

ORDINANCE NO. 525

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING CHAPTER 10.36 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO PARKING OF RECREATIONAL VEHICLES ON PUBLIC STREETS AND CAMPING IN VEHICLES

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

WHEREAS, the City Council of the City of Hawaiian Gardens finds that there has been an increase in the number of persons living in recreational and other vehicles parked on the public streets and right-of-ways within the City; and

WHEREAS, many persons living in recreational and other vehicles are exposed to substandard living conditions, unsanitary facilities and uncleanness, putting their health and safety into jeopardy; and

WHEREAS, the use of recreational and other vehicles as living accommodations also threatens the health and welfare of the general public because of the accumulation of trash and sewage from these vehicles; and

WHEREAS, the public safety of the residents of the City, particularly children, is threatened by the increase in the number of strangers sleeping in vehicles parked outside of residences and businesses in the City with its potential for property crimes, crimes against persons, prostitution and drug sales; and

WHEREAS, the parking of such vehicles on the public streets and right-of-ways threatens the public health by creating visual blight and deteriorating the quality of life of the community, and is inconsistent with certain zoning districts when it occurs.

WHEREAS, the public streets, alleys, and other public ways within the City of Hawaiian Gardens should be readily accessible and available to the residents and the public at large; and

WHEREAS, the City Council of the City of Hawaiian Gardens wishes to address the negative impacts that can result from the camping in the City right-of-ways; and

WHEREAS, *nothing in this ordinance shall be interpreted to supersede any existing local, state or federal law, regulation, or codes dealing with life safety factors.*

Section 2. Addition of Chapter 10.36 to Title 10 of Code. New Chapter 10.36 is hereby added to Title 10 (Vehicles and Traffic) of the Hawaiian Gardens Municipal Code to read as follows:

Chapter 10.36
CAMPING AND RECREATIONAL VEHICLE PARKING REGULATIONS

Sections:

10.36.010	Definitions
10.36.020	Camping Prohibited
10.36.030	Recreational Vehicle Parking Regulations
10.36.040	Parking Permits for Non-Residents
10.36.050	Enforcement

10.36.010 Definitions.

For the purpose of this Chapter, the words or phrases shall have the following meanings respectively ascribed to them by this section:

Recreational vehicle. Recreational vehicle shall mean and include but not be limited to the following:

1. Camp trailers (CA Vehicle Code Section 242).
2. Fifth-wheel travel trailers (CA Vehicle Code Section 324).
3. House cars (CA Vehicle Code Section 362).
4. Trailer Coaches (CA Vehicle Code Section 635).
5. Boats and/or boat trailers.
6. Trailers used for the transport of equipment, vehicles or animals.
7. Those non-motorized vehicles included in the definition of "Recreational Vehicles" (CA Health and Safety Code Section 18010).
8. Folding Camping Trailers.
9. Motor vehicle, motor home, travel trailer, camper, van conversion, or "pop up" van.
10. Any other similar vehicle registered or designed to be used for human habitation.

Camping. Camping means and includes the use of a location, or any vehicle parked at such location on public or semi-public property to live in, sleep in, occupy, inhabit or use such vehicle or location as temporary or permanent shelter or quarters.

10.36.020 Camping prohibited.

No person shall camp, as defined in Section 10.36.010 on any highway, street, alley, or other public or semi-public area in the City of Hawaiian Gardens, except in a duly established trailer park or mobile home park maintained in accordance with the Ordinances of the City. Occupation for residence purposes for a period of not more than three days on private residential property with the permission of the owner or lawful occupier of the property shall not be considered to be a violation of this Section. For purposes of this Section, "public place" shall mean any street, roadway, boulevard, alley, parking lot, sidewalk, public right-of-way, or any place or location, whether on private or public property, to which the general public is invited or to which the general public has access.

10.36.030 Parking of Recreational Vehicles

No person shall park any recreational vehicle, trailer, semi-trailer (whether or not attached to a motorized vehicle), boat or trailer (whether or not attached to a motorized vehicle) upon any highway, street, alley, public way or public place in the City of Hawaiian Gardens unless that vehicle is registered to a Hawaiian Gardens resident, and the vehicle is parked within 300 feet of that owner's place of residence except when:

1. While in the process of loading or unloading persons and/or property, or performing work and or professional services related to a specific Hawaiian Gardens address; and
2. When such vehicle or trailer is disabled or temporarily inoperative and the stopping or temporary parking such vehicle or trailer is for a maximum of twenty four (24) consecutive hours.

10.36.040 Parking Permits for Non-Residents

City staff is hereby authorized to create and implement a system to allow temporary parking of recreational vehicles belonging to non-residents for short periods of time. Non-resident temporary parking permits for recreational vehicles with valid registration may be issued only when the vehicle will be parked in front of or adjacent to a resident of the City and that resident approves the temporary parking for special temporary purposes. Such permits may be issued for a maximum of thirty (30) calendar days per calendar year per vehicle and/or may be granted in five (5) day increments for a total of six (6) per calendar year.

10.36.050 Enforcement

Any person violating any provision of this Chapter may, at the discretion of the City Attorney or his or her authorized representative, be prosecuted for either an infraction or a misdemeanor under the applicable sections of Chapter 1.12 of the Hawaiian Gardens Municipal Code, or may be issued an administrative citation pursuant to Chapter 1.13 of the Hawaiian Gardens Municipal Code. Any person who violates any provision of this

Chapter may also be subject to the towing of the involved vehicle in addition to the above enforcement actions.

Section 3. Adoption. The Mayor or presiding officer of the City of Hawaiian Gardens City Council is hereby authorized to affix his/her signature to this Ordinance signifying its adoption by the City Council of the City of Hawaiian Gardens.

Section 4. City Clerk's Certification. The City Clerk of the City of Hawaiian Gardens shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days from the date of its final passage and adoption.

Section 6. Severability. If any chapter, section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

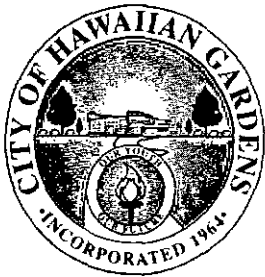
PASSED, APPROVED AND ADOPTED by the City Council of the City of Hawaiian Gardens this 27th day of January, 2009.



MICHAEL GOMEZ
MAYOR

ATTEST

CITY CLERK



CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT

Agenda Item No. B-1
Meeting Date 1/13/2009

ACTION: *Deny*
City Administrator *[Signature]*
 Approved
 Denied
 Amended
 Receive & File
 Other
1st Reading

VOTE: *5-0*
DATE: *1/13/2009*

TO: Honorable Mayor and Members of the City Council
THROUGH: Ernesto Marquez, City Administrator
FROM: Joseph Colombo, Community Development Director
Donald Boudreau, Associate Planner
SUBJECT: ORDINANCE NO. 525: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, ADDING CHAPTER 10.36 (VEHICLES AND TRAFFIC) OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO PARKING OF MOTORIZED RECREATIONAL VEHICLES ON PUBLIC STREETS AND CAMPING IN VEHICLES
DATE: January 13, 2009

SUMMARY

The proposed ordinance to the Hawaiian Gardens Municipal Code is being presented to the City Council to prevent the use of motorized recreational vehicles, trailers and other related vehicle types parked on public streets, alleys and other public ways for the purposes of lodging accommodations and/or camping. Currently, vehicles of this category are allowed to remain parked on public streets for a period of seventy-two (72) hours without being moved whether they are registered to a resident of the City of Hawaiian Gardens or a non-resident.

BACKGROUND

Cities throughout Southern California have struggled with establishing parking restrictions that attempt to balance the freedoms of individuals to park legally registered vehicles on the street, against the desires of other residents for safer and more attractive neighborhoods. Not surprisingly, resulting parking regulations concerning RVs, commercial vehicles, and trailers can vary widely among cities. Many cities have developed a permit system for all recreational vehicles and trailers for residents and non-residents alike.

In the City of Hawaiian Gardens, parking complaints are typically a result of the long term storage of recreational vehicles on commercial streets which are parked and utilized for lodging purposes. Complaints related to the short term storage of vehicles and trailers by residents of the City are minimal. Thus the proposed changes to the Hawaiian Gardens Municipal Code continue to allow the short-term parking of these vehicles registered to residents of the City of Hawaiian Gardens while preventing the long term parking and use of vehicles for lodging purposes by non-residents.

DISCUSSION ANALYSIS

Existing Regulations:

Section 12.04.020 of the Hawaiian Gardens Municipal Code adopts Title 16, title 1 of the county of Los Angeles Code entitled Highways by reference. This title already prohibits the use of vehicles for lodging purposes within public streets. Although the existing code already contains some language in regards to the use of vehicles for lodging purposes, it still allows vehicles to be parked for 72 hours prior to being moved. This can create a problem when a City enforcement officer or member of the Sherriff's Department investigates a complaint of overnight lodging as many times the occupant just does not answer. This allows the vehicle to remain for three days before being moved across the street for another three days. Thus the situation can perpetuate itself on City streets through an inevitable game of cat and mouse.

Proposed Ordinance:

The proposed ordinance will add a chapter to Title 10 of the Hawaiian Gardens Municipal Code to regulate the parking of motorized recreation vehicles, trailers and other related vehicles on City streets, alleys, and other public areas. As indicated above, most complaints are generated from non-resident owned vehicles parked and utilized for lodging purposes in commercial areas of the City. Thus the proposed ordinance is intended to only address the problem areas, and not significantly change the existing regulations for owners of recreational type vehicles registered in the City.

As currently proposed, the ordinance will prohibit the parking of non-resident registered vehicles within the City. For the purposes of the proposed ordinance the following types of vehicles will be subject to the new regulations:

1. Camp trailers (CA Vehicle Code Section 242).
2. Fifth-wheel travel trailers (VC Section 324).
3. House cars (VC Section 362).
4. Trailer Coaches (VC Section 635).
5. Boats and/or boat trailers.

6. Trailers used for the transport of equipment, vehicles or animals.
7. Those non-motorized vehicles included in the definition of "Recreational Vehicles" (CA Health and Safety Code Section 18010).
8. Folding Camping Trailers.
9. Motor vehicle, motor home, travel trailer, camper, van conversion, or "pop up" van.
10. Any other similar vehicle registered or designed to be used for human habitation.

An exception has been included for those vehicles performing services in the City, and those that may become disabled due to mechanical breakdown.

Residential Parking Permits:

Staff anticipates that in some cases a resident of the City may have a need to have a regulated vehicle parked within the City at their place of residence such as when a relative is visiting from out of town. The proposed ordinance provides for relief in such cases by providing for a permit system of which a resident can obtain a parking permit free of charge. Permits may be granted by the City Administrator for a maximum period of thirty (30) consecutive days.

Changes for Resident Owned Vehicles:

The only change in the proposed ordinance for resident owned and registered vehicles is that those vehicles parked on the streets shall be located within 300 feet of the registered owner's place of residence. It is the intent of this section to preclude owners from storing their vehicles throughout the City and within the commercial corridors such as on Carson Street and Norwalk Boulevard. In addition, this regulation will also help to alleviate the unnecessary investigation of regulated vehicles parked within commercial areas of which are the typical locations targeted for lodging purposes by non-residents.

RECOMMENDATION

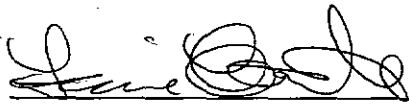
Staff recommends that the City Council waive further reading, and introduce Ordinance No. 525.

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

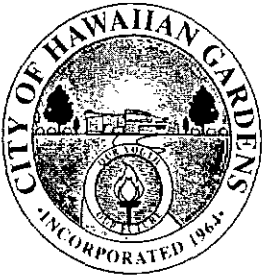
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk/Asst. Records Manager of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 525**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on the 13th day of January, 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this 27th day of January, 2009, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, SCHULTZE, OYAMA-CANADA, FARFAN AND GOMEZ
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



LUCIE COLOMBO
ASST. CITY CLERK / ASST. RECORDS MANAGER



CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT

Agenda Item No. B-1

CITY OF HAWAIIAN GARDENS
Meeting Date: 1/27/2009

- ACTION:
- Approved
 - Denied
 - Amended
 - Receive & File
 - Other

City Administrator

TO: Honorable Mayor and Members of the City Council

THROUGH: Ernesto Marquez, City Administrator

FROM: Joseph Colombo, Community Development Director
Donald Boudreau, Associate Planner

SUBJECT: ORDINANCE NO. 525: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, ADDING CHAPTER 10.36 (VEHICLES AND TRAFFIC) OF THE HAWAIIAN GARDENS MUNICIPAL CODE PERTAINING TO PARKING OF MOTORIZED RECREATIONAL VEHICLES ON PUBLIC STREETS AND CAMPING IN VEHICLES

DATE: January 27, 2009

SUMMARY

The proposed ordinance to the Hawaiian Gardens Municipal Code is being presented to the City Council for its second reading and adoption which proposes to add Section 10.36 (Vehicles and Traffic) of the Hawaiian Gardens Municipal Code. The proposed ordinance will prevent the use of motorized recreational vehicles, trailers and other related vehicle types parked on public streets, alleys and other public ways for the purposes of lodging accommodations and/or camping. Currently, vehicles of this category are allowed to remain parked on public streets for a period of seventy-two (72) hours without being moved whether they are registered to a resident of the City of Hawaiian Gardens or a non-resident.

On January 13, 2009 the City Council of the City of Hawaiian Gardens introduced Ordinance No. 525.

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RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 525.