

## **Lompoc City Council Agenda Item**

**City Council Meeting Date:**      **October 19, 2010**

**TO:**                    **Honorable Mayor and City Council Members**

**FROM:**              **Joseph W. Pannone, City Attorney**  
**Tim Dabney, Police Chief**

**SUBJECT:**        **Approval of Ordinance 1571(10) Relating to On-Street Parking of Unhitched Trailers**

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### **RECOMMENDATION**

The Council review and consider the proposed ordinance and then waive further reading and introduce Ordinance 1571(10) Relating to On-Street Parking of Unhitched Trailers.

### **DISCUSSION**

At its meeting of August 17, 2010, after consideration of a staff report discussing regulation of unhitched trailers on City streets, the City Council directed staff to return with an ordinance prohibiting such trailers. The Council also requested that ordinance provide an exemption for moving trailers, construction trailers, and commercial semitrailers.

As stated previously, unhitched trailers pose safety hazards for motorists and pedestrians alike. They are also an attractive nuisance as children are often seen playing under and around them.

Based on all the foregoing, staff has provided the subject ordinance for Council consideration.

Before the new regulations can be enforced, the City will be required to post signs at the entrances to the City informing the public about the restrictions. Up to 8 signs are proposed to be posted at various locations at the City boundary limits, including the following streets: Ocean Avenue, Central Avenue, Highway 1, Highway 246 and South "I" Street. The cost for designing, manufacturing and posting of those signs is estimated to be \$4,700.00.

For 60 days after the ordinance is adopted, which is expected to be at your November 2<sup>nd</sup> meeting, notices will be placed on any trailers found on the street to be in violation. That notice is not legally required, but will provide the public with information about the new law. After that date, any trailer in violation of the new law could be towed and the owner cited.

Staff does not intend to conduct a "sweep" of the City, looking for violations of the new law. But if staff, including the City's police officers, becomes aware of a violation, then enforcement action will be taken.

**CONCLUSION**

Staff recommends introduction of Ordinance 1571(10) Relating to On-Street Parking of Unhitched Trailers.

Respectfully Submitted:

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Joseph W. Pannone, City Attorney

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Tim Dabney, Police Chief

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Laurel M. Barcelona, City Administrator

Attachment: Ordinance 1571(10)

## ORDINANCE NO. 1571(10)

### AN ORDINANCE OF THE CITY OF LOMPOC, CALIFORNIA ADDING SECTION 10.28.230 TO THE LOMPOC MUNICIPAL CODE RELATING TO ON-STREET PARKING OF UNHITCHED TRAILERS

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Section 10.28.230 is hereby added to the Lompoc Municipal Code to read as follows:

#### **10.28.230 On-Street Parking of Unhitched Trailers Prohibited.**

- A. No person shall park any trailer which is not both self-propelled and properly licensed as a motorized vehicle at any time on any public street unless the trailer is attached to a motorized vehicle.
- B. The foregoing provision shall not apply to:
  - 1. Any moving trailer, or
  - 2. Any validly licensed commercial, semitrailer when parked on any of the "truck routes" as defined in Section 10.36.030 of this code, or
  - 3. Any unhitched construction trailer temporarily parked adjacent to an active, permitted construction or demolition site, provided that:
    - a. proper building and/or demolition permits have been obtained; the construction trailer is not left standing in excess of 72 hours pursuant to Section 10.28.190 of this code.
- C. Penalties.

Notwithstanding any other provision of this Code, the penalties for a violation of this section shall be as follows:

- 1. For the first offense the fine shall be Fifty Dollars (\$50.00) per violation;
- 2. For a second offense within any 12-month period the fine shall be One Hundred Dollars (\$100.00) per violation; and
- 3. For a third and each subsequent offense within any 12-month period the fine shall be Two Hundred Dollars (\$200.00) per violation.

#### D. Towing

The Chief of Police or his/her designee are authorized to remove any trailer found to be in violation of this section after notice has been posted on that trailer at least 24

hours prior to it being removed.

E. Definitions.

As used in this chapter:

“Construction trailer” shall mean any non-motorized vehicle for which evidence can be provided reasonably demonstrating the trailer is: (1) validly registered with the California Department of Motor Vehicles and either (2) owned by a certified construction company that is providing actual construction or demolition services to the occupants of real property immediately adjacent to the location of the trailer; or (3) is owned or rented by an occupant of real property immediately adjacent to the location of the trailer and is being used for construction purposes by that occupant.

“Moving trailer” shall mean any fully enclosed, non-motorized vehicle for which evidence can be provided reasonably demonstrating the trailer is: (1) validly registered with the California Department of Motor Vehicles and either (2) owned by a certified moving company that is providing actual moving services to the occupants of real property immediately adjacent to the location of the trailer, or (3) is owned or rented by an occupant of real property immediately adjacent to the location of the trailer and is being or will be used for moving purposes by that occupant.

“Semitrailer” and “Trailer” shall be defined as in the California Vehicle Code.

“Street” means a way or place, of whatever nature, open to use by the public as a matter of right for the purpose of vehicular travel. “Street” includes the legal right-of-way, including, but not limited to, traffic lanes, curbs, sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way. “Street” applies irrespective of what the legal right-of-way is formally called, whether alley, avenue, court, road, or otherwise.

**SECTION 2. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, or portion of this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable, then those decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that this ordinance and each section, subsection, division, paragraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this ordinance may be declared invalid, unconstitutional or unenforceable.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

This Ordinance was introduced on \_\_\_\_\_, 2010, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on \_\_\_\_\_, 2010, by the following electronic vote:

Ordinance 1571(10)  
Page 3

AYE: Councilmember(s):  
NO: Councilmember(s):

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Michael A. Siminski, Mayor  
City of Lompoc

Attest:

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Stacey Alvarez  
City Clerk  
City of Lompoc