

Clean Version

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 vehicles designed or operated primarily for commercial use within the residential areas of the city.

(a) The following definitions shall apply when used in this section:

(1) *Prohibited vehicle* means and shall include any of the following:

- (i) a box-truck, tow truck, dump-truck, concrete-mixing truck, road tractor, semi tractor, truck tractor, tractor trailer, semi-trailer, trailer, or similar vehicle;
- (ii) a recreational vehicle; or
- (iii) motor vehicle, truck, van, bus or similar vehicle which is more than twenty-five (25) feet in length, eight (8) feet in width or ten (10) feet in height.

(2) *Personal business vehicle* means a prohibited vehicle described in subsection (a)(1)(iii), above, that is regularly used as the sole or primary means of transportation by a resident within a residential area to commute to and from the person's place of employment.

(3) *Residential area* means any and all residential areas depicted on the restricted parking area map.

(4) *Restricted parking area map* means the official map depicting the residential areas to which this section is applicable, adopted by ordinance and on file with the chief of police.

(b) It shall be an offense for any person to park, stand, or store a prohibited vehicle upon any public or private street, highway, alley, driveway, parking lot, on- or off-street parking area, or other any property located within a residential area between the hours of 12:00 a.m. (midnight) and 6:00 a.m.

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

- (1) the prohibited vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise;
- (2) the prohibited vehicle is located on a public street, alley, or right-of-way and is temporarily disabled (not exceeding 48 hours) and protected by active flares or other approved signal device(s);
- (3) the prohibited vehicle is a personal business vehicle; or

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

(d) This section does not apply to a vehicle that is owned, leased, or being operated by a state, county, or local government.