



AGENDA ITEM MEMORANDUM

City Council
AGENDA ITEM:
March 4, 2019

K-2
3/4/19

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: MARK A. KUTNEY, CITY MANAGER *Mark A. Kutney*
FROM: BECKY VOSE, CITY ATTORNEY
SUBJECT: ORDINANCE No. 901 AMENDING THE EXISTING ORDINANCE
RELATING TO PARKING OF COMMERCIAL VEHICLES

DATE: February 21, 2019

GENERAL SUMMARY/BACKGROUND:

At a recent City Council meeting the subject was raised about parking of commercial vehicles, particularly large commercial vehicles such as tractor-trailers, and semi-trailers in the City of Brooksville. The City Planner and City Attorney worked together to make revisions to the city's current code provisions regarding parking of commercial vehicles. Ambiguities in the current code were corrected and the applicability of the restrictions was extended to cover the entire city, rather than being limited to the "original" Town of Brooksville.

BUDGET STATEMENT:

This ordinance would have no budgetary impact.

Reviewed by Finance Department: *JS*

LEGAL REVIEW:

The City Attorney had reviewed and approved the revisions to this ordinance.

Reviewed by City Attorney: *Becky Vose*

STAFF RECOMMENDATION: Approve the **First Reading** of Ordinance Number 901 and schedule the **Second and Final Reading** for March 18, 2019.

Attachment: Draft Ordinance No. 901

ORDINANCE NO. 901

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING CHAPTER 82, "TRAFFIC AND VEHICLES," ARTICLE II, "PARKING," SECTION 82-32, "DEFINITIONS," SECTION 82-35, "PARKING OF TRUCKS" AND SECTION 82-36, "PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL AREAS; EXCEPTIONS" OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, TO EXTEND THE AREA WHERE OVERNIGHT PARKING OF CERTAIN TRUCKS IS PROHIBITED; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

SECTION 1. CODIFICATION. Chapter 82, "Traffic and Vehicles," Article II, "Parking," Section 82-32, "Definitions," Section 82-35, "Parking of Trucks" and Section 82-36, "Parking of Commercial Vehicles; Exceptions" of the Code of Ordinances of the City of Brooksville are hereby amended to read as follows:

Sec. 82-32. – Definitions.

Commercial ~~motor~~ vehicle shall means any self-propelled or towed vehicle ~~used on the public highways in commerce to transport passengers or cargo~~ utilized for commercial purposes, or designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used, if such vehicle:

- (1) Has a gross vehicle weight rating of 10,000 pounds or more;
- (2) Is designed to transport more than 15 passengers, including the driver;
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 USC 1801 et seq.).

The term does not include automobiles, private pickup trucks, and private vans.

Semi-trailer shall mean a truck trailer supported at the rear by its own wheels and at the front by a fifth wheel mounted to a tractor or a dolly.

Tractor shall mean a truck designed primarily to pull a semi-trailer by means of a fifth wheel mounted over the rear axle.

Tractor-trailer shall mean a tractor and semi-trailer combination.

Sec. 82-35. - Parking of trucks.

(a) It shall be unlawful to park or stand any tractor, tractor-trailer or semitrailer, ~~which has a manufacturer's rated load capacity in excess of 1½ tons at any time,~~ in any area, including the public streets and rights-of-way and private property, within the city that is zoned residential. The parking of such ~~trucks~~ tractors, or tractor-trailers and semi-trailers in residential zones is declared to be a public nuisance. This prohibition shall not apply to any ~~truck~~ tractor-trailers that ~~is~~ are temporarily loading or unloading.

(b) Except as provided in subsection (c), Section 82-36 or as may be permitted by the City's zoning regulations, ~~No~~ person shall park or stand any tractor, tractor-trailer or truck semi-trailer ~~which has a manufacturer's rated load capacity in excess of 1½ tons,~~ overnight, in any area, including the public rights-of-way and private property within ~~and part of that area which is designated as the original Town of Brooksville per plat book 3, pages 1 and 2~~ the city limits of Brooksville.

(c) This section shall not apply to any vehicles parked in garages, at service stations, repair shops, motel parking lots, vehicle sales and rental lots, storage and parking areas of public utility facilities, ~~storage and parking areas used in connection with and located adjacent to existing light industrial facilities,~~ vehicles parked at a business that are associated with the business and publicly owned facilities.

Sec. 82-36. - Parking of commercial vehicles in residential areas; exceptions.

(a) No person shall park, or cause to be parked, or allowed to have parked, whether on private property or upon the public right-of-way, in any residentially zoned area of the city, more than one commercial vehicle for each residential dwelling owned or occupied by such person. Such commercial vehicle ~~may shall not have a manufacturer's rated load capacity more than 1½ tons in weight~~ be a tractor, tractor-trailer, semi-trailer or vehicle used to transport hazardous materials. No person shall park a commercial vehicle in any residentially zoned area of the city unless such person owns or occupies the residential dwelling at which the vehicle is parked.

(b) There shall be excepted from the provisions of subsection (a) of this section:

- (1) Any emergency vehicle or vehicle necessary for service by any public utility.
- (2) Commercial vehicles necessary for service to any dwelling, during the time such service is actually being performed.
- (3) Any commercial vehicle of any size which is parked in a closed garage.

SECTION 2. CONFLICTS. All ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. Should this Ordinance contain provisions herein that are in conflict with any laws, rules, or regulations of higher authority, or be declared null and/or void of constitutional authority by courts of competent jurisdiction, such provisions so declared shall stand severed herewith and in which case all remaining provisions of this Ordinance not so declared, shall stand and continue in effect and shall take effect upon passage and will remain in force until superseded, supplemented, amended, repealed or otherwise altered.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE

Ordinance No. 90I

Attest: _____
Jennifer J. Battista, CMC
City Clerk

By: _____
William Kemerer
Mayor

PASSED on First Reading:
FIRST NOTICE published on:
SECOND NOTICE published on:
PASSED on Second and Final Reading:

APPROVED AS TO FORM FOR THE RELIANCE OF
THE CITY OF BROOKSVILLE ONLY:

Vose Law Firm, LLP
City Attorney

VOTE OF COUNCIL:

Bernardini	_____
Battista	_____
Brayton	_____
Erhard	_____
Mayor Kemerer	_____