

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 69 “PARKING REGULATIONS” OF THE
CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA**

SECTION I. PURPOSE. The purpose of this ordinance is to ensure protection of residential communities from unsafe parking and creation of nuisance conditions at residential properties.

SECTION II. SECTION ADDED. Chapter 69 “Parking Regulations” of the City Code is hereby amended as follows to add an entirely new section:

CHAPTER 69

**69.32 OFF-STREET PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL
AREAS AND ON RECREATIONAL TRAILS.**

1. Definitions. For use in this section, the following terms are defined:

- A. All-weather surface: shall mean an asphalt, Portland cement concrete, turf blocks, or brick pavers of sufficient thickness to adequately support motor vehicles and of adequate continuous surface area to cover the entire undercarriage of the vehicle.
- B. Front Yard Area: shall mean all that area between the front property line and a line drawn along the front face or faces of the primary structure on the property and extended to the side property lines.
- C. Hike/Bike Trail (recreational trails): shall mean any trail constructed and maintained by the City of Independence for walking, biking, and other recreational purposes.
- D. Motor Vehicle and Vehicles: shall mean any motor vehicle as defined in Iowa Code, Chapter 321.1, or other vehicles, including the following:
 - i. All-terrain vehicles
 - ii. Fifth-wheel travel trailer
 - iii. Motorized bicycle
 - iv. Motorcycle
 - v. Motor home
 - vi. Tractors or farm machinery
 - vii. Travel trailer
 - viii. Trailer
 - ix. Watercraft (any type)

- E. Side Yard Corner Lots: shall mean the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear property line.
- F. Side Yard: shall mean the yard area adjacent to the residential structure, but not adjacent to the street right-of-way, extending from the front yard along the side of the structure to the rear property line.
- G. Habitation: shall mean a place in which to live, sleep or dwell.
- H. Recreational vehicle: Recreation vehicle as used in this chapter shall mean a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, motor homes, or truck campers which may be used as a temporary dwelling or sleeping.

2. Prohibited Parking.

No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on property used for residential purposes and/or on residentially zoned property unless it complies with the following requirements:

Front yard or side yard, corner lots: Vehicles which are parked or stored outside in any front yard, or any side yard of corner lot areas must be on an all-weather surface driveway which shall not exceed forty percent (40%) of the front yard of any lot or the side yard of a corner lot. Driveways exceeding forty percent (40%) of the front yard of any lot or the side yard of a corner lot prior to the adoption of this section are exempt provided no additional surface area is added. This provision, however, shall not prevent the construction of hard surface paving to access the garage(s) for multiple attached dwellings, provided the design is approved by City building officials.

Exceptions: During emergency snow removal operations (when snow ordinance is in effect), vehicles may be parked in a manner whereas the entire vehicle may be parked in any portion of a residentially zoned property or any property used for residential purposes. Said vehicles must then be moved to normal parking (all-weather surface) within twenty-four (24) hours following the cancellation of the snow ordinance.

Side yards: Parking of all vehicles, including registered and operable vehicles, must be parked in a permanent roofed structure or on an all-weather surface when parked in a side yard. Such an all-weather surface in a side-yard must be connected to a driveway leading from an approved curb drop or entrance, which also consists of an all-weather surface. The vehicle wheels and any component touching the ground must be located entirely on, and directly above, the appropriate surface.

Rear yards: Parking for recreational vehicles, travel trailers, trailers, boats, snowmobiles, and other such recreational vehicles may occur on grass surfaces in rear yards.

Recreational vehicles:

- 1) Excluding an existing developed recreational park, no person shall occupy, for the purpose of habitation, a lawfully parked recreational vehicle on a residentially zoned property.
- 2) Excluding an existing developed recreational park, no more than two (2) recreational vehicles may be lawfully parked on a residentially zoned property for more than twenty-four (24) continuous hours.

Recreational Trails: No person shall cause the parking of vehicles on any recreational trails.

3. Declaration of Nuisance. The outside parking and storage of motor vehicles and vehicles as defined above, on property used for residential purposes and/or residentially zoned property, in violation of the requirements set forth in this section, is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents full use of residential streets for residential parking, (d) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (e) otherwise adversely affects property values and neighborhood patterns. Any violation of this section may be abated in the manner provided for in Chapter 50, Code of Ordinances or Chapter 657 of the Code of Iowa, or may be enforced under Chapter 4, Municipal Infractions, Code of Ordinances.

SECTION III. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION V. EFFECTIVE DATE. This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this _____ day of _____ 20__.

Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: _____
Second Reading: _____
Third Reading: _____

I certify that the foregoing was published as Ordinance No. 20__ - __ on the _____ day of _____ 20__.

Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA