CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 35R
Amend No. _____

Date prepared: June 1, 2009 **Council Meeting Date: July 7, 2009**

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney

SUBJECT: Ordinance amending Chapter 14 of the Peoria City Code pertaining to Commercial Vehicles

RECOMMENDATION: That the Mayor and Council adopt the ordinance amending Chapter 14 of the Peoria City Code (1992) pertaining to parking commercial vehicles in the rear yards of residential properties.

SUMMARY:

During the last year we have had issues with commercial vehicles being parked in the rear yards of residential properties. The Current City Code provision prohibits such parking unless the rear yard is screened by a wall at least six feet in height. The problem occurs that some commercial vehicles may exceed 10 feet in height and may be parked in close proximity to the fence.

The proposed code change would modify the code to provide that no commercial vehicles could be parked in the rear yards of residential properties. This would not apply to vehicles of employees of public service corporations, such as SRP/APS or Telecommunication Companies such as Cox, which are subject to provisions of state law.

Additionally, this would not apply to recreational vehicles, which could still be parked in the rear yard if a fence of six feet in height were in place. This ordinance is designed to address the concerns that have arisen and it is my recommendation to address those concerns that the Mayor and Council adopt the proposed ordinance to amend Chapter 14 of the Peoria City Code (1992) pertaining to commercial vehicles.

FISCAL NOTE: (If Applicable)

ATTACHMENT:
1. Proposed Ordinance 09-18A

ORDINANCE NO. 09-18A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-107 PERTAINING TO PARKING; MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES; SPECIAL PARKING PROVISIONS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-107 pertaining to Parking; motor vehicles used for commercial purposes; special parking provisions and which shall read as follows:

Sec. 14 107. Parking; motor vehicles used for commercial purposes; special parking provisions.

(a) It is unlawful to park a motor vehicle, utility trailer, hobby vehicle or any other trailer used for commercial purposes with any motor or engine operating for more than twenty (20) minutes in a twenty-four hour period commencing each day at 12:00 a.m., in any residential zoning district of the city, or within three hundred (300) feet of any occupied residence in a nonresidential area.

(b) Except as otherwise provided in this section, it is unlawful to park any motor vehicle used for commercial purposes upon any lot, parcel or property within the city, except on a lot with proper zoning and site plan approvals from the City for such parking.

(c) No person shall stand or park a vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds and exceeding a one (1) ton chassis rating, or a tractor, semi trailer, trailer, or bus on a street in a residential zone, or adjoining a residential zone, except during the process of loading or unloading such vehicle.

(d) No person shall stand or park a vehicle having both: (i) a gross vehicle weight rating in excess of ten thousand (10,000) pounds and (ii) exceeding a one (1) ton chassis rating, or a tractor, semi-trailer, trailer, or bus, on any real property within a residential zoning district within the City. Notwithstanding the above, recreational vehicles may not be parked on a real property within a residential zoning district within the City, except during the process of loading or unloading the recreational vehicle, or unless parked or placed within a side or rear yard that shall be screened by a minimum

six foot high block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with the provisions of the zoning ordinance.

(e) It shall be unlawful to park or stand a commercial vehicle for the purposes or retail sales of food for human consumption from the vehicle on any parcel without permission of the property owner or person in lawful possession of such property or on any lot designated as a Park and Ride Lot by the City for use by the operators of motor vehicles as a parking area to facilitate car pooling and/or use of mass transit systems.

(f) Notwithstanding the provisions of subsection (d) of this section, vehicles driven by employees of a public service corporation as defined in Title 40, Arizona Revised Statutes, a telecommunications provider as defined in Title 9, Arizona Revised Statutes, a cable communications provider as defined in this code or a special taxing district organized under Title 48, Arizona Revised Statutes or a political subdivision of this state may be parked on any real property within a residential zoning district.

(g) Violation of this section shall constitute a civil traffic violation and the violator shall be subject to a civil sanction.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 7th day of July, 2009.

Dated:_____ _____

Bob Barrett, Mayor

ATTEST:

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Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Published in Peoria Times Publication Dates: July 10 and July 17, 2009

Effective Date: _____