

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING SECTION 10.16.210 OF THE VISALIA MUNICIPAL CODE REGULATING COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. Commercial vehicles affect quality of life when parked or stored in residential districts.
- B. The current code identifies commercial vehicles by weight, which is no longer relevant because most vehicles today exceed the weight limitation.
- C. In order to make the code relevant commercial vehicles should be identified by the commercial license that is required to operate them and not by the weight.

SECTION 2. The Visalia City Council hereby approves the following revision to Visalia Municipal Code Chapter 10.16.210, which regulates commercial vehicles in residential zones within the City of Visalia, as specified by underline & italics for additions and ~~strikeout~~ for deletions:

10.16.210 Parking commercial vehicles in residential district

~~No person shall park any commercial vehicle, having an unladen weight exceeding five thousand (5,000) pounds in any residential district except: (a) while loading or unloading property; or (b) when such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. A "residence district" shall be determined as per California Vehicle Code, Division 1, Section 240 or Section 515, or as those districts or areas zoned as residential and indicated as such on the city zoning map, including low-medium, and high-density residential.~~ **SECTION 3.** ~~The City Council intends this Ordinance to supplement, not contradict applicable state law and this Ordinance shall be construed in light of that intent.~~

10.16.210 Parking commercial vehicles in residential district

A. No person shall park any commercial vehicle that would require a Class A or Class B Commercial Drivers License (CDL) in any residential district except as follows:

1. While loading or unloading property; or
2. When such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, or an authorized emergency vehicle or other vehicles parked in compliance with a law enforcement service agreement.
3. In a manner not affecting the flow of traffic while parked on the street.

B. For the purpose of this section the following definitions are defined as follows:

1. A “residence district” shall mean those districts or areas zoned as residential and indicated as such on the city general plan land use and zoning maps, including land use designations of very-low, low, medium and high density residential, and zoning designations of R-1-5, R-1-12.5, R-1-20, R-M-2, and R-M-3.
2. Class A CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.
3. Class B CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.

C. Notwithstanding the provisions of subsection A of this section, for those properties with a zoning classification of R-1 R-1-12.5, R-1-20, R-M-2, and R-M-3, which also have a lot size greater than 10,000 square feet, it is lawful to park or permit to be parked a commercial vehicle requiring a Class A or Class B license on private property if all of the following conditions are met:

1. No more than one commercial vehicle shall be parked on any parcel or private property.
2. The commercial vehicle shall be parked on a paved driveway or other improved non-pervious parking surface per city’s paving standards and must not block the sidewalk.
3. The commercial vehicle shall be parked behind a six-foot high wood fence or gate constructed of permitted materials and shall screen the vehicle from the public street(s).
4. The vehicle shall not be parked in the minimum required front yard and/or side yard setbacks of any lot.
5. That a permit shall be applied for and issued administratively by the Community Development Director, with additional limitations as deemed reasonably necessary by the Director, prior to parking a commercial vehicle on a residential parcel.

6. The permit may be revoked by Community Development Director upon violation of any condition stated in the permit or this ordinance unless such violation is corrected within ten (10) days of notice of such violation.
7. If the event of a denial, revocation, or objections to limitations listed in the issuance of the permit an appeal may be made in writing to the planning commission in the same manner as an appeal under Visalia Municipal Code section 17.28.050.

SECTION 3. The City Council intends this Ordinance to supplement, not contradict applicable state law and this Ordinance shall be construed in light of that intent.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This Ordinance shall take effect thirty days after its adoption.

SECTION 6. The City Clerk Shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.