



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Administrator

SUBJECT: Second Reading - Ordinance Making Amendments to Title 10, "Vehicles and Traffic," of the Commerce Municipal Code

MEETING DATE: February 5, 2019

RECOMMENDATION:

Read the Ordinance by title only, waive further reading, and adopt an Ordinance amending Title 10 of the Commerce Municipal Code.

BACKGROUND:

Title 10, "Vehicles and Traffic," of the City of Commerce ("City") Municipal Code ("Code") was adopted by the City to regulate the orderly operation and interaction of motor vehicles, bicycles, pedestrians and others upon public right of ways within the City's jurisdiction. Title 10 includes definitions, regulations, standards and enforcement mechanisms to achieve this goal. City Council first adopted Title 10 in 1964. There have been relatively few and minor amendments to Title 10 since its adoption.

To ensure Title 10, "Vehicles and Traffic," is up to date and consistent with state law, industry standards, and the City's policies, practices, and current needs relating to traffic on the City's public right of ways, amendments to Title 10 have been made and are being proposed for the City Council's consideration. Additionally, it was necessary to amend Title 10 to promote internal consistencies within said title, and with the Code.

The City Council introduced for first reading an Ordinance amending Title 10 on January 15, 2018. This is the second reading of a proposed ordinance.

ANALYSIS:

Pursuant to its "police powers" under Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Except as otherwise expressly provided, the provisions of the California Vehicle Code preempt local ordinances on the matters

covered by such Code.¹ Notwithstanding, explicit provisions within the California Vehicle Code, such as sections 21100 through 21118 (“Local Regulation”), 22500-22526 (“Stopping, Standing and Parking”), and 35700 through 35722 (“Local Authorities”), explicitly provide the legislative body of a city to adopt rules and regulations by ordinance or resolution concerning traffic and vehicles. Accordingly, consistent with said authority to legislate and regulate, coupled with the need to be consistent with state law, City practices and industry standards, comprehensive and respective revisions are being proposed to Title 10. Further, many of the existing provisions are outdated; do not adequately address safety or traffic hazards and nuisances; do not adequately promote an orderly flow of pedestrian and vehicular traffic in the City’s public right of ways, including sidewalks and streets; are unenforceable, and/or internally inconsistent.

Accordingly, the proposed amendments reflect a more cohesive approach to establishing rules and regulations for vehicular and pedestrian traffic within the City’s jurisdiction, especially as to violations arising from vehicles stopping, standing and parking in the City’s public right of ways.

General provisions of the proposed Ordinance amending Title 10, include, but are not limited to:

- Make clarifications to, and adds definitions to terms and phrases throughout Title 10 to be consistent with state law, and to provide the public and the City’s enforcement authorities with clear terminology to provide regulatory and enforcement guidelines.
- Adds and clarifies the City’s authority as to who may enforce parking and traffic laws and regulations, who may issue parking citations, and the penalties for persons violating the City’s laws (i.e., administrative parking fines).
- Makes explicit references to state law authorizing removal of vehicles that are in violation of enumerated circumstances.
- Consistent with state law, clarifies and adds enumerated offenses concerning vehicles stopping, standing and parking in public right of ways.
- Defines the parking and traffic controls and signs required to put the public and operators of vehicles on notice of prohibitory conduct, and clarifies the City’s obligations to install such signage or markings within the City’s jurisdiction prior to enforcing underlying violations.
- Clarifies and strengthens provisions concerning overnight parking, traversing on designated city streets, and addresses nuisances that arise out of oversized vehicles preventing safe accessibility to public right ways, as well as vehicles used for dwelling purposes that are causing parking shortages and unsanitary, health and safety concerns. As to the latter, amendments to Title 10 also impose a City policy requiring enforcement officials to provide violators a reasonable opportunity to comply so as to avoid any penalties.

¹ See California Vehicle Code § 21.

- Clarifies authority granted to city officials in order to implement policies consistent with the ordinance to encourage and effectuate enforcement.

Accordingly, with the proposed amendments to Title 10, the City wishes to promote safe, orderly, and clean conditions to its public right of ways, and promote and preserve a safe and free flow of pedestrian and vehicular traffic in the City's public right of ways within its jurisdiction.

ALTERNATIVES:

1. Approve staff recommendation; or
2. Decline staff recommendation and provide further direction.

Recommended by: Norma Copado, Assistant City Attorney
Maryam Babaki, Director of Public Works and Development Services
Approved as to form: Norma Copado, Assistant City Attorney
Respectfully submitted: Edgar P. Cisneros, City Administrator

ATTACHMENTS:

1. Ordinance