



Council Communication File Number: Ord 2318

Agenda Date: 3/1/2021

Version: 1

Status: Consent 2nd Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO REGULATE THE PARKING AND ABANDONMENT OF LARGE VEHICLES, RECREATIONAL VEHICLES AND UTILITY TRAILERS AND TO ESTABLISH MINIMUM FINES

Summary and Background Information:The proposed ordinance amends the City's parking regulations by creating a new section (11-2106) to regulate the parking of large vehicles (including food trucks), recreational vehicles, and utility trailers on public streets in residential districts or adjacent to residences. The ordinance generally prohibits such parking unless an exception applies and establishes minimum penalties. The ordinance improves visibility and space on streets, preserves parking capacity by ensuring the movement of vehicles, preserves aesthetics of neighborhoods and residential areas. The regulation of these matters was discussed on study sessions on November 23, 2020 (Pres. 20-467) and January 11, 2021 (Pres. 21-02). Ordinance 2315, passed on January 4, 2021, amended other parking regulations. This ordinance supplements other restrictions on large vehicles (including unattached semitrailers) and parking in residential districts. The ordinance does not impact any applicable private covenants.

Parking restriction: New section 11-2106 generally prohibits the parking of the following vehicles in residentially zoned areas or immediately adjacent to a residence in any district:

- *Large vehicles:*

- trailers and truck tractors or semitrailer (laden or unladen and regardless of size)
- a vehicle having a manufacturer's gross vehicle weight rating of eight thousand one pounds or more (except for pick-ups or sports utility vehicles having a manufacturer's gross vehicle weight rating of fourteen thousand pounds or less)
- a food truck or trailer (Food trucks are prohibited from operating within 100 feet of a residence under Chapter 9)
- a tow truck or vehicle equipped to provide towing services, a bus, a farm tractor, construction equipment
- any other vehicle exceeding twenty-five (25) feet in length (including any attached gear, bumpers, racks, or similar items).

- *Recreational vehicles* (any camper trailer, camper coach, motor home, recreational vehicle, or trailer coach as each term is defined in the Model Traffic Code as adopted and amended by this Code; any recreational vehicle or recreational park trailer as

defined in C.R.S. § 24-32-902; and watercraft (on or off trailers)).

- *Utility trailers* (a wheeled vehicle without power less than 2,000 lbs designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways).

Parking restriction exceptions: The prohibition does not apply in some circumstances:

- Recreational vehicles or utility trailers when parked for less than a forty-eight (48) hour period during a seven (7) day period for the purposes of loading and unloading (must be removed from all public streets for at least 72 hours).

- Vehicles and trailers owned or used by governmental entities parked for governmental purposes.

- Vehicles or trailers used in construction, if parked adjacent to the construction location between the hours of 6:30 a.m. and 6:00 p.m.

- Vehicles or trailers stopped for emergency repairs.

- On-call response vehicles or vehicles used for construction or repair by public utilities.

- Large vehicles or utility trailers during active loading and unloading.

- Where a permit has been issued under another section of the code.

Minimum Fine: Parking fines are generally imposed pursuant to a fee schedule adopted by the municipal court, unless otherwise specified by ordinance. The ordinance establishes a minimum fine of \$100 for each violation of Section 11-2106, increasing to \$200 if not paid within 30 days.

Abandoned Vehicle Regulations: The ordinance carries forward the definitions of large vehicle, recreational vehicle, and utility trailer to Section 11-41, which addresses abandoned vehicles and towing. Previously, that section allowed vehicles and trailers up to 30 feet to remain in front of the owner's home without being deemed abandoned, subject to certain conditions. The ordinance modifies that section to be limited to vehicles excluding large vehicles, recreational vehicles, and utility trailers, for consistency with new Section 11-2106.

The ordinance regulates the parking of recreational vehicles and utility trailers outside of residential areas. Recreational vehicles left elsewhere on public streets (outside of residential areas or adjacent to residences) for more than 48 hours can be considered abandoned. Such vehicles must move from city streets for 72 hours.

Effective date: If passed, this ordinance would be effective 5 days after posting and publication of the passed ordinance, as provided in the Charter.

Recommended Motions:

First Reading: I move to introduce and approve Ordinance 2318 on first reading by Council as seated.

Second Reading: I move to approve Ordinance 2318 on second and final reading.

Staff Responsible (Department Head): Clint Nichols, Chief of Police; Robert Sheesley, City Attorney

Staff Member Presenting: Clint Nichols, Chief of Police; Robert Sheesley, City Attorney