

CHAPTER 99: OUTSIDE PARKING OF VEHICLES; DISPLAY OF VEHICLES FOR SALE

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§ 99.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. All structures other than the principal structure.

BOULEVARD. The portion of a street or road right-of-way which is adjacent to the portion of the street or road right-of-way which is improved for travel or for parking beside the portion of the road or street used for travel.

DRIVEWAY. The portion of a lot or parcel of real estate which is designed and surfaced for vehicular traffic or storage, has its beginning at the street, road or alley and terminates at a building or garage or at a point where a building, other than a residence or garage, could be located. For commercial buildings, churches, schools, places of public gathering and multi-unit residential structures, the term **DRIVEWAY** may also mean the entrance from the street, road or alley into an area designed for parking vehicles.

OUTSIDE PARKING. Storage of a vehicle or parking of a vehicle other than in a fully enclosed storage structure.

OUTSIDE STORAGE. Keeping any goods, materials, merchandise or products in an unenclosed and unroofed area.

PARKING AREA. An area utilized for or intended to be utilized for parking space and covered with a surfacing material.

PRINCIPAL STRUCTURE. The residence if a residence is located on the property. If there is no residence, the **PRINCIPAL STRUCTURE** shall be the largest building on the property. If more than one building on a property is equal in size to the largest building, then any building may be the **PRINCIPAL STRUCTURE**. Which structure is the principal structure shall be determined at the sole discretion of the representative of the city enforcing this chapter.

SURFACING MATERIAL. Durable asphalt, concrete, brick or other permanent equal, installed in an adequate depth and manner to reliably bear the intended loadings. Within the limitations set forth at § 99.02(N), gravel and other material is also included in the definition of **SURFACING MATERIAL**.

VEHICLE or VEHICLES. Equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Included shall be, by way of example and not limitation, automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all-terrain vehicles, motor homes, pick-up campers, buses and camping trailers.

YARD. An open space other than a courtyard on a lot or parcel of real estate unoccupied and unobstructed from the ground upward.

YARD, FRONT. The area extended across the full width of the property and between the front property line and the nearest exterior wall of the principal structure located on the subject property.

YARD, REAR. The area extended across the full width of the subject property and between the rear property line and the nearest exterior wall of the accessory and principal structures located on the subject property.

YARD, SIDE. The area which extends from the front yard to the rear yard of the subject property and lies between the side lot line and the nearest wall of any accessory or principal structure which is located on the subject property.

(B) If any other provision of this code defines a term and the definition is in conflict with the definition of the term as contained in this section, the definition most favorable to the city shall control. (Ord. 966, passed 5-24-04)

§ 99.02 OFF-STREET PARKING WITHIN RESIDENTIAL DISTRICTS.

(A) Vehicle parking shall be accessory to the permitted primary use of the property. Vehicles parked on a property must be owned or leased by a resident of the property and, unless otherwise provided, must be currently registered and operable. A vehicle which is provided to a resident of the property by an employer for the resident's personal use shall be considered a vehicle owned by the resident for the purpose of this chapter.

(B) It is permissible for visitors to park at a residence.

(C) Students who are away at school for periods of time but still claim the property as their legal residence shall be considered residents of the property.

(D) Any motor truck, pick-up truck or similar vehicle being utilized by a public or private utility, moving company or similar business, which is actually being used to service a residence not owned by or occupied by the operator of the vehicle.

(E) Any vehicle which is actually making a pick-up or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pick-up or delivery or in excess of two hours shall be unlawful.

(F) A vehicle shall not be parked in any portion of the front yard unless the vehicle is parked on a driveway or on a parking area directly adjacent to the side of the driveway. The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the Zoning Code.

(G) Except in the case of recreational vehicles, if one vehicle is located on a trailer, the vehicle and the trailer on which it is located shall be considered one vehicle. If more than one vehicle is located on a trailer, each vehicle in excess of one shall be considered an additional vehicle. All vehicles must be operable and currently registered. If required to be registered, the trailer must be registered. The trailer must also be fit for its intended use.

(H) If two recreational vehicles are located on a trailer, the vehicles and the trailer on which it is located shall be considered one vehicle. If more than two such vehicles are located on a trailer each such vehicle in excess of two shall be considered an additional vehicle. If registration is required, all of the vehicles must be operable and currently registered. If required to be registered, the trailer must be registered. The trailer must also be fit for its intended use.

(I) No vehicle shall be parked upon any boulevard except as provided in § 99.06.

(J) (1) The number of vehicles which may be parked in a rear yard shall be limited as follows:

(a) Currently registered and operable passenger vehicles may be parked in the rear yard.

(b) In addition to currently registered passenger vehicles, two recreational vehicles may be parked in the rear yard. If a recreational vehicle is of a type which is required to be registered, it must be currently registered.

(2) If there is no reasonable access to a rear yard parking area, two recreational vehicles may be parked on a parking area in a side yard or on a driveway in a front yard. Parking of a recreational vehicle in a front yard shall be restricted as provided in division (F). If a recreational vehicle is of a type which is required to be registered it must be currently registered and operable. One currently registered and operable passenger vehicle may be parked on the side yard.

(3) If a rear yard is served by an alley or the lot or parcel of real estate on which the rear yard is located is served by a street, road or alley at two locations it shall be considered to have reasonable access.

(K) A recreational vehicle which is parked shall not be occupied nor be provided with separate utility hook-ups.

(L) All parking spaces, regardless of whether located in a front yard, side yard or rear yard and access drives thereto shall be surfaced as provided in this chapter.

(M) Before a driveway or parking space in a front yard, rear yard or side yard is surfaced, a site plan must be prepared. The site plan must be approved in accordance with the provisions of the Zoning Code. The lot must be developed in conformance with the approval of the appropriate official within one year from the date of adoption of this chapter.

(N) In a rear yard or side yard, gravel, crushed rock, recycled asphalt or concrete pavement, stones or timber or other durable materials may be used provided they are installed and maintained in a manner to reliably bear the intended loadings and to prevent rutting, erosion and tracking of soils. Existing soils may be maintained as a surfacing material for parking or storage of vehicles other than cars, trucks, vans or motor homes provided that rutting, erosion, tracking of the soil or loss of vegetation does not occur as a result of such parking or storage.

(O) In a front yard, a driveway shall be surfaced with either concrete paving, durable asphalt paving, brick or other permanent equal material installed to a depth and in a manner adequate to bear intended loadings. A driveway which is not surfaced with either concrete paving, durable asphalt paving, bricks or other permanent equal material installed to a depth and in a manner adequate to bear intended loadings as of the effective date of this chapter may remain in the condition in which it is as of the effective date of the chapter until the driveway is rebuilt or resurfaced provided the surfacing material is not causing erosion or tracking of soils.

(Ord. 966, passed 5-24-04) Penalty, see § 10.99

§ 99.03 VEHICLES DISPLAYED FOR SALE IN A RESIDENTIAL AREA.

(A) In a residential area, no person shall park more than one vehicle displaying a "for sale" or exchange sign or notice on a public street or road.

(B) No more than one vehicle shall be permitted to be displayed for sale or exchange per property street address regardless of the number of persons who reside at the property street address. For the purpose of this section, a dwelling which contains more than one residential unit will be treated as one property street address.

(C) A vehicle displayed for sale must be currently registered to the person displaying the vehicle for sale or owned by the person displaying the vehicle for sale or exchange.

(D) A vehicle displayed for sale or exchange must have current registration if the vehicle is of a type which is required to be registered and must be operable.

(E) A vehicle displayed for sale or exchange must have a legibly printed sign, at least six inches by eight inches in size, which contains the telephone number of the person to whom the vehicle is registered or of the person who owns the vehicle. The sign shall be displayed on the driver's side of the rear window of an automobile or pick-up truck. On other vehicles, the sign shall be displayed on the side or rear of the vehicle which is closest to the traveled portion of the street or road. If a vehicle is of a type which is not registered, the person whose telephone number appears in the notice shall provide proof of ownership upon request by any enforcement officer. The person to whom a vehicle is registered or who owns a vehicle displayed on the street for sale must reside at the address of the residence in front of which the vehicle is displayed for sale.

(F) A vehicle displayed for sale or exchange in the parking portion of a street or road right-of-way can be displayed only in the parking portion of a street or road right-of-way which provides on-street parking for the address shown on the notice for which provision is made in division (E).

(G) A vehicle which is being displayed for sale or exchange must be parked in full compliance with all other provisions of this chapter and this code.
(Ord. 966, passed 5-24-04) Penalty, see § 10.99

§ 99.04 OUTSIDE PARKING IN NONRESIDENTIAL DISTRICTS.

(A) In all commercial, industrial, business and transitional zoning districts, all motor vehicles, agriculture and industrial equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and streets, except for the following:

(1) Motor vehicles bearing current registration licenses and operable, provided the vehicles are necessary for the operation of the business;

(2) Licensed or unlicensed motor vehicles, agriculture or industrial equipment held for sale, distribution, repair or rent by authorized dealers or businesses; and

(3) Licensed or unlicensed motor vehicles, agriculture or industrial equipment used to obtain parts for repair of a customer's motor vehicle, agriculture or industrial equipment, provided that such equipment and/or motor vehicles are removed within 30 days after acquisition by authorized dealers and businesses.

(B) Except as provided in § 99.06, upon adoption of this chapter the parking of motor vehicles, agriculture and industrial equipment upon the public right-of-way shall be prohibited.
(Ord. 966, passed 5-24-04) Penalty, see § 10.99

§ 99.05 CONFLICTS WITH CHAPTER 97.

If a provision of this chapter is in conflict with a provision of Chapter 97, the provision contained in Chapter 97 shall prevail.

(Ord. 966, passed 5-24-04)

§ 99.06 EXCEPTIONS FOR PRESENT USES.

As of the effective date of this chapter, there are several commercial establishments, former commercial establishments and residential properties which have, prior to the date of this chapter, been permitted to utilize the boulevard for parking. Provided the portion of the boulevard used by such establishments for parking is, as of the effective date of this chapter, paved with concrete or bituminous, such use shall be permitted to continue as the use exists on the effective date of this chapter. Nothing in this section shall be considered to grant to any user a property interest in the boulevard. The permitted parking on the boulevard will be required to cease when that portion of a boulevard or curbing is removed as a result of a street, drainage or utility improvement. The responsibility to maintain the portion of the boulevard used shall be that of the user. Premises liability insurance, in an amount reasonable for the risk imposed by the use of the boulevard, shall be provided by the user and the city shall be a named insured on the policy. Proof of such insurance shall be provided to the city.

(Ord. 966, passed 5-24-04) Penalty, see § 10.99

§ 99.07 PROCEDURE ON VIOLATION.

(A) A violation of any provision of this chapter shall be a misdemeanor and punishable in accordance with the provisions of § 10.99. From and after the date a notice of violation has been served, each 24-hour period or part thereof during which a violation is permitted to exist shall be a separate misdemeanor.

(B) Violation of the provisions of this chapter shall be deemed to cause a public nuisance and the nuisance may be abated in accordance with the provisions of Chapter 92.

(Ord. 966, passed 5-24-04) Penalty, see § 10.99