



# City Council Agenda Item Report

March 5, 2013

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**SUBJECT: Deliberation and possible action on an ordinance prohibiting overnight parking of commercial motor vehicles and campers upon private property.**

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**1. BACKGROUND/HISTORY**

The City Council requested staff prepare an ordinance to address issues with commercial vehicles & trailers being left unattended on private property. The City Council indicated a specific desire for an ordinance that allows for enforcement action against drivers and vehicle/trailer owners rather than just the property owners given the additional steps required to pursue such issues under trespass statutes. This request was primarily in response to trucks and trailers being left overnight unattended behind Cabela's.

**2. FINDINGS/CURRENT ACTIVITY**

The attached ordinance has been developed by Erin Higginbotham (City Prosecutor), Bo Kidd (Chief of Police) and Chance Sparks (Director of Planning) to address ongoing concerns about misuse of private commercial parking lots. It was prepared after examining several similar ordinances within the state as well as out-of-state, with the goal being to develop an ordinance that would be simple to implement from an enforcement perspective while also providing sufficient standards for prosecution (rather than a 'bluff' ordinance with limited enforceability).

Specifically, the proposed ordinance prohibits commercial vehicles and trailers from being left unattended between 9am and 9pm. Under this scenario, trucks would still be able to take Federally-required rest behind the Cabela's provided that they did not leave vehicles unattended, but it would put a stop to businesses treating it as a freight transportation service depot—leaving trailers and trucks unattended for extended periods overnight. In addition, it establishes a penalty not to exceed \$500, which should serve as a deterrent.

**3. FINANCIAL IMPACT**

N/A

**4. ACTION OPTIONS/RECOMMENDATION**

City Council may discuss and take action to approve the ordinance, approve with revisions specified, table action pending revisions, or take no action.

**5. ATTACHMENTS**

Draft Ordinance