

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADDING CHAPTER 10.18 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE MALIBU MUNICIPAL CODE AND MODIFYING SECTION 1.10.040 OF THE MALIBU MUNICIPAL CODE TO INCLUDE CHAPTER 10.18 AS SUBJECT TO ADMINISTRATIVE FINES TO IMPLEMENT A CITYWIDE RESTRICTION ON THE PARKING OF OVERSIZE VEHICLES

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Findings. The City Council hereby finds that this ordinance has been processed in accordance with state law and the Malibu Municipal Code (MMC) and that the ordinance is consistent with the General Plan.

- A. The storage of oversize vehicles on streets in the city has decreased the availability of public parking in the City. Consistent with General Plan Policy 1.3.2 the proposed parking restrictions have been imposed to facilitate the efficient use of street parking spaces.
- B. City Staff has documented the long-term storage and parking of both non-commercial and commercial oversize vehicles on City streets near public access points. Oversize vehicles block ocean views, take up numerous parking spaces, and their extra width pose additional safety hazards. Where the shoulder of the road is narrow, the extra width of oversize vehicles forces pedestrian and bicycle traffic into traffic lanes. In addition, oversize vehicles pose line of sight issues for traffic that is entering and existing public streets.
- C. The restrictions will not unreasonably displace noncommercial or commercial vehicles.
- D. The City wishes to increase the availability of street parking spaces for non-commercial vehicles as permitted by Section 22507 of the California Vehicle Code.

SECTION 2. Chapter 10.18 of Title 10 of the MMC is hereby added and shall read as follows:

10.18.010 Short Title.

This chapter shall be known as the "Oversize Vehicles Ordinance" of the city.

10.18.020 Definitions.

As used in this chapter:

"Commercial Trailer" means any trailer which is used or maintained for compensation, or profit or designed, used, or maintained primarily for the transportation of property.

“Commercial Vehicle” means any vehicle which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

“Oversize Vehicle” means any vehicle which exceeds 23 feet in length; or exceeds 80 inches in width; or exceeds 82 inches in height. Oversize vehicles do not include pickup trucks which are taller than 82 inches or wider than 80 inches; provided that they do not have a camper shell which exceeds the height of the cab and overhangs the sides of vehicle. In addition, unattached or attached trailers are may not park on City public streets, including Pacific Coast Highway if they meet the definition of an oversize vehicle.

“Permit” means a permit issued by the City of Malibu pursuant to the provisions of this chapter.

“Recreational” means any vehicle or trailer that is noncommercial and is used for recreation or transportation of personal goods.

“Resident” means any person who lives in a dwelling unit located within the City of Malibu.

“Residential District” means the districts of the city and roads and rights-of-way included within or immediately adjacent thereto.

“Trailer” means a trailer, semi-trailer, camp trailer, un-mounted camper, or trailer coach as defined in the California Vehicle Code.

10.18.030 Parking Restrictions.

Oversize commercial vehicles and commercial trailers making local deliveries shall not park along public streets for more than two hours before the vehicle must be moved at least 1,000 feet from the location it was parked.

Non-commercial oversize vehicles and trailers may park along public streets for only two hours between the hours of 12:00 a.m. and 5:00 a.m. before the vehicle must be moved at least 1,000 feet from the location it was parked.

10.18.040 Exemptions.

The following vehicles shall be exempt from the parking restrictions of Section 10.18.030:

A. A vehicle owned or operated by a utility, whether privately or publicly owned, when used in the course of business;

B. A vehicle owned or operated by a governmental agency when used in the course of official government business;

C. A vehicle that has been issued an authorized emergency vehicle permit by the commissioner of the California Highway Patrol, when that vehicle is used in the course of business;

D. Commercial oversize vehicles and trailers making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the street or highway in a residential district.

E. Commercial oversize vehicles and trailers delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located on the street or highway for which a valid building permit, where required, has been obtained.

F. A vehicle or trailer that is in compliance with Section 10.18.030 and is visibly displaying a valid permit issued pursuant to MMC section 10.18.050 that:

1. Is attached to the rearview mirror of the vehicle, or front/dashboard of the vehicle/trailer if it does not have a rearview mirror; and
2. Can be read from outside the vehicle/trailer.

10.18.050 Permits.

A. After a complete application has been submitted demonstrating residency, the city shall issue a permit to allow a resident to park a specific trailer or oversize vehicle on city streets for a period of not more than 72 hours. However, no permit shall be issued until the applicant has paid all of his or her outstanding parking citations, including all civil penalties and related fees. Permit fees shall cover the cost of maintaining the oversize vehicle parking permit program and be set by city council. No vehicle or person may receive more than 10 permits under this section during a calendar year.

B Duration. Parking permits shall be valid for 72 hours and specify the dates it is active and the vehicle is it issued for. No refund of permit fees will be granted once the permit has been issued.

C. Parking Permits. Applicants shall be residents required to present proof of residency within the City of Malibu. All parking permits shall be imprinted with the permit number of the resident applicant. In addition, the vehicle or trailer must be parked within a 1,000 feet of the owner's residence.

D. Availability of Parking. A permit shall not guarantee or reserve to the holder thereof an on-street parking space within the city.

E. Restrictions and Conditions. The issuance of such permit shall not be construed to be a permit for, or approval of, any violation of this Code, California Vehicle Code, or any other law or regulation.

10.18.060 Transfer of oversize vehicle permits prohibited.

A. It is unlawful for any person to:

1. Transfer a permit issued pursuant to Section 10.18.030, or

2. Display a permit issued pursuant to Section 10.18.030, or allow such a permit to be displayed, in a vehicle other than the one authorized by the permit.

10.18.070 Prohibitions and fines.

A. With the exception of section 10.18.060, any person violating the provisions of this chapter shall be subject to fines and penalties per the provisions of chapter 10.12 and as adopted by the city by resolution or ordinance.

B. In addition to all other enforcement remedies, any person violating section 10.18.060 shall be subject to administrative fines and penalties per the provisions of chapter 1.10.

SECTION 3. Chapter 1.10.040(A) of Title 1 of the MMC is hereby added and shall read as follows:

A. MMC Section 1.10.040(A) is hereby amended and subsequent sections renumbered.

11. Chapter 10.18 (Oversize Vehicle Ordinance)

SECTION 4. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes an oversize vehicle parking ordinance and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.


SECTION 5. The public works department shall cause signs to be placed within the city notifying motorists of the oversize vehicle parking restrictions created by this Ordinance. All such signs shall comply with the standards set forth in the California Department of Transportation Traffic Manual.

SECTION 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 7. The ordinance is not effective until a Coastal Development Permit is approved for the program.


SECTION 8. The City Clerk shall certify adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this 11th day of December 2017.



SKYLAR PEAK, Mayor

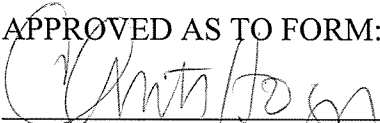
ATTEST:



HEATHER GLASER, City Clerk
(seal)

Date: December 12, 2017

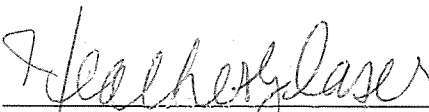
APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 427 was passed and adopted at the Regular City Council meeting of December 11, 2017, by the following vote:

AYES:	4	Councilmembers:	La Monte, Rosenthal, Wagner, Peak
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Mullen



HEATHER GLASER, City Clerk
(seal)