



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** August 13, 2013

From: Jim Andersen, Manager **Item No:** 17
Code Enforcement Department

Subject: COMMERCIAL VEHICLE PARKING DISCUSSION

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Provide direction to staff.

SUMMARY:

A recent Code Enforcement case has brought forward a concern where the current definition in the Municipal Code for a commercial vehicle is not consistent with past Council direction and staff's enforcement of commercial vehicle parking in the Town.

Staff is seeking direction from the Town Council to identify what is considered a commercial vehicle for the purposes of prohibited parking in residential areas in Town. If appropriate staff will then bring back an amendment to the Municipal Code to ensure the definition of a commercial vehicle matches the Town Council's direction. The ordinance for commercial vehicle parking was last reviewed by the Town Council in May of 2001.

Current Definition in the commercial vehicle parking section:

12.38.10 Definitions (a) "Commercial vehicle" means any vehicle having a manufacturer's Gross Vehicle Weight (GVWR) rating exceeding ten thousand (10,000) pounds. Vehicles registered as recreational vehicles that are utilized for the resident's personal use only, and not utilized for commercial gain, are not "commercial vehicles" for purposes of this section regardless of gross vehicle weight rating.

FISCAL IMPACT: None

BACKGROUND:































The commercial vehicle parking requirements have been modified a few times over the years. Prior to 1997 a resident could have one commercial vehicle parked on a .4 acre lot and two commercial vehicles parked on a 1 acre lot.

In 1997 the code was changed to prohibit commercial vehicles on .4 acre lots. One commercial vehicle was allowed on 1 acre lots and two commercial vehicles were allowed on 2 ½ acre lots. The commercial vehicle parking permit system was put in place.

In 2001 the code was again modified. Commercial vehicle parking was prohibited in all residential districts except in R-A, R-LD and R-VLD and with lot sizes of 2 ½ acres or larger.

Any commercial vehicle that had a commercial vehicle parking permit was exempted from the new standards. Many commercial vehicles today still legally park on ½ and 1 acre lots because they have a commercial vehicle parking permit issued between 1997 and 2001.

Staff's understanding of past Council direction and current practice of enforcement since at least 2001 has been to define a commercial vehicle as a semi tractor trailer combination, a semi truck (bobtail) or a semi trailer. It has not been the practice of staff to enforce the regulation to the strict letter of the law where every vehicle over 10,000 pounds GVWR would be in violation of the code.

Class 1 - 6,000 & Less			
 Minivan	 Cargo Van	 SUV	 Pickup Truck
Class 2 - 6,001 to 10,000			
 Minivan	 Cargo Van	 Full-Size Pickup	 Step Van
Class 3 - 10,001 to 14,000			
 Walk-in	 Box Truck	 City Delivery	 Heavy-Duty Pickup
Class 4 - 14,001 to 16,000			
 Large Walk-in	 Box Truck	 City Delivery	
Class 5 - 16,001 to 19,500			
 Bucket Truck	 Large Walk-in	 City Delivery	
Class 6 - 19,501 to 26,000			
 Deverage Truck	 Ginglo /edo	 School Bus	 Rack Truck
Class 7 - 26,001 to 33,000			
 Refuse	 Furniture	 City Transit Bus	 Truck Tractor
Class 8 - 33,001 & Over			
 Cement Truck	 Truck Tractor	 Dump Truck	 Sleeper