

# Commercial Vehicle Parking Ordinance Discussion

**March 8, 2022**

**Presented by Paul Spencer, Chief of Police**

The logo for the City of Addison, featuring the word "ADDISON" in a bold, blue, sans-serif font centered within a white circle. The circle is set against a blue background that is part of a larger graphic design on the right side of the slide, which includes diagonal white lines and a grey triangle in the top right corner.

# Background

Commercial vehicle parking complaints, especially within our multi-family residential areas, had become a frequent FIX IT APP request to the Town.

Work Session discussion on December 14, 2021.

City Council approved revisions to Sec 78-175 on January 11, 2022.

Enforcement began immediately following the signing and publishing of the revisions.

Council and Staff have received numerous complaints/concerns from residents and businesses regarding the revised ordinance and subsequent enforcement efforts.



In this presentation, staff will:

- Review the recently revised residential commercial vehicle parking ordinance.
- Discuss various definitions for a commercial vehicle as it pertains to parking in residential areas of Addison.
- Discuss difficulties encountered during enforcement (i.e., use of weight capacities, identifying private passenger vehicles, complex zoning maps, etc.).

Staff seeks Council direction and feedback on the issues to be discussed.

## **Sec. 78-175. - Overnight parking of 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 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 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 from 12:00 a.m. (midnight) 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.

1. The types of vehicles identified as violations (i.e., privately owned work vehicles and take-home work vehicles) used and owned by residents, especially within the multi-family areas, are highly differentiated and it has been difficult to simply use the 1-ton (2,000 pound) capacity metric to guide enforcement decisions.
2. Adjacency language added during the ordinance revision is capturing commercial properties that border residential areas, placing those businesses vehicles in violation of the ordinance.
3. The Town's zoning maps are difficult for patrol personnel to clearly identify which areas are covered by the ordinance.
4. Over 60 residents and property owners have expressed frustration that the Town is prohibiting most work vehicles used and /or owned by residents.

# Key Policy Questions

Staff seeks direction regarding:

1. Whether Council is comfortable with the current definition of a commercial vehicle given the impacts to residents that own or use a work vehicle as their primary source of transportation?
2. Whether Council is comfortable with the adjacency language as written?

# Questions and Next Steps