

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 6, 2011 AGENDA

Subject:	Type:	Submitted By:
AMEND MUNICIPAL CODE: §72.19: §72.25; §72.26 PARKING REGULATIONS	◆ RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE ◆ DISCUSSION	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

An ordinance has been prepared to amend Section 72, Parking Regulations, of the La Vista Municipal Code to provide specific provisions for the parking of recreational vehicles in residential districts and the parking of non-motorized vehicles on public streets.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The proposed change to section §72.19 has been drafted to address the issue of recreational vehicles less than 20 feet in length and ten feet high that park in residential districts. The ordinance also specifically prohibits trailers attached to vehicles which in combination exceed a length of 20 feet from parking on public streets in residential districts. Section §72.26 is created to specifically address the parking of recreational vehicles and the issuance of a temporary parking permit.

The proposed change seeks to create a balance between the La Vista resident who owns an RV less than 20' long and the neighborhood the vehicle is parked in. The proposed ordinance amendment prohibits parking recreational vehicles less than 20' in length on any public street unless the owner has obtained a temporary parking permit. Under the amendment, short-term parking of recreational vehicles will be permitted up to seventy-two [72] hours with a parking permit. The purpose of a parking permit is to allow users and out-of-town visitors of recreational vehicles to park on city streets next to their residences for a limited time period. Property owners will be limited to a maximum of four parking permits per calendar year.

The sizes of RVs vary depending on what type they are made of, the most common of which are fifth-wheel trailers, truck campers and class-A motor homes. For instance, larger fifth-wheel trailers have lengths of more than 40 feet. The average length of bigger RVs is between 25 feet to 40 feet. The average length of mid-range RVs stands between 18 feet to 25 feet. Smaller RVs are usually less than 18 feet long. This ordinance will allow mainly the smaller RVs to park temporarily in a residential district.

Section §72.25 is also under consideration for amendment. Currently, non-motorized vehicles, such as trailers, are authorized to be parked unattended on city streets for four hours. The proposed change would define and prohibit the parking of non-motorized vehicles on city streets.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, RELATING TO PARKING OF VEHICLES AND TRAILERS, INCLUDING RECREATIONAL AND COMMERCIAL VEHICLES AND TRAILERS, IN OR ADJACENT TO RESIDENTIAL ZONING DISTRICTS, AND RELATING TO PARKING NONMOTORIZED VEHICLES ON CITY STREETS; TO AMEND SECTIONS 72.19 AND 72.25 OF THE LA VISTA MUNICIPAL CODE; TO ENACT NEW SECTION 72.26 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 72.19 of the La Vista Municipal Code is hereby amended by deleting the entire section and replacing it in its entirety with the following:

§ 72.19 PARKING OF TRUCKS, COMMERCIAL VEHICLES, AND TRAILERS IN RESIDENTIAL DISTRICTS.

No person shall park a semi-tractor, delivery truck, delivery van, or other commercial vehicle, which individually or in combination with a trailer exceeds a length of 20 feet or a height of ten feet, or which individually or in combination with a trailer has a total weight or is licensed for a total weight, including load and cargo therein, in excess of six tons, on any residential zoned lot or on any street or other public property within a residential zoning district or adjacent to residential zoned property, provided, however, that parking of any such vehicle for the following purposes shall not be a violation of this section:

- (A) A vehicle and any attached trailer being used only for the purpose of delivery or pickup of goods or materials at a point of delivery or pickup within a residential zoning district may be parked in such a district on or adjacent to a residential zoned lot during loading and unloading of the vehicle at or upon such lot;
- (B) A vehicle and any attached trailer being used in connection with repair, service, or moving operations may be parked in such a district on or adjacent to a residential zoned lot while the repair, service, or moving operations are actually in progress at or upon such lot;
- (C) A vehicle for which, prior to July 1, 1993, a valid special permit for recurring parking had been issued pursuant to § 70-040 or its predecessor may continue to park such vehicle, or an authorized replacement vehicle, for the remaining period of such permit, or any renewal thereof, in accordance with the terms and conditions of such permit and § 70-040; or
- (D) A commercial vehicle (other than a semi-tractor) and any attached trailer, may be parked in a private drive of a residential zoned lot without restriction of length or height if the vehicle and any attached trailer is owned by a resident or the employer of a resident of the lot, is not so long as to violate § 72.17 and is not parked in violation of § 72.17 or of any other applicable law or section of this code, and if the total weight of the vehicle and any attached trailer, including any load and cargo therein, does not exceed six tons in weight and is not licensed for a weight in excess of six tons.

('79 Code, § 5-701) (Am. Ord. 435, passed 6-16-87; Am. Ord. 570 passed 7-20-93).
Penalty, see § 70.999

Statutory reference:

Parking regulations authorized, see Neb. RS 60-680

SECTION 2. Section 72.25 of the La Vista Municipal Code is hereby amended by deleting the entire section and replacing it in its entirety with the following:

§ 72.25 NONMOTORIZED VEHICLES.

While not attached to a motor vehicle, a nonmotorized vehicle, other than official municipal equipment, shall not be parked or stored on any public street in the city, except for emergency purposes. As used in this section, nonmotorized vehicle means any trailer or other device without motive power that is designed for carrying persons or property while being drawn by a motor vehicle.

('79 Code, § 5-714) (Ord. 148, passed --) Penalty, see § 70.999

Statutory reference:

Parking regulations authorized, see Neb. RS 60-680

SECTION 3. The following section is hereby enacted and codified as Section 72.26 of the La Vista Municipal Code:

§ 72.26 RECREATIONAL VEHICLE PARKING; TEMPORARY PARKING PERMITS.

(A) No person shall park a recreational vehicle on any street or any public property within a residential zoning district, unless:

(1) the recreational vehicle is less than twenty (20) feet in length as measured from its extreme forward point to its extreme rear point, including extensions and any attached vehicle or trailer, and

(2) the recreational vehicle, including extensions and any attached vehicle or trailer, is ~~under less than~~ ten (10) feet in height[B1], and

(3) the recreational vehicle, including extensions and any attached vehicle or trailer, is less than eight (8) feet in width as measured at its widest point excluding attached side mirrors, and

(4) a valid temporary parking permit has been issued pursuant to subsection (C) of this section.

(B) As used in this section, "recreational vehicle" means a motor vehicle designed for living quarters, and includes but is not limited to travel trailers, folding trailers, pop up trailers, and motor homes.

(C) Temporary Parking Permit for Recreational Vehicles Under Twenty (20) Feet in Length, Ten (10) Feet in Height, and Eight (8) Feet in Width.

(1) Upon receipt of a properly completed application, the Chief of Police shall issue a temporary parking permit to any individual who submits an application to park a recreational vehicle in a residential district for seventy-two or fewer consecutive hours, if such parking would not violate any other applicable provision of this code.

(2) Application for a permit under this subsection shall be made on a form provided by the Police Department. If a recreational vehicle is brought into the City and such a parking permit is required by this section, application for the permit shall be made not later than the first day upon which the Police Department office is open following the arrival of the recreational vehicle in the City. The parking permit shall include to the extent practicable:

- (a) the license plate number of the recreational vehicle to be parked,
- (b) the make, model, and serial number or vehicle identification number of the recreational vehicle to be parked, or so much of such information as may be discerned from inspection of the recreational vehicle,
- (c) the date of issuance of the permit,
- (d) the date or dates upon which the parking permit shall be valid,
- (e) the address of the residence adjacent to which the parking permit shall pertain, and
- (f) such additional information as may be specified by the Chief of Police.

An issued permit shall be placed and kept in or upon the recreational vehicle in such a manner as to be plainly visible to police and code enforcement officers.

(3) No fee shall be required for the issuance of any permit or any extension of any permit required by this section.

(4) One extension of a permit issued under this section may be granted, up to a maximum of seventy-two hours of extension. Not more than one extension shall be granted. The extension shall be considered one of the four permits allowable under subsection 72.26(C)(5) during any period of twelve consecutive months.

(5) During any period of twelve consecutive months:

- (a) Not more than four permits may be issued for parking of the same recreational vehicle; and
- (b) Not more than four permits may be issued to any inhabitant or inhabitants of, or visitor or visitors to, a single dwelling within the City or the City's zoning jurisdiction, allowing parking of any recreational vehicle or recreational vehicles within one-thousand feet of any property line of such single dwelling.

(6) A recreational vehicle covered by a parking permit issued under this section must be parked at least thirty (30) feet distant from intersections and fifteen (15) feet distant from fire hydrants.

(7) A recreational vehicle covered by a parking permit issued under this section shall be parked adjoining the residence described on the permit, to the extent practicable, and shall be promptly moved or relocated as any police or other law enforcement officer or code enforcement officer may direct.

(8) Individuals may not reside or sleep in a recreational vehicle overnight while it is so parked, or run water, waste, or power lines to the vehicle across any public right of way for vehicular traffic.

Statutory reference:

Parking regulations authorized, see Neb. RS 60-680[B2]

SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any parts hereof are hereby repealed.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk