

CURRENT SECTION 78-175 (as previously amended on January 11, 2022):

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.

NEW SECTION 78-175 (WITH MARKUP):

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 vehicles in and adjacent to use within the residential areas withinof the city.

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

~~(1) Commercial Prohibited 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 and shall include, but is not limited to, a any of the following:~~

~~(i) a box-truck-, tow truck, dump-truck, concrete-mixing truck, road tractor, road-semi tractor, semitrailer, bus, motor home, campertruck tractor, tractor trailer, special mobile equipment, truck, or semi-trailer-, trailer, or similar vehicle;~~

~~(ii) Private passenger recreational vehicle means a; 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 solely for private as the sole or primary means of transportation by a resident within a residential area to commute to and not used for the transportation of persons or property directly or indirectly in connection from the person's place of employment.~~

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

~~(2)(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 a business or for compensation the chief of police.~~

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

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

- (1) ~~(i)~~ the ~~commercial~~ prohibited vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise; ~~or~~
- (2) (ii) the commercial 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 ~~lawful~~ lawfully erected opaque structure.

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