

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 14-2601, 14-2602,
14-2603, 14-2604, 14-2605, AND REPEALING SECTIONS
14-2606 AND 14-2608 OF THE FRESNO MUNICIPAL
CODE, RELATING TO "SEMI" TRUCK AND TRAILER
PARKING

WHEREAS, City of Fresno (City) residents regularly call the Parking Division regarding "semi" trucks parked in their neighborhoods blocking views as well as vehicles and trailers left on the streets for extended periods of time; and

WHEREAS, City Divisions are negatively impacted when repairing street lights, sweeping streets, and picking up trash due to oversized vehicles impeding access to the curb; and

WHEREAS, Article 26 of the Fresno Municipal Code, as currently written, relies on Code Enforcement to issue administrative citations; and

WHEREAS, violations of Article 26 would be more effectively enforced by Parking Controllers issuing parking citations.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 14-2601 of the Fresno Municipal Code is amended to read:

SECTION 14-2601. - STORAGE OF "SEMI" VEHICLES.

It shall be unlawful to place, or have placed, park, keep, or maintain any "Semi" vehicle, [as] defined [in 14-2605 (a)] ~~as having a~~

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

~~manufacturer's gross vehicle weight rating of twelve thousand (12,000) pounds or more, or any trailer or semitrailer as defined by California Vehicle Code 550, 630, 635 or 636, used and maintained for commercial purposes, and designed for use with, or actually used in conjunction with a Semi, whether licensed or unlicensed, on any public street, alley, right of way, or highway, other than a state highway, in the City of Fresno for a period exceeding four (4) hours.~~

SECTION 2. Section 14-2602 of the Fresno Municipal Code is amended to read:

SECTION 14-2602. EXCEPTIONS.

This Article shall not apply under the following conditions:

(a) Any vehicle as defined under this Article making pickups or deliveries of goods, wares and merchandise from or to any building or structure 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 for which a building permit has previously been obtained. This exception shall apply only to any such vehicles that are attended, and shall not extend beyond the time necessary therefore, and in no event for more than twelve (12) hours;

(b) Any vehicle as defined in this Article parked in connection with, and in the aid of, the performance of a service to or on a property in the block in which such vehicle is parked;

(c) Any school or passenger bus under the jurisdiction of a recognized school district;

(d) Any vehicle as defined in this Article owned by a city, county, state, public entity or licensed contractor engaged in the installation, maintenance, or repair of any public property, utility or highway;

(e) Any authorized emergency vehicle as defined by the California Vehicle Code;

(f) For [no more than two (2) additional hours when] ~~such reasonable time in excess of four (4) hours that may be necessary to make emergency repairs [are in progress], and in no event for more than six (6) hours. In any case, the vehicle must be [is] attended at all times.~~

(g) For any tow truck designed to tow vehicles having a manufacturer's gross vehicle weight rating of twelve thousand (12,000) pounds or more, and which is in the act of towing such vehicle.

SECTION 3. Section 14-2603 of the Fresno Municipal Code is amended to read:

SECTION 14-2603. VIOLATION.

(a) A violation of this Article shall result in the issuance of a [parking] citation pursuant to Fresno Municipal Code section 1-308[2].

The fine for each violation of this Article shall be [identified in the Master Fee Schedule] ~~Two Hundred Fifty Dollars (\$250.00).~~

(b) In addition, the City Attorney shall also have the power to seek injunctive relief for any violation of this Article.

~~(c) In addition to any administrative penalty assessed for a violation of this article, any person or organization found in violation of this Article will be charged abatement, actual, administrative and enforcement costs as defined in Section 1-503, calculated to recover the total costs incurred by the City in enforcing this Article.~~

SECTION 4. Section 2604 of the Fresno Municipal Code is amended to read:

SECTION 14-2604. VEHICLE REMOVAL.

The City may remove any vehicle [defined in 14-2605(a)] ~~in violation of this Article pursuant to California Vehicle Code Section 22651(n), if left for 48 hours or more [in areas where signs are posted notifying of such removal]. A notice of removal shall be posted on the vehicle at least 24 hours before the removal.~~

SECTION 5. Section 14-2605 of the Fresno Municipal Code is amended to read:

SECTION 14-2605. DEFINITIONS.

For the purposes of this Article, the following definitions shall apply:

(a) "Semi" shall mean any vehicle having a manufacturer's gross vehicle weight rating of twelve thousand (12,000) pounds or more, or any trailer or semitrailer as defined by California Vehicle Code 550, 630, 635 or 636 [used and maintained for commercial purposes, and designed for use with, or actually used in conjunction with a Semi, whether licensed or unlicensed].

(b) "Attended" shall mean that the driver or operator of the vehicle or trailer must be physically present, or within the ~~immediate vicinity~~ [reasonable proximity] of the vehicle. In the case of a delivery or transport vehicle, "attended" shall mean ~~that~~ the driver or operator of the vehicle shall be in the act of delivering or accepting the merchandise to or from the customer, or obtaining signatures from the customer or providing the customer with any necessary receipts or other documentation of the transaction.

SECTION 6. Section 14-2606 of the Fresno Municipal Code is repealed.

SECTION 7. Section 14-2608 of the Fresno Municipal Code is repealed.

SECTION 8. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Tracy N. Parvanian Date
Senior Deputy City Attorney