

CITY OF CORAL GABLES

OFFICE OF THE CITY ATTORNEY

- MEMORANDUM -

TO: CITY COMMISSION

DATE: August 19, 2011

FROM:


CRAIG E. LEEN
CITY ATTORNEY

**SUBJECT: SURVEY OF TRUCK
ORDINANCES**

In response to the request for possible amendments to sections 4-411 and 4-412 of the Zoning Code, the City Attorney's Office conducted a review of ordinances from various jurisdictions, and will be prepared to discuss them at the upcoming Commission meeting. The ordinances reviewed by this Office included the following types of provisions: (a) various types of weight or height limitations on trucks, (b) different kinds of limitations on locations where trucks could be parked at a residence or within the city, and (c) various exceptions to the general restrictions on trucks.

A selection of these ordinances is included on the following pages, including ordinances from Coral Springs, Florida; Skokie, Illinois; Calabasas, California; Chicago, Illinois; and St. Louis, Missouri. The City Attorney's Office has quoted provisions that may be of interest from each of these jurisdictions for the Commission's consideration.

Coral Springs, Florida

Section 18-5, Parking and/or storage of commercial and/or recreational vehicles

The ordinance generally prohibits trucks as being commercial vehicles unless the truck is a "private passenger pick-up truck." A "private passenger pick-up truck" is defined as one "having a scale weight (vehicle only) of five thousand (5,000) pounds or less and used solely for personal activities; however, any such vehicle with outside lettering displaying information identifying a business or other nonpersonal use of any kind, for purposes of this section, shall be determined to be a commercial vehicle regardless of scale weight."

Commercial vehicles are then restricted from parking between 9:00 p.m. and 6:00 a.m. (or all day on Sunday) on a "public right-of-way adjacent to or on private property" in a residential district. However, these restrictions do not apply if the vehicle:

- Is "parked in a garage or carport, providing that the carport shall completely screen the vehicle from view with the use of a wall, approved opaque fence or continuous landscaping that immediately provides a complete visual screen on two (2) sides and utilize a permanent roof that matches the primary structure."
- Is "owned or operated by a physically impaired individual when a medical doctor has certified that the vehicle is necessary due to said physical impairment."
- Does "not exceed a scale weight (vehicle only) of five thousand (5,000) pounds."
- Is a "private passenger utility vehicle (automobile)".
- Is a "private passenger automobile with permanent lettering provided that no alterations have been made which change the contour of the vehicle."
- Is on "emergency service calls."

Skokie, Illinois

Section 106.105 – Parking of trucks and commercial vehicles.

A “non-commercial vehicle under 8,000 pounds with passenger or Class B license plates” is allowed to stand or park in residential, mixed-use, or business zoning districts.

The factors which determine whether a vehicle is non-commercial are as follows:

- “Single rear wheels only.”
- “No signs, advertisements, business identifications or business license plates.”
- “No attached auxiliary equipment including, but not limited to plows, equipment racks or storage boxes or lockers.”
- “No debris, construction materials or equipment intended for commercial or business use may be present whether in the open or covered by removable material or fabric.”
- “Cargo and panel vans that comply with the aforementioned items and have side and rear windows and seating behind the driver's seat.”

Calabasas, California

Section 10.12.020 Definitions.

“High profile vehicle” is defined as “any vehicle which is six feet or more in height including any load thereon.”

Section 10.12.030 – High profile vehicles.

High profile vehicles are prohibited from parking or standing on any designated “public street or highway” that is “within 100 feet of an intersection.”

Section 10.12.040 – Oversized commercial vehicles.

Commercial vehicles weighing 10,000 pounds or more may not park or stand upon any “public streets or highways in any residential district.”

The following are exceptions to this rule:

- “[A]ny vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility.”
- “[A]ny authorized City owned or operated vehicle while such vehicle is being used for official city business.
- “[A]ny commercial vehicle making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted streets or highways.”
- “[A]ny commercial vehicle delivering materials to be used in the actual bona fide repair, alteration, remodeling, or construction of any building or structure located on the restricted streets or highways for which a building permit has previously been obtained.”

Chicago, Illinois

9-64-170- Parking Restrictions – special types of vehicles.

A parking prohibition on residential streets does not apply to the owner of a pickup truck “weighing under 4,500 pounds who has no outstanding parking violations, when such vehicle is parked at the curb adjacent to the owners place of residence and the vehicle bears a valid and current city wheel tax license emblem and a special parking permit.”

St. Louis, Missouri

17.30.25– Parking – Noncommercial pickup truck.

A non-commercial pickup truck is defined as a “four-wheel motor vehicle, having an enclosed cab and an open body with low sides and tailgate, used or maintained privately for the transportation solely for personal use.”

The ordinance requires the aforementioned vehicles to have “no advertisement or writing displayed” except for that “routinely” placed there by the manufacturer or dealer of the vehicle. Further, the sides of the truck may not have “stakes inserted” and the bumpers may not be modified to be “raised over 26 inches from the street.”

cc: City Manager
City Clerk