

Revisions to Current Unpaved Surfaces Ordinance

Background

This Ordinance was initially discussed during the Governing Body meeting held on June 7, 2018. No action was taken on the Ordinance at that time. Council Member Clear and City Manager Trout requested that this Ordinance be submitted for additional discussion during the Governing Body meeting scheduled for September 17, 2019.

Revisions (in a Nutshell)

Chapter 2.110

"Municipal Court" (Sections 2.110.130 and 2.110.210)

--No substantive revisions were made to the definitions.

--Both Law Enforcement Officers and Property Maintenance Inspectors will have the ability to enforce the ordinance – although the City Manager has expressed his desire that Law Enforcement Officers take the lead on enforcement efforts, with Property Maintenance Inspectors serving in a secondary role.

Chapter 10.60

"Stopping, Standing and Parking" (Section 2.60.120)

--No substantive revisions were made to most definitions.

--Both Law Enforcement Officers and Property Maintenance Inspectors will have the ability to enforce the ordinance – although the City Manager has expressed his desire that Law Enforcement Officers take the lead on enforcement efforts, with Property Maintenance Inspectors serving in a secondary role.

--Title of Section 10.60.120 changed from "Parking of Vehicles on Nonpaved Surfaces" to "Parking of Vehicles on Residential Property" -- Restrictions apply to an owner of real property who allows parking of vehicles on residential property.

--Revisions to previous definition of "Paved area" made to clarify that restrictions set out in Section 2.60.120 will not apply if vehicle parked on a "Paved or graveled area."

- an area comprised of a solid, permanent sealed surface constructed of asphalt, concrete, stone, brick or other similar impermeable material of sufficient dimension to accommodate the entire vehicle or machinery; with no overhang onto dirt or grass; or
- an area comprised of a loose aggregation of rock fragments (e.g. gravel):
 - (i) thick enough to prevent grass, weeds and dirt from permeating or penetrating through (there can be no visible vegetation or debris) and
 - (ii) of sufficient dimension to accommodate the entire vehicle or machinery; with no overhang onto dirt or grass.

--New definition for "driveway" added to clarify that driveways are exempt from complying with Section 2.60.120.

--Having a disabled parking plate/placard on, or in, a vehicle will not exempt a property owner from complying with Section 2.60.120.

September 17, 2019

Revisions (referenced by Specific Page and Line Numbers)

Chapter 2.110 ***"Municipal Court"***

Section 2.110.130, entitled "Definitions."

The definitions are not currently in alphabetical order in the existing code provisions. Staff suggests that the following definitions be placed in alphabetical order, *with no substantive revisions*:

- "Accused person" in Lines 16-19;
- "Appearance bond" in Lines 14-16 and 19-21;
- "Ordinance cigarette or tobacco infraction" in Lines 55-57 and 64-66;
- "Subpoena" in lines 53-54 and 67-68; or
- "Warrant" in lines 61-63 and 69-71.

The City Manager is recommending that TPD take point on enforcement of the ordinance and that the definitions of "Complaint" and "Law enforcement officer" retain the reference to "property maintenance inspector" (Lines 35-36 and 48-49) in order to provide future flexibility in enforcement.

Section 2.110.210, entitled "Notice to appear – Service – Return."

The City Manager is recommending that TPD take point on enforcement of the ordinance and is further recommending that the references to "property maintenance inspector" be retained (Lines 81-82 and 86-87) in order to provide future flexibility in enforcement.

Chapter 10.60 ***"Stopping, Standing and Parking"***

Section 10.60.120, entitled "Parking of vehicles on nonpaved surfaces."

Staff suggests that *the title of Section 10.60.120*, currently "Parking of Vehicles on Nonpaved Surfaces," *be amended* as noted in Line 100 to ***"Parking of Vehicles on Residential Property"*** and that the five subsections, (a) through (e), be repealed and replaced for purposes of clarity.

TMC 10.60.120(a) – "Definitions"

"Definitions" are contained in subsection (c) of the existing code provision, but are now contained in subsection (a) of the proposed ordinance. You may compare the definition of "Park" (Lines 113-115) with "Park" or "parking" (Lines 130-132) and "Vehicle or machinery" (Lines 116-120 and 141-145) – however, there are no substantive differences.

The proposed ordinance contains a definition for "Paved or graveled area" (Lines 133-140). The restrictions set out in the proposed ordinance will not apply if the area used for parking is a "Paved or graveled area" with no overhang onto dirt or grass pursuant to the proposed definition:

“Paved or graveled area” means: (i) an area comprised of a solid, permanent sealed surface constructed of asphalt, concrete, stone, brick or other similar impermeable material of sufficient dimension to accommodate the entire vehicle or machinery; with no overhang onto dirt or grass; or (ii) [an unpaved surface.] an area comprised of a [Gravel,] loose aggregation[e] of rock fragments (e.g. gravel):

- thick enough to prevent grass, weeds and dirt from permeating or penetrating through (there can be no visible vegetation or debris); and
- of sufficient dimension to accommodate the entire vehicle or machinery; with no overhang onto dirt or grass [or other similar material shall not be considered paved].

“Driveway” is a new definition added to the proposed ordinance (Lines 128-129). Driveways are exempt from the restrictions set out in the proposed ordinance (Lines 150-151).

TMC 10.60.120(b) – “Prohibitions - Enforcement - Waiver”

The language contained in subsection (b)(1) through (4) (Lines 146-163) of the proposed ordinance is contained in subsections (a), (b), (d) and (e) of the existing code provision (Lines 101-111 and 121-125).

- The restrictions set out in the proposed language in 10.60.120(b)(1) (Lines 147-151) pertain to *an owner of real property* (Line 147) who allows parking of vehicles on residential property; while the restrictions set out in existing 10.60.120(a) (Lines 101-104) pertain to *any person* (Line 101) who allowed parking of vehicles on *nonpaved surfaces*.
- The proposed language in 10.60.120(b)(2) (Lines 152-155) would remove the exemption contained in existing 10.60.120(b) (Lines 105-111). More specifically, having a disabled parking plate/placard on or in a vehicle will not exempt a property owner from complying with Chapter 10.60.120.
- There are no substantive differences between the proposed language in 10.60.120(b)(3) (Lines 156-159) and existing 10.60.120(d) (Lines 121-122) other than adding a reference to the underlying authority for property maintenance inspectors to issue citations (Lines 156-159) for the purpose of avoiding any confusion with the definitions of “Complaint” and “Law enforcement officer” (Lines 33-38 and 42-49).
- There are no substantive differences between the proposed language in 10.60.120(b)(4) (Lines 160-163) and existing 10.60.120(e) (Lines 123-125) other than changing two references made to “city council” to “governing body” and changing the reference made to “community” events to “special” events.

Section 5 of the proposed ordinance contains an effective date of March 1, 2020 (Line 166).