



MEMORANDUM

To: **Mayor and City Council**

Through: Douglas G. Faseler, City Manager

From: Andy Quittner, City Attorney *AQ*

Date: March 28, 2016

Re: Ordinance changing penalty for violation of the no large truck parking in residential neighborhoods

After the City Council passed changes to the truck route and parking ordinance, the Police Department noticed that a provision in the Code of Ordinances set the fine for violations at \$5.00. It would be difficult to promote effective enforcement with a fine set this low. Additionally, in the cases where the City had to send certified mail to the violator, it would cost the City more than it would take in through the fine.

To maximize flexibility, City staff recommends changing the wording so that the penalty refers to the standard penalties found in Section 1-14 of the Code of Ordinances. This allows maximum flexibility allowing the Court to use the full range of available fines to match the violation being considered.

The Ordinance before Council also clarifies the parking restrictions by making it clear that a "truck" is defined by the new definition (more than 2 rear axles) adopted in March.

The Ordinance also restricts large truck parking on private property. This would mean that persons driving tractor-trailer trucks would not be able to park their vehicles at their residence, if the residence is located on a residential city street, except lots designated ag-ranch, rural residential and suburban residential. Part of the reason for this is that a citation cannot be issued for driving down a street when the truck is parked (even though police know that had to happen in order to get to the property). Please note that RV's and boats are excluded from the parking prohibition.