

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Commercial Vehicles Parked in Residential Districts

Purpose

Officers are frequently requested to respond to complaints regarding commercial vehicles parked in residential zones. This bulletin will serve as a guide for officers to understand and enforce [Santa Ana parking regulations](#) regarding commercial vehicles in residential zones.

Introduction

For many years, the City's Code has banned commercial vehicles from being stored in residential neighborhoods in order to preserve the residential character of these neighborhoods. In recent years, the residential character of the City's neighborhoods has been threatened by an intrusion of large commercial vehicles. Some of these vehicles, in addition to threatening the residential character, create a hazard to cars seeking to make turns at intersections by blocking views of traffic on the cross street.

Given these factors, there have been revisions to the City's regulations that address the growing number of commercial vehicles in residential neighborhoods. These revisions will further define the types of vehicles that are prohibited, and adopt further regulation to prevent very tall vehicles parked near intersections from constituting a traffic hazard.

I. Applicable Sections

A. SAMC 36-145

On-Street Parking In Residential Districts Over 2 Hours

*No person shall park and/or leave standing on any street, or portion thereof, in any residential district located within the city any commercial vehicle with a **manufacturer's gross vehicle weight rating of 10,000 pounds or more** for a period of time longer than two hours. Such restriction shall not apply to any commercial vehicle which is making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the residential street, or for the purpose of delivering materials to be used in actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the residential street for which a building permit has previously been obtained.*

B. SAMC 36-145.5

Tall Vehicles, (Including Load), Within 100' Of Posted Intersection

*Ban on parking vehicles exceeding six feet in height within one hundred feet of intersections. The executive director of public works may designate certain streets or highways, or portions thereof, for which during all or certain hours of the day, the stopping, parking, or standing of vehicles that are six feet or more in height (including any load thereon) shall be prohibited within 100 feet of any intersection. With the exception of alleys, **any such prohibition shall not apply until signs or markings giving adequate notice thereof have been placed.***

C. SAMC 41-607

Off-Street Parking/ Storage Of Vehicles In Residential Districts

1. *(e) No part of any yard shall be used for the off-street parking of motor vehicles, trailers, or boats or for storage of personal property, which is: ... (The section then goes on to define yard).*
2. *(h) In the RE, R1, R2, R3, and R4 districts there shall be no display, storage of materials or supplies, ... or **trucks kept or stored on the premises**, no person, employee, or assistant in connection therewith engaged for services on the premises or dispatched from the premises; and no mechanical equipment used except as is customarily used for housekeeping purposes.*

There are sixteen subsections that have been added describing the meaning of the word “truck” for the purpose of section 41-607. The term “truck” for the purpose of this section is not the traditional meaning of the word and includes such vehicles as “armored vehicle”, “taxicab”, and “school bus”. Review [Attachment A](#) for a complete listing.

Because of the complexity of the zoning issues in Santa Ana, a suspected violation of section 41-607 shall be referred to Community Preservation for enforcement. Officers will still respond to a reported violation and complete a complaint form for Community Preservation to follow up, refer to [Attachment B](#). These forms can be found in the report room or templates folder on the network and are small enough to be placed in your citation book for quick access.

II. Definitions

A. GVWR

Manufacturer's Gross Vehicle Weight Rating CVC 390

The weight in pounds of the chassis of a truck or truck tractor with lubricants, radiator full of water, full fuel tank or tanks plus the weights of the cab or driver's compartment, body, special chassis and body equipment and pay load as authorized by the chassis manufacturer. In the event a vehicle is equipped with an identification plate or marker bearing the manufacturer's name and manufacturer's gross vehicle weight rating, the rating stated thereon shall be prima facie evidence of the manufacturer's gross vehicle weight rating.

Having a GVWR of 10,000 pounds or more does not indicate an actual weight of the vehicle of 10,000 pounds or more at the time of your investigation. The GVWR simply gives the limit on weight for that vehicle. The vehicle does not have to weigh 10,000 pounds or more at the time of your investigation to be in violation of the above SAMC sections. It only has to have a GVWR of 10,000 pounds or more.

B. Commercial Vehicle

CVC 260

1. *(a) a vehicle of a type required to be registered under this Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.*
2. *(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit and housecars, (i.e. a motor home), are not commercial vehicles.*
3. *(c) Any vanpool vehicle is not a commercial vehicle.*

C. Truck

Relates to **SAMC 41-607** (off-street violations only), refer to [Attachment A](#).

III. Enforcement Procedures

A. SAMC 36-145

Commercial Vehicles with GVWR of 10,000 pounds or more, parked on residential roadway for more than two hours.

1. Procedure:

- a. Determine whether it falls within the definition of commercial vehicle, as defined in CVC 260(a).
- b. Determine whether it has a GVWR of 10,000 pounds or more. Ways to determine the GVWR:

- i. Look on the driver's door frame, which indicates the GVWR on the identification plate or marker.
- ii. The Vehicle Identification Number, (VIN), on commercial vehicles has a number that indicates the GVWR. You will need to research the VIN using a NICB Identification Manual or through VIN Assist. VIN Assist is available on the Police Department computer network.
- iii. Run the license plate through DMV. The registration will indicate the unladen weight on most commercial vehicles. If the unladen weight is 10,000 pounds or more, then the vehicle will have a GVWR of more than 10,000 pounds. The unladen weight is always less than the GVWR.

- c. Once you have determined a violation has occurred, the vehicle must be marked for a two-hour time period.

- d. Once the two-hour time period has lapsed and you return to find the vehicle still parked in the same location, you may issue a parking citation charging SAMC 36-145. The parking citations currently in use have not been updated to indicate GVWR 10,000 pounds. Until the parking citations have been revised, you must cross out the existing $\frac{3}{4}$ -ton and indicate GVWR 10,000 pounds. You may **not** use a "Notice to Appear" citation for this violation.

Keep in mind, if you receive repeat calls on a particular vehicle for the above violation and you could not determine at that time whether the vehicle had a GVWR of 10,000 pounds or more, it would be in your best interest as well as the community to further investigate using one of the methods above or perhaps even contacting the owner of the vehicle.

B. SAMC 36-145.5

Tall vehicles, (including load), within 100' of posted intersection.

1. Procedure:

- a. Determine if the vehicle is over six feet in height, (including load), and under GVWR 10,000 pounds. (If the vehicle is over six feet in height **and** over 10,000 lbs., 36-145 will also apply after two hours.)
- b. Confirm the street is posted SAMC 36-145.5
- i. If the street is not posted, contact public works and request a study of the intersection.
- c. Determine if vehicle is within 100 feet of an intersection, in violation of posted sign.
- d. Issue parking citation for SAMC 36-145.5

C. SAMC 41-607

Off-Street Parking / Storage

1. Procedure:

- a. Respond to call and contact complaining party if necessary.
- b. Document violation on Community Preservation complaint form and attach Polaroid photo if available.
- c. Forward complaint form to Community Preservation for enforcement. Officers will not issue citations for any off-street commercial parking violation.

Summary

A joint effort between the Police Department and Community Preservation will ensure the preservation of residential character of the City's neighborhoods regarding the influx of commercial vehicles. The revisions to the Municipal Code will now allow officers to take action rather than simply responding to repeated complaints with no means to eliminate the problem. Officers should contact the reporting party when enforcement action is not taken. Advising the party what you have determined may prevent repeat calls about the same vehicle.

Acknowledgment: This training bulletin was researched and prepared by Corporal Todd O'Conner, 08/01 and replaces 00-10.

Reviewed By: Ofcr. L. Torres

Revision Date: February 2006

Attachment A

This Only Applies to 41-607 / Off Street Parking

For purposes of SAMC 41-607 subsection (h), the word "truck" shall mean any of the following vehicles (except when kept or stored within a fully enclosed garage):

(i) a "**commercial vehicle**" as defined in California Vehicle Code section 260, with a weight in excess of 10,000 pounds "gross vehicle weight rating" as defined in California Vehicle Code section 390; or

(ii) a commercial vehicle that exceeds eight feet (8') in total outside width, or seven feet (7') in height (including any load thereon), or twenty-one feet (21') in length in total bumper to bumper length; or

(iii) a "**tank vehicle**", which shall mean any commercial vehicle that is designed to transport any liquid or gaseous material within a tank that is permanently or temporarily attached to the vehicle or the chassis, including, but not limited to, cargo tanks and portable tanks, as defined in Part 171 of Title 49 of the Code of Federal Regulations (this definition does not include portable tanks having a rated capacity under 100 gallons), or a motor vehicle holding hazardous wastes or hazardous materials which is required to display placards or markings pursuant to Vehicle Code section 27903; or

(iv) a "**general public paratransit vehicle**" or a "**paratransit vehicle**" or a "**transit bus**" as defined in Vehicle Code sections 336, 462 and 642, respectively, but not a "vanpool vehicle" as defined in California Vehicle Code section 686; or

(v) a "**school bus**" or a "**school pupil activity bus**" or a "**youth bus**" as defined in California Vehicle Code sections 545, 546 and 680, respectively; or

(vi) a "**semi trailer**" as defined in California Vehicle Code section 660; or

(vii) a pickup truck with a "**utility body**" as defined in California Vehicle Code section 471; or

(viii) a "**stake bed truck**" which shall mean any motor vehicle with a bed surrounded by side rails or endrails or a stake gate; or

(ix) a "**utility trailer**" as defined in California Vehicle Code section 666; or

(x) a "**watering truck**" or a "water tender vehicle" as defined in California Vehicle Code sections 675.5 and 676.5, respectively; or

(xi) "**special construction equipment**" vehicles as defined in California Vehicle Code section 565; or

(xii) a "**tow truck**" or a "**tow dolly**" as defined in California Vehicle Code sections 615 and 617, respectively; or

(xiii) a "**tour bus**" or a "**trailer bus**" as defined in California Vehicle Code sections 612 and 636, respectively; or

(xiv) a "**truck tractor**" as defined in California Vehicle Code section 655; or

(xv) an "**armored vehicle**" as defined in California Vehicle Code section 115; or

(xvi) a "**taxicab**" as defined in Article 11 of Chapter 32 of the Code, commencing with section 32-3