

**ORDINANCE NO. 23-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR  
AMENDING CHAPTER 8.02 (“DEFINITIONS”) AND  
ADDING CHAPTER 8.38 (“PARKING OF OVERSIZED AND RECREATIONAL  
VEHICLES AND UNATTACHED TRAILERS ON PUBLIC STREETS AND  
HIGHWAYS”) OF TITLE 8 (“VEHICLES AND TRAFFIC”) OF THE  
MONTCLAIR MUNICIPAL CODE**

WHEREAS, Section VII of Article XI of the California Constitution provides that a City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and,

WHEREAS, the California Legislature has authorized local governments in California Vehicle Code Sections 22507 and 22507.5 to regulate vehicular parking on public streets and highways within their jurisdiction; and,

WHEREAS, the City Council of the City of Montclair recognizes the legitimate use of oversized vehicles – including recreational vehicles, that requires such vehicles to be parked on public streets and highways for limited period of times for those purposes; and,

WHEREAS, the City Council of the City of Montclair also recognizes that the parking of oversized vehicles and unattached trailers on public streets, alleys, and highways within the City has resulted in certain instances with health and safety concerns due to the height, width, and/or length of oversized vehicles, including, but not limited to:

- a) Obstructions of line of sight (visibility) at intersections and driveways;
- b) Obstructions of visibility of traffic control devices;
- c) Decreased roadway space resulting from oversized vehicles parked along curbs that extend further into streets and highways (especially along more narrow residential streets);
- d) Improper disposal of waste accompanying persons living in recreational vehicles parked on public streets.

WHEREAS, the City Council of the City of Montclair also recognizes that the parking of oversized vehicles and unattached trailers on public streets results in a decrease of available off-street parking spaces due to the oversized vehicles utilizing multiple on-street parking spaces – especially at a time when on-street parking is in high demand due to the lack off-street parking resulting from the creation of Accessory Dwelling Units ; and,

WHEREAS, the City Council of the City of Montclair seeks to prohibit the parking of oversized vehicles and unattached trailers on public streets to address the health and safety and on-street parking concerns except when being parked for specified legitimate purposes;

WHEREAS, the City Council of the City of Montclair seeks to provide a reasonable opportunity to residents of the City for limited and temporary parking of recreational vehicles.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR HEREBY ORDAINS AS FOLLOWS:

**SECTION 1:** Chapter 8.02.010 (“Definitions”) of Title 8 (“Vehicles and Traffic”) of the Montclair Municipal Code is hereby amended to include the following:

**Section 8.02.010 Definitions.**

As used in this Title, the following definitions shall apply. For purposes of Title 8, these definitions shall supersede any other definitions of the same terms elsewhere in this Code:

**Curb cut** means a depression in a curb for the purpose of accommodating a driveway that provides vehicular access between any public or private real property and a street, alley, highway, or other public easement. The curb cut commences at the point where the curb begins to slope downward toward street level. Where there is no curb, the point at which a driveway that provides vehicular access between any public or private real property and a street, alley, highway, or other public easement meets the roadway pavement shall constitute a curb cut.

**Oversized Vehicle** means any of the following:

a. Any motorized vehicle as defined in California Vehicle Code Section 670 or combination of motorized vehicle(s) and/or non-motorized vehicle(s), including any attached trailers, vehicles or loads thereon, which exceeds any of the following or any combination of the following: twenty-two feet (22') in length or eight feet (8') in width or eight feet (8') in height.

(1) **Height.** The height of a vehicle shall be measured from the lowest point of the tire to the top of the vehicle or trailer roof or skylight, at its highest point. The height shall not include any antenna, but shall include any cab, camper shell, rack, or other device used to contain passengers or cargo that has been placed on the vehicle.

(2) **Width.** The width of a vehicle shall be measured at the widest point of the vehicle or trailer body, including any cab or camper shell that has been placed on the vehicle or trailer, and including any flares around the wheel wells – however, it shall not include and lights, mirrors, door handles, or similar attachments allowed by California Vehicle Code Sections 35109, 35110, or 35111, as same may be amended from time to time.

(3) **Length.** The length of a single vehicle (i.e., no trailer) shall be measured from leading edge of the front bumper to the trailing edge of the rear bumper, not including any projecting lights, trailer hitches, or winches. The length of a combination of vehicles (i.e., vehicle with trailer or camper) shall be measured from the leading edge of the front bumper of the towing vehicle to the trailing edge of the rear bumper or body (whichever is longer) of the towed vehicle or trailer.

b. Irrespective of height, width, or length, any recreational vehicle (as defined by this Chapter).

Irrespective of the height, width, or length, an oversized vehicle shall not include any pickup truck as defined by California Vehicle Section 471 (as that section may be amended from time to time).

**Recreational vehicle** means:

a. Any camp trailer, camper, fifth wheel travel trailer, house car, mobilehome, trailer coach, as defined in California Vehicle Code Sections 242, 243, 324, 362, 396, 635, or successor statutes, or any recreational vehicle, as defined by California Health & Safety Code Section 18010 or successor statute.

b. A boat, dune buggy, all-terrain vehicle (“ATV”) or other motorized or towed vehicle designed, maintained, or used primarily for recreational purposes.

**Unattached trailer** means:

a. Any trailer (as defined by California Vehicle Code Section 630) that is not securely fastened, connected, or joined to a motor vehicle at all times while parked on a public street, alley, or highway, so that the vehicle and trailer may be immediately driven away.

**SECTION 2:** Chapter 8.38 (“Parking and Stopping of Oversized and Recreational Vehicles on Public Streets and Highways”) is hereby added to Title 8 (“Vehicles and Traffic”) of the Montclair Municipal Code to read as follows:

**CHAPTER 8.38     Parking, Standing, and Stopping of Oversized and Recreational Vehicles and Unattached Trailers on Public Streets and Highways.**

**Section 8.38.010     Prohibited Parking on Public Streets, Alleys, and Highways**

A.     **Prohibited Parking.** Unless otherwise exempted by this Section, no person shall stop, stand, park or leave standing any Oversized Vehicle or unattached trailer on any public street, alley, or highway within the City.

B.     **Exemptions.** Section 8.38.010.A of this Code shall not apply to the following vehicles:

1.     Any Oversized Vehicle, excluding any unattached trailer, actively engaged in loading or unloading of goods, wares, or merchandise from or to any building or structure.

    a.     Oversized Vehicles actively engaged in loading or unloading shall park at the street curb immediately adjacent to the residence or building, or within 400 feet of the residence or building if this area is not available for parking due to curb configuration or codified parking restrictions;

2.     Any Oversized Vehicle, excluding any unattached trailer, parked or left standing on a public street or highway [and excluding any alley] in connection with, and in aid of, the performance of a service to or on a property in the block of which the Oversized Vehicle is parked or left standing;

3.     Any Oversized Vehicle or unattached trailer belonging to a Federal, State, or Local governmental agency, or a public utility, while the operator of the vehicle is conducting official business;

4.     Any school bus involved in the transportation of students, or any bus used for the transportation of youths, elderly, or disabled persons during the course of the activity for which they were transported. In no event shall a bus be parked in excess of thirty (30)

minutes prior to the commencement of the event for which the passengers were transported, nor thirty (30) minutes after the conclusion of the event.

5. Any Oversized Vehicle, excluding any unattached trailer, lawfully parked, stopped, or standing in an authorized commercial loading zone;

6. Any Oversized Vehicle or unattached trailer involved in an emergency or being repaired under emergency conditions.

a. Emergency parking may be allowed for 24 consecutive hours where an Oversized Vehicle or unattached trailer is left parked on a public street or highway because of a mechanical breakdown or because of physical incapacity of the driver or owner. However, emergency repairs and/or conditions shall not include routine or normal maintenance, nor extensive mechanical repairs;

7. Any vehicle or unattached trailer engaged in activity allowed under a permit issued by the Department of Public Works.

8. Any Recreational Vehicle, excluding unattached trailers, displaying a current and valid permit issued pursuant to the provisions of Sections 8.38.030 or 8.38.040 of this Code.

C. **Location.** Unless otherwise exempted by law, no Oversized Vehicle or unattached trailer may be parked in a location that creates or exacerbates a dangerous traffic safety condition, including, but not limited to, any location that:

1. Is within one hundred feet (100') of any intersection;
2. Is within five feet (5') of the curb cut of any driveway;
3. Blocks or hinders a traffic lane;
4. Blocks or interferes with critical sight lines for driveways, alleyways, or streets; or,
5. Blocks or hinders the visibility of a traffic control device.

D. **Towing Authority.** Pursuant to California Vehicle Code Section 22651(n) (as that provision may be amended from time to time), the Chief of Police is hereby authorized to remove any Oversized Vehicle or unattached trailer (as these terms are defined in this Chapter) that is parked on any street, alley, or highway in violation of this Chapter.

### **Section 8.38.020 Notice**

With the exception of as applied to alleys, the prohibitions and restrictions contained in Section 8.38.010 shall not be effective until signs or markings providing adequate notice of the prohibitions and restrictions of Section 8.38.010 have been erected, installed, or placed at City limits and/or other appropriate locations as determined by the City Engineer, in accordance with California Vehicle Code Section 22507.

### **Section 8.38.030 Temporary Parking Permit for Recreational Vehicles**

A. In a manner that is consistent with the provisions of this Section, the City Manager (or designee thereof) is authorized to adopt procedural rules and regulations governing a process for the issuance, denial, and revocation of permits authorizing the temporary parking of recreational vehicles on a public street to any resident of the City.

B. No permit authorizing the temporary parking of a recreational vehicle on a public street shall issue to any person other than a resident of the City.

C. **Application.** Any City resident seeking a permit for the temporary parking of a recreational vehicle on a public street shall submit a completed application, on a City-approved form, to the City Manager (or designee thereof). Said application shall be accompanied by a fee as set by Council resolution, and shall contain, at a minimum, the following:

1. The name and address of the City resident requesting the permit;
2. Proof of residency in a manner approved by the City Manager (or designee thereof);
3. The make and model of the recreational vehicle to be temporarily parked on a public street or highway, along with the Vehicle Identification Number and/or license plate number;
4. Proof of ownership, lease, or rental of the recreational vehicle to be temporarily parked on a public street or highway, or, alternatively, a statement under penalty of perjury that the owner of the recreational vehicle is a bona fide guest of the applicant in a manner approved by the City Manager (or designee thereof);

5. A statement under penalty of perjury that the recreational vehicle will not be used for overnight camping, lodging, or other accommodation purposes while parked on the public street;

6. The signature of the resident/applicant; and,

7. Such other information as the City Manager (or designee thereof) deems necessary for the administration and enforcement of this Chapter as specified on the application form required by this Section.

D. **Quantity.** No more than twelve (12) permits for the temporary parking of a recreational vehicle on a public street shall be issued relating to any one address in any one calendar year.

E. **Duration.** No permit issued pursuant to this Section for the temporary parking of a recreational vehicle on a public street shall be valid for a period exceeding seventy-two (72) hours.

F. **Frequency.**

1. No more than one (1) permit shall be issued and valid at any time for the same address.

2. No permit issued pursuant to this Section for the temporary parking of a recreational vehicle on a public street shall be valid for any period of time within twenty-four (24) hours of the expiration of another permit for the same address.

G. **Parking Location.** No person shall cause or allow the parking of a recreational vehicle on any public street pursuant to a permit issued under this Section unless it is located on either side of the street of the same block as the resident's address.

1. **Dangerous Traffic Safety Condition.** Notwithstanding any permit authorizing the temporary parking of a recreational vehicle on a public street, no recreational vehicle may be parked in a location that creates or exacerbates a dangerous traffic safety condition, including, but not limited to, any location that:

a. Is within one hundred feet (100') of any intersection;

b. Is within five feet (5') of the curb cut of any driveway;

- c. Blocks or hinders a traffic lane;
- d. Blocks or interferes with critical sight lines for driveways, alleyways, or streets; or,
- e. Blocks or hinders the visibility of a traffic control device.

2. Where strict adherence to Subsection 8.38.030.G results in a violation of Subsection 8.38.030.G.1, the City Manager (or designee thereof) may authorize the temporary parking of a recreational vehicle on a public street in an alternate location.

#### **Section 8.38.040 Disability Parking Permit for Recreational Vehicles**

A. In a manner that is consistent with the provisions of this Section, the City Manager (or designee thereof) is authorized to adopt procedural rules and regulations governing a process for the issuance, denial, and revocation of permits authorizing the temporary parking of recreational vehicles on a public street to any resident of the City who possesses a distinguishing disabled placard or license plate property issued pursuant to the California Vehicle Code.

B. No permit issued pursuant to this Section authorizing the temporary parking of a recreational vehicle on a public street shall issue to any person other than a resident of the City.

C. **Application.** Any City resident seeking a permit for the temporary parking of a recreational vehicle on a public street shall submit a completed application, on a City-approved form, to the City Manager (or designee thereof). Said application shall be accompanied by a fee as set by Council resolution, and shall contain, at a minimum, the following:

- 1. The name and address of the City resident requesting the permit;
- 2. Proof of residency in a manner approved by the City Manager (or designee thereof);
- 3. The make and model of the recreational vehicle to be temporarily parked on a public street, along with the Vehicle Identification Number and/or license plate number;



4. Proof of ownership, lease, or rental of the recreational vehicle to be temporarily parked on a public street or, alternatively, a statement under penalty of perjury that the owner of the recreational vehicle is a bona fide guest of the applicant in a manner approved by the City Manager (or designee thereof);

5. Proof of a valid disabled license plate issued for the recreational vehicle or a disabled placard properly issued pursuant to the California Vehicle Code;

6. Proof in a manner approved by the City Manager (or designee thereof) that the proposed parking location is necessary to provide access to a specific fixed residential address sited with a lawful dwelling unit at which the person resides or to a specific facility or facilities at which the person is employed or receives services;

7. Proof in a manner approved by the City Manager (or designee thereof) that by reason of the disability which warranted issuance of the California distinguishing placard or license plate, the recreational vehicle is specially equipped and necessary to accommodate the disability of the person seeking the permit so that a reasonable modification to the City's on-street parking regulations is warranted under State and Federal law.

8. A statement under penalty of perjury that the recreational vehicle will not be used for overnight camping, lodging, or other accommodation purposes while parked on the public street;

9. The signature of the resident/applicant; and,

10. Such other information as the City Manager (or designee thereof) deems necessary for the administration and enforcement of this Chapter as specified on the application form required by this Section.

D. **Duration.** A parking permit issued under the provisions of this Section shall be valid so long as the person remains disabled, but for no longer than twelve (12) months.

E. **Renewal.** Any person seeking to renew a permit issued pursuant to the provisions of this Section shall submit to the City Manager (or designee thereof) a new application with all information set forth under Subsection 8.38.040.C, accompanied by a fee as set by Council resolution, at least thirty (30) calendar days prior to expiration.

F. **Parking Location.** No person shall cause or allow the parking of a recreational vehicle on any public street pursuant to a permit issued under this Section unless it is located on either side of the street of the same block as the resident's address.

1. **Dangerous Traffic Safety Condition.** Notwithstanding any permit authorizing the temporary parking of a recreational vehicle on a public street, no recreational vehicle may be parked in a location that creates or exacerbates a dangerous traffic safety condition, including, but not limited to, any location that:

- a. Is within one hundred feet (100') of an intersection;
- b. Is within five feet (5') of the curb cut of any driveway;
- c. Blocks or hinders a traffic lane;
- d. Blocks or interferes with critical sight lines for driveways, alleyways, or streets; or,
- e. Blocks or hinders the visibility of a traffic control device.

2. Where strict adherence to Subsection 8.38.040.F results in a violation of Subsection 8.38.040.F.1, the City Manager (or designee thereof) may authorize the temporary parking of a recreational vehicle on a public street in an alternate location.

G. **Accessible Parking Designation.** Any person seeking approval of and/or utilizing a designated on-street parking space for physically disabled persons shall adhere to the requirements and prohibitions of Chapter 10.60 of this Code.

#### **Section 8.38.050. Applicability of Other Laws**

A. Nothing in this Chapter, nor any permit or authorization issued pursuant to this Chapter, shall authorize any Oversized Vehicle or unattached trailer to be parked, stopped, or left standing in violation of any provision of the California Vehicle Code or any other provision of the Montclair Municipal Code. Nor shall any provision of this Chapter limit or preclude the enforcement of any other applicable law.

B. If a vehicle is classified as both an Oversized Vehicle and a *commercial motor vehicle* (as each of these terms are defined in Section

8.02.010 of this Code), the more restrictive regulation set forth in this Code pertaining to the stopping, standing, or parking of said vehicle shall apply.

**Section 8.38.060. Penalty**

A. Notwithstanding Section 1.12.010 of this Code, a violation of this Chapter is subject to a civil penalty in accordance with California Vehicle Code Section 40200

**SECTION 3: Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION 4: Effective Date.**

This Ordinance shall be in full force and effect on \_\_\_\_\_1, 2023.

**SECTION 5: Posting.**

The City Clerk, or her duly appointed deputy, shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2023.

\_\_\_\_\_  
Mayor

**ATTEST:**

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

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 23—\_\_\_\_\_ of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2023, and finally passed not less than five (5) days thereafter on the XX day of XX, 2023, by the following vote, to-wit:

AYES:       XX  
NOES:       XX  
ABSTAIN:   XX  
ABSENT:    XX

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Andrea M. Myrick  
Montclair City Clerk