City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 24 **Ordinance/Resolution#** 2598 **Council District:** N/A

For Meeting of December 6, 2010
(Adoption Date)

AN ORDINANCE AMENDING LAS CRUCES MUNICIPAL CODE, SECTION 27-12-6-17, *PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES*, TO ESTABLISH A LINEAR LIMIT BEYOND WHICH RECREATIONAL VEHICLES MAY NOT BE PARKED AT THE SIDE OF A RESIDENCE, TO REDUCE THE NUMBER OF DAYS A PERSON MAY RESIDE IN A RECREATIONAL VEHICLE PARKED AT A RESIDENCE, TO REDUCE THE NUMBER OF DAYS A RECREATIONAL VEHICLE MAY BE PARKED ON A STREET OR ALLEY; AND TO CLARIFY THE AUTHORITY OF CODES ENFORCEMENT TO ENFORCE THIS ORDINANCE AND SECTION 27-12-6-18, *OCCUPATION OF RECREATIONAL VEHICLE*; AND TO MAKE BOTH ORDINANCES CONSISTENT WITH LAS CRUCES DEVELOPMENT CODE, SECTION 38-57, *MOBILE HOME PARKS/RECREATIONAL VEHICLE PARKS*.

PURPOSE(S) OF ACTION: Amend ordinances.

Drafter and Staff Contact: Jared Abrams		Department: Legal		Phone: 541-2128	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Pursuant to a request from the Mayor, staff has drafted this ordinance which modifies two ordinances which address the parking and occupation of recreational vehicles in residential areas.

The two ordinances will be modified to accomplish the following goals:

(1) Residents have complained that recreational vehicles are parked too near to their side lot lines. This amendment prohibits recreational vehicles from being parked closer than five (5) feet from a side lot line.

(2) Residents have complained that persons are living in recreational vehicles on residential lots for a protracted period of time. This ordinance reduces the amount of time a person can live in a recreational vehicle on a residential lot from 14 days to five (5) days.

(Continue on additional sheets as required)

(3) Residents have complained that persons are parking their recreational vehicles on streets and alleys for a protracted period of time. This ordinance reduces the amount of time a person can park a recreational vehicle in a street or alley to three (3) days.

(4) Currently, these ordinances do not specifically state that Codes Enforcement may enforce them. The ordinances are modified to make that clear.

(5) The ordinances are modified to be consistent with Las Cruces Development Code Section 38-57.

SUPPORT INFORMATION:

1. Ordinance.

2. Attachment "1" – Ordinances 27-12-6-17 and 27-12-6-18 as amended in legislative format.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE:

N/A

(Continue on additional sheets as required)

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:

1. Vote "Yes"; this means that the amendments to the ordinances will become law.
2. Vote "No"; this means that the amendments to the ordinances will not become law.
3. Vote to "Amend"; the Council has the option of adopting different changes than those proposed by staff.
4. Vote to "Table"; this would defer this item to the next Council meeting.

REFERENCE INFORMATION:

The ordinance listed below is only for reference and is not included as an attachment or exhibit:

Council Bill No. 10-137, Ordinance No. 2566: AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE TO ADD TWO NEW SECTIONS UNDER *CHAPTER 27, TRAFFIC* IN *ARTICLE VI, TRAFFIC REGULATIONS*, THAT RESTRICT THE PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL AREAS WITH THE EXCEPTION OF BRIEF PERIODS OF TIME IN CONNECTION WITH ACTIVITIES SUCH AS A PLANNED TRIP, AS WELL AS TO MAKE IT UNLAWFUL TO OCCUPY A RECREATIONAL VEHICLE AS A RESIDENCE WITH CERTAIN EXCEPTIONS.

(Continue on additional sheets as required)

COUNCIL BILL NO. 11-018
ORDINANCE NO. 2598

AN ORDINANCE AMENDING LAS CRUCES MUNICIPAL CODE, SECTION 27-12-6-17, *PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES*, TO ESTABLISH A LINEAR LIMIT BEYOND WHICH RECREATIONAL VEHICLES MAY NOT BE PARKED AT THE SIDE OF A RESIDENCE, TO REDUCE THE NUMBER OF DAYS A PERSON MAY RESIDE IN A RECREATIONAL VEHICLE PARKED AT A RESIDENCE, TO REDUCE THE NUMBER OF DAYS A RECREATIONAL VEHICLE MAY BE PARKED ON A STREET OR ALLEY; AND TO CLARIFY THE AUTHORITY OF CODES ENFORCEMENT TO ENFORCE THIS ORDINANCE AND SECTION 27-12-6-18, *OCCUPATION OF RECREATIONAL VEHICLE*; AND TO MAKE BOTH ORDINANCES CONSISTENT WITH LAS CRUCES DEVELOPMENT CODE, SECTION 38-57, *MOBILE HOME PARKS/RECREATIONAL VEHICLE PARKS.*

The City Council is informed that:

WHEREAS, the parking of recreational vehicles too near to the side lot lines of residences is of concern to the City; and

WHEREAS, the length of time persons are allowed to reside in recreational vehicles on the property of residences is of concern to the City; and

WHEREAS, the length of time recreational vehicles are parked in streets and alleys is of concern to the City; and

WHEREAS, Las Cruces Municipal Code, Sections 27-12-6-17 and 27-12-6-18, should be amended to clarify the authority of Codes Enforcement to enforce them; and

WHEREAS, Las Cruces Municipal Code, Sections 27-12-6-17 and 27-12-6-18, should be amended to conform to Las Cruces Development Code, Section 38-57, *Mobile home parks/recreational vehicle parks*.

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*, and Section 27-12-6-18, *Occupation of recreational vehicle*, are amended to read as follows:

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, private driveway, the back yard or the left or right side of a residence, provided that no recreational vehicle shall be parked within five (5) feet of a right or left side lot line.

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; provided, however, that:

(1) Under no circumstances will a recreational vehicle be allowed on a street or alley for longer than three (3) days.

(2) Living in a recreational vehicle that is parked on the street or in a front yard is prohibited.

(3) Living in a recreational vehicle is allowed for a maximum of five (5) days if parked in the garage, the driveway, the back yard or on the left or right side of the residence, provided that the recreational vehicle is not parked within five (5) feet of a left or right side lot line.

(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 another reason as determined by Codes Enforcement, the Police Chief or the Community Development Director, including his or her designee, the owner may be granted a 30-day extension of living in a recreational vehicle.

C. Codes Enforcement shall have the authority to enforce this ordinance.

Sec. 27-12-6-18. Occupation of recreational vehicle.

It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the city, except as provided in Sections 27-12-6-17 and 38-57 and in a duly established trailer park maintained in accordance with all applicable state statutes and city ordinances. Codes Enforcement shall have the authority to enforce this ordinance.

(II)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Ordinance.

DONE AND APPROVED on this _____ day of _____, 2010.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

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; 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.~~

~~(3)~~ (1) Under no circumstances will a recreational vehicle be allowed on a street or alley for longer than three (3) days.

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

(4~~3~~) Living in a recreational vehicle ~~will be~~is allowed for a maximum of ~~14~~five (5) days if parked in the garage, the driveway, the back yard or on the left or right side ~~or back yard~~ of ~~a~~ the residence, provided that the recreational vehicle is not parked within five (5) feet of a left or right side lot line.

(~~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 another reason as determined by ~~codes enforcement, the police chief can grant~~Codes Enforcement, the Police Chief or the Community Development Director, including his or her designee, the owner may be granted a 30-day extension of living in a recreational vehicle.

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