

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: MUNICIPAL CODE AMENDMENT; REGULATIONS OF TRUCK ROUTES, WEIGHT LIMITS AND TRUCK PARKING (CITY INITIATED)

DATE: SEPTEMBER 7, 2004

Needs: For the City Council to consider the Planning Commission's recommendation and related options relative to a proposed update to the City's regulations on truck routes, truck weight limits, and truck parking.

Facts:

1. Chapter 12.146.010 of the Paso Robles Municipal Code deals with Truck Routes, and Chapter 12.38.040 addresses Parking Commercial Vehicles and Commercial Equipment in Residential, Commercial and Industrial Zones.
2. City Council discussions with regards to truck traffic and truck weight limits have been pending since at least October 2001. For an extended period of time there was pending litigation at the State level that precluded the City from moving forward with a code amendment; that litigation was resolved and is no longer an impediment to the City updating its Municipal Code.
3. The City's current code provisions relating to parking of commercial vehicles are inconsistent with the weight threshold for Truck Routes. A maximum weight of three tons (6,000 pounds) is established for truck route purposes whereas the commercial vehicle parking restrictions have a threshold of 10,000 pounds. This is consistent with standards applied in many communities elsewhere in the State of California. Current City code provisions relating to Truck Routes establish the means to designate such routes. No truck routes have, however, ever been designated.
4. The reasons for considering updates to the City's Truck Route and Truck Parking provisions include both public complaints and City Council adopted General Plan policy provisions.
5. The public complaints relate to driving and parking of commercial vehicles in residential neighborhoods when these vehicles have no legitimate business or purpose being in the area.

6. The General Plan policies deal with both the broader issues of traffic calming and the more specific focus of truck traffic. A summary of these provisions is attached. Particularly relevant are the provisions in Policy CE-3 that call for the City to “Use traffic calming strategies to respond to requests by neighborhoods for traffic calming measures, including appropriate limitations on commercial vehicles in residential areas and truck routes that balance neighborhood preservations with community access needs” and Policy CE-4 that explicitly calls for the City to “consider establishing limitations on unnecessary truck traffic in residential areas, including truck routes”.
7. The range of truck related concerns include but are not limited to:
 - The impact of truck traffic on roads that were not designed to carry heavy vehicles on a routine basis, resulting in increased but unreimbursed maintenance, potholes, and a premature need to reconstruct streets (please see the attached graphic that illustrates the differential impacts on City streets as created by different types of vehicles);
 - Protection of residents / children from safety hazards of truck traffic;
 - Noise and air pollution related to truck traffic in primarily residential areas of the City;
 - Use of City streets for the storage of vehicles that should be located in a truck terminal or other commercial vehicle parking areas;
 - Placing vehicles and/or trailers with advertising messages on City streets in locations that have no relation to a specific business (i.e.: for general marketing purposes).
8. The Planning Commission held two public hearings on the proposed code amendment.
9. At the Planning Commission meeting of July 27, 2004, the Planning Commission:
 - Expressed support for avoiding unnecessary intrusions of trucks into residential neighborhoods;

- Heard concerns from businesses that utilize trucking but do not have locations on proposed truck routes;
 - Requested staff to refine the language in the proposed ordinance to more clearly state protections for businesses that use trucks;
 - Suggested that there be language to facilitate trucks using non-truck route roads during construction of the 13th Street Bridge;
 - Asked that a map of proposed truck routes be included in the next staff report.
10. At the Commission meeting of August 10, 2004 the Commission recommended, on a vote of four (4) to three (3) that the City Council defer consideration of establishment of truck routes for a two (2) year period, but that the Council approve the proposed amendments to control on-street truck parking.

Analysis
and

Conclusion:

Establishing Truck Routes is provided for in the Paso Robles Municipal Code, is consistent with the General Plan, and is a common practice throughout the State of California.

The purpose of establishing a Truck Route map is to help insure that unnecessary truck traffic does not intrude into areas that are not designed or intended to handle trucks on a routine basis. Local streets are not designed to have the same weight bearing capacity as collector and arterial streets. In addition, there are collector and arterial streets that serve primarily residential neighborhoods, where through truck traffic is not necessary or warranted.

Truck routes provide designated roads over which truck traffic that may or may not be related to businesses in the City can pass through the City. Truck Routes are not intended to preclude truck traffic or restrict legitimate access to all City neighborhoods (e.g. for pickup or delivery of merchandise, local construction activities, or other activities that provide service to residents or businesses in those specific neighborhoods / districts).

Commercial vehicle parking weight limits should be consistent with Truck Route thresholds. A sample of regulations from other communities indicates that 3 tons / 6,000 pounds is a common threshold for precluding unnecessary truck traffic off of designated Truck Routes. It would seem reasonable to have the same weight threshold for parking of commercial vehicles.

Attached and labeled Exhibit “B” is a Draft Truck Route Map and a list of streets that would be proposed as Truck Routes (and those Arterial and Collector streets on which unnecessary truck traffic would be prohibited); these are the drafts discussed at the August 10, 2004 Planning Commission meeting. A copy of the accompanying draft code amendment is Exhibit “C”.

At their meeting of August 10, 2004, the Planning Commission heard testimony from Paul Viborg, Ole Viborg, and Doug Troesh expressing concerns that the proposed limitations on trucks would impact their businesses. There were, however, expressions of support for the proposed restrictions on on-street truck parking.

Based on comments from different Commission members there were also concerns regarding truck travel limitations on:

- Union Road between Golden Hill and North River Road;
- Golden Hill Road between Union Road and Creston Road;
- South River Road;
- The future Airport Road extension to the south and along Charolais Road

At the conclusion of their discussion, the Commission majority favored deferring consideration of establishing truck routes until after the 13th Street Bridge project is complete; a two-year deferral should be more than adequate.

The dissenting Commissioners appeared to support establishing truck routes at this time, but also seemed to favor including more streets as truck routes than those illustrated on the attached draft truck route plan. At the same, the Commission expressed apparently unanimous support for the code amendment to restrict on-street parking of commercial vehicles.

The attached Exhibit “A” is the existing Municipal Code for both Truck Routes and Commercial Vehicle Parking. The changes proposed by the Planning Commission are reflected in the form of underlined additions and ~~strikeouts~~ for deletions.

The attached Exhibits “B” and “C” are the draft Truck Route Map and Code Amendment that were presented to the Planning Commission but which were not recommended for adoption by the Planning Commission.

Policy

Reference:

General Plan policies (in Particular Circulation Element CE-3 and CE-4);
Municipal Code Provisions 12.46.010 and 12.38.040

Fiscal

Impact: If the City Council determines that it would be appropriate to establish truck routes at this time, truck route signage would be required; each sign would cost approximately \$100 installed; there would also be staff time costs making the public and businesses aware of the provisions of the code.

- Options:
- a. Consider the recommendation of the Planning Commission to the City Council that the City not establish a Truck Route map at this time (deferring consideration for a two (2) year period) but to revise the text of Section 12.38.040 in accordance with the attached Exhibit "A"; introduce for first reading the Ordinance No. XXX N.S. and set September 21, 2004, as the date for second reading of said Ordinance; and direct staff to provide public information to communicate the new Commercial Vehicle Parking requirements.
 - b. Consider adoption of truck routes based on the attached Exhibit "B", along with the related Municipal Code Amendment illustrated as Exhibit "C"; introduce for first reading Ordinance No. XXX N.S. revising the content of Sections 12.46.010 and Section 12.38.040 and adopting the draft Truck Route Map, and set September 21, 2004, as the date for second reading of said Ordinance; and direct staff to provide public information to communicate the new Truck Route and Commercial Vehicle Parking requirements.
 - c. Amend, modify or reject the above options.

Attachments:

1. Current Code Provisions for Truck Routes and Commercial Vehicle Parking
2. Graphic of Vehicle Weights and Pavement Damage
3. Resolution to approve Negative Declaration
4. Ordinance with Planning Commission Recommended Exhibit "A" (Option "a")
5. Truck Route Map and List (Exhibit "B" / Option "b")
6. Code Amendment presented to the Planning Commission (Exhibit "C" / Option "b")

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR THE CODE AMENDMENT 01-004
REVISING THE CITY'S REGULATIONS REGARDING 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 proposes to provide further refinements to the content of Chapter 12 regarding truck routes, truck weight limits, and commercial vehicle parking; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its July 27, 2004 and August 10, 2004 meetings, the Planning Commission held duly noticed public hearings on the proposed Code Amendment to accept public testimony on the proposal, including the environmental determination; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission recommended to the City Council that the proposed Code Amendment be approved and that a Negative Declaration be adopted.

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed Code Amendment qualifies for adoption of a Negative Declaration.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment.

This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report, the proposed Code Amendment, and any public comments or testimony received thereon); and,

2. Adopt a Negative Declaration for the proposed Code Amendment.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7th day of September 2004, by the following vote:

AYES:

NOES:

ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

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, 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 September 21, 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 September 7, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of September 2004 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk

Paso Robles Municipal Code Provisions
Parking of Commercial Vehicles

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 ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of weight, upon public street or public or private property 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. 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 ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of

weight on any public street or on public or private property 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 Manufacturing Zone (any of which may or may not have a PD Planned Development Overlay) between the hours of two a.m. and six a.m., or for more than four hours except between the hours of six a.m. and two a.m., except:

1. That 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. That 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
 3. 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
 4. That such commercial motor vehicle, trailer 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; or
 5. That the commercial motor vehicle, trailer and/or commercial equipment operated and parked by a registered transient guest of a motel or hotel is parked within approved designated commercial vehicle parking areas upon the business premises. 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.).
- D. 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.

Truck Route Designated Streets

State Highways and Arterial Streets within the City Designated as Truck Routes

Hwy 101
Hwy 46E
Hwy 46 W
24th Street
13th St-Creston Rd e/o Hwy 101
Niblick-Sherwood Road
Airport Road n/o Sherwood-Linne (assumes complete development of circulation system in Chandler Ranch)
Golden Hill Road n/o Union Road
Union Road e/o Golden Hill Road
Dry Creek Road
Tower Road

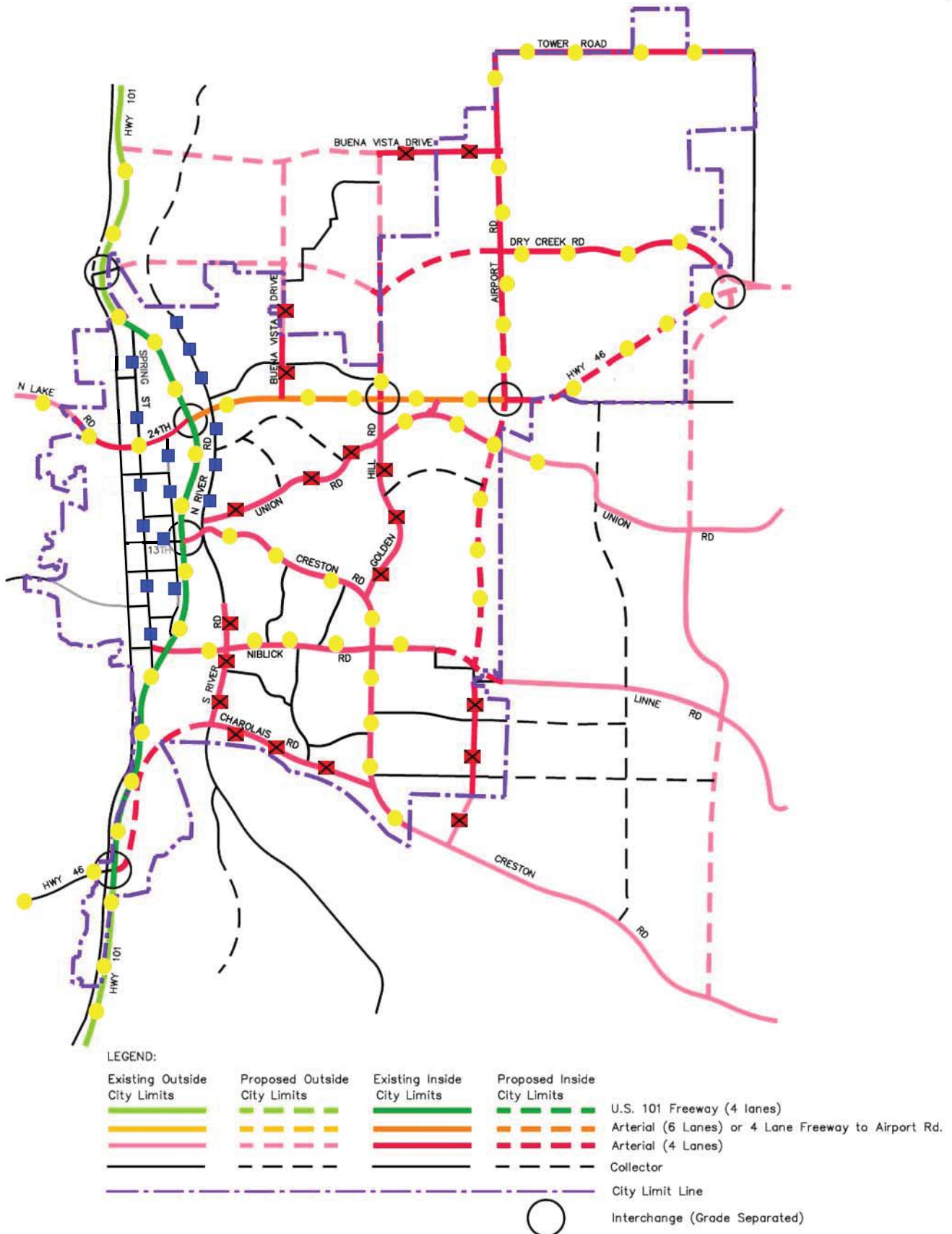
Collector Streets that are not truck routes but on which trucks would be expected in order to serve local businesses

Spring Street
13th Street w/o Hwy 101
Riverside Ave
North River Road

Arterial and Collector Streets that are not intended to accommodate trucks except for local deliveries

Airport Road s/o Linne-Sherwood
Golden Hill Road Creston to Union
Union Road w/o Golden Hill
Charolais Road
Buena Vista Drive
Experimental Station Road
Vine Street
Other Residential Collector Streets

Truck Route Designated Streets



- State Highways and Arterial Streets Designated as Truck Routes
- Collector Streets for Local Business Truck Service
- Arterial Streets Not Intended to Accomodate Through Truck Traffic

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

12.46.010 Truck routes.

A. PURPOSE AND INTENT: To designate routes that trucks subject to this ordinance should take when driving through or to destinations within the City of Paso Robles. The intent is for trucks to utilize truck routes to the extent feasible, with an expectation is that it will be necessary to depart from the closest truck route to reach a specific destination off of the truck route. Local business locations that are not on designated truck routes (examples include Commerce Way, Riverside Avenue, North River Road) would not be constrained in terms of travel between their sites and the nearest truck routes.

B. 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 three tons, 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.

C. 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 three tons (6,000 pounds) 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 three 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.

D. 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; Recreational Vehicles (RV) except when such vehicles are being utilized for commercial purposes.

E. TRUCK ROUTE MAP: The City Council may, by City Council Resolution, adopt a truck route map / route list and said map / route list shall be incorporated herein by reference. Lawfully established detours made necessary by public works projects and other public safety circumstances shall provide temporary exemptions from established truck route limitations; alternative temporary truck routes shall be established by the City Engineer.

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 ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of weight, upon public street or public or private property 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. 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 ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of weight on any public street or on public or private property 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 Manufacturing Zone (any of which may or may not have a PD Planned Development Overlay) between the hours of two a.m. and six a.m., or for more than four hours except between the hours of six a.m. and two a.m., except:

1. That 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. That 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
 3. 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
 4. That such commercial motor vehicle, trailer 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; or
 5. That the commercial motor vehicle, trailer and/or commercial equipment operated and parked by a registered transient guest of a motel or hotel is parked within approved designated commercial vehicle parking areas upon the business premises. 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.).
- D. 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.