

COUNCIL BILL NO. 18-009
ORDINANCE NO. 2833

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY SECTION 27-12-6-17, PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES, OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED.

The City Council is informed that:

WHEREAS, it was determined at the September 11, 2017 work session that Las Cruces Municipal Code 1997 ("LCMC 1997"), Section 27-12-6-17, *Parking restrictions for recreational vehicles*, could be repealed and replaced; and

WHEREAS, a public comment period was conducted in October 2017 with and a public input meeting conducted on October 26, 2017; and

NOW, THEREFORE, be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Las Cruces Municipal Code Section 27-12-6-17, *Parking restrictions for recreational vehicles* is hereby repealed and replaced, as shown in Attachment "A", attached hereto and made part of this Ordinance.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this ____ day of _____, 20__.

APPROVED:



Mayor

ATTEST:

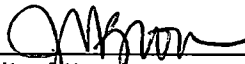
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____
Councillor Gandara: _____
Councillor Smith: _____
Councillor Vasquez: _____
Councillor Eakman: _____
Councillor Sorg: _____
Councillor Flores: _____

Sec. 27-12-6-17. - Parking restrictions for recreational vehicles.

A. In areas zoned residential, including multifamily areas, no recreational vehicle may be stored upon any city street or sidewalk, but may be stored in a garage or private driveway.

B. The restrictions set forth in this section shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting the street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely in connection with a planned trip, outing or vacation, commencing or ending on the same day of such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regards to such departure or return within one 24-hour period on each end of the trip; provided, however, that:

(1) Otherwise and regardless of the number of wheels, or a recreational vehicle's size, street parking will be limited to a maximum of five consecutive days, not to exceed a combined 14 days in a 90-day period during a calendar year, and with at least one day between the maximum five-day periods.

(2) Living in a recreational vehicle that is parked on the street or in a front yard will be prohibited, regardless of the number of wheels.

(3) Living in, or occupying, a recreational vehicle will be allowed for a maximum of 14 days in a 90-day period if parked in the garage, the driveway, on the left or right side or back yard of a residence.

(4) In the event the owner can prove an emergency exists, that is, death or illness of an immediate family member, fire, natural disaster, or as determined by codes enforcement, the police chief can grant a 30-day extension of living in a recreational vehicle.

C. The City of Las Cruces may require the owner or operator of a recreational vehicle to obtain a parking permit.

Sec. 27-12-6-17. - Parking restrictions for recreational vehicles.

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B. The restrictions set forth in this section shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting the street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely in connection with a planned trip, outing or vacation, commencing or ending on the same day of such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regards to such departure or return within one 24-hour period on each end of the trip; provided, however, that:

~~(1) Recreational vehicles with four wheels or less will be allowed regardless of length, with no time limit.~~

~~(2) Recreational vehicles with greater than four wheels will be allowed for a maximum of 14 days.~~

(1) Otherwise and regardless of the number of wheels, or a recreational vehicle's size, street parking will be limited to a maximum of five consecutive days, not to exceed a combined 14 days in a 90-day period during a calendar year, and with at least one day between the maximum five-day periods.

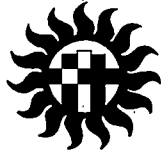
(3 2) Living in a recreational vehicle that is parked on the street or in a front yard will be prohibited, regardless of the number of wheels.

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(5 4) In the event the owner can prove an emergency exists, that is, death or illness of an immediate family member, fire, natural disaster, or as determined by codes enforcement, the police chief can grant a 30-day extension of living in a recreational vehicle.

C. The City of Las Cruces may require the owner or operator of a recreational vehicle to obtain a parking permit.



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Council Action and Executive Summary

Item # 5

Ordinance/Resolution# 2833

For Meeting of November 20, 2017
(Ordinance First Reading Date)

For Meeting of December 4, 2017
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY SECTION 27-12-6-17, PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES, OF THE LAS CRUCES MUNICIPAL CODE (LCMC) 1997, AS AMENDED.

PURPOSE(S) OF ACTION:

To amend the Municipal Code.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Steve Ramirez	<u>Department/Section:</u> Administration/Office of the City Manager	<u>Phone:</u> 541-2181
<u>City Manager Signature:</u>	<i>David P. Walker Acting for CM Stuart C. El</i>	

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Ordinance 2566, amended the LCMC to include parking restrictions for recreational vehicles, and was adopted by the Las Cruces City Council on March 1, 2010. The ordinance restricted recreational vehicle (RV) parking within residential areas of Las Cruces except for brief periods of time with activities such as preparing for a planned trip. The ordinance also made it unlawful to live in, or occupy, a RV parked on private property with certain exceptions.

At the work session of September 11, 2017, the Council discussed updating this ordinance to ensure better clarity and enforcement. Specifically, the original amendments to be proposed included:

- Section 27-12-6-17 (B)(1) – new language: “Regardless of the number of wheels, or a recreational vehicle’s size, street parking will be limited to a maximum of five consecutive days, not to exceed a combined 14 days in a 90-day period during a calendar year, and with at least one day between the maximum five-day periods.”
- Section 27-12-6-17 (B)(3) – new language: “Living in, or occupying, a recreational vehicle will be allowed for a maximum of 14 days in a 90-day period if the RV is parked in the garage, the driveway, or the left or right side or back yard of a residence.”

(Continue on additional sheets as required)

As part of the ordinance update process, a public comment period was held during the month of October 2017 to allow input on the originally proposed amendments. During the public comment period, 28 email comments were received as well as two telephone calls. Of the combined 30 comments, 14 supported stricter amendments in the ordinance to limit on-street parking, and the maximum number of days in a 90-day period to live in, or occupy an RV. Eleven comments were in opposition to the original amendments, and five comments supported either one of the two amendments.

A public input meeting was also conducted October 26, with 13 residents attending. From comments received at that meeting additional amendments were proposed. Those include:

- Regarding the 14-day time limit to park an RV during a 90-day period in a calendar year, the owner or operator of an RV may be allowed one 24-hour period on each end of a trip to park a RV on a residential street without either of those periods counting against the 14-day limit. As a result of this, staff further amended section (B)(1) to include:

“Otherwise and regardless of the number of wheels, or a recreational vehicle’s size, street parking will be limited to a maximum of five consecutive days, not to exceed a combined 14 days in a 90-day period during a calendar year, and with at least one day between the maximum five-day periods.”

Further, the introductory portion of section (B) was amended to read:

“B. The restrictions set forth in this section shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting the street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely in connection with a planned trip, outing or vacation, commencing or ending on the same day of such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regards to such departure or return **within one 24-hour period on each end of the trip;** provided, however, that: “

- A new section “C” to Section 27-12-6-17 has also been proposed. The new language to the proposed section states: “The City of Las Cruces may require the owner or operator of a recreational vehicle to obtain a parking permit.” An online permitting system through the City’s website is currently being explored. However, details must still be finalized and any such permitting process and fees, if any, would be adopted by separate Resolution of the City Council.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit “A”. Existing LCMC 1997, Section 27-12-6-17, *Parking restrictions for recreational vehicles*.

- Attachment "A". Proposed LCMC 1997, Section 27-12-6-17, *Parking restrictions for recreational vehicles* as shown in legislative format.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?	
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/> Expense reallocated from:
		<input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/> Proposed funding is from fund balance in the Fund.	
N/A	Does this action create any revenue?	
	Yes	<input type="checkbox"/> Funds will be deposited into this fund: in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/> There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

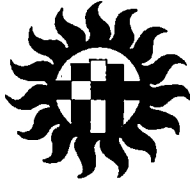
OPTIONS / ALTERNATIVES:

- Vote "Yes"; this will authorize the amendments to Section 27-12-6-17 of the LCMC related to parking of recreational vehicles on City streets.
- Vote "No"; this will not authorize the amendments to Section 27-12-6-17 and the LCMC will remain as is.
- Vote to "Amend"; this could change and possibly delay the amendments to the LCMC.
- Vote to "Table"; this could be brought back to City Council for further discussion.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

- Ordinance 2566.



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of November 20, 2017
(Ordinance First Reading Date)

For Meeting of December 4, 2017
(Adoption Date)

TITLE: AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY SECTION 27-12-6-17, PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES, OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		541-2181	11/3/17
Department Director		541-3228	11/3/17
Budget		2107	11/6/17
Assistant City Manager /William F. Studer, Jr.		2506	11-7-17
Assistant City Manager/David P. Dollahon		2078	11/8/2017
City Attorney		2010	11/13/17
City Clerk		2115	11/15/17