



City of Grand Island

Tuesday, July 26, 2005

Council Session

Item F7

#8992 - Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreation Vehicles and Parking Busses in Yards

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: July 26, 2005

Subject: Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreational Vehicles and Parking Buses in Yards

Item #'s: F-7

Presenter(s): Douglas R. Walker, City Attorney

Background

Sections 22-141.1 and 22-143 are both being recommended for amendments so that the zoning code section to which they reference will be accurate for the new zoning ordinance. In regard to code section 22-141.2, this is a code section being proposed to deal with problems of individuals parking buses on residential properties.

Discussion

City staff is recommending that Sections 22-141 and 22-143 of the code be amended so that an accurate reference to the city's zoning ordinance is reflected. Section 22-141.2 is written to prohibit parking of buses as defined in Section 22-1 of the City Code in the back yard, front yard or side yard of any residence. This ordinance is being proposed so that the city will be able to deal with situations where residential property owners are parking buses in their yard which creates nuisance issues in residential neighborhoods.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the ordinance.
2. Choose not to pass the ordinance.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council move to approve the ordinance.

Sample Motion

Motion to suspend the rule for three separate and move for final passage of the ordinance.

ORDINANCE NO. 8992

An ordinance to amend Chapter 22 of the Grand Island City Code; to amend Section 22-124 pertaining to definitions for Recreation Vehicle; to amend Section 22-140 to correct the reference to a city code section; to amend Section 22-141 to correct the reference to a city code section; to add Section 22-141.2 pertaining to parking busses in yards; to amend Section 22-143 to correct the reference to a city code section; to repeal Sections 22-124, 22-140, 22-141, and 22-143 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 22-124 of the Grand Island City Code is hereby amended to read as follows:

§22-124. Definitions

For the purposes of this article, Recreational Vehicle is defined as, and shall include, the following:

Boat Trailer. A vehicular structure without its own motive power designed to transport a recreational vacation use, which is eligible to be licensed or registered and insured for highway use;

Camper Trailer. A folding or collapsible vehicle structure without its own motive power, designed as temporary living quarters for travel, camping, recreation and vacation use, and eligible to be licensed or registered and insured for highway use;

Horse Trailer. A vehicular structure without its own motive power not exceeding twenty feet in length, eight feet in width, and ten and one-half feet in height, designed primarily for the transportation of horses, and which, in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use;

Motor Home. A vehicular unit primarily designed to provide temporary living quarters which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van, containing permanently installed independent life-support systems that meet the state standard for recreational vehicles and providing at least four of the following facilities: cooking; refrigeration or ice box self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink; separate one-hundred-twenty-nominal-volt electrical power supply; or LP gas supply; A vehicular unit built on, or as a part of, a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or traveling use, and which is eligible to be licensed or registered and insured for highway use;

Recreational Vessel. A term applying to all manner of water craft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, and which is designed primarily for recreational or vacation uses. A recreational vessel, when mounted upon a boat trailer, and its towing recreational vehicle, when parked or stored in the side or rear yard or behind the required front yard, shall be considered one unit, exclusive of its towing recreational vehicle.

Travel Trailer. A rigid vehicular structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation or vacation use, and eligible to be licensed or registered and insured for highway use, and which when equipped for the road, has a body width of not more than eight feet;

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Truck Camper. A portable structure, without its own motive power, designed to be transported on a powered vehicle as a temporary dwelling for travel, camping, recreation or vacation use, and which, in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use;

Utility Trailer. A vehicular structure without its own motive power not exceeding twenty feet in length, eight feet in width, and ten and one-half feet in height, designed and/or used primarily for the transportation of all manner of motor vehicles, goods or materials, and eligible to be licensed or registered and insured for highway use.

SECTION 2. Section 22-140 of the Grand Island City Code is hereby amended to read as follows:

§22-140. Definitions

For the purpose of this Article, off-street parking shall be that as defined in §36-8 ~~36-48~~ of this Code and any vehicles parked on such off-street parking spaces.

SECTION 3. Section 22-141 of the Grand Island City Code is hereby amended to read as follows:

§22-141. Violations; Penalty; Persons Responsible

(1) It shall be unlawful for any owner, lessee or bailee or person to park a motor vehicle in a non-conforming off-street parking space as defined in § 36-96 and 36-97. ~~36-48.~~

(2) If the identity of the person who parked the vehicle in violation of this Article cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this Article.

(3) All violations of this Section shall be enforced by the Parking Violations Bureau and the provisions of Sections 22-101 through 22-104, inclusive.

SECTION 4. Section 22-141.2 is hereby added to Chapter 22 of the Grand Island City Code to read as follows:

§22-141.2. Parking Busses in Yards

It shall be unlawful for anyone to park a bus (as defined in §22-1), in the back yard, front yard or side yard of any residence (as defined in §36-8) in any zone of the City of Grand Island or its extraterritorial zoning jurisdiction.

SECTION 5. Section 22-143 of the Grand Island City Code is hereby amended to read as follows:

§22-143. Non-Conforming Off-Street Parking; Public Nuisance

It shall be unlawful and hereby declared a public nuisance to allow off-street parking in non-conforming areas, as described in § 36-96 and 36-97 ~~36-48~~ or to allow to remain on any property within the City such vehicles in non-conforming areas.

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SECTION 6. Sections 22-124, 22-140, 22-141, and 22-143 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 7. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 8. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 26, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk