section 10.44.020 relating to commercial vehicles parking on private residential properties total 62 citations which were also issued by the same departments.

- D. Laws and regulations regarding parking in residential areas with 0 lot lines are the same as with standard lot lines.

Staff recommends that SCC Chapter 10 be amended as follows (See Exhibit A):

Section 1. Definitions are included.

Section 2. Section 15.140.020 is amended regarding the location of trailers in places other than authorized camp. It shall be unlawful and a public nuisance to park any trailer, auto coach, or trailer coach designed for transportation purposes upon a public highway, for

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RE: Commercial Vehicles Parked on Residential Properties

occupancy as living quarters for longer than forty-eight (48) hours, unless the same is kept and maintained on an established camp operated under permits from the state of California and city-county health department.

Section 3. Section 10.36.120 is amended regarding parking commercial vehicles in residential district. It shall be unlawful to park/leave standing on any private property, street, or portion thereof, in any residential district located within the city any commercial vehicle with a manufacturer's gross vehicle weight of ten thousand (10,000) pounds or more for longer than two (2) hours. This section does not apply when a commercial vehicle is making pickups or deliveries of goods, wares, etc. on restricted streets or highways or when delivering materials for repair, remodeling, et. Of any building or structure upon the restricted streets/highways for which a building permit has been obtained.

Section 4. Section 10.44.020 is amended regarding parking commercial vehicles on residential property; streets in residential areas.

2. A. It shall be unlawful for any person to stop, stand or park or permit to be parked any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more or any vehicle having an overall length in excess of twenty-one (21) feet except regular passenger vehicles, on any private property which falls within one of these zones: RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-0 and C-1.

B. A citation may be issued to the registered owner of any vehicle found to be in violation of this section.

C. In no event shall any vehicle be parked on an unimproved parcel, etc. in the zones listed in subsection A of this section.

FINANCIAL CONSIDERATIONS:

This report has no fiscal implications at this time.

ENVIRONMENTAL CONSIDERATIONS:

This report is not considered a project and therefore has no potential for an effect on

Law and Legislation Committee
RE: Commercial Vehicles Parked on Residential Properties

the environment as stated by the provisions of the California Environmental Quality Act (Section 15061 (b) (3)).

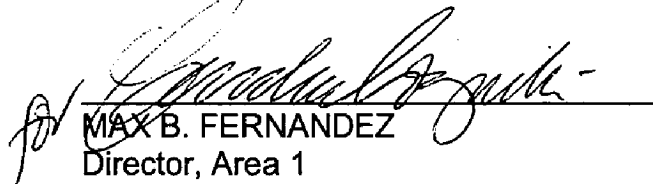
POLICY CONSIDERATIONS:

This report is consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

E/SBD:

Not applicable.

Respectfully submitted,



MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

RECOMMENDATION APPROVED:



KEN NISHIMOTO
Deputy City Manager

Attachments

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTIONS RELATING
TO PARKING OF COMMERCIAL VEHICLES IN
RESIDENTIAL ZONES;**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 10 of the Sacramento City Code is hereby amended by adding Section 10.44.004 to read as follows:

10.44.004 DEFINITIONS:

The following words and phrases shall have the meaning hereinafter set forth, and if any word or phrase is not hereinafter defined, it shall have the meaning set forth in the State Vehicle Code, provided however, that if any such word or phrase is not defined in said Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

1. CITY shall mean the City of Sacramento.
2. DAY shall mean a 24-hour period.
3. DEPARTMENT shall mean those departments designated by the City Manager to enforce the applicable provisions.
4. DIRECTOR shall mean the responsible Department Head or his or her authorized designee.
5. GROSS WEIGHT shall mean the gross manufacturers weight which is the combined weight of a vehicle and its load at full capacity.
6. OVERLOAD shall mean and include any vehicle or combination of vehicles, including any loads which it or they may bear and carry, exceeding the limitations set forth in the California Vehicle Code relating to height, width, length, size or weight of a vehicle or load.

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ORDINANCE NO.: _____

DATE ADOPTED: _____

7. PARK shall mean to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers, freight, or materials.
8. PERSON shall mean any person, firm, individual, corporation, association, partnership, trust or other organization, and shall include an owner, lessee, permittee, agent or employee of any person, firm, individual, corporation, association, partnership, trust or other organization.

SECTION 2.

Chapter 15 of the Sacramento City Code is hereby amended by amending Section 15.140.020 to read as follows:

15.140.020 Location of trailers in places other than authorized camp.

A. Except as otherwise provided in this subsection, it shall be unlawful and a public nuisance for any person to establish, keep or maintain upon any lot or other place within the city, any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters for a longer period than forty-eight (48) hours, unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state of California and city-county health department.

1. Nothing contained in this subsection A shall prohibit the health department from issuing a temporary permit for such trailer occupancy for a period of not to exceed seventy-two (72) hours, provided that no temporary permit shall be issued for any occupancy or camp which will constitute a nuisance or health menace.

2. Nothing contained in this subsection A shall prohibit the health department from issuing a temporary permit for such trailer occupancy for a period of not to exceed one hundred twenty (120) days, provided that the following conditions are met:

a. The temporary use of such trailer shall be as living quarters for the owner, and his or her immediate family, of the property upon which such trailer is located and shall be for emergency purposes only when the existing or former living quarters on the same premises have been damaged or destroyed by fire or other disaster. The planning director shall determine whether the provisions of this subsection (A)(2)(a) are met.

b. The planning director shall determine that the property in question contains sufficient area so that temporary placement of said trailer on the property will permit reconstruction of the dwelling unit without undue complications or adverse effect on the surrounding property.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

c. The applicant shall obtain or cause to be obtained valid construction permits for the dwelling unit to be constructed and shall initiate construction of the dwelling within thirty (30) days following the granting of a permit for temporary occupancy of such trailer.

d. The proposed occupancy shall not constitute a nuisance or health menace as determined by appropriate authorities in the health department.

3. Nothing contained in this subsection shall apply to a mobilehome installed after issuance of a permit as required by Section 15.60.020 of this title.

4. Upon good cause shown, a temporary permit granted under subsection (A)(2) of this section, may be extended for periods of up to thirty (30) days, provided that no such permit including any extensions thereof shall be valid for a period of more than six months.

B. Except for loading and unloading:

1. No trailer coach shall be parked within the City limits.

SECTION 3.

a. Chapter 10 of the Sacramento City Code is hereby amended by amending section 10.36.120 to read as follows:

10.36.120 Parking commercial vehicles in residential district.

A. No person shall park-and/or leave standing on any private property, street, or portion thereof, in any residential district located within the city any commercial vehicle with a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more for a period of time longer than two (2) hours.

B. This section shall not apply to the parking of a commercial vehicle in a residential district where such vehicle is making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained.

C. For the purpose of this section, "residential district" is defined to include all areas to which any one of the following zoning classifications is applicable: RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-O, C-1, all street frontages contiguous to schools, colleges, universities and hospitals, and all areas which satisfy the definition of "residence district" set forth in California Vehicle Code Section 515. (Prior code § 25.07.111)

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 4.

Chapter 10 of the Sacramento City Code is hereby amended by amending Section 10.44.020 to read as follows:

10.44.020 Parking commercial vehicles on private residential property; streets in residential areas.

2. A. It is unlawful for any person to stop, stand or park or permit to be parked any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more or any vehicle having an overall length in excess of twenty-one (21) feet except regular passenger vehicles, on any private property which falls within one of the following zoning classifications: RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-0 and C-1.

B. A citation may be issued to the registered owner of any vehicle found to be in violation of this section.

C. In no event shall any vehicle be parked on an unimproved parcel, a vacant parcel or a parcel with vacant buildings in the zones listed in subsection A of this section.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.
ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTIONS RELATING
TO PARKING OF COMMERCIAL VEHICLES IN
RESIDENTIAL ZONES;**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 10 of the Sacramento City Code is hereby amended by adding Section 10.44.004 to read as follows:

10.44.004 DEFINITIONS:

The following words and phrases shall have the meaning hereinafter set forth, and if any word or phrase is not hereinafter defined, it shall have the meaning set forth in the State Vehicle Code, provided however, that if any such word or phrase is not defined in said Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

1. CITY shall mean the City of Sacramento.
2. DAY shall mean a 24-hour period.
3. DEPARTMENT shall mean those departments designated by the City Manager to enforce the applicable provisions.
4. DIRECTOR shall mean the responsible Department Head or his or her authorized designee.
5. GROSS WEIGHT shall mean the gross manufacturers weight which is the combined weight of a vehicle and its load at full capacity.
6. OVERLOAD shall mean and include any vehicle or combination of vehicles, including anyloads which it or they may bear and carry, exceeding the limitations set forth in the California Vehicle Code relating to height, width, length, size or weight of a vehicle or load.
7. PARK shall mean to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in

- loading or unloading of passengers, freight, or materials.
8. PERSON shall mean any person, firm, individual, corporation, association, partnership, trust or other organization, and shall include an owner, lessee, permittee, agent or employee of any person, firm, individual, corporation, association, partnership, trust or other organization.

SECTION 2.

Chapter 15 of the Sacramento City Code is hereby amended by amending Section 15.140.020 to read as follows:

15.140.020 Location of trailers in places other than authorized camp.

A. Except as otherwise provided in this subsection, it shall be unlawful and a public nuisance for any person to establish, keep or maintain upon any lot or other place within the city, any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters for a longer period than forty-eight (48) hours, unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state of California and city-county health department.

1. Nothing contained in this subsection A shall prohibit the health department from issuing a temporary permit for such trailer occupancy for a period of not to exceed seventy-two (72) hours, provided that no temporary permit shall be issued for any occupancy or camp which will constitute a nuisance or health menace.

2. Nothing contained in this subsection A shall prohibit the health department from issuing a temporary permit for such trailer occupancy for a period of not to exceed one hundred twenty (120) days, provided that the following conditions are met:

a. The temporary use of such trailer shall be as living quarters for the owner, and his or her immediate family, of the property upon which such trailer is located and shall be for emergency purposes only when the existing or former living quarters on the same premises have been damaged or destroyed by fire or other disaster. The planning director shall determine whether the provisions of this subsection (A)(2)(a) are met.

b. The planning director shall determine that the property in question contains sufficient area so that temporary placement of said trailer on the property will permit reconstruction of the dwelling unit without undue complications or adverse effect on the surrounding property.

c. The applicant shall obtain or cause to be obtained valid construction permits for the dwelling unit to be constructed and shall initiate construction of the dwelling within thirty (30) days following the granting of a permit for temporary occupancy of such trailer.

d. The proposed occupancy shall not constitute a nuisance or health menace as

determined by appropriate authorities in the health department.

3. Nothing contained in this subsection shall apply to a mobilehome installed after issuance of a permit as required by Section 15.60.020 of this title.

4. Upon good cause shown, a temporary permit granted under subsection (A)(2) of this section, may be extended for periods of up to thirty (30) days, provided that no such permit including any extensions thereof shall be valid for a period of more than six months.

B. Except for loading and unloading:

1. No trailer coach shall be parked ~~within the setback area of a dwelling; and~~

~~2. No trailer coach shall be parked on residential property within five feet of the adjoining real property line.~~ the City limits.

SECTION 3.

a. Chapter 10 of the Sacramento City Code is hereby amended by amending section 10.36.120 to read as follows:

10.36.120 Parking commercial vehicles in residential district.

A. No person shall park ~~any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street within a residential~~ and/or leave standing on any private property, street, or portion thereof, in any residential district located within the city any commercial vehicle with a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more for a period of time longer than two (2) hours

B. This section shall not apply to the parking of a commercial vehicle in a residential district where such vehicle is making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained.

C. For the purpose of this section, "residential district" is defined to include all areas to which any one of the following zoning classifications is applicable: RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-O, C-1, all street frontages contiguous to schools, colleges, universities and hospitals, and all areas which satisfy the definition of "residence district" set forth in California Vehicle Code Section 515. (Prior code § 25.07.111)

SECTION 4.

Chapter 10 of the Sacramento City Code is hereby amended by amending Section 10.44.020 to read as follows:

10.44.020 Parking commercial vehicles on private residential property; streets in residential areas.

2. A. It is unlawful for any person to stop, stand or park or permit to be parked any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more or any vehicle having an overall length in excess of twenty-one (21) feet except regular passenger vehicles, on any private property which falls within one of the following zoning classifications: RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-0 and C-1.

B. A citation may be issued to the registered owner of any vehicle found to be in violation of this section.

~~C. Notwithstanding the provisions of subsection A of this section, it is lawful to park or permit to be parked a commercial vehicle weighing ten thousand (10,000) pounds or more on private property in one of the zones listed in subsection A of this section if all of the following conditions are met:~~

~~1. No more than one commercial vehicle shall be parked on any parcel.~~

~~2. A paved driveway shall be provided for vehicle access and the vehicle shall be parked on a paved slab. The paved driveway and slab shall comply with the city's paving standards.~~

~~3. A six foot high wood fence or gate with redwood slats shall screen the vehicle from the public street(s). Appropriate landscaping as additional screening is encouraged.~~

~~4. The vehicle shall not be parked in the minimum required twenty-five (25) foot front yard setback or five foot side yard setback.~~

~~5. On a corner lot the vehicle shall not be parked in the minimum required twenty-five (25) foot front yard setback and shall be parked at least twelve and one-half (12 1/2) feet from the street side yard property line.~~

~~6. In the C-1 (limited commercial) zone adjacent to residentially zoned lots or residential uses, the vehicle shall be parked at least twenty-five (25) feet from the front yard property line and twenty-five (25) feet from the street side yard property line. On other C-1 property, the vehicle shall not be parked in the setback required by Chapter 17.60 of this code.~~

~~D. C. In no event shall any vehicle be parked on an unimproved parcel, a vacant parcel or a parcel with vacant buildings in the zones listed in subsection A of this section.~~

~~E. The planning director may issue a planning director's special permit to allow the parking of one commercial vehicle weighing ten thousand (10,000) pounds or more on a parcel which does not meet all of the conditions set forth in subsection C of this section in accordance with the procedure set forth in Chapter 17.212 of this code~~

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

TRANSPORT/PASSENGER VEHICLES SPECIFICATIONS SAMPLE

YEAR	MAKE	MODEL	HEIGHT IN.	LENGTH IN.	WIDTH IN.	WEIGHT LBS.
2000	FORD	MUSTANG- COUPE	53	183	73	4,365
2002	FORD	EXPEDITION	74.3-76.6	204.6	78.6	4,909-5,449
2002	FORD	EXPLORER	71.4	189.5	72.1	4,159-4,381
2002	FORD	F-250 REG.CAB	79.7	226.6	79.9	5,857
2002	FREIGHT- LINER	FLD-TRACTOR	N/A	N/A	112	14,261
1997	HUNDAI	TRAILER	162 (13.5 FT)	576 (48 FT)	102	13,500
1999	PINES	TRAILER	162 (13.5 FT)	636 (53 FT)	102	14,400
2002	TRADE- WINDS RV	LE	146	445-469 (37'1"-39'1")	102	22,600-23,180
2002	COACHMEN	CATALINA	134 (11' 2")	260 (21' 8")	93-100 (7'9"-8'4")	8,285-10,438
2002	COACHMEN	LEPRECHAN	134 (11' 2")	334 (27' 11")	100 (8' 4")	11,700-11,854