



# City of Morgan Hill

## Legislation Details (With Text)

**File #:** 15-522      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Second Reading  
**File created:** 8/13/2015      **In control:** City Council  
**On agenda:** 9/2/2015      **Final action:** 9/2/2015  
**Title:** ORDINANCE CLARIFYING THAT THE PROVISIONS OF SECTION 10.40.210 OF THE MORGAN HILL MUNICIPAL CODE APPLY TO PUBLIC STREETS IN RESIDENTIAL AREAS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Oversized Vehicles Ordinance, 2. SCDA C45415081315470

Date	Ver.	Action By	Action	Result
9/2/2015	1	City Council	waived reading of the Ordinance	Pass
9/2/2015	1	City Council	introduced	Pass

## CITY COUNCIL STAFF REPORT MEETING DATE: SEPTEMBER 2, 2015

PREPARED BY: Renee Gurza, City Attorney  
APPROVED BY: City Attorney and City Manager

## ORDINANCE CLARIFYING THAT THE PROVISIONS OF SECTION 10.40.210 OF THE MORGAN HILL MUNICIPAL CODE APPLY TO PUBLIC STREETS IN RESIDENTIAL AREAS

### RECOMMENDATION(S)

1. Open/Close Public Hearing;
2. Waive the first and second reading of the Ordinance amending Morgan Hill Municipal Code Section 10.40.210; and
3. Introduce an Ordinance amending Morgan Hill Municipal Code Section 10.40.210 by title.

### COUNCIL PRIORITIES, GOALS & STRATEGIES:

#### Ongoing Priorities

Enhancing public safety  
Preserving and cultivating public trust

### REPORT NARRATIVE:

Section 10.40.210 of the Morgan Hill Municipal Code currently provides that oversized vehicles

(meaning vehicles exceeding 22 feet in length or 7 feet in height) cannot stop, stand or park "in a residential zone, as shown on the official zoning map of the City" except for the temporary loading or unloading of items or due to a temporary, unplanned inoperability (not exceeding 10 days).

On its face, this language applies to the parking of oversized vehicles on private property that is residentially zoned, despite the fact that such parking on private land can be allowed in certain instances under City's zoning ordinance and despite the fact that this provision is contained within Title 10 of City's Municipal Code (Vehicles and Traffic), which Title generally pertains to regulations of vehicles on public streets.

The staff report for the ordinance that originally adopted this Municipal Code section, as well as uncodified portions of that ordinance, were clear that this Municipal Code provision was intended to prohibit the parking of oversized vehicles on public streets in residential zones. Unfortunately, this intent was not reflected within the actual language of this Code section.

The proposed ordinance clarifies the language of this section to reflect the original intent for this Municipal Code section as set forth in the staff report to City Council (to prohibit oversized vehicles from stopping or parking on public streets in residential areas). This clarification also will reflect the City's common understanding of the application of this section and how this section historically has been interpreted and enforced by City, but will reduce confusion for the public as to the activity that is prohibited by this Municipal Code section.

#### **COMMUNITY ENGAGEMENT: Inform**

This matter was placed on a public agenda of the City Council that was publicly noticed and posted in accordance with the California Ralph M. Brown Act. This proposed action is a clarification of Municipal Code language to align the language with the enacting ordinance's original intent.

#### **ALTERNATIVE ACTIONS:**

#### **PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

On July 7, 1999, the City Council passed and adopted Ordinance No. 1434, NS, entitled, "An Ordinance of the City Council of the City of Morgan Hill Adding Section 10.40.210 to the Municipal Code, Regarding Parking Oversize Vehicles on Residential Streets."

#### **FISCAL AND RESOURCE IMPACT:**

None.

#### **CEQA (California Environmental Quality Act):**

Categorical Exemption

CEQA Guidelines Section 15301 (Existing Facilities): The ordinance pertains to the regulation and operation of existing streets and highways, involving no expansion of their use.

#### **LINKS/ATTACHMENTS:**

Proposed Ordinance

Staff Report for Ord. No. 1434, NS

Ordinance No. 1434, NS

City Council Minutes for Ord. No. 1434, NS