

## UPDATE TO CHAPTER 78 OVERNIGHT PARKING REGULATIONS

### Section 78-175 – CURRENT LANGUAGE:

#### **Sec. 78-175. - Overnight parking of trucks and buses with more than three-quarter ton rated capacity within certain zones prohibited.**

(a) It shall be unlawful and an offense for any person to park overnight, or between the hours of midnight and 6:00 a.m., any truck-tractor, road-tractor, semitrailer, bus, truck or trailer, when such truck or trailer has a manufacturer's rated capacity in excess of three-fourths ton, upon property within any area zoned as either single-family, duplex or multiple-family district zoning under the zoning ordinance of the town.

(b) This section shall not prevent the parking or standing of the vehicles described in subsection (a) of this section in such zoned areas for the purpose of expeditiously loading and unloading passenger, freight or merchandise.

### NEW LANGUAGE:

New language is underlined in red

Deleted language is in ~~blue strikethrough~~

#### **Sec. 78-175. - Overnight parking of ~~trucks and buses with more than three-quarter ton rated capacity within certain zones prohibited~~ certain vehicles within residential areas prohibited.**

The city council hereby declares its purpose in enacting this section is to reduce hazardous traffic conditions and protect the health, safety, and welfare of the residents by prohibiting the overnight parking of commercial vehicles in and adjacent to residential areas within the city.

(a) The following definitions shall apply to this section:

Commercial vehicle means any vehicle with a manufacturer's rating in excess of ~~three-fourths~~ one (1) ton that is designed, intended, or used to transport passengers or property, other than a private passenger vehicle. The term shall include, but is not limited to, a truck-tractor, road-tractor, semitrailer, bus, motor home, camper trailer, special mobile equipment, truck, or trailer.

Private passenger vehicle means a motor vehicle which is used solely for private transportation and not used for the transportation of persons or property directly or indirectly in connection with a business or for compensation.

(b) It shall be ~~unlawful and~~ an offense for any person to park or stand a commercial vehicle upon any public or private street, highway, alley, parking lot, driveway, or other property located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, at any time ~~between~~ from 12:00 a.m. (midnight) and until 6:00 a.m.

(c) It shall be a defense to prosecution under subsection (b) of this section if:

(i) the commercial vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise; or

(ii) the commercial vehicle is lawfully parked on private property and enclosed in a building or fully concealed from view by a fence or other lawful erected structure.

### **Section 78-286 – CURRENT LANGUAGE:**

#### **Sec. 78-286. - Storage.**

(a) A person in a residentially zoned area shall not place, store or maintain on his driveway, side yard or front yard, for a continuous period in excess of 24 hours, a mobile home, recreational vehicle, boat, trailer, camper, dismantled or inoperative truck or motor vehicle. For the purpose of this subsection, "side yard" means an open, unoccupied space on the same lot with a building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. For the purpose of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(b) It shall be a defense to prosecution under subsection (a) of this section if the prohibited item is enclosed in a building or structure, or concealed from view by a fence, shrubs or other landscaping.

### **NEW LANGUAGE:**

New language is underlined in red

Deleted language is in ~~blue strikethrough~~

#### **Sec. 78-286. – Storage.**

(a) The following definitions shall apply to this section:

*Prohibited vehicle means* a mobile home, recreational vehicle, boat, trailer, camper, or a dismantled or inoperative truck or motor vehicle.

*Front yard* means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

*Side yard* means an open, unoccupied space on the same lot with a building, situated between the building and side line of the lot and extending through from the front yard to the rear yard.

~~(b) A person in a residentially zoned area shall not~~ It shall be an offense for any person to place, store or maintain a prohibited vehicle upon a driveway, side yard, or front yard located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, for a continuous period in excess of 24 hours.

(c) It shall be a defense to prosecution under subsection (b) of this section if the prohibited ~~item~~ vehicle is enclosed in a building or fully concealed from view by a fence or other lawfully erected structure.