

**ORDINANCE NO. 2022-604**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE HAWAIIAN GARDENS MUNICIPAL CODE REGARDING OVERSIZED VEHICLE PARKING AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of Hawaiian Gardens (“City”) has received numerous complaints from members of the public regarding the proliferation of oversized vehicles parked on public streets; and

**WHEREAS**, oversized vehicle parking raises unique public safety concerns, including the obstruction of access to rights-of-way, reduced site distance, and reduced visibility at intersections; and

**WHEREAS**, oversized vehicles are typically heavier vehicles (often with trailers) and thus have the potential to cause excessive wear and tear on roadways; and

**WHEREAS**, oversized vehicles have also been the source of environmental hazards in the City by discharging waste into the street. Such waste includes gas, oil, and human waste. These discharges create unsanitary conditions for members of the public and also result in downstream impacts as such waste flows into the City’s storm drains; and

**WHEREAS**, the discharge of waste can also cause damage to City streets by, among other things, staining portions thereof; and

**WHEREAS**, City staff has observed that some oversized vehicles accumulate and discharge trash and debris in and around areas where vehicles are parked. City staff has been spending an increasing amount of time on fielding complaints from residents regarding trash and debris from oversized vehicle parking; and

**WHEREAS**, the accumulation and storage of trash, debris, and other personal items in and around areas where oversized vehicles are parked has caused accessibility hazards by obstructing and/or blocking sidewalks and preventing safe passage thereon; and

**WHEREAS**, due to their large storage capacities, oversized vehicles can be increased targets for criminal activity such as burglaries, vandalism and vehicle thefts; and

**WHEREAS**, the availability of sufficient parking in the City has been an issue of increasing concern for residents and visitors. Continuous oversized vehicle parking exacerbates this issue by further reducing the number of available parking spaces on the

street. Given their size, oversized vehicles utilize limited space that could accommodate a number of smaller vehicles; and

**WHEREAS**, parking scarcity negatively impacts the City's residents and visitors by, among other things, making the City a less attractive destination and adding trip time for drivers who are searching for parking; and

**WHEREAS**, reduced parking opportunities, environmental hazards, increased wear and tear of the City's roadways, higher probability for traffic hazards, and the increased possibility for criminal activity collectively deteriorate the safety, tranquility, aesthetics and other similar values in the City; and

**WHEREAS**, pursuant to Cal. Const. Art. XI, Sec. 7 and under the City's general police powers, the City is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

**WHEREAS**, the California Vehicle Code ("CVC") provides the City with extensive authority to regulate parking within its boundaries. For example, CVC Section 35701 allows the City to prohibit the use of vehicles on City streets that exceed a maximum gross weight limit. CVC Section 21101(c) likewise allows the City to prohibit the use of highways by certain vehicles; and

**WHEREAS**, in addition to the foregoing, CVC Section 22507 authorizes the City to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

**WHEREAS**, CVC Section 22507 also empowers the City to adopt parking permit programs for the benefit of residents with dwellings adjacent to the regulated public streets. CVC Section 22507.5 contains many of these same authorizations; and

**WHEREAS**, in light of the foregoing, the City Council desires to amend the Hawaiian Gardens Municipal Code ("HGMC") in order to regulate the parking of oversized vehicles in the City; and

**WHEREAS**, subject to limited exceptions, this ordinance ("Ordinance") prohibits oversized vehicles from parking on public streets in the City. Oversized vehicles encompassed within this Ordinance include: (1) vehicles that weigh more than 6,000 pounds or exceed 22 feet in length or 7 feet in width and 7 feet in height; and (2) camp trailers, campers, fifth wheel travel trailers, house cars, mobile homes, trailer coaches, and recreational vehicles; and

**WHEREAS**, various vehicles are exempt from the oversized vehicle parking restrictions, including: (1) vehicles parked in connection with the performance of a service to or on a nearby property; (2) oversized vehicles belonging to a federal, state, or local authority or public utility conducting official business; and (3) vehicles belonging to

residents or guests of residents that are parked in accordance with a City-issued parking permit; and

**WHEREAS**, this Ordinance's parking restrictions reflect the City Council's desire to revise the City's parking regulations in a manner that: (1) is reflective of and consistent with residents' values; (2) further mitigates the aesthetic and public safety concerns associated with the parking of oversized vehicles on public streets; (3) increases the availability of parking for the City's residents and visitors; and, (4) preserves the character of neighborhoods for the benefit of public health, safety, and welfare; and

**WHEREAS**, prior to adoption, the City gave public notice of a City Council public hearing to consider this Ordinance as required by law; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

**Section 2. Environmental.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because the Ordinance does not qualify as a "project" under CEQA and because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the Ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The Ordinance therefore does not qualify as a project subject to CEQA.

In the alternative, even if the Ordinance did qualify as a "project" under CEQA, it would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which exempts projects from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Thus, even if the Ordinance could result in some physical change in the environment, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

**Section 3. Code Amendment.** Chapter 10.36 of Title 10 of the Hawaiian Gardens Municipal Code is hereby amended to read in its entirety as follows:

**"Chapter 10.36 – Oversized Vehicle Parking Regulations**

### **10.36.010 Purpose**

The purpose of this Chapter is to reduce the adverse impacts associated with Oversized Vehicle parking. Such impacts include, but are not limited to, the following:

- A. Oversized Vehicle parking raises unique public safety concerns, including the obstruction of access to rights-of-way, reduced sight distance, and reduced visibility at intersections.
- B. Oversized Vehicles are typically heavier vehicles or trailers and thus have the potential to cause excessive wear and tear on roadways.
- C. Oversized Vehicles have been the source of environmental hazards in the City by discharging waste into the street. Such waste includes gas, oil, and human waste. These discharges create unsanitary conditions for members of the public and also result in downstream impacts as such waste flows into the City's storm drains. The discharge of waste has also caused damage to City streets by staining portions thereof.
- D. Some Oversized Vehicles accumulate and discharge trash and debris in and around areas where vehicles are parked. The accumulation and storage of trash, debris, and other personal items in and around areas where oversized vehicles are parked has caused accessibility hazards by obstructing and/or blocking sidewalks and preventing safe passage thereon.
- E. Oversized Vehicle parking exacerbates the City's parking issues by further reducing the number of available parking spaces on the street. Given their size, Oversized Vehicles utilize limited space that could accommodate a number of smaller vehicles. Parking scarcity negatively impacts the City's residents and visitors by, among other things, making the City a less attractive destination and adding trip time for drivers who are searching for parking.

### **10.36.020 Definitions**

The following words and terms as used in this Chapter have the following meanings:

- A. "Loading and Unloading" shall mean loading or unloading passengers or materials to or from an Oversized Vehicle including the activities required to prepare the vehicle for travel or storage.
- B. "Oversized Vehicle: shall mean any of the following:
  - 1. Any motorized vehicle as defined in Section 670 of the California Vehicle Code or combination of motorized vehicle(s) and/or non-motorized vehicle(s), including any attached trailers, vehicles or loads thereon,

which exceeds 6,000 pounds in weight, 22 feet in length or 7 feet in width and 7 feet in height. To determine the height, width or length of a vehicle defined in this Section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments allowed by Section 35109, 35110 or 35111 of the Vehicle Code, as the same may be amended from time to time, shall not be included.

2. Any attached or unattached camp trailer, camper, fifth wheel travel trailer, house car, mobile home, semitrailer, trailer, trailer coach, as defined in Vehicle Code Sections 242, 243, 324, 362, 396, 550, 630, 635, or successor statutes, or any recreational vehicle, as defined by California Health and Safety Code Section 18010 or successor statute.

### **10.36.030 Parking Prohibition; Exemptions**

- A. **Parking Prohibition.** Except as provided in subsections (B) and (C) below, no person shall stop, stand, park, or leave standing any Oversized Vehicle on any public street in the City.
- B. **Exemptions.** Subsection (A) shall not apply to any of the following:
  1. Oversized Vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for 24 consecutive hours where an Oversized Vehicle is left parked on a City street because of mechanical breakdown or because of physical incapacity of the driver or owner.
  2. Oversized Vehicles belonging to federal, state or local authorities or public utilities that are parked while the operator of the vehicle is conducting official business.
  3. Oversized Vehicles actively engaged in Loading and Unloading or deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to an adjacent residence or building. Oversized Vehicles actively engaging in Loading and Unloading shall park at the street curb immediately adjacent to the residence or building, or within 400 feet of the residence if this area is not available for parking due to curb configuration or codified parking restrictions.
  4. Oversized Vehicles that are parked while the operator is actively engaged in performing a service to or on a property in the block in which such Oversized Vehicle is parked.
  5. Oversized Vehicles parked in compliance with subsection (C) below.

C. Oversized Vehicle Permit Parking.

1. The prohibitions provided in subsection (A) shall not apply to an Oversized Vehicle with a parking permit issued by the City. The City Manager or his/her designee is directed and authorized to adopt and promulgate policies and procedures governing issuance of Oversized Vehicle parking permits. Such policies and procedures shall include an application with objective requirements for granting an Oversized Vehicle parking permit. The City Manager or his/her designee shall review and approve or deny all applications. The City Council shall by resolution set the amount of any fee charged for such Oversized Vehicle parking permits. Oversized Vehicle parking permits will only be issued to residents of the City of Hawaiian Gardens. Over the course of a calendar year, a resident may obtain a maximum of 12 Oversized Vehicle parking permits (inclusive of permits for guests and the resident's vehicle(s)). No vehicle may receive more than 12 Oversized Vehicle parking permits in a calendar year.
2. Residents may obtain Oversized Vehicle parking permits on behalf of out-of-town guests traveling with an Oversized Vehicle. Residents must apply for and obtain such permits on behalf of their guests. A separate permit is required for each Oversized Vehicle (e.g., a separate permit would be required for each of the resident's own Oversized Vehicles as well as any out-of-town guest's Oversized Vehicle).
3. Oversized Vehicles with a valid permit shall be subject to the following parking regulations, which shall be in addition to the objective requirements created by the City Manager or their designee:
  - a. An Oversized Vehicle must park within 100 feet from the permit's registered residential address.
  - b. Parking with a permit is allowed on public residential streets for up to 72 consecutive hours for Loading and Unloading.
  - c. After an Oversized Vehicle has been parked for 72 consecutive hours, the Oversized Vehicle must vacate the public right-of-way and may not park on any public street in the City for at least 72 consecutive hours.

**10.36.040 Utility Connections**

No electrical, water, gas, telephone or other utility connection from a property to an Oversized Vehicle shall encroach into any public right-of-way, including across or above any street or sidewalk. This prohibition includes, but is not limited to, electrical cords, extension cords, hoses, or cables. This Section

10.36.040 applies to all Oversized Vehicles in the City, including those covered by Section 10.36.040 (B) and (C).

**10.36.050 Enforcement**

- A. Any violation of Section 10.36.030 or 10.36.040 may be subject to the following:
  - 1. Prosecution by the City Attorney or authorized representative for an infraction in accordance with Section 42001 of the California Vehicle Code; or
  - 2. A civil penalty (i.e., parking ticket) in accordance with the schedule of civil penalties for parking violations adopted by resolution of the City Council, the enforcement of which shall be governed by the civil administrative procedures set forth in Division 17, Chapter 1, Article 3 (commencing with Section 40200) of the California Vehicle Code.
- B. In addition to the provisions set forth in subsection (A) above, any vehicle parked in violation of Section 10.36.030 or 10.36.040 may be removed and stored at the owner's expense; provided, that signs are posted giving notice that vehicles so parked may be removed.

**Section 4. Code Amendment.** Section 10.04.020 (Los Angeles County Vehicle and Traffic Code of Title 10 of the Hawaiian Gardens Municipal Code is hereby amended to read as follows (additions shown in underline):

"Title 15 of the County of Los Angeles Code entitled "Vehicle and Traffic" as that title currently exists, and/or as it may be amended from time to time by the County of Los Angeles, is hereby adopted by reference, as the Vehicle and Traffic Code of the City of Hawaiian Gardens. Notwithstanding the foregoing, Chapter 10.36 (Oversized Vehicle Parking Regulations) of this Code shall govern in the event of a conflict between Chapter 10.36 and any other provision set forth in Title 15 of the Los Angeles County Code."

**Section 5. Code Amendment.** Section 10.20.030 (Parking of Commercial Vehicles) of Title 10 of the Hawaiian Gardens Municipal Code is hereby repealed in its entirety.

**Section 6. Effective Date; Parking Signs; Warnings.** This Ordinance shall become effective 30 days after adoption. In accordance with California Vehicle Code section 22507, this Ordinance's parking restrictions shall not be enforced until signs or markings giving adequate notice thereof have been placed. Notwithstanding the provisions of Section 10.36.050 (Enforcement), for the first 30 calendar days after said signage or markings have been placed, enforcement personnel shall issue warnings in

lieu of citations. Thereafter, enforcement personnel shall enforce this Ordinance as set forth in Section 10.36.050.

**Section 7. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this ordinance are declared invalid.

**Section 8. Adoption, Certification, and Publication.** The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

**Section 9. Recordation of Proceedings.** The documents and materials associated with this ordinance that constitute the record of proceedings on which these findings are based are located at 21815 Pioneer Boulevard, Hawaiian Gardens, CA 90716. The City Clerk is the custodian of the record of proceedings.

**PASSED, APPROVED AND ADOPTED,** by the City Council of the City of Hawaiian Gardens, California, at a regular meeting of the City Council held on the 25<sup>th</sup> day of October, 2022:

/S/ \_\_\_\_\_

Luis Roa, Mayor

ATTEST:

/S/ \_\_\_\_\_

Pablo Rubio  
City Clerk

APPROVED AS TO FORM:

/S/ \_\_\_\_\_

Megan K. Garibaldi  
City Attorney



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

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

I, Pablo Rubio, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. ORD-2022-604**, was duly and regularly introduced, adopted, and passed at a Regular meeting of the City Council on the **25<sup>th</sup> day of October 2022** by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**           ALVARADO, FARFAN, GOMEZ, DEL RIO, ROA  
**NOES:**           NONE  
**ABSENT:**       NONE  
**ABSTAIN:**      NONE

/S/ \_\_\_\_\_  
Pablo Rubio  
City Clerk