

## **Subject**

Informational Report on Recreational, Oversized and For Sale Vehicle Parking on City Streets

## **Objective**

To provide the City Council with information on the regulations and enforcement policies utilized by neighboring cities to manage the parking of recreational, oversized and “for sale” vehicles on city streets.

## **Background**

At the January 24, 2016, City Council Meeting, the City Council directed staff to survey the parking ordinances, rules and regulations of neighboring cities in order to help address public safety and aesthetic concerns with the parking of recreational, oversized (including Big Rigs) and “for sale” vehicles in Garden Grove. With increasing constituent concerns surrounding vehicle parking in residential neighborhoods, the City Council requested that staff conduct a best practices study to learn from the successes of neighboring cities.

## **Discussion**

Recreational, oversized and “for sale” vehicle parking is a growing concern for the City of Garden Grove. In recent months, Garden Grove residents have expressed concerns with the parking of these vehicles along City streets, citing them as eyesores and safety hazards to the community. Given that recreational, oversized and “for sale” vehicles occupy both large and numerous spaces throughout the City, they not only impact the aesthetic appearance of the City but also raise a number of public safety concerns. According to the Garden Grove Police and Fire Departments, these types of vehicles obstruct access to roadways during emergency responses, reduce visibility at intersections, increase opportunities for vehicular thefts and fires, and create unsafe environments for those dwelling within and around them.

### Garden Grove’s Parking Rules and Regulations

Currently, the City of Garden Grove’s Municipal Code includes general parking provisions that seek to regulate the parking of all vehicles on City streets. According to Title 9 (Land Use) of the Garden Grove Municipal Code, “Commercial vehicles shall not be parked or stored in residential zones or on properties used for residential purposes, except while the operator of the vehicle is making normal deliveries or providing services to the residential premises (GGMC 9.08.040L).” Title 9 also prohibits “any commercial vehicle, trailer, **recreational vehicle**, camper, camper shell or vessel from being parked on any property zoned commercial, industrial, open space, specific plan or PUD,” clearly stating that the storing of any such vehicles in these areas is expressly prohibited (GGMC 9.12.040.170M). In addition, Title 9 prohibits anyone from “parking a vehicle, camper, camper shell or vessel upon a public or private street, parking lot or any public or private property for the purpose of displaying such vehicle thereon for sale, hire or rental, except on the property of the vehicle’s owner, or the adjacent street.” In other words, the City only allows “for sale” vehicles to be parked at City-permitted locations and on or adjacent to the private residential property of the vehicle’s registered owner. Furthermore, Title 10 of the Municipal Code restricts any vehicle from being parked on a street for more than a consecutive period of 72 hours, subjecting vehicles in violation of this code to removal (GGMC 10.56.100A).

## Neighboring Cities' Parking Ordinances & Enforcement Policies

Per Council's direction, City staff surveyed the municipal codes and enforcement policies of comparable cities surrounding Garden Grove to determine alternative methods for addressing the City's vehicle parking concerns. Staff researched several cities, ultimately focusing on the City of Orange, the City of Westminster, and the City of Fullerton.

### **City of Orange**

Much like the City of Garden Grove, the City of Orange prohibits the parking of recreational, oversized and "for sale" vehicles in designated areas throughout the City. According to the Orange Municipal Code, parking oversized trucks and recreational vehicles is prohibited on any public street, public or dedicated alley, public or private property, and in any residentially developed area (OMC 10.34.060). Similarly, parking vehicles for the purpose of sale, hire or rental is prohibited on any public street, unpermitted commercial or industrial zone, and on any private residential property (OMC 10.34.090). However, the Orange Municipal Code differs from the Garden Grove Municipal Code in that it includes explicit language prohibiting the parking of recreational, oversized and "for sale" vehicles in "any residentially developed area" and on "any private residential property." In contrast, the Garden Grove Municipal Code does NOT prohibit recreational and "for sale" vehicles from parking in residential areas.

In addition, the City of Orange's Municipal Code includes exceptions that allow for recreational and oversized vehicles to temporarily park on City streets. These exceptions include a parking allowance of two consecutive days for the purpose of loading and unloading related to travel, as well as a seven day parking permit issued by the Chief of Police for visiting, non-City residents. With both exceptions, the recreational vehicle must be parked adjacent to the resident's home. For recreational vehicles with dimensions measuring less than 36ft in length and 12ft in height, residents of Orange also have the option to park in their driveways. No such exceptions exist for vehicles that are for sale. For sale vehicles may only be parked in appropriately licensed and permitted lots.

### **City of Westminster**

The City of Westminster's recreational, oversized and for sale vehicle parking ordinances are more stringent than those of Garden Grove and Orange. Aside from allowing residents to park their recreational vehicles in their driveways, the Westminster Municipal Code states that, "no person who owns or has possession, custody, or control of a recreational vehicle shall park such a vehicle upon any street or alley for more than **twenty-four consecutive hours**. Recreational vehicles may not be re-parked at any location within **two-tenths of a mile** from any prior parking location used within the preceding twenty-four hours for any length of time (WMC 10.44.050B)." This parking regulation is further augmented by the Westminster Municipal Code on large vehicle parking which prohibits any vehicles with a width in excess of 84 inches and a weight in excess of 10,000 pounds from parking on any public street within the City (WMC 10.44.250). Additionally, the Westminster Municipal Code states that "No operator of any vehicle shall park said vehicle upon any street in the city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the council (WMC 10.44.060)." Unlike the City of Orange, the City of Westminster does not allow any exceptions to these rules.

## City of Fullerton

The City of Fullerton regulates all vehicle storage on city streets through its overnight parking restriction (FMC 8.44.080). The Fullerton Municipal Code states that, "No person shall park a vehicle on any street or highway, or any City-controlled parking facility in the City between the hours of two a.m. and five a.m. unless the street has been exempted from the ordinance." This parking restriction applies to all vehicles, including recreational, oversized and "for sale" vehicles. However, despite this overnight restriction, the City does allow recreational vehicles to park on residential streets during the day as long as they are moved during the previously mentioned nighttime hours. Such is not the case with vehicles that are for sale as they are prohibited from parking on any roadway in the City.

Additionally, residents requiring overnight parking have the option to park recreational vehicles in their driveways as long as they do not protrude into the sidewalk or street and are not being occupied for living purposes. Residents may also apply for temporary parking permits that allow recreational vehicle owners to park on the street overnight. These temporary permits allow residents to park a recreational vehicle for a total of two nonconsecutive weeks of the calendar year.

**Table of Parking Regulations by City**

City	RV Parking Allowed in Residential Areas?	RV Travel Loading/ Unloading Allowance	RV Parking Allowed in Driveway?	Temporary Parking Permits Available?	Oversized Vehicle Parking Allowed?
Garden Grove	Yes	72 Hours	Yes	No	No
Orange	No	48 Hours	Yes	Yes	No
Westminster	No	24 Hours	Yes	No	No
Fullerton	Yes	24 Hours	Yes	Yes	No

## Legal Considerations

Although the City and various other cities have prohibitions against parking vehicles with "for sale" signs, the City Attorney has advised that the regulations cannot be enforced because Federal courts have held that such restrictions are unconstitutional and unenforceable. For example, in 2000, the U.S. District Court for the Central District of California prohibited the City of Los Angeles from enforcing its ordinance prohibiting the parking of vehicles with "for sale" signs on public streets. The Court held that the ordinance violated the commercial speech rights of citizens absent a showing that the restriction was narrowly tailored to serve the city's asserted safety and aesthetic interests. The Court noted that the City could address safety and aesthetic issues by establishing parking restrictions applicable for all vehicles without outright banning cars with "for sale" signs. Then, in 2007, the U.S. Court of Appeals for the Sixth Circuit, sided with an automobile owner who sued the Village of Glendale, Ohio, alleging that a traffic ordinance prohibiting parking on a public street to display for sale or advertise the vehicle violated the First Amendment as an unconstitutional restriction on commercial speech. Finally, in 2015, the U.S. District Court for the Eastern District of Virginia ruled in favor of a truck owner who brought a civil rights action against the City of Alexandria, alleging that the city's ordinance prohibiting parking of vehicle on any city street for the purpose of displaying the vehicle for sale violated the First Amendment." We have also confirmed that other cities with "for sale" sign prohibitions are not

enforcing them because of these Federal cases. Furthermore, the City of San Juan Capistrano last October adopted an ordinance specifically removing their “for sale” parking prohibition following a legal challenge to their regulation.

### **Financial Impact**

There is no financial impact to the City.

### **Recommendation**

Based on the information provided above, the City Council may consider a range of alternative methods to addressing the City’s vehicle parking concerns. Although the City of Garden Grove currently allows for recreational and for sale vehicles to park in residential areas, it is clear that many of our neighboring cities have chosen to prohibit this allowance all together while others have chosen to adopt temporary parking systems in an attempt to balance to all residents’ needs and concerns.

It is recommended that the City Council:

- Provide staff with further direction regarding Council’s preferred course of action.