

**ORDINANCE NO. 02-\_\_**

**AN ORDINANCE OF THE CITY OF COSTA MESA,  
CALIFORNIA, REPEALING AND REPLACING SECTION 10-  
185 OF THE COSTA MESA MUNICIPAL CODE REGARDING  
THE PARKING OF COMMERCIAL, OVERSIZED AND  
NONMOTORIZED VEHICLES ON CITY STREETS AND  
REPEAL AND REPLACEMENT OF OTHER AFFECTED  
SECTIONS OF THE COSTA MESA MUNICIPAL CODE**

WHEREAS, the City of Costa Mesa has seen an increase in complaints regarding the parking and/or storage of oversized vehicles in residential and commercial areas throughout the City; and

WHEREAS, safety issues such as sight distance from driveways and intersections result when such oversized vehicles are parked on public streets or rights of ways in the City; and

WHEREAS, the parking and/or storage of oversized vehicles causes visual blight in the City; and

WHEREAS, because of the changes to Section 10-185, other provisions that refer to Section 10-185 also required amending.

**WHEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA  
DOES ORDAIN AS FOLLOWS:**

Section 1. Section 10-185 of Title 10, Chapter X of the Costa Mesa Municipal Code is hereby repealed.

Section 2. A new Section 10-185 of Title 10, Chapter X of the Costa Mesa Municipal Code is hereby adopted to read as follows:

10-185 Use of streets for parking and/or storage of certain vehicles prohibited.

(a) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) “Chief of Police” means the Chief of Police of the City of Costa Mesa, or his designee.

(2) “Commercial Vehicle” shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-

four (84) inches or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more. A Commercial Vehicle includes a truck tractor, but does not include a large motor vehicle or non-motorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle.

(3) "Large Motor Vehicle" shall mean any house car, pick up truck with camper, recreational vehicle or other vehicle that measures more than twenty-two (22) feet in length OR is both more than eighty-four (84) inches in width AND more than eight-four (84) inches in height. The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or sports utility vehicle.

(4) "Non-motorized Vehicle" shall mean any trailer or any other device that is not self-propelled.

(5) "Motor Vehicle" shall mean a passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle and motor-driven cycle but shall not include a house car.

(6) "Residential District" shall mean any area within the City which is zoned R1, R2-MD, R2-HD, R3, and those portions of planned community districts and specific plan districts which are specified for residential uses.

(b) Measurements. To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.

(c) No person who owns or has possession, custody, or control of any motor vehicle shall park, or leave standing, such a motor vehicle upon any public street, highway or alley for more than a period of seventy-two (72) consecutive hours.

(d) No person shall, at any time, park or leave standing any large motor vehicle or non-motorized vehicle on any public street, highway or alley except:

(1) In residential districts, large motor vehicles, or non-motorized vehicles which are attached to a motor vehicle or large motor vehicle and parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed twenty-four (24) consecutive hours.

(2) In residential districts, large motor vehicles, or non-motorized vehicles which are attached to a motor vehicle, parked adjacent to the owner's residence may be allowed for up to an additional forty-eight (48) consecutive hours, but no more than a total of seventy-two (72) consecutive hours, provided an extension has been granted by

the Chief of Police. The Chief of Police shall establish general standards for an extension provided for by this section.

(e) No person who owns or has possession, custody or control of any vehicle or non-motorized vehicle which is six (6) feet or more in height (including any load thereon) shall park or leave standing any such vehicle on a street or highway within forty-five (45) feet of any intersection.

(f) No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturers gross vehicle weight of (10,000) pounds, shall park or leave standing any such commercial vehicle on a street or highway which is prohibited to commercial vehicle traffic pursuant to section 10-248 of this Code.

(g) No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturers gross vehicle weight of (10,000) pounds, shall park or leave standing any such commercial vehicle on any restricted street between the hours of 2:00 a.m. and 6:00 a.m.

(h) No person who owns or has possession, custody, or control of a commercial vehicle exceeding a manufacturers gross vehicle weight of (10,000) pounds, shall park or leave standing any such commercial vehicle for more than three (3) hours on any public street, highway, roadway, alley or thoroughfare, except:

(1) For such reasonable time in excess of three (3) hours that may be necessary for the purpose of 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 for repair, alteration, remodeling, or construction of any building or structure upon a restricted street or highway; or

(2) For such reasonable time in excess of three (3) hours that may be necessary when such vehicle is parked in connection with the performance of a service to or on a property in the block in which such vehicle is parked; or

(3) For such reasonable time in excess of three (3) hours that may be necessary time to make emergency repairs.

(i) Vehicles found in violation of this section may be cited or removed, or both cited and removed in accordance with section 10-69.

(j) The minimum fine for any violation of this section shall be set by the City Council by separate resolution.

Section 3. Section 10-69(a)(1) of Title 10, Chapter III of the Costa Mesa Municipal Code is hereby repealed and replaced with the following:

“(1) Has been parked or left standing upon a street or highway in violation of any of the provisions of section 10-185.”

Section 4. Section 10-69(a)(4) of Title 10, Chapter III of the Costa Mesa Municipal Code is hereby repealed and replaced with the following:

“(4) If parked or left standing in violation of California Vehicle Code Section 22651.”

Section 5. Section 10-69(b) of Title 10, Chapter III of the Costa Mesa Municipal Code is hereby repealed.

Section 6. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 8. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

PASSED AND ADOPTED this \_\_\_\_ day of July, 2002.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Clerk

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     ) ss  
CITY OF COSTA MESA     )

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 02-\_\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2002, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2002, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa