

City of Chandler



Neighborhood Resources Division



Parking Enforcement Policy Review & Recommendations

November, 2012



Chandler · Arizona

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

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BACKGROUND

FOR THE PARKING ENFORCEMENT POLICY REVIEW

GOAL

As per one of the 2012 City Council Strategic Policy Goals for Neighborhoods, staff developed an implementation process to address and meet a key strategic goal to “implement a revised Parking Enforcement Policy.” Included in this objective was a call to staff to establish resident focus groups and an ad hoc task force to discuss parking challenges that impact neighborhoods. On April 5, 2012, staff reviewed the implementation process with the Community Services, Economic Development and Neighborhood Services Council Subcommittee.

PARTICIPATORY PROCESS

As part of this process, staff assembled three focus groups to review the current neighborhood parking enforcement policies, practices and challenges. The three focus groups included residents who live in homeowner associations and traditional neighborhoods from broad geographical areas of Chandler, the Neighborhood Advisory Committee and selected City staff. The staff focus group included representatives from Traffic Engineering, Streets, Police, Police Volunteers, Code Enforcement and Planning.

Prior to meeting with the focus groups, staff compiled information based on resident complaints shared through the Mayor’s Listening Tour, on-line service requests and Code and Police calls for service. From this information, staff developed a survey to gather input from the focus group participants and other interested citizens on their top parking concerns in neighborhoods. The focus groups met on April 23, 24 and 25 to discuss and rank their top parking concerns.

On June 20, 2012, Neighborhood Resources staff met again with the Community Services, Economic Development and Neighborhood Services Council Subcommittee to inform them of the parking concerns expressed by residents. Staff provided a briefing on the

outcomes of the meetings with the Resident Focus Group, the Staff Focus Group and the Neighborhood Advisory Committee Focus Group meetings and an update on the process to date. The focus group discussions and participant surveys provided staff with a clear understanding of the top neighborhood parking concerns that required further review of the policies and ordinances related to each.

To further the review of neighborhood parking challenges, the Director of Neighborhood Resources convened a temporary ad hoc Parking Task Force Committee, comprised of six Chandler residents and appointed a Chair. Bill Donaldson led the discussions with the residents and staff. The selection of Task Force members included those residents who expressed an interest in contributing to the City’s discussion of its parking enforcement policies. Members include:

- Bill Donaldson, Chair
- Dean Brennan
- Rev. Ralph Kimbrough
- Dane Cutting
- Ron Miller
- Rita Ford

THE TOP CONCERNS

The Parking Task Force met with internal staff five times between June and September and reviewed the findings of the Parking Focus Groups and the surveys to formulate recommendations for a revised Parking Enforcement Policy. The top six parking concerns that emerged from this process, in order of priority, are:

- Vehicles continually repaired on driveways
- Vehicles stored on streets for extended times
- Vehicles parked on sidewalks
- Recreational vehicles, boats and commercial vehicles parked on streets impeding visibility and traffic circulation
- Vehicles parked on unimproved surfaces (grass, gravel, dirt)
- Apparently abandoned vehicles backed into driveways

BACKGROUND (CONTINUED)

At the first meeting of the Parking Task Force, the participants reviewed these issues and deemed it prudent to include the following three concerns to the list of “Top Parking Concerns” because of the negative visual affects they have on neighborhoods:

1. Too many cars at one residence
2. Oversized vehicles parked on private property
3. Parking of utility vehicles, cement mixers, landscape trailers, with debris on private property

Items two and three noted above have been consolidated in Section II Recommendations within this report because of the similarities in enforcement procedures.

THE OUTCOME

This document outlines the recommendations regarding proposed changes to current parking enforcement policies and/or City ordinances. Any proposed ordinance changes do not include specific ordinance language changes, but rather general recommendations on how the ordinances may be revised. This document was prepared for the Neighborhood Advisory Committee for consideration of the proposed policy changes and recommendation to City Council.

The Neighborhood Advisory Committee served two roles in this process; as one of three Focus Groups to provide input on neighborhood parking concerns and to review and recommend to Council the approval of any changes brought forth as a result of this process.

II | PROCESS

TIMELINE

TO DEVELOP FINAL RECOMMENDATIONS

TIMELINE

Review of the Parking Enforcement Policy began as a directive from the 2012 City Council Strategic Policy Goals for Neighborhoods. In order to meet the City Council Goal, staff developed an implementation process to address and meet a key strategic goal to “implement a revised Parking Enforcement Policy.” The timeline to the right outlines the steps taken to develop the recommendations under Section II Recommendations within this report.



PARKING FOCUS GROUP INPUT

WHAT WE HEARD...

COMMUNITY INPUT

As part of this process, staff assembled three Focus Groups to review the current neighborhood parking enforcement policies, practices and challenges. To ensure a comprehensive assessment of what the community viewed as the most significant parking concerns that hindered the quality of life and visual aesthetics of a neighborhood, staff extended an invitation to resident leaders, from broad geographical areas of Chandler, to participate in a Focus Group discussion. Concurrently, staff assembled a key staff Focus Group that included representation from various City Divisions directly impacted by neighborhood parking issues either through calls for service or resident complaints. The third Focus Group included participation from the Neighborhood Advisory Committee, which also represent a broad geographical spectrum of Chandler.

Prior to the Focus Group discussions, all participants were asked to complete a survey. The surveys required the participants to look at parking from two perspectives, on-street and private property parking, because different chapters of the City's code govern the enforcement action for each condition. One of the benefits of the survey, was its availability to all residents who wanted to provide input on their top parking concerns but were unable to participate in the Focus Group discussions. Staff compiled the results of the survey and included input from emails received by Chandler residents. These results provided a launching point to engage the Focus Group participants in a comprehensive and facilitated discussion.

WHAT WE HEARD...

During the Focus Group discussions, residents were asked to separate parking concerns into two categories, on street and off-street parking conditions. Initially, Focus Group participants were provided with three red dots to rate their highest parking concerns and seven multicolored dots to rate their secondary parking concerns. Following that exercise, the Focus Group participants were led through a facilitated discussion and were asked to provide input on each of the top rated parking concerns in each category. The rating results provided staff with a breakdown of the "top Six Concerns" and the responses to the facilitated discussions, were used to formulate the basis of the recommendations provided in [Section II Recommendations](#) in this report.

The Matrix on the following page reflects the results of the Focus Group participant rating for the Top Parking Concerns for both on street and private property parking conditions affecting neighborhoods. The red dots signify the participants top concerns while the purple dots signify participants secondary concerns.

PARKING FOCUS GROUP INPUT

WHAT WE HEARD... (Continued)

FOCUS GROUP PARKING CONCERNS FEEDBACK (RANKED)			
On Street Parking Concerns		Private Property Parking Concerns	
1	Vehicles left on street for extended periods of time without moving but don't qualify as inoperable	1	Vehicles that are continually being repaired on the driveway
2	Vehicles parked on the sidewalks	2	Vehicles parked on unimproved surfaces (gravel, grass, dirt)
3	Parking RV's, boats, utility trailers and commercial vehicles that impede visibility and traffic circulation	3	Vehicles parked on solid surface in the side yard not adjoining a driveway or extend to street (not behind a fence)
4	Vehicles parked too close to an intersection/driveway causing a sight obstruction	4	Vehicles believed to be abandoned but backed in on the driveway
5	Abandoned vehicles on the street	5	Too many cars parked at one residence
6	Vehicles parked in bike lanes	6	Utility vehicles such as cement mixers or landscape trucks with junk and/or debris parked on the driveway.
7	Parents waiting for their kids in area posted "No Parking" and feel it is okay because they are in the vehicle and it is idling (legally considered parked but claim they did not know it is wrong).	7	Oversized vehicles (i.e. semi-trucks, tractor trailers and box trucks) parked on the driveway
8	Vehicles blocking driveway when parents park or sit in the vehicle waiting to pick up their child from school	8	Abandoned vehicles on a driveway
9	Parking on street during street sweeping days	9	People living in RV's parked on the driveway
10	Oversized vehicles (i.e. tractor trailers, semi trucks and box trucks) parked on residential streets	10	Operable vehicles left in driveways for extended periods of time without moving
	Focus Group participants were given three red dots to indicate their highest parking priorities		Focus Group participants were given seven other colored dots to indicate secondary parking priorities.

III | RECOMMENDATIONS

RECOMMENDATION #1

TO ADDRESS VEHICLES CONTINUALLY REPAIRED ON DRIVEWAYS



ISSUE

Vehicles continually repaired on driveways are a common resident complaint received by the Code Enforcement Unit. Vehicles that are continually being repaired on driveways create a visual blight and safety concern in neighborhoods.

Many of the complaints are initiated from residents that live in Chandler's traditional neighborhoods which are those not governed by homeowner associations.

BACKGROUND

Currently, a Code Enforcement Inspector issues a seven (7) to ten (10) day notice to comply and follows up to ensure compliance. If a dangerous condition exists, the inspector will issue an immediate notice to correct the situation within 24 hours. However, in all cases of non-compliance, an inspector has discretion to issue a civil citation requiring an owner's appearance in a Municipal Court. Note: An owner has an affirmative defense allowing three (3) fourteen (14) day repairs in any twelve month period. Repairs must be conducted under a covered roof area or in a rear yard. See Section IV Appendix, Exhibit #7 to view Arizona City Codes Regulating Unregistered Vehicles on Private Property.

TASK FORCE RECOMMENDED ACTION

The City should consider revised ordinance amendments

to the Neighborhood Preservation Code Chapter 30 to include the following:

- Remove the fourteen (14) day exception or reduce allowed repairs from fourteen (14) days to seven (7) days for minor auto repair.
- Distinguish between major and minor auto repair.
- Prohibit visible major auto repair.
- Provide a clear definition distinguishing between repairs versus restoration and prohibit front yard restoration of vehicles.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Shorten timeframe to correct violations (less than seven (7) days).
- Directed or saturated parking enforcement.
- Collaborative enforcement efforts with the Police Department and the Code Enforcement Unit.
- Enlist pilot program of citizen volunteers for parking enforcement.

LEGAL CONSIDERATION

Adequately defining major versus minor repairs and restoration to remove any ambiguity that could interfere with citizen compliance or Code Enforcement's ability to prove violations in City Court.

III | RECOMMENDATIONS

RECOMMENDATION #2

TO ADDRESS VEHICLES PARKED ON SIDEWALKS



ISSUE

Vehicles parked on sidewalks are a common concern throughout all Chandler neighborhoods. This condition creates an obstruction for pedestrian traffic forcing users off the sidewalk and into the road which creates a hazard. This condition also impedes the ability for those pedestrians with disabilities to navigate safely through their neighborhood.

BACKGROUND

Currently, both the Police Department and Code Enforcement can enforce this violation. Code issues a seven (7) day notice and contacts the home's occupant to ensure that this condition is resolved. The Police Officer or Police Volunteer use discretion and may attempt contact with the vehicle driver at the adjacent residence and require immediate removal from the sidewalk or they can issue a parking citation for non-compliance pursuant to the Arizona Revised Statutes.

TASK FORCE RECOMMENDED ACTION

To enhance the enforcement of this violation by other than law enforcement officers, an additional amendment to the Neighborhood Preservation Code Chapter 30 or an addition to the Traffic Rules in Chapter 12 is required. The amendment should allow for the following:

- Allow an immediate ticket/fine to be issued for

parking to obstruct a sidewalk by code enforcement personnel. The police already have the ability to warn and cite on the spot for these violations using their authority under the Arizona Revised Statute or Chapter 12.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures by both the Police Department and the Code Enforcement Unit to include the following:

- The Code Enforcement Unit should continue their newly implemented practice that shortens the owners compliance timeframe from one-week to 24-hours or immediately.
- Educate other Departments to call Code Enforcement Unit when they see this condition.
- Directed enforcement and saturation patrols
- Collaborative enforcement efforts with the Police Department and the Code Enforcement Unit.

LEGAL CONSIDERATION

Make sure amendments to Chapter 12 that authorize enforcement of parking offenses by non-certified law enforcement are specific to parking offenses only since many traffic offenses can only be enforced by certified law enforcement officers.

III | RECOMMENDATIONS

RECOMMENDATION #3

TO ADDRESS VEHICLES STORED ON STREETS FOR EXTENDED TIMES



ISSUE

Vehicles that are stored on the street for extended periods of time is a common complaint received by the Police Department and Code Enforcement personnel.

Vehicles that are stored on the street can create a visual obstruction for drivers that are attempting to navigate in and out of their homes. Many residents that initiate these calls, view this condition as a safety hazard for drivers and pedestrians which create a visually blighted appearance due to un-swept and overcrowded neighborhood streets.

BACKGROUND

Currently, the City Code does not regulate the “storage” of vehicles on private streets. However, the statute that governs this area relates to abandoned vehicles and is enforced by law enforcement authorities using the Arizona Revised Statutes and not the municipal code. Police have discretion to require owners of unattended vehicles to move said vehicles by posting green warning tags currently issued by the police department or orange tags notifying an owner that the vehicle has been left unattended and may be removed from the roadway by a police officer. The green sticker is simply a warning while the orange sticker is a notice of abandonment. See Section IV Appendix, Exhibit #4 to view the Orange Notice Sticker and Exhibit #5 to view the Green Violation Warning Sticker.

TASK FORCE RECOMMENDED ACTION

The City should perform increased enforcement through collaborative efforts between Police and Code

Enforcement. Additionally, the City should consider revised ordinance amendments to the Traffic Rules in Chapter 12 of the Municipal Code to include the following:

- Adopt a “Stored Vehicle” Ordinance.
- Define a “Stored Vehicle” within the new Ordinance and consider a time frame that dictates when a vehicle is deemed to be “stored.” The Committee discussed a possible time frame of 48 to 72 hours. They also recommend that other municipal ordinances be reviewed for similar and consistent practices.
- Develop protocol for noticing and marking vehicles. Remove current exception for boats, and recreational vehicles found in Chapter 12 of the Chandler Municipal Code, which would not allow them to be parked on residential streets. See Exhibit #8 Comparison of Other City Ordinances Regulating Stored, Abandoned and Oversized Vehicles on Residential Streets.
- Define “Inoperable Vehicle.”
- Include language regarding reasonable time period for loading and unloading of boats and recreational vehicles which would be allowed only for this purpose.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Consistency in Enforcement.
- Stricter enforcement.
- Increase parking signage in problem areas.
- Directed or saturated parking enforcement.
- Collaborative enforcement efforts with Police and Code Enforcement.
- Enhance program of citizen volunteers for parking enforcement and explore volunteer program for code enforcement. The police department already uses volunteers through their VIP program for this effort.
- Perhaps broaden staff who can enforce this code.

LEGAL CONSIDERATION

State statutes allow cities to regulate parking on public streets so changes made to Chandler City Code Chapter 12 should regulate parking activities only. If parking for some consecutive time period is allowed then procedures will have to be instituted to show that a vehicle has been unremoved for longer than that time period. Reasonable efforts to inform residents of parking limitations need to be made if this is instituted on some streets and not others.

III | RECOMMENDATIONS

RECOMMENDATION #4

TO ADDRESS PARKING RECREATIONAL VEHICLES, BOATS, UTILITY TRAILERS & COMMERCIAL VEHICLES THAT IMPEDE VISIBILITY AND TRAFFIC CIRCULATION



ISSUE

Many residential streets are becoming overcrowded due to the rise in parking recreational vehicles, boats, utility trailers and commercial vehicles on the street rather than in designated parking areas for these types of vehicles. The primary complaint from residents who live next door or down the street from this type of condition indicate that it is a safety hazard because it impedes visibility and traffic circulation throughout the neighborhood. Currently, these vehicles may be left on the streets for days, months or even years giving the appearance that they are being stored by the homeowner. This is a common complaint that is received by the Code Enforcement Unit and Police Department.

BACKGROUND

Currently, the informal Police Department practice is to allow recreational vehicles, boats and certain commercial vehicles registered to nearby owners to remain on the street without time limits because it is very difficult to determine whether that vehicle is abandoned under the state statute and thereby not covered by any other city ordinance. The reason for this allowance is because under the current Chapter 12 Code, these types of vehicles are exempt from enforcement unless there is a statutory violation. Furthermore, A.R.S. Title 28 only addresses issues of abandoned vehicles, which is the current practice used by the police department. Therefore, in the current process, boats and recreational vehicles are not

addressed as are other unattended vehicles. This practice causes frustration for residents whose visibility is impeded daily by these types of parked vehicles along their neighborhood streets.

TASK FORCE RECOMMENDED ACTION

The City should amend the Traffic Rules in Chapter 12 to remove the exemption for boats and trailers. This recommendation is a conforming change to the recommendations already addressed in Recommendation #3 by the Parking Task Force.

LEGAL CONSIDERATION

Adequately defining which types of vehicles are prohibited from parking on public streets by using a standard such as gross vehicle weight classifications, etc. which can be determined conclusively and easily by the enforcement officials. If parking for some consecutive time period is allowed then procedures will have to be instituted to show that a vehicle has been unremoved for longer than that time period. Reasonable efforts to inform residents of parking limitations need to be made if this is instituted on some streets and not others.

III | RECOMMENDATIONS

RECOMMENDATION #5

TO ADDRESS VEHICLES PARKED ON UNIMPROVED SURFACES (GRASS, GRAVEL, DIRT)



ISSUE

In many of Chandler's older neighborhoods, vehicles parked on unimproved surfaces such as grass, gravel, dirt, etc. is not an uncommon sight. However, many residents submit complaints to the Code Enforcement Unit regarding this condition indicating that it creates a visual blight in their neighborhood.

BACKGROUND

By current informal code enforcement practice, informal enforcement approach is used including 7-day notice of violation and follow up to ensure compliance. As of April 27, 2012, the Code Enforcement Unit adopted a policy to enforce unimproved parking violations as a parking nuisance condition under the Neighborhood Preservation Code Chapter 30.

The Task Force was educated regarding the history of parking ordinances in Chandler which effect single family residential properties. The Task Force understood that due to the growth of Chandler, there are many housing units that have grandfathered rights to park on unimproved surfaces. See Section IV Appendix, Exhibit #1 History of Parking Ordinances for Single Family and Two Family Units which, was presented to the Task Force by Jeff Kurtz, City of Chandler Planning Administrator, to provide background on this issue.

During the Parking Task Force review process, Task Force members brought up additional parking concerns to consider. Due to the complexity of these concerns, they require more study than the current process allowed.

However, staff recommended that the key challenges associated with these issues be presented as part of this report and recommend future review in order to provide further education on these parking concerns to both the Neighborhood Advisory Committee and City Council.

TASK FORCE RECOMMENDED ACTION

The Task Force acknowledges the impact that unimproved surfaces for parking can have in Chandler neighborhoods. Conversely, the Task Force expressed concern that no maximum percentage currently exists for paving of the front yard.

The City should revise the "Unimproved Parking" violation by changing it from criminal to civil progressing to criminal. Additionally, the City should consider adopting an ordinance amendment to the Neighborhood Preservation Code Chapter 30 to include the following:

- Decriminalizing lawn parking.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Saturated education and enforcement approach involving Police and Code Enforcement.

LEGAL CONSIDERATION

Because the development standards in the zoning and parking ordinances have developed and changed over time, it is often difficult to prove a violation of improper on-site parking to a court because a particular residence may have on-site parking outside of the driveway or garage that is grandfathered or approved under an older version of the Zoning ordinance.

The Arizona appellate courts have interpreted state statutes requiring a city to repay attorney fees for civil code infractions for which a defendant has not been found responsible by the City Court. Decriminalizing zoning offenses opens the City to repayment of a defendant's attorney fees on these types of offenses as well as those defined as public nuisances under City Code Chapter 30.

RECOMMENDATION #6

TO ADDRESS APPARENTLY INOPERABLE VEHICLES BACKED INTO DRIVEWAY



ISSUE

When vehicles are left unattended on a driveway in a residential area, they can create a visual blight for the neighborhood. In addition, these types of vehicles can serve as an attractive nuisance for children who are unaware of the risks and dangers this condition poses. This creates a health and safety concern for the neighborhood. In many cases, these vehicles are not operable or legally registered by the owner. When a vehicle is backed into a driveway, neither a Code Inspector nor a Police Officer is permitted to enter onto a property to conduct inspections without consent or without an inspection warrant. Therefore, this condition can exist at a residence for an extended period of time, creating a condition where an inoperable vehicle is continually stored in front of a residence.

BACKGROUND

Currently, a Code Enforcement Inspector will inspect to determine if evidence of inoperable vehicle exists and is visible from public right of way. If no inoperable vehicle conditions are confirmed from the public right of way, this is a non-enforcement issue as code does not regulate the appearance of vehicles believed to be abandoned but backed into driveways. Many Arizona cities prohibit unlicensed, unregistered and inoperable vehicles to be left unattended on private property. See Section IV Appendix, Exhibit #7 to view Arizona City Codes Regulating Unregistered Vehicles on Private Property.

TASK FORCE RECOMMENDED ACTION

While recognizing the conflict between the “Legal Considerations” noted below, the Task Force recommends that the City consider revised ordinance amendments to the Neighborhood Preservation Code Chapter 30 to include the following:

- Eliminate Cob-web/dust language in code and just state that vehicles need to be currently registered.
- Introduce language requiring that vehicles display and affix unexpired license plate.

The aforementioned ordinance amendments should be accompanied by enhanced enforcement procedures to include the following:

- Mandate that vehicles parked on driveways be street legal.
- Police to discourage residents from moving inoperable vehicles from streets to driveways as a means to comply with on-street violations.
- Directed or saturated parking enforcement.
- Collaborative enforcement efforts with the Police Department and the Code Enforcement Unit.
- Enlist pilot program of citizen volunteers for parking enforcement.

LEGAL CONSIDERATION

It is legal under Arizona State law to have a vehicle that is unregistered and on private property. Chandler cannot supersede the state law regarding non-registration on private property. The addition of other components to arguably allow it to be defined as a public nuisance, i.e., requiring unregistered vehicle to also have dust or cobwebs is the only way to be able to regulate parking such a vehicle on private property.

III | RECOMMENDATIONS

RECOMMENDATION #7

TO ADDRESS TOO MANY VEHICLES PARKED AT ONE RESIDENCE



ISSUE

Increased numbers of vehicles are parked at one location perhaps due to the changes in household composition and increasing economic challenges may have contributed to the increased number of vehicles parked at one residence. The City receives complaints seeking action to limit the number of vehicles parked at one residence. Complainants believe the crowded appearance of vehicles creates a visual blight in the neighborhood.

Many of the complaints are initiated from residents that live in traditional neighborhoods where parking requirements may be less stringent based on the development's construction year. Traditional neighborhood parking requirements are also typically less stringent than homeowner association requirements in newer communities.

BACKGROUND

Currently the Code Enforcement Unit responds to complaints of excessive front yard parking to determine first if the parking is on the required improved surfaces and then to verify that front yard parking is occurring only in that portion of the front yard area leading to the required off-street parking. The first requirements for parking in the City of Chandler became effective in 1964. This initial ordinance required parking surfaces to be Asphaltic Concrete, Portland Cement Concrete, Penetration Treatment of Asphaltic Material, or Equivalent as Approved by Building Inspections. In 1982

the Zoning Ordinance Sec. 35-1802 (10) was further amended requiring motor vehicles to be parked in the front yard "only when on an improved driveway leading to the required off street parking." Other parking ordinance amendments were adopted in 1976, 1983, 1985 and 2000. Properties developed prior to 1964 and prior to ordinance amendments in subsequent years and may have legal non-conforming parking conditions. See Section IV Appendix, Exhibit #1 for a History of Parking Ordinances for Single Family and Two Family Dwelling Units and Exhibit #2 and Exhibit #3 for reference maps.

TASK FORCE RECOMMENDED ACTION

There was discussion regarding the visual impact that "too many vehicles at one residence" can have on a neighborhood. As part of the discussion, there were references made to the Zoning Ordinance, Chapter 35 and the possibility of amending the Code to address the following items:

- A limitation of the number of vehicles parked at a residence.
- A limit on the percentage of parking allowed in front yards i.e. limit parking to 30% of the front yard area.

The Task Force also raised concerns about the environmental hazardous of parking vehicles on front yard lawns and soil and recommended further discussions with City Planning staff on this issue. See Section IV Appendix, Exhibit #6, Parking in Residential Areas Brochure which has been utilized since early 2011 to educate residents on this issue.

LEGAL CONSIDERATION

Because the development standards in the zoning and parking ordinances have changed over time, it is often difficult to prove a violation of improper on-site parking to a court because a particular residence may have on-site parking outside of the driveway or garage that is grandfathered or approved under an older version of the parking and zoning ordinances. The change to the Zoning Code would have limited impact as changing the Zoning Code would only be applicable to violations occurring on property developed after the change to the Zoning Code.

III | RECOMMENDATIONS

RECOMMENDATION #8

TO ADDRESS UTILITY VEHICLES SUCH AS CEMENT MIXERS OR LANDSCAPE TRUCKS WITH JUNK AND/OR DEBRIS AND COMMERCIAL VEHICLES ON DRIVEWAYS



ISSUE

Oversized commercial vehicles, semi-trucks and trailers with visible equipment, materials and debris concern neighbors because they see these conditions as creating visual blight in their neighborhoods. This issue is particularly impactful in traditional neighborhoods that do not have homeowner association covenants prohibiting the storage of commercial vehicles and equipment in residential neighborhoods.

BACKGROUND

The City of Chandler Zoning Ordinance permits home businesses but places conditions on operational activity that might negatively impact residential neighborhoods. A home business registered within the city would not be permitted to store business equipment or debris at the residence of the business. However, there are residents employed by outside businesses that are not registered as Chandler home businesses. In these cases, the return of business equipment on private property is not expressly regulated in code. In 2000 the City of Chandler Neighborhood Standards and Maintenance Nuisance Abatement and Code Enforcement code included language limiting the parking of construction equipment on residentially zoned property to one trailer and one modified vehicle used for business purposes. Commercial vehicles with a gross vehicle weight exceeding fourteen thousand five hundred (14,500)



pounds were also prohibited in residential zones. An exception was provided for equipment actively used in onsite construction. This language closely resembled street parking ordinance restrictions in residential districts which remain in effect today. The 2000 Neighborhood Standards and Maintenance Nuisance Ordinance language also prohibited outside storage of materials outside of buildings (Sec. 30-3.5). Both the private property construction vehicle limitations and outside storage sections were excluded from the 2007 Neighborhood Preservation Ordinance rewrite. Lacking information explaining the change, this change was potentially an unintended oversight. See Section IV Appendix, Exhibit #8 for Comparison of Other City Ordinances Regulating Stored, Abandoned and Oversized Vehicles on Residential Streets.

TASK FORCE RECOMMENDED ACTION

The City should consider restoring ordinance language limiting the number of commercial vehicles and trailers in residential areas. The language should closely follow the related on-street parking ordinance language.

LEGAL CONSIDERATION

Defining something as a nuisance is not the end of the inquiry of whether the restrictions are proper governmental actions of private activities on private property. Any changes to Chapter 30 must be examined and determined that they are protections of legitimate health, welfare, and safety standards, i.e., actual nuisances.

COMMUNITY EDUCATION

TO ENHANCE TASK FORCE PARKING RECOMMENDATIONS



GOAL

Increase the availability of educational as it relates to citywide vehicle parking conditions and enhance the quality of life in neighborhoods.

OVERVIEW

Based on the input received from the Focus Group discussions and the Parking Task Force review, education on city ordinances regarding parking is an essential component of this process for these reasons:

- It communicates to the broader Chandler community, the effect that parking can have on the livability of neighborhoods.
- It provides residents an understanding of how City ordinances regulate parking and how the City enforces on parking violations.
- It provides timelines for enforcement action.
- It provides contact information for residents who have questions or concerns.

There was consensus by the Task Force that community education plays a critical role in the City's ability to impact neighborhood parking issues. By providing education to the public in both English and Spanish, community members are able to modify behaviors and change parking habits to avoid future enforcement action.

WHAT WE HEARD...

The list below provides a sample of the general comments captured indicating what residents viewed as important educational efforts the City should take as part of this process:

- Provide a door hanger and flyers regarding the top code violations. Use volunteers for distribution.
- Information and official notices should be provided in English/Spanish
- Target Traditional Neighborhoods for flyers and information about parking enforcement.
- Provide procedures on website regarding the steps involved in enforcing and prosecuting for both civil and criminal parking violations.
- Educate neighborhood leaders regarding parking concerns through the Traditional Academy
- Water bill – Top 10 Code Violations
- Consider ways to get the information out beyond computer and newspaper
- Provide “do’s and don’ts” of ordinances. Include information on the consequences
- Present information on parking related enforcement at neighborhood meetings.

EDUCATIONAL TIMELINE AND RESOURCES

The Education Timeline commenced in September 2012 with internal staff meetings among those Divisions that enforce on parking. The meetings serve two purposes, the first to educate staff from various Divisions on how current enforcement is occurring, and second to begin to establish collaboration between Divisions on enforcement and best practices.

The citywide outreach is scheduled to commence January 2013. This will be achieved by utilizing a series of available tools to assist with educational outreach such as:

- Cityscope and Quicklook (Utility Billing)
- Channel 11
- Mayor’s Listening Tour Meetings
- News for Neighbors articles
- Neighborhood Meetings

COMMUNITY EDUCATION (Continued)

TO ENHANCE PARKING RECOMMENDATIONS

- Parking Brochures
- Overview at applicable City sponsored resident classes or trainings such as the Traditional Neighborhood Academy, Police Academy, etc.
- Newspaper Articles
- Regular on-line postings with information to address neighborhood parking issues on www.chandleraz.gov.

STAFF COLLABORATION

Through this process, staff recognized collectively that communication was a key component in enhancing the Task Force parking recommendations. This process also demonstrated that there is a lot of overlap between what Police and Code do in the preservation of neighborhoods. As a result, Code and Police staff have agreed to increase collaboration by beginning to work together to improve on the following items:

- Improve internal staff communication. This could be accomplished in various ways such as assigning a staff liaison (i.e. Police Volunteer and Code Inspectors or conducting regular meetings between the Neighborhood Preservation Manager and Police Commanders).
- On-going staff discussions on the development of consistent enforcement (e.g. if the City develops a “Stored Vehicle Ordinance” staff will need to work together so that there is consistency in the information that residents are receiving and in the enforcement process.
- Staff will work on a process to saturate neighborhoods with “Green Warning” stickers. Police will modify the language in their Violation Warning stickers so that other City Departments that are working in neighborhoods can use them when they see a parking violation. The modified “Violation Warning” sticker will not have any “enforcement armor” but it will provide information and visibility.

- Code and Police will perform joint saturated patrol and/ or enforcement in a target areas. The goal is to utilize the monthly liaison meetings to identify target areas where both Code and Police staff can work together.
- Code and Police staff will work on providing more parking information to homeowner associations and traditional neighborhoods through staff or neighborhood initiated meetings. Staff will utilize these meetings as an opportunity to increase education on Parking Ordinances and Policies in neighborhoods.
- Staff will provide cross training and officials will work with a set group of Police volunteers and Code to help perform non-enforcement activities to increase collaboration efforts.

APPENDIX

- Exhibit #1 History of Parking Ordinances for Single Family and Two Family Dwelling Units
- Exhibit #2 Map of Subdivision by Development Years Related to the History of Parking Ordinance Amendments
- Exhibit #3 Map of Residential Parcels by Construction Years Related to the History of Parking Ordinance Amendments
- Exhibit #4 City of Chandler Unattended Vehicle Check, Police Orange Sticker
- Exhibit #5 City of Chandler Violation Warning, Police Green Sticker
- Exhibit #6 Parking in Residential Areas Brochures, Planning and Site Development
- Exhibit #7 Comparison of Arizona City Codes Regulating Unregistered Vehicles on Private Property
- Exhibit #8 Comparison of Other City Ordinances Regulating Stored, Abandoned and Oversized Vehicles on Residential Streets

EXHIBIT #1

History of Parking Ordinances for Single Family and Two Family Dwelling Units

HISTORY OF PARKING ORDINANCES FOR SINGLE FAMILY AND TWO FAMILY DWELLING UNITS

- BUILDING ZONE ORDINANCE # 22
Effective Date May 23, 1926
 - No Requirements for Parking within the City of Chandler. This Ordinance
 - established basic requirements to develop property within the City of Chandler.

- ZONING CODE ORDINANCE # 311
Effective Date January 6, 1964
 - First Requirements for Parking within the City of Chandler.
 - Required Two 9’x20’ Off Street Parking Spaces for each Single Family Dwelling Unit and One and One Half 9’x20’ Off Street Parking Spaces for each Two or Multi-Family Dwelling Unit.
 - Spaces must be Asphaltic Concrete, Portland Cement Concrete, Penetration Treatment of Asphaltic Material, or Equivalent as Approved by Building Inspections.

- ZONING CODE ORDINANCE # 688
Effective Date October 30, 1976
 - Modified Parking Requirements within the City of Chandler.
 - Required Two 9’x19’ Off Street Parking Spaces for each Single Family or Two Family Dwelling Unit.
 - Spaces Must be Asphaltic Concrete, Portland Cement, Penetration Treatment of Asphaltic Material, or Equivalent as Approved by Director of Public Works.

- ZONING CODE AMENDMENT ORDINANCE # 1027
Effective Date January 14, 1982
 - Added Requirements for Parking within the City of Chandler.
 - Required Spaces Converted to Another Use Must be Provided Elsewhere on site
 - Codified that front yard parking may only be on an improved driveway leading to required off-street parking.

- ZONING CODE AMENDMENT ORDINANCE # 1196
Effective Date May 23, 1983
 - First Time Required Spaces are to be Covered and Not Allow Tandem Spaces to count toward the Required Spaces.
 - Tandem Parking of Vehicles Does Not Qualify for Required Parking.
 - Required Single Family and Two Family Parking Spaces Must be Covered.

- ZONING CODE AMENDMENT ORDINANCE # 1471
Effective Date May 23 1985
 - Allows the Parking Of Recreational Vehicles on Unimproved Surfaces.
 - Recreational Vehicles May be Parked on an Unimproved Surface When Located behind the Required Front Yard Setback and Screened by a Solid 6' Wall or Fence. (Includes One Vehicle If Stored or Under Repair)

- ZONING CODE AMENDMENT ORDINANCE # 3063
Effective Date January 1, 2000
 - Removed 35-1802(11).
 - Removed Provisions for Parking of Commercial Vehicles, Construction Equipment, Farm Implements and the Like.
 - Code Requirements Removed from Chapter 35 Because Requirements were Located in Chapter 30 of the City of Chandler Code.

EXHIBIT #2

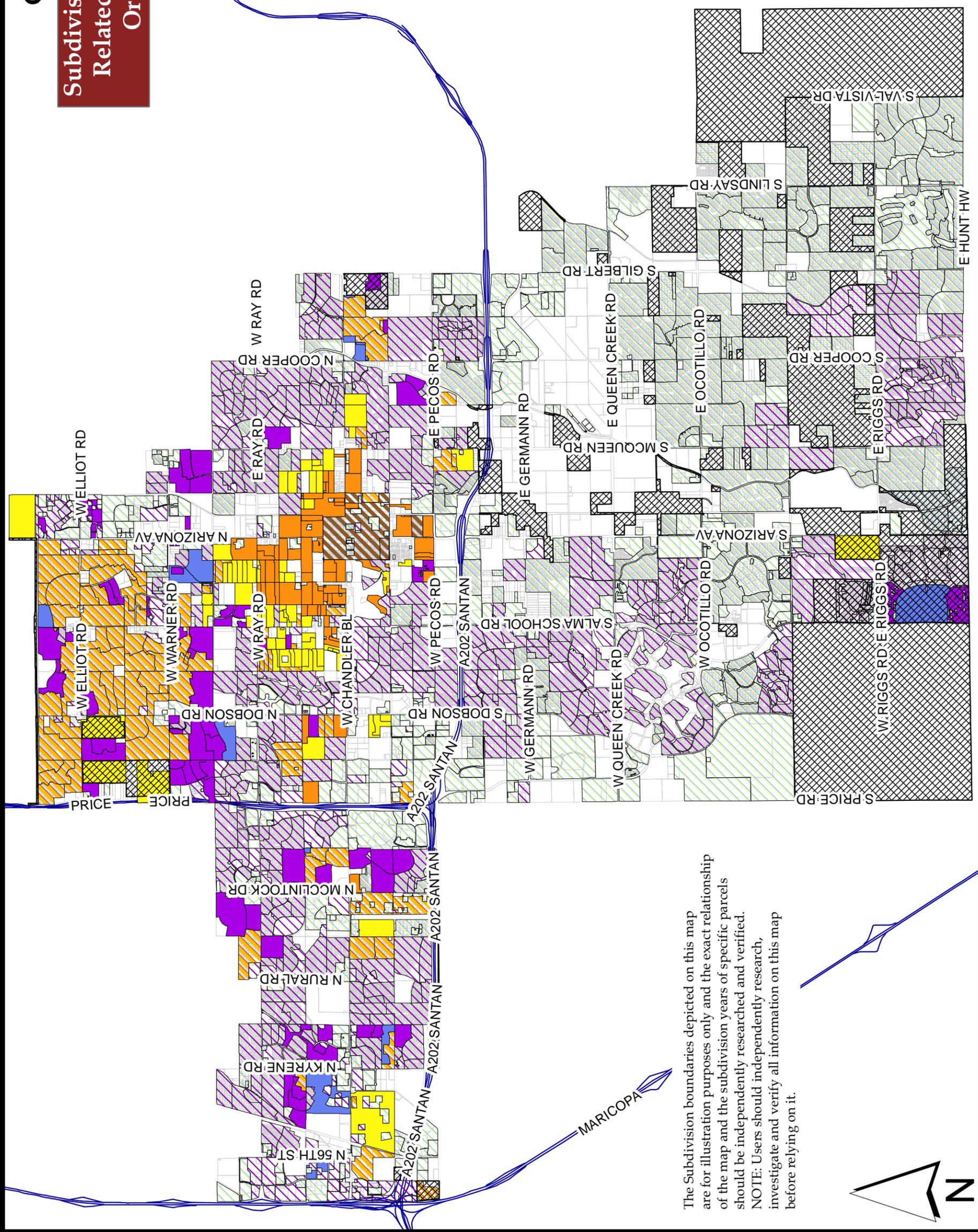
Map of Subdivisions by Development Years Related
to the History of Parking Ordinance Amendments

City of Chandler

Subdivisions by Development Years Related to the History of Parking Ordinance Amendments

Legend

-  1912-1925
No Parking Requirements
-  1926-1963
No Parking Requirements
-  1964-1975
Two 9'x20" Improved Parking Surfaces Required
-  1976-1981
Two 9'x19" Improved Parking Surfaces Required
-  1982
Front Yard Parking Must Lead to Required Off Street Parking & Converted Parking Spaces Must Be Provided Elsewhere
-  1983-1984
Required Spaces Must be Covered & Tandem Does Not Count Towards Required
-  1985-1999
Recreational Vehicles Allowed to Park On Unimproved Surfaces When Screened in Rear
-  2000-Current
Residential Parking Restrictions for Commercial Vehicles, Construction Equipment & Farm Implements Removed
-  County Island



The Subdivision boundaries depicted on this map are for illustration purposes only and the exact relationship of the map and the subdivision years of specific parcels should be independently researched and verified.
NOTE: Users should independently research, investigate and verify all information on this map before relying on it.



EXHIBIT #3

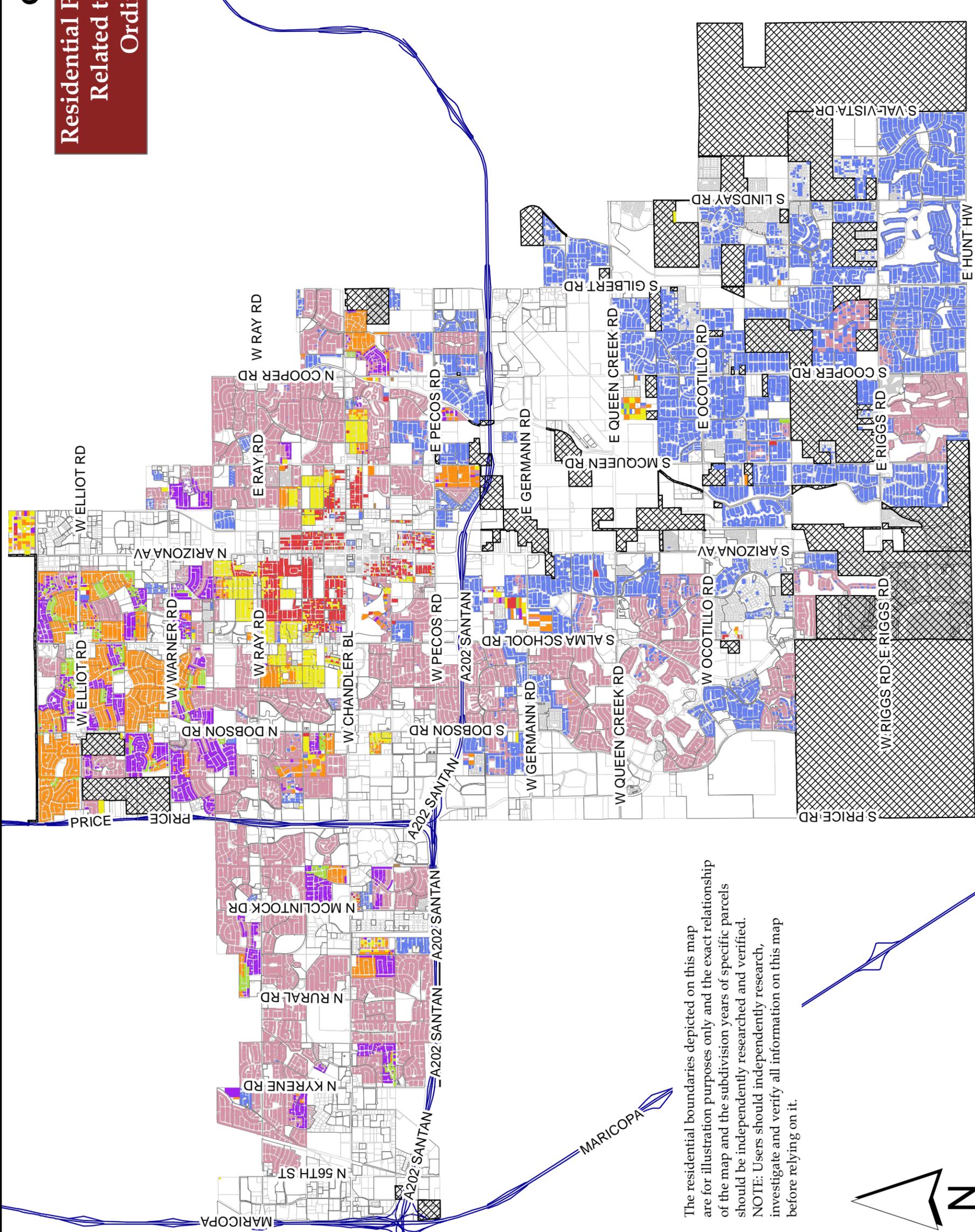
Map of Residential Parcels by Construction Years
Related to the History of Parking Ordinance Amendments

City of Chandler

Residential Parcels by Construction Year Related to the History of Parking Ordinance Amendments

Legend

1912-1925	No Parking Requirements
1926-1963	No Parking Requirements
1964-1975	Two 9'x20" Improved Parking Surfaces Required
1976-1981	Two 9'x19" Improved Parking Surfaces Required
1982	Front Yard Parking Must Lead to Required Off Street Parking & Converted Parking Spaces Must Be Provided Elsewhere
1983-1984	Required Spaces Must be Covered & Tandem Does Not Count Towards Required
1985-1999	Recreational Vehicles Allowed to Park On Unimproved Surfaces When Screened in Rear
2000-Current	Residential Parking Restrictions for Commercial Vehicles, Construction Equipment & Farm Implements Removed
	County Island



The residential boundaries depicted on this map are for illustration purposes only and the exact relationship of the map and the subdivision years of specific parcels should be independently researched and verified.
 NOTE: Users should independently research, investigate and verify all information on this map before relying on it.

EXHIBIT #4

City of Chandler Unattended Vehicle Check, Police Orange Sticker



CITY OF CHANDLER

UNATTENDED VEHICLE CHECK

This vehicle has been observed unattended at the location listed below and checked by an officer of the Chandler Police Department.

LOCATION _____
OFFICER _____ ID NO: _____

NOTICE

Arizona law prohibits the abandonment of any vehicle upon any street, highway, or public property.

Any vehicle left unattended for a period of **FORTY EIGHT (48)** hours on a highway, road, street, or public thoroughfare will be **REMOVED** or caused to be removed by any police officer.
(28-4801, 28-4834 A.R.S)

DATE: _____

TIME: _____

***THIS IS NOT A TRAFFIC
CITATION***

*g:police/pd_forms
32-01
(rev 9/97)*

EXHIBIT #5

City of Chandler Violation Warning, Police Green Sticker

VIOLATION WARNING

THIS VEHICLE IS IN VIOLATION OF CHANDLER CITY ORDINANCE / ARIZONA REVISED STATUTE

- CCC 12-3.2 Vehicle parked without display of written permission from property owner
- CCC 12-4.4 Parking for display or working on vehicle
- CCC 12-4.5 Parking of oversized vehicles, trucks or trailers on a residential street
- ARS 28-884A Handicapped Parking
- ARS 28-873.14 No parking zone
- ARS 28-874A Left wheels to curb
- UFC 902.2.4.1 Obstructing fire equipment access
-



Chandler • Arizona
Year 1987

CITY OF CHANDLER POLICE DEPARTMENT

EXHIBIT #6

Parking in Residential Areas Brochures, Planning and Site Development

Off-street Parking

A guide to parking vehicles in a residential area. What is legal and how can I park my vehicles on my property.



Chandler • Arizona
Where Values Make The Difference

Parking in Residential Areas



City of Chandler

City of Chandler

Neighborhood Resources
235 S. Arizona Avenue
Chandler, AZ 85225

Phone: 480-782-4320

Guide for legal off-street parking

January 2011

Tel: 480-782-4320

Off-street Parking

The Zoning Code allows vehicles (cars, boats, recreational vehicles, trailers) to be parked in the front yards of residential properties if done so in an allowed manner. You are allowed to park on the driveway or an area contiguous to the driveway on an improved surface. The improved surface must be a solid surface of masonry, concrete or asphalt. Additional parking areas must be on the same side of the lot as the home's garage and connected full length to the street. The improved surface must not be so wide that drainage migrates onto an adjacent property. The parking area may not be on gravel, grass, or dirt. Additionally, parking on separated paving strips or singular pavers under the tires is not allowed.

Chandler City Code also has regulations regarding parking and/or storage of inoperable vehicles, vehicles under repair, vehicle restoration projects, etc..

Off-street Parking Pointers

Off-street parking regulations are part of pre-serving and protecting neighborhood property values. Garages are required to be constructed with homes to provide an off street parking space that shields vehicles from view and provides vehicle security. Off-street vehicle parking is regulated by the Zoning Code, however, Homeowners Associations may have additional rules governing vehicle parking. Be sure to be aware of any easements or utility company facilities (electrical boxes, water meters) that might also impact available space to park a vehicle. Vehicle parking behind the side yard fence in the property rear yard is allowed.

Chandler City Code

Chandler City Code 35-1802 identifies general parking requirements in our city.

- All parking areas and driveways shall have a surface of masonry, concrete or asphalt.
- Vehicles may be parked in the front yard only on an improved surface leading to the

required off-street parking.

- The parking of motor homes, travel trailers, and boats on trailers are permitted on an unimproved surface when located behind the required front yard setback and screened from the street by a solid six-foot wall or fence.

Code Enforcement Assistance

The Code Enforcement Unit enforces the City's residential off-street parking regulations. They are available to meet with you to further discuss laws regarding off-street parking and will work with you on individual situations to help understand options for legal vehicle parking.

City of Chandler

Neighborhood Resources
235 S. Arizona Avenue
Chandler, AZ 85225
Phone: 480-782-4320

EXHIBIT #7

Comparison of Arizona City Codes Regulating
Unregistered Vehicles on Private Property

1. Inoperable Vehicles (Avondale)
INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
302.8 Motor vehicles. Except as provided for in other regulations, **no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.** Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A single vehicle on the premises is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes and is completely screened from public view by solid, opaque fencing.

2. Inoperable Vehicles (Gilbert)

4.5015 Miscellaneous Provisions

Inoperable Vehicle. Any vehicle incapable of being lawfully driven.

Inoperable Vehicles. Inoperable vehicles shall be stored in a fenced area, a fully enclosed building, or at a business engaged in Vehicle Services or Motor Vehicle Sales and Leasing.

Abandoned Vehicle. An unregistered motor or recreational vehicle left unattended for a period of 72 hours on a street or private property. Vehicles stored within a fully enclosed building, at a towing or impound facility, or at a business engaged in Vehicle Services or Motor Vehicle Sales and Leasing are not considered abandoned.

Abandoned Vehicles. The parking of an abandoned vehicle is prohibited in all zoning districts.

Note: Gilbert's zoning administrator has made the interpretation that a vehicle with expired tags/plates is an inoperable vehicle.

3. Inoperable Vehicles (Glendale)

Abandoned or inoperable vehicle: Any vehicle which is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or other reasons that may include an expired license plate or the absence of a license affixed or assigned thereto. This term shall apply to any vehicle being repaired or restored when such repairs or restoration take fifteen days (15) or more.

4. Inoperable Vehicles (Mesa)

ABANDONED OR INOPERABLE VEHICLE: A VEHICLE PHYSICALLY INCAPABLE OF ITS INTENDED OPERATION AS EVIDENCED BY: Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or a vehicle with a deflated tire or tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons which may be evidenced by the absence of an unexpired license plate lawfully affixed or assigned thereto.

5. Inoperable Vehicles (Scottsdale)

Abandoned or junked vehicle means a vehicle that is inoperative, stripped, scrapped, discarded, wrecked, on blocks or similar devices, or is without current license plates, or has deflated or missing tire(s).

6. Inoperable Vehicles (Surprise)

INOPERABLE MOTOR VEHICLE - A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Such vehicles can be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles.

7. Inoperable Vehicles (Tempe)

Section 8-6-2: *Inoperable vehicle* means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
-

EXHIBIT #8

Comparison of Other City Ordinances Regulating Stored,
Abandoned and Oversized Vehicles on Residential Streets

Comparison of Other City Ordinances Regulating Stored, Abandoned and Oversized Vehicles on Residential Streets

City of Avondale, Arizona

23-62 - Parking of trucks and trailers.

- (a) No person shall stand or park a vehicle having both (i) a gross vehicle weight rating in excess of ten thousand (10,000) pounds and (ii) exceeding one (1) ton chassis rating, or a tractor, semi-trailer, trailer, bus, mobile home, recreational vehicle, farm implement, livestock trailer or similar equipment on a public street or in a parking lot of any retail, industrial, office, commercial establishment.
- (b) The restrictions set forth in subsection (a) of this section shall not apply to school buses parked on school grounds, vehicles listed above held for sale at a licensed commercial dealership, municipal operations vehicles on municipal property, vehicles parked in a fenced parking area owned and operated by a trucking company, vehicles lawfully parked at truck stops and vehicles parked in private or public tow lots.
- (c) The overnight parking of any vehicle for the purpose of temporary or permanent habitation is prohibited.
- (d) From and after July 1, 2007, owners of a parking lot of any retail, industrial, office or commercial establishment shall post signs on such property stating: "No parking for vehicles exceeding 10,000 lbs. according to Avondale Municipal Code, Section 23-62."

City of Chandler Arizona

12-4.5. *Parking oversized vehicles, trucks or trailers on residential streets prohibited.* No person shall stand or park any vehicle with a gross vehicle weight in excess of fourteen thousand five hundred (14,500) pounds, nor any vehicle modified or altered to add a crane, racks, frames or other structures to customize for a business purpose, nor any trailer or semi-trailer designed or intended to be drawn behind a motor vehicle and used or designed for a business purpose, on any vacant or unimproved lot, street, alley, or other public right-of-way in or within two hundred (200) feet of a residential zone for a period of time longer than two (2) hours, except such vehicles may be parked for a longer period of time only when such parking is necessarily required while actually loading, unloading, delivering or making a service call at a residence. The provisions of this section do not apply to boats or recreational vehicles nor to pickups with crossover or wheel-well utility/tool boxes located in the bed of the pickup and not larger than seventy-five (75) inches in width by fifteen (15) inches in depth by twenty-five (25) inches in length.

City of Gilbert, Arizona

Sec. 62-69. - Parking trucks and trailers on residential streets.

No person shall stand or park a vehicle with a manufacturer's rated chassis capacity in excess of one ton, or a tractor, semitrailer, trailer, bus or recreational vehicle, within the public right-of-way on any street in or adjacent to a residential zoning district, except during the process of loading or unloading such vehicle. Such vehicles may be parked within the public right-of-way for no longer than 48 hours for loading and unloading only. In no event shall such vehicles be parked in such a manner that will block street access for public safety vehicles.

(Code 1984, § 12-1-5(D); Ord. No. 2160, § 1, 5-27-08)

City of Glendale, Arizona

ARTICLE XIV. - COMMERCIAL VEHICLE RESTRICTIONS

Sec. 24-190. - Operating commercial vehicles on residential streets.

Commercial vehicles may not operate on residential streets except for the pickup and delivery of merchandise, materials, equipment, or passengers going to or from a specific location requiring travel on such streets. The commercial vehicle must then use the shortest and most direct route on such streets.

(Ord. No. 1794, § 3, 12-14-93)

Sec. 24-191. - Parking commercial motor vehicles.

No person shall park or stand a vehicle with a rated chassis capacity in excess of one (1) ton or a commercial vehicle on any right-of-way along any street or on any street, except when expeditiously loading, unloading, delivering or making a service call at a residence, or unless otherwise permitted by this Code.

(Ord. No. 1794, § 3, 12-14-93; Ord. No. 2541, § 8, 1-23-07)

City of Mesa, Arizona

10-3-26: WHEN VEHICLES MAY BE IMPOUNDED:

(A) Authority to Impound Vehicles. Members of the Police Department are hereby authorized to remove any vehicle from any street, highway, or publicly or privately owned property, parking lot, or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a contract, lease, or agreement with the City or duly posted private property as defined in paragraph 5 of this Subsection (A) to the nearest garage or towing company lot designated or maintained by the Police Department or otherwise maintained by the City under the circumstances hereinafter enumerated: (Reso. 990, 1074, 1142, 1669, 1771, 1849, 1974, 2122, 2188, 2434)

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic. (Reso. 990, 1074, 1142, 1669, 1771, 1849, 1974, 2122, 2188)
2. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal. (Reso. 990, 1074, 1142, 1669, 1771, 1849, 1974, 2122, 2188)
3. When any vehicle is left unattended upon a street in an unlawful manner and is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic or is parked in front of a public or private driveway. (Reso. 990, 1074, 1142, 1669, 1771, 1849, 1974, 2122, 2188)
4. When any vehicle is left parked upon a street for a period in excess of forty-eight (48) hours. For the purposes of this paragraph the words "left parked" shall mean being left upon a street for a period of time in excess of forty-eight (48) hours without the vehicle having been moved at least three hundred feet (300'). (Reso. 990, 1142, 1669, 1771, 1849, 1974, 2122, 2188)
5. When any vehicle is advertised or offered for sale from a vacant property or unauthorized vehicle sales lot without the express written permission of the property owner when such property has been duly posted by the City to prohibit the parking or sale of such vehicles. Any property owner within the City may make application to the City Manager or designee to authorize the City to post signs indicating that the advertising, offering for sale, or sale of any vehicle is prohibited on the applicant's property and further authorizing the City to act as the agent of the property owner to gain compliance with the provisions of this Section. Such application shall be made on a form prescribed by the City Manager or designee. The City Manager or designee shall thereupon cause the applicant's property to be posted with an appropriate sign or signs stating that the advertising, offering for sale, or sale of any vehicle is prohibited thereon. When such property has been so posted, it shall be the duly posted private property. (1142, 1669, 1771, 1849, 1974, 2122, 2188, 5024)
6. When a vehicle is parked in a fire lane in violation of the provisions of Section 7-2-2(M) of the Mesa City Code. (1849, 1974, 2122, 2188)
7. When a vehicle is parked, stopped, or standing in violation of any provision contained in Title X, Chapters 2, 3, or 5 of this Code or when signs are erected giving notice that vehicles parked in violation of the parking restrictions may be towed at the owner's expense. (1974, 2122, 2188)

(B) Unoccupied Vehicle Violating Laws Declared Nuisance. Any unoccupied vehicle of any kind or description found under the circumstances enumerated in paragraph numbers 1 through 7, inclusive, of Subsection (A) of this Section is hereby declared to be a nuisance and a menace to the safe and proper regulation of traffic. Such vehicle shall be taken in charge by any Police officer and removed from the street, public parking lot or garage, private parking lot or garage, or duly posted private property and kept in custody upon the direction of the Chief of Police. Such vehicle may be recovered by the owner when he has furnished evidence of his identity and ownership and signed a receipt. The owner of such vehicle shall be liable for all towing and storage charges in connection with the removal and storage thereof. The payment of such removal and storage charges shall not release the owner or driver of such vehicle from any other penalty imposed for violation of the traffic laws of the City. (1142,1669,1771,1849,1974,2188)

(C) Notice of Removal to Owner. Whenever an officer removes a vehicle from a street, public parking lot or garage, private parking lot or garage, or duly posted private property as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. (Reso. 990, 1142, 1669, 1974, 2188)

(D) Unidentifiable Vehicles. Whenever an officer removes a vehicle from a street, public parking lot or garage, private parking lot or garage, or duly posted private property under this Section and does not know and is not able to ascertain the name of the owner or for any reason is unable to give notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Department, whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. (Reso. 990, 1142, 1669, 1974, 2188)

City of Scottsdale, Arizona

Sec. 17-129. - Use of streets or public property for vehicle and trailer storage prohibited.

- (a) In this section, unless the context otherwise requires:
- (1) *Store* means to park a vehicle for more than seventy-two (72) consecutive hours.
 - (2) *Vehicle* means any device in, upon or by which a person or property is or may be transported or drawn, including, but not limited to, a motor vehicle, trailer or semi-trailer of a type subject to registration under title 28 of Arizona Revised Statutes [§ 28-101 et seq.]; an off-road vehicle; an all-terrain vehicle; an off-road motorcycle; and watercraft of any kind.

- (b) No person shall store a vehicle upon any street, highway, road, other public thoroughfare or other public property. This subsection shall not apply to vehicles owned by the city that are parked or stored on public property.
- (c) Any police officer or other duly authorized agent who has reasonable grounds to believe that a vehicle has been stored in violation of subsection (b) may remove or cause the removal of such vehicle from any street, highway, road, public thoroughfare or other public property. The procedures in subsection (d) shall be used prior to citation or removal pursuant to this subsection.
- (d) When an officer or other duly authorized agent has reason to believe that a vehicle has been stored in violation of subsection (b), a written notice shall be placed upon the vehicle in a conspicuous place. The notice shall state:
- (1) That if the vehicle is not moved from its location within three (3) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be in violation of this section.
 - (2) That if the vehicle is not moved from its location within six (6) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be removed from its location and impounded pursuant to this section.
- (e) Storing any vehicle in violation of subsection (b) shall constitute a presumption that the last registered owner of record is responsible for such unlawful storage and shall be subject to the provisions of this section, unless an affidavit has been filed pursuant to Arizona Revised Statutes § 28-4844, reporting the vehicle as being stolen, or a stolen report has been accepted by a local law enforcement agency, or written notification of the transfer of title has been filed pursuant to Arizona Revised Statutes § 28-2058; this presumption shall apply in any adjudication of the issue that may occur. The registered owner of the stored vehicle shall be responsible for the payment of any and all charges incurred in the removal and subsequent storage of the vehicle, unless it is shown that the registered owner was not the legal owner at the time of the offense, or if the registered owner proves by a preponderance of the evidence that the city lacked probable cause to remove the vehicle. The provisions of Arizona Revised Statutes Title 28, Chapter 11 [A.R.S. § 28-4801 et seq.] shall apply in all respects to the removal, towing, storage, transfer of title, and sale of vehicles impounded under this section.
- (f) Within forty-eight (48) hours after the removal of a vehicle pursuant to this section, the police department shall send written notice of removal to the registered owner of the vehicle at the owner's last known address. The notice shall be sent by certified mail, return receipt requested, and shall state the reason for removal, the location of the vehicle and how it may be recovered. It shall also include a telephone number at the police department that can be called for additional information. The notice shall also inform the registered owner of the vehicle or the registered owner's agent of the opportunity for a hearing to determine the validity of the removal. This hearing shall be conducted within forty-eight (48) hours after a

request, excluding weekends and holidays. The police department may authorize one (1) of its own officers or employees to conduct the hearing if the hearing officer is not the same person who removed or caused the removal of the vehicle. The city shall be responsible for the costs incurred for towing and storage if it is determined at the hearing that probable cause for the removal cannot be established.

- (g) A violation of this section constitutes a civil traffic offense and is subject to a civil sanction imposed pursuant to [section 17-103](#)
- (h) Nothing in this section requires the police department, its officers or other duly authorized agents, to give written notice of towing, removal or storage of any vehicle other than as provided in this section. This section does not limit the power and authority of the police department, its officers or other duly authorized agents to take such action when they may otherwise be required or permitted to do so under the laws of the state or the city.

(Ord. No. 3643, § 2, 10-4-05)

City of Surprise, Arizona

DIVISION 2. - TRUCK, RECREATIONAL AND HIGH PROFILE VEHICLE PARKING IN RESIDENTIAL ZONES AND UPON CITY STREETS

Sec. 54-113. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Front street means the street located in front of a residence.

Recreational vehicle means:

- (1) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfolds for camping;
- (2) A motor home or bus designed to provide temporary living quarters for recreational, camping or travel use, and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis, cab or van that is an integral part of the completed vehicle;

- (3) A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers;
- (4) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in A 119.5 of the American National Standards Institute Code;
- (5) A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Street means the entire width between the boundary lines of every right-of-way including the improved or unimproved shoulder.

Truck means a vehicle other than a recreational vehicle, weighing in excess of 1½ tons or having a height of seven feet, six inches or more or measuring 36 feet or longer in overall length, including truck and load.

Utility trailer means a vehicle without motive power, other than a pole trailer or semitrailer, designed for carrying property and for being drawn by a motor vehicle.

(Code 2007, § 10.06.010)

Sec. 54-114. - Parking in residential zones and upon city streets are prohibited acts.

- (a)
 - No person shall park a truck on any street within a residential zone, except as follows:
 - (1) While loading and unloading the truck.
 - (2) While services are being provided by the truck's occupant. This does not include any maintenance or service of the truck itself.
 - (3) For a period of time not to exceed one hour.
 - (b) No person shall park a recreational vehicle or utility trailer on any street within a residential zone, except a person may park a recreational vehicle or utility trailer for a period not to exceed 72 hours up to two times per month; provided, the

recreational vehicle or utility trailer does not block the driveway of another property owner. Under no circumstances shall persons be allowed to inhabit a recreational vehicle while parked on a street.

- (c) No person shall park a truck, recreational vehicle, or utility trailer in the front, side, or rear yard of any residence, so that any portion of the truck, RV or utility trailer is closer to the front street than any portion of the residence, unless the truck, RV, or utility trailer is completely hidden from view in a garage or other permanent structure specifically intended for such use.

(Code 2007, § 10.06.020)

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