

ORDINANCE NO. 03-492

AN ORDINANCE OF THE CITY OF MAYWOOD, CALIFORNIA,
AMENDING VARIOUS PROVISIONS OF THE MAYWOOD
MUNICIPAL CODE WITH RESPECT TO ENFORCEMENT OF TRUCK
ROUTES, PARKING, SOUND TRUCKS, ALARM REGISTRATION
AND FALSE ALARMS

NOW THEREFORE, it is hereby ordained as follows:

SECTION 1. Section 4-3.1404 of the Maywood Municipal Code regulating and enforcing truck routes is hereby amended by adding subsection (e) as follows:

“4-3.1404 Truck routes.

(a) When ever any resolution of the City designates and describes any street, or portion thereof, as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three (3) tons, the City Traffic Engineer is hereby authorized to designate such streets as “Truck Routes” for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons.

(b) When any such truck routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross vehicle weight limit of three (3) tons shall drive on such routes and non other; provided however, the provisions of this section shall not prohibit the operator of any vehicle exceeding a maximum gross weight of three (3) tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares, or merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fid repair, alteration, remodeling, or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

(c) The provisions of this section shall not apply to:

(1) Passenger buses under the jurisdiction of the Public Utilities Commission of the State; or

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.

(d)

(e) No person shall operate any vehicle exceeding a maximum gross weight of three (3) tons on any residential street or portion thereof, where an official traffic control sign has been posted prohibiting such operation. Violation of section (e) of this Code shall be a misdemeanor.

(1) Whereas the damage caused by such heavy vehicles is extensive to residential streets and whereas the costs incurred by the City to repair such damage to the residential streets is great, persons violating section (e) of this Code shall be fined in an amount not less than one thousand dollars \$1,000 for the first violation and not less than

two thousand five hundred dollars \$2,500 for the second violation and not less than five thousand dollars \$5,000 for the third or more violation.

Section 2. Section 4-3.1402 of the Maywood Municipal Code regulating advertising vehicles or sound trucks shall be amended as follows:

“4-3.1402 Advertising vehicles in the central traffic district.

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud speaking device upon any street or alley at any time within the central traffic district.

(1) For the purposes of this code, “advertising vehicles” shall mean any vehicle or trailer that use illuminated lights, signs, flashing lights, television screens, sirens, bells, music or any other attention attracting or distracting lights, sounds or other attention attracting or distracting devices, unless otherwise authorized in the Zoning Ordinance or City Code.

(a) Due to the dangerous distraction that such a vehicle and device could cause to passing motorists in the central traffic district, the Maywood Police Department shall have the authority to remove and impound the violating vehicle or trailer under this section, if the violating vehicle or trailer is operated in the central traffic district without a City Permit, or parked so near to the roadway, that the violating vehicle or trailer would reasonably cause a hazard by distracting or diverting the attention of passing motorists.”

Section 3. Section 5-20.04 of the Maywood Municipal Code regulating sound trucks is hereby amended as follows:

“5-20.04 Noncommercial uses: Registration: Possession and display.

Upon approval by the City Council the City Clerk shall return to each applicant under Section 5-20.02 of this Chapter one copy of such registration statement duly certified by the City Clerk as a correct copy of such application. Such certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck’s amplifying equipment is in operation, and such copy shall be promptly displayed and shown to any police officer of the City upon request.”

Section 4. Subsection (h) of Section 5-20.05 of the Maywood Municipal Code regulating sound trucks is hereby amended as follows:

“5-20.05 Noncommercial uses: Regulations.

The noncommercial use in the City of sound trucks with sound amplifying equipment in operation shall be subject to the following regulations:

- (a) The only sound permitted shall be music or human speech.

- (b) Operations shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. on Monday through Saturday and between the hours of 1:00 p.m. and 9:00 p.m. on Sunday.
- (c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic. Where stopped by traffic such sound amplifying equipment shall not be operated for longer than one minute at each such stop.
- (d) Sound shall not be issued within 100 yards of hospitals or churches or within 100 yards of a school when such school is in session.
- (e) No sound truck with its amplifying device in operation shall be operated on any portions of Slauson Avenue and Atlantic Avenue within the City.
- (f) The human speech and music amplified shall not profane, lewd, indecent, or slanderous.
- (g) The volume of sound shall be controlled so that it will not audible for a distance in excess of 100 yards from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
- (h) No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification. *Sound amplification equipment that is capable of operating in excess of the authorized fifteen (15) watts by manual control, remote control or other device or means, shall not be authorized without special authorization by the City Council.*
- (i) Not more than one sound truck shall be operated in any single block in the City at one time. In the event two (2) sound trucks are in single block at the time, the truck at the rear of the other shall not emit sound.”

Section 5. Section 5-20.08 of the Maywood Municipal Code is hereby amended as follows:

“5-20.08 MMC / Commercial uses: License: Issuance.

Upon approval by the City Council, the City Clerk shall issue the license required by Section 5-20.06 of this chapter upon payment of the required license fee unless the application required by Section 5-20.07 of this chapter reveals that the applicant would violate the regulations prescribed by Section 5-20.10 of this chapter or provisions of some other law of the City.”

Section 6. Section 4-3.101 of the Maywood Municipal Code regulating parking permits is hereby amended as follows:

“4-3.101 Permits: Required: Exceptions.

It shall be unlawful for any person to stop, stand, or park any motor vehicle between the hours of 2:00 a.m. and 6:00 a.m. of any day on any street so designated by resolution of the Council, which resolution shall be published once in the official newspaper of the City not later than fifteen (15) days after the adoption thereof, unless such person shall have obtained an all-night parking permit as provided in this article. Irrespective of the foregoing, *a maximum of two parking permits may be issued to each address and no such permit shall be issued so as to permit the parking of any vehicle which is in excess of ninety (90") inches in width or which is of 6,000 pounds or more gross weight upon such streets. The provisions of this article shall not apply to emergency vehicles not to vehicles for which a temporary or all-night parking permit has been issued in accordance with the provisions of this article.*"

Section 7. Section 4-3.409 of the Maywood Municipal Code regulating removal of vehicles is hereby amended as follows:

"4-3.409 Removal of vehicles from streets.

Any regularly employed *or* salaried officer of the Police Department may remove or cause to be removed:

- (a) Any vehicle, which has been parked or left standing upon a street or highway for seventy-two (72) or more hours;
- (b) Any vehicle, which has been parked or left standing upon a street or highway between the hours of 7:00 a.m. and 7:00 p.m. which such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal;
- (c) Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the street or highway or for the installation of underground utilities, or where the use of the street or highway, or any portion thereof, is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway, or any portion thereof, is necessary for the movement of equipment, articles, or structure of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, however, signs giving notice that such vehicle may be removed shall be erected or placed at least twenty-four (24) hours prior to the removal;
- (d) Any commercially licensed trailer or semi trailer parked or left unattended in violation of Section 4-3.1115 of Article 11 of this chapter; and
- (e) *Any commercial vehicle parked in a residential district in violation of Section 4-3.1209 of Article 12 of this chapter.*

Section 8. Section 4-3.1106 of the Maywood Municipal Code regulating parked vehicles for sale is hereby amended as follows:

"4-3.1106 Parking Vehicles for sale.

No operator of any vehicle shall park such vehicle upon any street in the City for the principal purpose of advertising or displaying such vehicle for sale unless authorized by resolution of the Council.

(a) *No operator of any vehicle shall park such vehicle upon any public parking area in the City for the principal purpose of advertising or displaying such vehicle for sale.*

(b) *The Maywood Police Department shall have the authority under this section to remove and impound any vehicle in violation of section (a) of this code, when said public parking area is properly posted with official signs restricting use for certain business or customer use only."*

Section 9. Section 4-8.02 of the Maywood Municipal Code regarding alarm registration is hereby amended as follows:

"4-8.02 MMC / Registration.

(a) No alarm company operator or alarm agent (as defined in Business and Professions Code Section 7590 et seq.) nor their employees shall install, maintain, or repair any alarm system within the City unless the alarm company operator and/or alarm agent have obtained a business license and filed a copy of their State Identification Card with the City Clerk.

(b) The issuance of an alarm permit shall be in addition to any permit requirements which may be set forth in the National Electrical Code.

(c) The following information shall be included on the alarm permit application of a subscriber to an alarm on a form filed with the City Clerk:

(1) Name, address and phone number of the alarm company and/or alarm agent installing, maintaining, or repairing their alarm system;

(2) A description as to the type of alarm (such as, but not limited to silent, audible, direct dialer, or control office);

(3) Name, address and telephone number of person to be called pursuant to an alarm activation;

(d) Each subscriber shall give written notice whenever any change occurs in any information required under this section within twenty-four (24) hours after the change is effective.

(e) The following fees shall be paid by alarm users and subscribers prior to issuance of an alarm permit.

(1) Business alarm users and subscribers: *Fifty (\$50.00) dollar, fee to be paid upon application, and annually thereafter before the anniversary date of the initial application.*

(2) Residential alarm users and subscribers: *Twenty-five (\$25.00) dollar one time fee to be paid upon application.*

(3) Notwithstanding these provisions, any person who maintains an unregistered alarm system, business or residential after receiving a notice to register and fails to register the alarm system within fifteen (15) days thereafter, shall pay a fine as follows:

(A) For the first violation, a fine of *fifty (\$50.00) dollars* shall be imposed.

(B) For the second violation, a fine of *one hundred (\$100.00) dollars* shall be imposed.

(C) For the third and subsequent violation, a fine of *one hundred and fifty (\$150.00) dollars* shall be imposed.”

Section 10. Section 4-8.05 of the Maywood Municipal Code regarding false alarms is hereby amended as follows:

“4-8.05 MMC / False alarms.

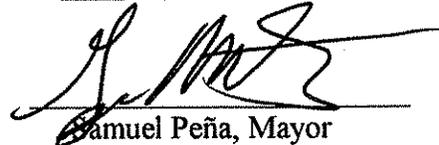
Any person who maintains any alarm systems regulated by this chapter shall be subject to pay a fine for false alarms as follows:

- (a) For the first four false alarms in any calendar year, no fine will be imposed.
- (b) For the fifth false alarm in any calendar year a fine of thirty (\$30.00) dollars shall be imposed.
- (c) For the sixth false alarm in any calendar year a fine of fifty (\$50.00) dollars shall be imposed.
- (d) For the seventh and each subsequent false alarm in any calendar year a fine of one hundred (\$100.00) dollars shall be imposed.
- (e) The amount of the fines imposed for false alarms may be amended as deemed appropriate by the City Council. *Notwithstanding these provisions, any business alarm subscriber who has not paid imposed fines or alarm registrations fees, shall not be eligible to receive or renew a City business license, as described in Title 3 Chapter 1 of this code, until such time that all fees and fines are paid to the City.”*

Section 11. Section 4-2.216 of the Maywood Municipal Code regarding year 2000 celebration is hereby deleted.

Section 12. This Ordinance shall become effective thirty days after final approval.

PASSED, APPROVED, AND ADOPTED this ____ day of April, 2003.


Samuel Peña, Mayor

ATTEST:



Jose Ceja, City Clerk

APPROVED AS TO FORM:



David Olivás, City Attorney

TO: Honorable Mayor and City Council
FROM: City Attorney
RE: Ordinance Amending Various Enforcement Provisions of Municipal Code
Violations for truck routes, sound trucks, overnight parking, and alarms
DATE: 4/8/03

The Police Department has requested several amendments to the Maywood Municipal Code that would provide improve enforcement of certain parking violations and false alarm provisions. The following summarizes the provisions to be amended and correspond to the sections of the ordinance:

Section 1: Amended Section 4-3.1404 provides for fines for overweight vehicles from \$1000.00 for a first time violation to \$5000.00 for a third time violation.

Section 2: Amended Section 4-3.1402 defines "advertising vehicles" prohibited in the Central Traffic District and provides for impounding of such vehicles.

Section 3: Amended Section 5-20.04 gives the City Council authority to approve noncommercial sound trucks.

Section 4: Amended Section 5-20.05 provides for special City Council approval of sound trucks capable of broadcasting in excess of fifteen watts.

Section 5: Amended Section 5-20.08 gives the City Council authority to approve commercial sound trucks.

Section 6: Amended Section 4-3.101 provides for a maximum of two overnight parking permits for each address.

Section 7: Amended Section 4-3.409 allows police employees (non-sworn) to remove commercial vehicles parked in residential districts where prohibited.

Section 8: Amended Section 4-3.1106 provides for impounding of vehicles in violation of "for sale" advertising on a vehicle.

Section 9: Amended Section 4-8.02 sets fees for application and for violation of unregistered alarms from \$50.00 to \$150.00.

Section 10: Amended Section 4-8.05 prohibits businesses who have failed to pay false alarm fees from renewing its business license until paid.

RECOMMENDATION: That the City Council waive the first reading and adopt the Ordinance by Title only.