



Staff Report

FURTHER DISCUSSION AND DIRECTION ON ORDINANCE AMENDMENTS TO BELMONT MUNICIPAL CODE, CHAPTER 14, MOTOR VEHICLES AND TRAFFIC, ARTICLE I

Honorable Mayor and Council Members:

Summary

This report summarizes the comments and suggestions made at the September 13, 2005 City Council Meeting regarding parking of commercial vehicles, RVs, boats and trailers in Article I of Chapter 14 of the Belmont Municipal Code.

Staff recommends obtaining any additional public input and confirming or modifying the direction given to staff for these amendments. These amendments will be brought forward for introduction at the meeting of October 11, 2005.

Background

Belmont Municipal Code Chapter 14, is entitled Motor Vehicles and Traffic. At the last several meetings, the Council directed staff to incorporate the main provisions of the Foster City Code relating to parking of commercial vehicles, RVs, boats and trailers into Article I. No amendments have been proposed for Articles II and V; Article III had been previously amended. Minor revisions were made in Article IV, and staff recommended deletion of Articles VI and VII in their entirety. These changes were reflected in the strikeout version of the ordinance attached as Attachment A to the Staff Report for the September 13, 2005 meeting.

Discussion

At the last meeting, the Council obtained public input and discussed making the following changes to the Ordinance:

1. The relevant provisions of Article I would be broadened to include reference to public rights of way in addition to public streets;
2. The one-tenth mile provision in Section 14-10 (a) will be retained;

3. Section 14-13 will reflect the name "Belmont and Chamber of Commerce Festival";
4. The weight of restricted commercial vehicles in Section 14-14(a) would be increased from three-quarter ton to one ton;
5. The provision allowing a 72 hour loading and unloading period in Section 14-14(c) and 14-15(a) will be limited in all cases to no more than two times in any 14 day period;
6. The height of vehicles subject to restricted parking in Section 14-15(a)-(d) would be increased from 6'6" to 6'9";
7. Subsections (e) and (f) will be deleted from proposed Section 14-15;

At the last meeting, there was a question regarding possible grandfathering of individuals who currently own vehicles which would become restricted under this Ordinance. However, staff recommends against such a provision because it would require staff to personally contact potential violators and obtain written documentation from them regarding when they acquired their vehicle.

A suggestion was also made to require residents to move their vehicle to a different parking spot, in addition to having moved it one-tenth of a mile under Section 14-10 (a). Staff recommends against this provision because effective enforcement would require virtually constant monitoring of the movement and location of these vehicles.

Finally, the Council discussed whether to prohibit parking of these vehicles on private, as opposed to public, property. The Council decided against making such a change in this ordinance. Staff notes that other provisions of the code prohibit parking of unregistered, abandoned, or dismantled vehicles of any type on private property.

Fiscal Impact

Staff has not identified any significant fiscal impact from these amendments.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Council take additional public input, although this is not a public hearing, and provide further direction to staff for Ordinance amendments to be introduced at the

first meeting in October.

Alternatives

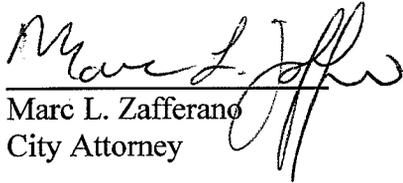
The City Council may wish to direct staff to pursue one of the following alternatives:

1. Keep the ordinances as presented at the last meeting;
2. Further modify the ordinances prior to introduction.

Attachments

- A. Staff Report and attachments from meeting of September 13, 2005.

Respectfully submitted,



Marc L. Zafferano
City Attorney

ATTACHMENT A

Staff Report and attachments from meeting of September 13, 2005



Staff Report

INTRODUCTION OF ORDINANCE AMENDMENTS TO BELMONT MUNICIPAL CODE, CHAPTER 14, MOTOR VEHICLES AND TRAFFIC

Honorable Mayor and Council Members:

Summary

This report introduces amendments to the Belmont Municipal Code, Chapter 14, Motor Vehicles and Traffic, as discussed at the meeting of August 9, 2005. The proposed ordinance for introduction is attached as Attachment A, showing deletions and additions. Attachment B is the staff report from the August 9, 2005 meeting.

Staff recommends introducing the ordinance as amended based on direction from the Council.

Background

Belmont Municipal Code Chapter 14, is entitled Motor Vehicles and Traffic. At the last meeting, the Council directed staff to incorporate the main provisions of the Foster City Code relating to parking of commercial vehicles, RVs, boats and trailers into Article I of Chapter 14. No amendments were proposed for Articles II and V; Article III had been previously amended. Staff recommended deletion of Section 14-98 of Article IV; staff also recommended deletion of Articles VI and VII in their entirety. These changes are reflected in the attached ordinance for introduction.

Discussion

Staff has made the changes requested by the Council at the August 9, 2005 meeting; specifically, the operative Sections of the Foster City Code. These sections limit parking of large commercial vehicles, recreational vehicles, trailers, boats, and boat or personal water craft trailers on public streets. Recreational vehicles, trailers, boats, and other associated trailers may be parked for up to 72 hours for loading, unloading, cleaning and routine maintenance and repair. Pursuant to Council direction, a provision has been added indicating that trailers of any kind may only be parked on a public street if attached to a motor vehicle.

State law (Vehicle Code sections 22507 and 22507.5, both referenced in the proposed ordinance for introduction tonight) exempts commercial vehicles making pickups or deliveries, including

pickups and deliveries in connection with construction activities, from the provisions of any local ordinance. This means that such vehicles would be permitted to park under certain circumstances despite the proposed amendments.

At the last meeting, a question arose about the weight limits of trucks owned by construction workers or contractors who live in the city. A three-quarter ton truck would be the equivalent of a Ford F-250 pickup truck. As an example, the F-350 and 450 Super Duty trucks are one-ton trucks. Council may wish to discuss whether to include one-ton trucks in the exception provision of the ordinance. These trucks would not otherwise be exempted under the state law sections discussed above, because they would not be making pickups or deliveries when parked on the street at the person's residence.

Fiscal Impact

Staff has not identified any significant fiscal impact from these amendments.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Council introduce the ordinance changes as presented, or with any desired modifications.

Alternatives

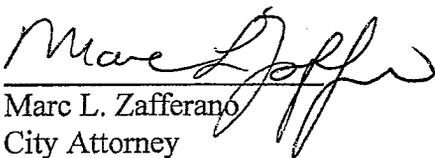
The City Council may wish to direct staff to pursue one of the following alternatives:

1. Keep the ordinances as they are;
2. Further modify the ordinance prior to introduction.

Attachments

- A. Belmont Municipal Code Chapter 14, strikeout version with proposed amendments.
- B. August 9, 2005 Staff Report.

Respectfully submitted,


Marc L. Zafferano
City Attorney

ATTACHMENT A

Belmont Municipal Code Chapter 14, strikeout version with proposed amendments

Chapter 14

MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 14-1. Regulations saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the traffic regulations of the city, and said regulations, as amended from time to time, are hereby continued in full force and effect except to the extent that they may be in conflict with the provisions of this Code.

Editor's note--The traffic regulations saved from repeal by the above section are on file in the office of the city clerk.

Sec. 14-2. Race tracks or racing prohibited.

(a) It shall be unlawful for any person to operate or to sponsor a race track for vehicles propelled by internal combustion engines or to participate in or take any part in the operation of such a race track or in any race involving any such vehicles, within the city.

(b) Any violation of this section is hereby declared to be a public nuisance, and upon order of the city council, the city attorney shall immediately initiate proceedings necessary for the abatement or enjoyment of such violation in the matter provided by law.

Sec. 14-3. Operation on hillsides.

It shall be unlawful for any person to drive or operate any vehicle propelled by an internal combustion engine up or down a hillside with a grade of twenty-five (25) percent or more at the place where such person drives or operates such vehicle except upon an established road, street or highway sufficient in width and design to accommodate a four-wheeled vehicle. It shall further be unlawful to operate a vehicle as defined on public or private undeveloped property unless said

operation is in conjunction with the construction of improvements pursuant to the validly issued excavation or building permit. The intent of this section is to protect the natural vegetation, prevent soil erosion and preserve the landscape qualities of the community. This section shall not apply to emergency police or fire equipment, other city equipment or the equipment of utility companies.

Sec. 13-3.1. Parking on hills.

No person driving, or in control of, or in charge of a motor vehicle shall permit it to stand on any highway, road or street unattended when upon any grade exceeding three (3) percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by turning the front wheels to the fullest away from the road or by other means.

Sec. 14-4. Soliciting tow or other service, parking tow truck at accident scene.

(a) No person shall, at the location of any vehicular accident, collision or other catastrophe or calamity, solicit or offer the sale of any tow service, or the sale of any other services.

(b) No vehicles equipped for use as tow trucks shall be parked within five hundred (500) feet from the location of any vehicular accident, collision or other catastrophe.

(c) The prohibitions contained in this section shall apply from the time of the happening of any of the aforesaid occurrences until a reasonable time thereafter, and at all times while law enforcement officers, public health personnel, emergency personnel, and other persons discharging duties imposed by law, are actively engaged in the performance of duty at the location of any such occurrence.

Sec. 14-5. Operation of vehicular tow.

(a) No more than one vehicular tow truck shall be parked on the public right-of-way in front of any dwelling unit in a single-family residential district or each building in a multiple-family residential district.

(b) No maintenance of any vehicles shall be permitted on streets in residentially zoned districts.

(c) Tow trucks shall not tow wrecked or disabled vehicles to any streets within a residentially zoned district unless said vehicle is being towed to the registered owner's residence.

Sec. 14-6. Performing work on vehicles or equipment.

(a) No person or business shall perform or permit the performance of work on vehicles or equipment on the city right-of-way or street on Old County Road in the City of Belmont.

(b) The performance of work on vehicles or equipment shall be defined as washing, polishing, sanding, cleaning, repairing or any maintenance of parts or equipment.

Sec. 14-7. Off-street parking on the city right-of-way on Old County Road.

(a) No vehicles may be parked on the city right-of-way on Old County Road between the hours of 8:00 p.m. and 6:00 a.m.

(b) Limited parking is permitted on the right-of-way between the hours of 6:00 a.m. and 8:00 p.m. providing such vehicles must be parked in such a manner to provide a minimum of a three-foot clearance between the curb and the parked vehicle.

Sec. 14-8. Penalty for violation of sections 14-6, 14-7.

Violation of sections 14-6 and 14-7 shall be an infraction punishable as follows:

(a) A fine not exceeding one hundred dollars (\$100.00) for a first violation

(b) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year.

(c) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one (1) year.

Sec. 14-9. Excessive acceleration of motor vehicles.

It is unlawful for any person operating a motor vehicle within the city to so accelerate the same as to cause audible noise by tire friction on pavement or to cause the tires of said vehicle to leave skid marks upon the pavement, except when such acceleration is reasonably necessary to avoid a collision. Any person violation this section shall be guilty of an infraction which shall be punishable to the extent of the laws of this state for infractions.

Sec. 14-10. Use of streets for storage of vehicles.

(a) No vehicle shall be parked or left standing upon any street, alley or public way for more than seventy-two (72) consecutive hours. For purposes of this section, a vehicle shall be considered to have been parked for seventy-two (72) or more consecutive hours if it has not been moved one-tenth of a mile, by odometer reading, or more during the seventy-two-hour period.

(b) Violation of this section is an infraction.

Sec. 14-11. Removal of vehicles in violation of this Code.

Any vehicle found in violation of this Code or any ordinance regulating parking on city streets, alley or other public property for seventy-two (72) or more consecutive hours may be removed to a storage garage designated by the city pursuant to Vehicle Code section 22651.

Sec. 14-12. Stopping, standing, or parking of vehicles on city-owned real property or garages.

(a) When an authorized sign or signs are erected and in place giving notice that parking as indicated by such a sign is prohibited or restricted, no person shall stop, stand or park a vehicle upon any such city-owned real property or parking garage or portion thereof in such city in disregard of such sign or signs.

(b) The city council may, by resolution from time to time, designate that city-owned real property or garages or portions thereof upon which parking is prohibited or restricted in accordance

with this section and in any such resolution shall require the erection and maintenance upon every such city-owned parking lot or garage or portion thereof designated for prohibition or regulation of parking or limitation a sign or signs appropriate to inform the public of the applicability of this section.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by an imprisonment in the county jail not exceeding sixty (60) days or by both such fine and imprisonment, and each day upon which a violation of this section is continued or maintained shall constitute a separate offense hereunder and be punishable as such. In addition, any vehicle found in violation of this section or any resolution of the city may be removed to a storage garage designated by the city pursuant to California Vehicle Code section 22651.

Sec. 14-13. Emergency parking.

(a) The council finds that during the Art and Wine Festival and during other public gatherings and celebrations that traffic congestion resulting therefrom can and does impede the flow of traffic and interfere with the delivery of city services including police and fire services. This congestion also creates safety hazards for pedestrians and sight distance impairment for other vehicles. To address these important health and safety concerns the council finds it necessary to allow for the alteration of parking restrictions during these events so as to improve the flow of traffic, reduce congestion and insure the efficient delivery of police and fire protection.

(b) Whenever the police chief determines that an emergency exists or is imminent due to traffic congestion which is likely to result from public or private assemblages, gatherings or functions, the police chief shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is time restricted or prohibited

on such streets and alleys as he or she shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the police chief shall cause such signs to be removed promptly thereafter.

(c) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

Sec. 14-14. Restricted on-street parking-General regulations.

(a) **Commercial vehicles of any type with the exception of three-quarter-ton, half-ton or small pickup-type trucks shall not be parked on city streets at any time, except as provided under Sections 22507 and 22507.5 of the California Vehicle Code.**

(b) **No vehicle, recreational vehicle, commercial vehicle, camper, camper shell, or mobile home of any type shall be used for temporary or permanent human habitation, including sleeping, while parked on any public street or public right-of-way.**

(c) **Recreational vehicles, trailers, boats, boat or personal watercraft trailers, or any combination thereof may be parked upon a public street in accordance with all posted regulations and in a safe manner for a maximum of seventy-two consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes. Trailers of any kind may only be parked upon a public street if attached to a motor vehicle.**

(d) **Camper shells or any other related camper equipment shall not be placed or stored upon any public street or public right-of-way.**

Sec. 14-15. Restricted on-street parking-Visitor parking for size-regulated vehicles--Loading and unloading.

(a) Vehicles which are over six feet six inches, in height or more than twenty-five feet in length shall not be parked on any public street except for a maximum of seventy-two consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes only or with permission of the police department for the purpose of visitor parking which shall only be allowed for a maximum period of ten days. The seventy-two hour loading and unloading periods shall not occur more than two times in any fourteen-day period on any public street or portion thereof, shall not be consecutive and shall not be in addition to a ten-day visitor parking period.

(b) Vehicles which are over six feet six inches in height or more than twenty-five feet in length shall not be parked within ten feet of any driveway curb cut on the side of the driveway of approaching traffic.

(c) Vehicles which are over six feet six inches in height or more than twenty-five feet in length shall not be parked within fifty feet of any intersection curb return on the side of approaching traffic except on streets with a single outlet or on intersection approaches which are controlled by a stop sign or a "STOP" marking on the pavement.

(d) Vehicles which are over six feet six inches or more than twenty-five feet in length shall not be parked within seventy-five feet of any intersection curb return on any streets which have a speed limit of thirty-five miles per hour or greater.

(e) Vehicles owned or used by residents or guests of residents residing in residential units which, due to the location of the subject unit along the street, cannot meet the requirements of subsections (c) and/or (d) of this section may be parked within the restricted zone if the vehicle is parked as far from the curb return as possible and the restricted zone is not otherwise posted or marked.

(f) Vehicles which are over six feet six inches in height or more than twenty-five feet in length which are owned by residents who have no driveway, whose driveway is too small, or reside in apartment, townhouse or condominium residential complexes that do not provide parking for such vehicles, and who use the subject vehicle as a principal form of transportation may be parked on a public street in accordance with all other applicable provisions of this chapter upon submitting a letter to the city demonstrating that the vehicle is used as a principal form of transportation for the owner(s). If, however, the owner of the subject vehicle does have access to a driveway or parking area capable of providing parking for the vehicle, that area shall be used rather than parking the vehicle on a public street.

ARTICLE II. NOTICE AND PROMISE TO APPEAR.

Sec. 14-16. Required.

If any person is arrested for a violation of this chapter or any regulation saved from repeal by this chapter and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court.

Sec. 14-17. Notice to show time for appearance.

The time specified in the notice to appear must be at least five (5) days after such arrest.

Sec. 14-18. Notice to specify place to appear.

The place specified in the notice to appear shall be before a judge of municipal court within the county, if the offense charged is alleged to have been committed therein and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made.

Sec. 14-19. Promise to appear.

The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his written promise as to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

Sec. 14-20. Delivery of notice to magistrate; action thereon.

(a) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of section 1275 of the Penal Code of the state, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in section 815A of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may in his discretion order that no further proceedings shall be had in such case.

(b) Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to section 1463 of the Penal Code of the state.

Sec. 14-21. Grounds for issuance of arrest warrant.

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment or to comply with the terms and provisions of the judgment as required by law.

Sec. 14-22. Violation of promise to appear prohibited.

Any person willfully violating his written promise to appear in court given pursuant to this article is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Sec. 14-23. Procedure on violation of promise to appear.

Whenever any person signs a written promise to appear at the time and place specified in the written promise to appear in accordance with this article and has not posted bail as provided in this article, the magistrate shall issue and have delivered for execution a warrant for his arrest either within twenty (20) days after his failure to appear as promised or, if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

In accordance with section 853.3 of the Penal Code of the state, when such person violates his promise to appear before an officer authorized to accept bail other than a magistrate, that officer shall immediately deliver to the magistrate having jurisdiction over the offense charge, the written promise to appear and the complaint, if any, filed by the arresting officer.

Sec. 14-24. Penalty.

Every person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment.

Secs. 14-25-14.35. Reserved.

ARTICLE III. TRUCK ROUTES AND WEIGHT LIMITATIONS

DIVISION 1. GENERALLY

Sec. 14-36. Reserved.

Sec. 14-37. Approval of transfer of streets from city jurisdiction required.

No street or highway under the jurisdiction of the city for the purposes of this article shall be transferred out of the jurisdiction of the city without approval at a regular municipal election by a majority of voters of the city.

Sec. 14-38. Authority to weigh trucks to determine compliance.

Any police officer shall have the authority to require any person driving or in control of any truck on any public street or highway in the city to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with.

Sec. 14-39. Penalty for violation of regulations.

Any person violating the provisions of this article shall be subject to the General Penalty Provisions of the Municipal Code Section 1-8.

Secs. 14-40-14-45. Reserved.

DIVISION 2. TRUCK TRAFFIC ROUTES

Sec. 14-46. Designated.

The following streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight, including load, of eight (8) tons, hereinafter called "trucks," and the city manager is hereby authorized and directed to designate such streets by appropriate signs as "truck route." Such streets are particularly designated as follows:

- (a) All of Old County Road within the city.
- (b) O'Neill Avenue from its intersection with Old County Road to its intersection with Kedith Street .

(c) All of Ralston Avenue within the city except that the maximum gross weight of any truck and load moving along or on Ralston Avenue is limited to thirteen (13) tons.

Sec. 14-47. Direction of signs; state approval of routes not under exclusive jurisdiction of city.

Whenever any provision of any ordinance designates or describes any street or streets or portions thereof as a street or streets the use of which is permitted by any commercial vehicle or by any vehicle exceeding the maximum gross weight of eight (8) tons, the city manager is hereby authorized to designate such street or streets or portions thereof by approaching signs as "truck traffic routes" for the movement of commercial vehicles and vehicles exceeding the maximum gross weight limit of eight (8) tons. No such ordinance shall be effective with respect to any highway which is not under the exclusive jurisdiction of the city or, in the case of any state highway, until such proposed ordinance has been submitted by the city council to and approved in writing by the department of public works of the state.

Sec. 14-48. Operation of trucks on other than truck traffic routes prohibited generally.

No person shall operate any truck having a gross weight, including load, in excess of thirteen (13) tons on Ralston Avenue west of El Camino Real in the city or in excess of eight (8) tons on any other street in the city, except on those streets specified in section 14-46, subject to the exceptions hereinafter provided. For the purpose of this section, the word "truck" shall include the words "motor truck," "truck-tractor" and "trailer" as such terms are defined in sections 410, 655 and 630 of the Vehicle Code of the state. Notwithstanding any provision of this article, no person shall operate a tractor-trailer dump truck on any residential street of twenty-four (24) feet or less in width, or a ten (10) wheeler dump truck on any residential street of twenty (20) feet or less in width.

Sec. 14-49. Trips from outside with destination outside city.

(a) Outside Destination. All trucks entering the city for a destination point outside the

city shall operate only over a truck route as established by section 14-46.

(b) Inside Destination Point. All trucks entering the city for a destination point in the city shall enter the city only on an established truck route and shall proceed only over an established truck route and shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-51. Trips from outside with multiple destinations inside city.

All trucks entering the city for multiple destination points shall enter the city only on established truck routes, shall proceed only over established truck routes and shall deviate only at the intersection with the street nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to all other destination points by the shortest route. Upon leaving the last destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-52. Trips from inside to outside city.

(a) To Outside Destination Point. All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest route to the nearest truck route as herein established.

(b) To Inside Destination Point. All trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed to such destination points by the shortest route.

Sec. 14-54. Inapplicability of regulations to certain trucks.

Nothing in this article shall be construed as applying to any truck coming from a truck traffic route as defined in section 14-46 having ingress and egress by direct route to and from streets on which truck traffic is restricted as herein provided when necessary for the purpose of making pickups

or deliveries of goods, wares and merchandise from or to any building or structure located on streets other than truck traffic routes 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 a street other than a truck traffic route for which a building permit has previously been obtained or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility or to any school bus or any authorized emergency vehicle as defined in section 165 of the Vehicle Code of the state or to any vehicle which is subject to the provisions of sections 1031 and 1037 inclusive in the Public Utilities Code of this state or to any vehicle owned or operated by the city while engaged in the repair, maintenance or construction of streets, street improvements or public utilities.

Secs. 14-55-14-60. Reserved.

DIVISION 3. LIMITED TRUCK ROUTES

Sec. 14-61. Exceeding limitations authorized.

Notwithstanding any other provisions of this article, vehicles having a gross weight exceeding the maximum gross weight limits herein set forth may be permitted along the streets herein called "limited truck routes," not designated by approaching signs as "truck traffic routes," by obtaining a hauling permit from the public works department under the following conditions and provisions.

Sec. 14-62. Permit required; application required.

Any person desiring to operate any vehicle having a gross weight, including load, exceeding the maximum gross weight limits herein set forth along any restricted street shall obtain a permit therefor and shall file an application for the permit with the director of the public works department or his designee. The application shall set forth the following information:

(a) A full identification and the residence and business address of the applicant; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.

(b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.

(c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.

(d) The route which applicant proposes to use over public streets or private property.

(e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.

(f) Such further information as the director of public works or his designee may require.

Sec. 14-64. Investigation of application; action thereon.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be transmitted to the director of public works or his designee and one copy to the chief of police . The director of public works or his designee shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part.

Sec. 14-65. Conditions for granting permit.

The application for a permit hereunder shall be granted by the director of public works or his designee only if he finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as

it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;

(c) That the city will be duly protected from liability for injury to persons and property;

(d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-66. Deposit required.

Applicants for a permit shall, at the time of application, deposit as security for the payment of the fees specified in section 14-67 a sum of money as established in the City's Master Fee Schedule.

Sec. 14-67. Permit fee.

Upon issuance of a permit, the permittee shall pay to the city a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit. No permit shall be valid until such fee is paid.

Sec. 14-68. Surety bond may be required.

The director of public works or his designee shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city such sum in cash as may be required or a surety bond in an amount to be fixed and in form to be specified by the director of public works or his designee, inuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city and reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the director of public works or his designee as being sufficient in financial responsibility.

Sec. 14-69. Insurance required.

The director of public works or his designee shall also require as a condition to the granting of any such permit that the applicant deposit with the city a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than one million dollars (\$1,000,000.00) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than one million dollars (\$1,000,000.00) on account of one occurrence.

(b) Property damage insurance. In an amount of not less than one hundred thousand dollars (\$100,000.00).

Sec. 14-70. Annual or continuing bond and insurance.

With the approval of the director of public works or his designee, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-71. Establishment of routes.

The director of public works or his designee shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel and such vehicles shall travel only directly over such route or routes as may be directed by the director of public works or his designee to be least dangerous to public safety and which shall cause the least interference with general traffic and

the least damage to public streets.

Sec. 14-72. Additional restrictions on permit.

In granting the permit, the director of public works or his designee shall also specify the following:

(a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.

(b) The number of trucks per hour which shall be permitted to travel over the route specified.

(c) Such other terms and conditions as may be required to properly administer the exercise and use of the permit.

(d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.

(e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:

- Trucks shall be loaded in such a manner that there shall be no spillage;
- That there shall be sprinkling of all loads for dust control, when necessary;
- That the City streets shall be kept clean of spillage and wheel dirt;
- That two-way routes shall be specified in the permit;
- That the permitted speed of the trucks shall be specified;
- That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and

time that the hauling will take place.

Sec. 14-73. Permit revocation.

Any permit granted hereunder may be revoked or suspended by the director of public works or the chief of police or their designees for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of service of the notice of revocation or suspension. If, as the result of an appeal hearing the city council reinstates the permit, it may impose such conditions as required for the protection of the health, safety and general welfare of the public.

Sec. 14-74. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within ten (10) business days after the date of issuance of such permit, or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or not completed within the number of days allowed for hauling in excess of weight limits as specified in the hauling permit and/or grading permit, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee

shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-67. The director of public works or his designee may dispense with any further investigation if in his opinion the information furnished by the original investigation is sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-75. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.

Secs. 14-76-14-81. Reserved.

DIVISION 4. HAULING EARTH OR OTHER CONSTRUCTION MATERIALS

Sec. 14-82. Provisions declared alternative.

The authority granted and the procedure provided by this division is an alternative to any other authority or procedure provided by this article.

Sec. 14-83. Permit authorized.

Notwithstanding any other provision of this article, the director of public works or his designee of the city may issue a permit allowing vehicles to exceed the maximum gross weight limits herein set forth on any street in the city for the purpose of hauling a maximum of five hundred (500) cubic yards per single building site per year, of earthen or other material required to be moved in connection with the construction or alteration of a work of improvement under the following conditions and improvements.

Sec. 14-84. Permit application required.

Any person desiring to operate any vehicle having a gross weight, including load, to exceed the maximum gross weight limits herein set forth along any restricted street shall file an application in triplicate for a permit to do so with the director of public works or his designee, the original of which shall be verified. The application shall set forth the following information:

(a) A full identification and the residence and business address of the applicant; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.

(b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.

(c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.

(d) The route which applicant proposes to use over public streets or private property.

(e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.

(f) Such further information as the director of public works or his designee may require.

Sec. 14-86. Investigation, action on application.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be transmitted to the director of public works and one copy to the chief of police or their designees. The director of public works or his designee shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set

forth, or deny the same in whole or in part.

Sec. 14-87. Conditions for granting permit.

The application shall be granted by the director of public works or his designee, if he finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;

(c) That the city will be duly protected from liability for injury to persons and property;

(d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-88. Deposit required.

Applicants for a permit shall, at the time of application, deposit as security for the payment of the fees specified in section 14-89, a sum of money as established in the City's Master Fee Schedule.

Sec. 14-89. Permit fee.

Upon issuance of a permit, the permittee shall pay to the city a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit . No permit shall be valid until such fee is paid.

Sec. 14-90. Surety bond required.

The director of public works or his designee shall require, as a condition to the granting

of any permit hereunder, that the applicant deposit with the city such sum in cash as may be required or a surety bond in the amount to be fixed and in form to be specified by the director of public works or his designee, insuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city, and reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the director of public works or his designee as being sufficient in financial responsibility.

Sec. 14-91. Insurance required.

The director of public works or his designee shall also require as a condition to the granting of any such permit that the applicant deposit with the city a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than one million dollars (\$1,000,000.00) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than one million dollars (\$1,000,000.00) on account of one occurrence .

(b) Property damage insurance. In an amount of not less than one hundred thousand dollars (\$100,000.00).

Sec. 14-92. Annual or continuing bond and insurance.

With the approval of the director of public works or his designee, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-93. Route.

The director of public works or his designee shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel, and such vehicles shall travel only directly over such route or routes as may be directed by the director of public works or his designee to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets.

Sec. 14-94. Additional permit restrictions.

In granting the permit, the director of public works or his designee shall also specify the following:

- (a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.
- (b) The number of trucks per hour which shall be permitted to travel over the route specified.
- (c) Such other terms and conditions as may be required to properly administer the exercise and use of the permit.
- (d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.
- (e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:

- Trucks shall be loaded in such a manner that there shall be no spillage;
- That there shall be sprinkling of all loads for dust control, when necessary;
- That the City streets shall be kept clean of spillage and wheel dirt;
- That two-way routes shall be specified in the permit;
- That the permitted speed of the trucks shall be specified;
- That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and time that the hauling will take place.

Sec. 14-95. Permit revocation, suspension authorized; appeal.

Any permit granted hereunder may be revoked or suspended by the director of public works or the chief of police or their designees for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of the service of the notice of revocation or suspension. If, as the result of an appeal hearing the city council reinstates the permit, it may impose such conditions as required for the protection of the health, safety and general welfare of the public.

Sec. 14-96. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within ten (10) business days after the date of issuance of such permit, or in the

event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or not completed within the number of days allowed for hauling in excess of weight limits as specified in the hauling permit and/or grading permit, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued; and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-89. The director of public works or his designee may dispense with any further investigation if in his opinion the information furnished by the original investigation is sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-97. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term, or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.

ARTICLE IV. RESTRICTED ON-STREET AND OFF-STREET PARKING AREAS FOR USE BY
DISABLED PERSONS ONLY.

Sec. 14-98. Restricted on-street parking spaces for use by disabled persons only:

(a) ~~The city engineer shall designate parking spaces for the exclusive use of vehicles~~

~~which display a distinguishing license plate or a placard issued to disabled persons pursuant to California Vehicle Code (CVC) section 9105 or 22511.5. Such parking spaces shall be indicated by blue paint on the curb adjacent to the space. In addition to the blue paint, the space may also be indicated by signs or other suitable means.~~

~~(b) — No operator of any vehicle who does not qualify for veterans' exemption per CVC section 9105 or disabled persons exemption per CVC section 22511.5 shall stop, stand, park or leave standing such vehicle in any parking space designated for use by physically handicapped persons.~~

~~(c) — Violation of this section constitutes an infraction.~~

Sec. 14-99. Restricted off-street parking areas for use by disabled persons only.

(a) The city engineer and/or any person in lawful possession of an off-street parking facility may designate stalls or spaces in an off-street parking facility owned or operated by the city or person for the exclusive use of vehicles which display a distinguishing license plate or a placard issued to disabled persons pursuant to CVC section 9105 or 22511.5. Such designation shall be made by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

(b) Any regularly employed and salaried officer of the police department of this city may cause the removal, from a stall or space designated for physically handicapped persons in an off-street parking facility owned and/or operated by the city, to the nearest public garage, of any vehicle not displaying one of the distinguishing placards or license plates specified in subsection (a) above if there is posted immediately adjacent to, and visible from, such stall or space, or if there is posted, in a conspicuous place at each entrance to the off-street parking facility, not less than seventeen (17) by twenty-two (22) inches in size with lettering not less than one (1) inch in height, a sign which clearly

and conspicuously states the following:

“Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at (address) or by telephoning (telephone number of local law enforcement agency).”

(c) The owner or person in lawful possession of an off-street parking facility, after notifying the city police department, may cause the removal from a stall or space designated for physically handicapped persons in such facility to the nearest public garage, of any vehicle not displaying one of the distinguishing placards or license plates specified in subsection (a) above, if signs are posted as described in subsection (b) above.

Sec. 14-100-14-150. Reserved.

ARTICLE V. SKATEBOARDS, SKATES, SCOOTERS, BICYCLES, ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES AND SIMILAR VEHICLES

Sec. 14-151. Prohibited.

Bicycles, skateboards, motorized skateboards, scooters, motorized scooters, roller skates, in-line skates and similar vehicles, electronic personal assistive mobility devices defined as a self-balancing, non-tandem two-wheeled device that can turn in place and is designed to transport one or more persons, with an electronic propulsion system, or similar vehicles, are prohibited:

(a) On any sidewalk, street, alley, parking lot, park, trail, or other public place, designated by resolution of the city council and where signs are in place giving notice thereof.

(b) In those areas designated by resolution of the city council, signage shall be posted in a conspicuous place indicating that operation of the above-referenced vehicles is prohibited within that area.

(c) This prohibition shall not apply to any bikeway designated as such by resolution of the city council.

(d) Wheelchairs and other similar vehicles for the transportation of the handicapped, baby carriages, and strollers for transportation of young person, handcarts and other similar vehicles used for delivery of personal property or used in construction are excluded from this prohibition.

(e) No person shall operate any of the above-referenced vehicles in a reckless manner within the city.

For purposes of this section, "reckless" shall mean operation of the above-referenced vehicles in willful or wanton disregard for the safety of persons or property and specifically includes, but is not limited to, the following specific conduct:

(1) Operation at a speed greater than reasonable or prudent having due regard for weather, visibility, pedestrian and vehicular traffic and the condition of the vehicle;

(2) Operation in such a manner as to result in loss of control of the vehicle;

(3) Operation in such a manner as to result in a collision or accident involving any vehicle, property, or pedestrian;

(4) Operation when an operator is under the influence of any alcoholic beverage or drug as those terms are defined in California Vehicle Code section 23152; or

(5) Operation in such a manner as to endanger life, limb, or property of any person.

(f) Any person using any of the above-referenced vehicles shall yield the right of way to and not interfere with pedestrian traffic.

Sec. 14-152. Exceptions.

The provisions of this section shall not apply to any of the above-referenced vehicles operated by any peace officer employed by the city and acting within the course and scope of his or her employment.

Section 14-153. Penalty for violation of section 14-151.

Any person violating the provisions of this article shall be subject to the General Penalty Provisions of this Code Section 1-8.

Secs. 14-154-14-159. Reserved.

ARTICLE VI. INTERSTATE TRUCKS

Sec. 14-160. Definitions.

~~The following words and phrases shall have the meanings set forth; and if any word or phrase used in this article is not defined in this section, it shall have the meanings set forth in the California Vehicle Code; provided that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.~~

~~(a) — *Terminal* means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored or manufactured.~~

~~(b) — *Interstate truck* means a truck tractor and trailer or doubles with unlimited length as regulated by the Vehicle Code.~~

~~(c) — *Director of public services* means the director of public services of the City of Belmont or his authorized representative.~~

~~(d) — *Caltrans* means the State of California Department of Transportation or its successor agency.~~

Sec. 14-161. Purpose.

~~The purpose of this article is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on a federally designated highway system and to promote the general health, safety and welfare of the public.~~

Sec. 14-162. Application.

~~(a) — Any interested person requiring terminal access from the federally designated highway system shall submit an application, on a form as provided by the city, together with such information as may be required by the director of public services and appropriate fees to the City of Belmont.~~

~~(b) — Upon receipt of the application, the director of public services will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon his approval of that designation, he will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane width of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of Caltrans.~~

~~(c) — Should the requested route pass through the City of Belmont to a terminal located in another jurisdiction, the applicant shall also comply with that jurisdiction's application process. Coordination of the approval of the route through the city will be the responsibility of the entity which controls the terminal's land use.~~

Sec. 14-163. Fees and costs.

~~(a) — The applicant shall pay a nonrefundable application fee, as established by resolution~~

of the city council, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.

(b) — Upon the approval of the terminal designation and route by the city and by Caltrans, the applicant shall deposit with the City of Belmont sufficient funds as estimated by the director of public services to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the city en route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed, and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place.

Sec. 14-164. Retrofitting:

(a) — If all feasible routes to a requested terminal are found unsatisfactory by the director of public services, the applicant may request retrofitting of the deficiencies. All cost of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the city or by a contractor acceptable to it.

(b) — When work is to be done by the city, the applicant shall deposit with the City of Belmont the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work, and any difference between the actual and estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the director of public services, on a form satisfactory to the director of public services, a statement detailing the actual cost of the retrofitting.

(c) — If at any time within five (5) years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which

~~such retrofitting was accomplished, any such applicant's fee may include the applicant's proportionate share of the retrofitting, as determined by the director of public services, which fee shall be disbursed by the City of Belmont to the applicant who paid for the retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the director of public services required by subsection (b) above.~~

Sec. 14-165. Revocation of route.

~~The director of public services may revoke any approved terminal or route if the terminal or route becomes a traffic hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians.~~

Sec. 14-166. Appeal process.

~~(a) — If the director of public services denies terminal designation or route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten (10) days following the date of receipt of the decision of the director of public services, may appeal said decision to the city council in writing. An appeal shall be made on a form prescribed by the department of public services and shall be filed with the city clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the director of public services or wherein its decision is not supported by the evidence in the record. Within five (5) days of the filing of an appeal, the director of public services shall transmit to the city clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the director of public services, the findings of the director of public services and his decision on the application.~~

~~(b) — The city clerk shall make copies of the data provided by the director of public services~~

~~available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the city council.~~

~~(c) — If Caltrans and not the director of public services denies or revokes terminal access from federally designated highways, no appeals may be made to the city council, but must be made to Caltrans as may be permitted by Caltrans.~~

~~Sec. 14 167-14 176. Reserved.~~

~~ARTICLE VII. TRANSPORTATION SYSTEMS MANAGEMENT~~

~~Sec. 14 177. Findings.~~

~~The councils of the member cities hereby find and determine that:~~

~~(a) — There has been a significant increase in traffic in the cities and surrounding region, and this trend is anticipated to continue in the future.~~

~~(b) — Recent and future development and redevelopment within the city and surrounding region will lead to increased traffic in the area.~~

~~(c) — Transportation systems management (TSM) programs have been shown to be capable of reducing vehicle trips and increasing vehicle occupancy rates, and can be effective in reducing the need for increasing gasoline taxes and costly major road improvements.~~

~~(d) — Decreasing the number of vehicular trips, both absolutely and within peak traffic periods, will help alleviate traffic congestion, energy consumption, and noise levels and will assist in improving and maintaining air quality. These improvements will contribute to making the city an attractive and convenient place to live, work, visit and do business, and will help employers recruit and retain a qualified work force.~~

~~(e) — Cooperation with and the coordination of TSM programs with nearby cities~~

~~and other local agencies with transportation roles and participation in a joint powers authority with some or all of these agencies will assist the city in meeting the goals and objectives of this ordinance.~~

~~(f) — Adoption of this article is one (1) component of implementing a comprehensive approach to reducing traffic problems that should be supported by complementary land use policies and transportation and transit improvements.~~

~~(g) — Adoption of this article will promote public health, safety, economic vitality, mitigate the effects of traffic congestion including associated noise and air quality impacts on the environment, and support the general welfare, both within the city and region.~~

~~(h) — The goals and objectives of this ordinance are consistent with this city's general plan.~~

~~(i) — Participation of private and public employers, complex operators, employer organizations, and employee organizations (as said terms are hereinafter defined) is critical to the successful implementation of this article.~~

~~(j) — In adopting this article, it is the intention of the city council that employers and complex operators who act diligently and in good faith to comply with its provisions shall not be penalized for lack of participation of employees or tenants in commute alternatives, and shall not be held accountable for the achievement of a participation rate by employees or tenants.~~

~~(k) — This article will implement provisions of that certain "Joint Powers Agreement establishing that Intercity Transportation Systems Management (TSM) Authority," a joint exercise of powers agreement entered pursuant to the provisions of Government Code Section 6500 et seq., of which authority this city is a member.~~

~~(l) — Since the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 is the current trip reduction regulation with which employers must comply and~~

~~the local jurisdictions within San Mateo County did not elect to accept delegation of the rule, the provisions in this article are intended to assist employers in achieving their trip reduction goals as stipulated in the rule.~~

~~(m) — This ordinance exempts worksites subject to the requirements of the Bay Area Air Quality Management District's Regulation 13, Rule 1 from any and all requirements of the Local TSM Ordinance which was set forth prior to July 1, 1994.~~

Sec. 14-178. Goals and objectives:

~~(a) — *Goals.* The goals of this article are to:~~

~~(1) — Assure that all existing and future employers and complexes participate in mitigating traffic problems by implementing TSM measures;~~

~~(2) — Encourage coordination and consistency between public agencies and the private sector in planning and implementing transportation programs;~~

~~(3) — Increase public awareness and encourage more use of alternatives to commuting by single-occupant vehicles;~~

~~(4) — Reduce traffic impacts within the city and the region by reducing the number of automobile trips, daily parking demand, and total vehicle miles per person traveled that would otherwise be generated by commuting.~~

~~(b) — *Objectives.* [The objectives of this article are as follows:]~~

~~(1) — To participate in an intercity authority that works in partnership with employers to promote programs and services that help employers achieve their trip reduction goals in an effort to improve air quality and reduce traffic congestion in the region.~~

~~(2) — To facilitate the achievement of vehicle to employee ratio (VER) standards by public and private employers subject to Regulation 13, Rule 1, a regional employer based trip-~~

reduction mandate effective in San Mateo County beginning July 1, 1994.

(3) — ~~To encourage and facilitate participation by employers with twenty five (25) through ninety nine (99) employees in promoting commute alternatives to their employees.~~

Sec. 14-179. Definitions.

~~As used in this article, the following words and phrases have the meanings respectively ascribed thereto in this section:~~

(a) — ~~Alternative work hours program shall mean any system for shifting the workday of an employee so that the workday starts or ends outside of the peak periods. Such programs include but are not limited to:~~

(i) — ~~Compressed workweeks;~~

(ii) — ~~Staggered work hours involving a shift in the set work hours of employees at the work place; and~~

(iii) — ~~Flexible hours involving individually determined work hours within guidelines established by the employer.~~

(b) — ~~Carpool shall mean a motor vehicle occupied by two (2) or more employees commuting together.~~

(c) — ~~Commute shall mean a home to work or work to home trip.~~

(d) — ~~Complex shall mean any multitenant, non-residential building or group of buildings that houses employees. A complex may have more than one (1) but not necessarily all of the following characteristics:~~

(1) — ~~It is known by a common name;~~

(2) — ~~It is governed by a common set of covenants, conditions and restrictions;~~

~~(3) — It was approved, or is to be approved, as an entity by the City;~~

~~(4) — It is covered by a single subdivisions or parcel map;~~

~~(5) — It is operated by a single management;~~

~~(6) — It shares common parking.~~

~~(e) — *Employee* shall mean any person hired by an employer for work at the workplace, working twenty (20) hours or more per week on a regular full time basis, including independent contractors, but excluding field construction workers, field personnel, seasonal/temporary employees (working less than ninety (90) days consecutively) and volunteers.~~

~~(f) — *Employer* shall mean any public or private employer, including the city, who has a permanent place of business in the city. "Employer" shall not include contractors or other business entities with no permanent place of business in the city.~~

~~(g) — *Intercity agreement* shall mean the agreement approved by the city and one (1) or more other cities to establish an organization and procedures for governing a joint TSM program.~~

~~(h) — *Joint powers authority* shall mean that agency created under the "Joint Powers Agreement Establishing the Intercity Transportation Systems Management (TSM) Authority."~~

~~(i) — *Peak traffic periods, peak hour and peak periods* shall mean the periods of highest traffic volume and congestion, which are from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m. Monday through Friday inclusively. A "peak period trip" shall mean an employee commute trip to or from a work place when the employee's workday begins or ends within a peak period.~~

~~(j) — *Public transit* shall mean publicly provided transportation, usually either by bus or rail.~~

~~(k) — *Ridesharing* shall mean the transportation of persons in a motor vehicle for commute purposes where the driver is not employed for that purpose. The term includes~~

arrangements known as carpools and vanpools.

~~(l) — *Single-occupant vehicle* shall mean a vehicle occupied by one (1) employee.~~

~~(m) — *Sponsor* shall mean the owner(s) or developer(s) or manager(s) of a commercial development project or complex.~~

~~(n) — *Telecommuting* shall mean a system of working at home or at an off-site, non-home telecommute facility for the full work day on a regular basis at least one (1) day per week.~~

~~(o) — *Transportation system management (TSM)* shall mean a program to improve the movement of persons through better and more efficient use of the existing transportation system.~~

~~(p) — *TSM trip reduction program* shall mean a group of measures developed and implemented by an employer to provide transportation information, commute alternatives assistance and incentives to employees.~~

~~(q) — *TSM board of directors* shall mean the group responsible for policy direction of the TSM organization, with membership and responsibilities as defined in the intercity agreement. Responsibilities also include the general direction of the TSM coordinator and programs as set forth in the intercity agreement.~~

~~(r) — *Vanpool* shall mean a van occupied by seven (7) or [to] fifteen (15) employees (of the same or multiple employers) including the driver who travel together during the majority of their individual commute distance.~~

~~(s) — *Worksite* shall mean any real property, real or personal, which is being operated, utilized, maintained, or owned by an employer as part of an identifiable enterprise. All property on contiguous, adjacent, or proximate sites separated only by a private or public roadway or other private or public right of way, served by a common circulation or access system, and not separated by an impassable barrier to bicycles or pedestrian travel such as a freeway or flood control~~

channel is included as part of the worksite.

~~(t) — *Employee transportation coordinator (ETC)* shall mean a person, who could be an employee or an employer or sponsor, designated to implement a TSM trip reduction program and to carry out any other requirements of this ordinance at a workplace.~~

Sec. 14 180. TSM coordinator.

~~The TSM coordinator shall be employed by the joint powers authority and shall serve as staff in administering the TSM provisions of this article as provided in the intercity agreement. Duties shall include, but are not limited to, assisting employers in carrying out TSM responsibilities, providing commute alternatives assistance, preparing summary reports, and developing incentives for employer participation in the TSM program.~~

Sec. 14 181. TSM requirements.

~~(a) — Each employer within San Mateo County subject to the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 (regional employer based trip reduction rule) shall conform to the employer based trip reduction program requirements established and enforced by the BAAQMD.~~

~~(b) — Each employer of twenty five (25) or more employees, and every sponsor of twenty five (25) or more employees, is encouraged to distribute to its employees on a regular basis, commute alternatives information on ridesharing, transit, bicycling, etc.; and participate when possible in programs, sponsored by the joint powers authority, that may contribute to the reduction of single occupant vehicle commute trips.~~

ATTACHMENT B

August 9, 2005 Staff Report



Staff Report

PROPOSED REVISIONS TO BELMONT MUNICIPAL CODE, CHAPTER 14, MOTOR VEHICLES AND TRAFFIC.

Honorable Mayor and Council Members:

Summary

This report continues staff's ongoing review and update of Municipal Code. Specifically, this report recommends certain amendments to Article I of Chapter 14, Motor Vehicles and Traffic, specifically with respect to parking of large vehicles such as RV's, boats, and boat trailers on City streets. At prior meetings, the Council already approved amendments to Article III of Chapter 14, entitled Truck Routes and Weight Limitations. Minor amendments are proposed for Article IV; no amendments are proposed for Articles II, and V; and staff recommends deleting Articles VI and VII.

Background

Belmont Municipal Code Chapter 14 is entitled Motor Vehicles and Traffic. A complete copy of Chapter 14 is attached hereto as Attachment A. Article I, In General, contains provisions regarding the operation of motor vehicles on City streets. Article II, Notice and Promise to Appear, includes procedural requirements for violations of certain sections of the California Penal Code relating to motor vehicles. Article III, Truck Routes and Weight Limitations, has been recently addressed by the City Council and amended. Article IV, Restricted On-Street and Off-Street Parking Areas for Use by Disabled Persons Only, relates to disabled parking on City streets. Article V, Skateboards, Skates, Bicycles and Similar Vehicles, regulates the operation of these devices on City streets and sidewalks. Article VI, Interstate Trucks, applies to situations in which interstate trucks might wish to establish a terminal within the City for loading and unloading. Article VII, Transportation Systems Management, contains provisions relating to the Transportation System Management Program.

On April 26, 2005, the Council directed staff to prepare amendments to Article I which would specifically address on-street parking of RV's, boats, boat trailers, and other large vehicles. In past meetings, the Council has expressed concern that these vehicles block vehicular movements on City streets.

During the Council's meetings on this topic, numerous members of the public have appeared to

voice their opinions regarding restricting on-street parking of RV's and other large vehicles.

Discussion

Proposed Changes to Article I

In reviewing regulations of neighboring Cities, staff has identified Foster City Code Sections 10.32.251 and 10.32.252 (Attachment B) as potentially addressing the Council's concerns.

These provisions prohibit:

1. Parking of commercial vehicles of any type, with the exception of three-quarter ton, half ton, or small pick up-type trucks on City streets;
2. Living or sleeping in vehicles while parked on any public street or public right of way;
3. Parking of inoperative, dismantled or derelict vehicles;
4. Storing camper shells or other camper related equipment on any public street or right of way; and
5. Parking of vehicles which are over six feet six inches in height or more than 25 feet in length on public streets, except for a maximum of 72 consecutive hours for loading, unloading, cleaning, and routine maintenance. (Note that Belmont Section 14-10 prohibits any vehicles from parking for more than 72 hours, not just large vehicles.) The Foster City ordinance allows the owner to obtain permission from the police department for the purpose of visitor parking of such vehicles for a maximum of 10 days.

Foster City Code Sections 10.32.252(B), (C), (D), (E), and (F) contain additional specific provisions which regulate parking of such vehicles in relation to curbs, driveways, and intersections.

Staff believes that these regulations would provide property owners with sufficient flexibility, while providing clear rules in the event enforcement is necessary. Staff requests that the Council provide final direction to staff regarding these provisions so that staff can return with an Ordinance Amendment for introduction. Staff does recommend deleting Section 14-3-1, as it is duplicated in the California Vehicle Code.

Proposed Changes to Article IV

As noted above, Article IV relates to disabled parking on City streets. Staff recommends deleting Section 14-98, as the City is not capable of providing on-street parking that is ADA compliant.

Proposed Deletion of Articles VI and VII

Staff recommends deleting Articles VI and VII in their entirety, as they no longer apply to the

City. With respect to Article VI, the City does not have an interstate truck terminal. With respect to Article VII, subsequent to the adoption of similar measures in other cities, courts have ruled that cities cannot condition development on the establishment of transportation systems management measures.

Fiscal Impact

Staff has not identified any significant fiscal impact from these proposals.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Council consider adding the main provisions from the Foster City Code as described above to Article I of Chapter 14, and making the other changes as noted above.

Alternatives

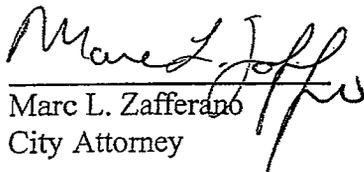
The City Council may wish to direct staff to pursue one of the following alternatives:

1. Keep the Ordinances as they are;
2. Include only certain provisions of the Foster City Code;
3. Make other recommendations to other sections of Chapter 14.

Attachments

- A. Belmont Municipal Code, Chapter 14
- B. Foster City Municipal Code, Sections 10.32.251 and 10.32.252

Respectfully submitted,



Marc L. Zafferano
City Attorney

Ray Davis
Director of Public Works