

TO: James L. App, City Manager

FROM: Bob Lata, Community Development Director

SUBJECT: Code Amendment regarding Truck Route, Truck Parking, and Limitation on Vehicle Weights in Residential Zones (Code Amendment 01-004)

DATE: November 2, 2004

Needs: For the City Council to give second reading to the ordinance regarding this code amendment.

- Facts:
1. On October 5, 2004 the City Council reached a consensus on the content of this Zoning Code Amendment and introduced an ordinance on this subject. The City Council vote was 4-1 with City Council member Picanco dissenting.
  2. The ordinance that was introduced at the October 5, 2004 Council meeting was scheduled for second reading at the October 19, 2004 Council meeting. Because there were only three Council members present, and since Councilman Picanco dissented on the second reading of the ordinance (precluding the ability to obtain three affirmative votes), no action was taken on the request for second reading.
  3. Attached is the same subject ordinance for reconsideration of a second reading. There is no change in the ordinance from what was introduced at the October 5, 2004, meeting.

Analysis  
and

Conclusion: Second reading of the subject code amendment would be consistent with the consensus of the City Council (4-1) as expressed on October 5, 2004.

Policy

Reference: Paso Robles Municipal Code

Fiscal

Impact: None at this time

- Options:
- a. Read, by title only, and adopt Ordinance No. XXX N.S. amending 12.00 et seq. and related provisions of the Municipal Code (Code Amendment 2001-004 regulating commercial vehicle parking.
  - b. Amend, modify, or reject the foregoing option.

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 12.00 ET SEQ. AND RELATED PROVISIONS OF THE  
MUNICIPAL CODE (MUNICIPAL CODE AMENDMENT 2001-004 – TRUCK ROUTES,  
TRUCK WEIGHT LIMITS AND COMMERCIAL VEHICLE PARKING)

WHEREAS, the Paso Robles Municipal Code has provisions in Chapter 12 addressing truck routes and commercial vehicle parking; and

WHEREAS, the subject code sections have internal inconsistencies regarding weight limits, and policy provisions of the 2003 General Plan update have not been addressed; and

WHEREAS, Municipal Code Amendment 2001-004 proposed to provide further refinements to the content of Chapter 12 regarding truck routes, truck weight limits, and commercial vehicle parking; and

WHEREAS, at its meetings of July 27 and August 10, 2004, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council defer consideration of establishing truck routes for a period of two (2) years but to approve the proposed ordinance amending provisions related to parking of commercial vehicles; and

WHEREAS, based on consideration of information received at its meetings of August 17 and September 7, and October 5, 2004, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's July 27 and August 10, 2004, public meetings;
- e. Introduced said ordinance for first reading; and

WHEREAS, on October 19, 2004, the City Council held second reading of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 12.38.040 Parking commercial vehicles and commercial equipment in residential, commercial and industrial zones are hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A".

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on October 5, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 2<sup>nd</sup> day of November 2004 by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

**Paso Robles Municipal Code Provisions**  
**Truck Routes and Parking of Commercial Vehicles**

**12.46.010 Truck routes.**

- A. **AUTHORITY TO DESIGNATE.** Whenever any ordinance of this city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of four (4) tons (8,000 pounds), the city traffic engineer is authorized to designate such street or streets by appropriate signs as "Truck Traffic Routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons.
  
- B. **DRIVING ON.** When any such truck traffic route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of four tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of four tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets 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 such restricted streets for which a building permit has previously been obtained therefor.
  
- C. **EXCEPTIONS.** The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction of Public Utilities Commission; (2) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 197 N.S. § 160, 1956)

**12.38.040 Parking commercial vehicles and commercial equipment in residential, commercial and industrial zones.**

- A. **Definitions.**
  - 1. **Commercial Equipment.** For the purposes of this section, the term "commercial equipment" shall include, but shall not be limited to, backhoes, tractors, bucket loaders, air compressors, concrete mixers, road rollers, concrete pumps, pole and pipe dollies, and similar transportable equipment.
  
  - 2. **Commercial Motor Vehicle.** A "commercial vehicle" is a vehicle of a type required to be registered under the State of California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed to be used or maintained primarily for the transportation of property. Recreational Vehicles (RV) are not considered commercial vehicles unless they are utilized for commercial purposes.

3. Residential Zone. For the purpose of this section the term "residential zone" shall include all zones listed as R-A, R-1, R-2, R-3, R-4, and R-5 on the then current zoning map.
  4. Trailer. A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle, whether or not part of its weight rests upon or is carried by any other vehicle. As used in this section, "trailer" shall not include a vehicle designed for human habitation or human occupancy.
- B. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of eight thousand (8,000) pounds or more, or trailer or commercial equipment irrespective of weight, upon a public street in the city within any residential zone, except:
1. While performing a service requiring the loading or unloading of goods and/or property to premises in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such work is completed; or
  2. When such commercial motor vehicle, trailer, and/or commercial equipment is parked in connection with, and in the aid of the performances of services to or on a property in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such service is complete; or
  3. If the commercial motor vehicle, trailer and/ or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours.
- C. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of eight thousand (8,000) pounds or more, or trailer or commercial equipment irrespective of weight, for more than four (4) hours on any public street in the city within the following zones, to wit: OP Office Professional Zone, CP Neighborhood Commercial Zone, C-1 General Commercial Zone, C-2 Highway Commercial Zone, C-3 Commercial-Light Industrial Zone, PM Planned Manufacturing Zone, or M-PD Manufacturing Planned Development Zone. Further, on-street parking of commercial vehicles is prohibited between the hours of 10 PM and 6 AM, except:
1. If the commercial motor vehicle, trailer and/or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours; or
  2. If the nature of the particular service to be performed or material or equipment to be delivered require a longer period of time to complete than the time limit described in this section; or

- D. Commercial motor vehicles, trailers and/or commercial equipment, if parked on private property, shall be parked upon improved and designated parking areas. Such commercial vehicle parking areas may be approved by the planning commission pursuant to the provisions of Title 21, Chapter 23 of the Municipal Code (use permits, etc.). The use of such parking areas shall be limited to a period not to exceed four hours or such lesser period of time the vehicle operator is utilizing the services provided by the business use of the premises; unless that the commercial motor vehicle, trailer and/or commercial equipment is owned or operated by the commercial use on the private property upon which it is to be parked or that the commercial motor vehicle, trailer and/or commercial equipment is operated and parked by a registered transient guest of a motel or hotel and is parked within approved designated commercial vehicle parking areas upon the business premises or on a commercial or industrially zoned street within a three hundred (300) foot radius of the business. Such commercial parking areas may be approved by the planning commission pursuant to the provisions of Title 21, Chapter 23 of the Municipal Code (use permits, etc.).
  
- E. Whenever a commercial motor vehicle, trailer, and/or commercial equipment is parked or left standing in violation of this section, such commercial motor vehicle, trailer, and/or equipment may be removed and stored.