

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

cc: MR
Amend No. _____

Date prepared: October 6, 2009 Council Meeting Date: October 20, 2009

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney 

SUBJECT: Amendments to Chapter 14 of the Peoria City Code(1992)

RECOMMENDATION: That the Mayor and Council adopt the amendment to Chapter 14 of the Peoria City Code(1992) prohibiting the parking of Tractors, Tractor trailers on residential property.

SUMMARY:

Earlier this year, the Council held a study session on the parking of commercial vehicles on residential lots in the City. While the Council expressed a number of differing opinions on this issue, the Council agreed that the Code needed to prohibit the parking of Tractors and Tractor Trailers on residential property in the City.

Tractors and Tractor trailers are defined terms under the Arizona Motor Vehicles Law. This is referring to vehicles commonly known as "Semis". These are vehicles with a separate trailer pulled by a tractor. These are not commercial panel vehicles such as tool trucks, vendor trucks and rental trucks. The proposed ordinance would only apply to "tractors and their trailers.

Under our current code, a tractor and trailer could not be parked on a residential street, but could be parked on a residential property. The proposed amendment cures this conflict and makes the code consistent regarding these vehicles.

Should this ordinance be passed, the staff will continue to evaluate approaches to deal with the conflict between residences and parking of commercial vehicles.

FISCAL NOTE: (If Applicable)

ATTACHMENT:

Proposed Ordinance

ORD. 09-183

ORDINANCE NO. 09-18B

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 OF COMMERCIAL VEHICLES 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 14-107 pertaining to 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, tractor trailer, or bus, on any real property within a residential zoning district within the City, except during the process of loading or unloading the 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) 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 or (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, except during the process of loading or unloading the 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.

(f) 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.

(g) Notwithstanding the provisions of subsection (e) 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.

(h) Violation of this section shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not less than one hundred and fifty (\$150.00) dollars.

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 20th day of October, 2009.

Dated: _____

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in Peoria Times

Publication Dates: October 23 and October 30, 2009

Effective Date: _____