

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE FOR THE CITY OF BERKELEY MISSOURI, AMENDING SECTION 415 OF THE TRAILER PARKING CODE

WHEREAS, the City of Berkeley is authorized to regulate the use and parking of trucks and trailers pursuant to Title III of the Municipal Code of the City; and

WHEREAS, the City has previously adopted regulations for the parking of trucks and trailers within the City; and;

WHEREAS, truck and trailer parking on lots other than at approved and paved spaces is unsightly, and a potential health and/or safety hazard; and;

WHEREAS, truck and trailer parking on streets, unless engaged in authorized and/or permitted activities, can also be a potential health and/or safety hazard; and;

WHEREAS, the current regulations for truck and trailer parking are scattered through several sections of the Municipal Code, and contain errors, typos, and references to terms that are not defined in the Code; and

WHEREAS, clear, consistent, and concise code language is beneficial for both the orderly operation of private business and enforcement of City Code by City Staff.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. Section 415. Trailer Code, is hereby amended to read as follows:

Chapter 415 Trailer and Truck Parking Code of the City of Berkeley

(See also: (Schedule XV) Table XV-C All Night Parking., and Section 500.235 Regulations Concerning the Use of Large Trucks and Trailer Signage.)

Section 415.010 Purpose Statement

The purpose of this Ordinance is to clarify and consolidate the parking regulations of certain trucks and trailers in the City of Berkeley.

Section 415.020 Definitions

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not discretionary.

CARPORT

a covered structure used to offer limited protection to vehicles, primarily cars, from rain and snow, either free standing or attached to a wall. At least two (2) walls are partially or totally open to outside weather.

ENCLOSED GARAGE

A structure which is primarily designed or intended for the storage of vehicles and which, when all accesses to the interior are closed, has the ability to totally shield from view anything stored therein.

PAVED SURFACE

an all-weather constructed hard surface covered by concrete, asphalt, masonry, or a similar material and includes surfaces used for driveways, walkways, patios, and structures.

REAR YARD

A yard extending across the rear of a lot measured between the rear lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building, or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

RECREATIONAL EQUIPMENT

Dune buggies, snowmobiles, motorcycles, and ATV (all-terrain vehicle), or any similar equipment designed, constructed, or modified for recreational or travel use and otherwise not primarily used for ordinary day to day transportation, shall comply with Section 415.060.

RECREATIONAL TRAILER

Any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping, or eating accommodation of persons on a temporary, transient, or short-term basis, even if the vehicle is jacked up or its running gear is removed. Examples include but are not limited to a tent trailer, a camper trailer, trailer coach, a fifth wheel, pick-up camper (not attached to the truck), and park model trailer.

RECREATIONAL VEHICLE

A motor vehicle which includes living quarters. Types of RVs include but are not limited to motorhomes, camper vans, coaches, bus motor home conversions, caravans, and truck campers.

SIDE YARD

A yard between the main building and the side line of the lot, and extending from the front yard to the rear yard.

SPECIAL USE PERMIT

A use not permitted by right on a specific parcel of land within a District, but which, after public hearing and study, the City Council has determined that, consistent with proper

planning to preserve and promote the public health, safety, and general welfare, said use should be permitted on said parcel, and approved this use by Council resolution.

TRACTOR

Every vehicle which is self-propelled and which is designed or used to draw a trailer or semitrailer.

TRAILER

Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks. This definition shall include:

- a) Semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.
- b) Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. This includes construction trailers.
- c) This term shall include large "box type" trucks.

The term "trailer" shall not include cotton trailers as defined in Subdivision (8) of Section 300.020 and shall not include manufactured homes as defined in Section 700.010, RSMo.

UTILITY TRAILER

A vehicle designed to be pulled by a motor vehicle which is used to carry property, or special equipment and that is fifteen and one-half (15½) feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen (16) feet in length are considered industrial vehicles and are regulated as heavy trucks and are not permitted to be parked on City streets or on any residentially zoned property; and, whose body and tailgate are constructed largely or exclusively of a metal mesh, and wood.

Section 415.030 Compliance with the Regulations

Except as hereinafter specifically provided:

- a) No tractor or trailer of any type or recreational equipment or vehicle shall be parked, used, occupied in any district on any tract of land within the City except in accordance with the provisions of this Chapter.
- b) No tractor or trailer of any type or recreational equipment or vehicle shall be parked, used, or occupied on any street except for the purpose of loading or unloading.

- c) Except when engaged in the pickup, towing, or assisting of a motorist in the customary types of services, no tow truck shall be parked on any driveway, roadway, or highway within the City of Berkeley.

Section 415.040 Parking in the R-1, R-2, R-3, and R-4 Residential Districts

- a) Tractor: Allowed with special use permit. If so granted, allowed in driveway only if used as the daily work vehicle of the resident of the property where it shall be parked.
- b) Trailer: not allowed except for deliveries, in an emergency, or when moving in or out of a residence or building, but in the latter case, the vehicle or trailer shall not remain parked in excess of twenty-four (24) hours.
- c) Recreational Equipment: must be in an enclosed garage or fully in a carport. A permit is not required.
- d) Recreational Trailer: allowed with a permit to be parked in the side or rear yard of a property on a paved surface. Recreational trailers not exceeding five and one-half (5½) feet in height, exclusive of any windshield or motor, may be parked on the side yard or the rear yard of a residential property. No recreational trailer exceeding six and one-half (6½) feet in height, exclusive of windshield and motor may be parked in any portion of a yard unless the boat or trailer is parked or stored in a building or under a permanent structure. A permit is not required if parked permanently in an enclosed garage. They shall not be permanently or temporarily connected to a source of water, electricity, gas, sewer, or other utility facility in the City, and shall at no time be used for living or sleeping quarters in the City.
- e) Recreational Vehicle: A maximum of one (1) recreational vehicle shall be allowed with a permit to be parked in the side or rear yard of a property on a paved surface provided that such recreational vehicle is screened from view at normal eye level from any street or from any adjoining lot by fencing, landscaping or other similar device. For purposes of this Subsection, a "side yard" and "rear yard" shall be as defined in Section 415.020 of the City Code. A permit is not required if parked permanently in an enclosed garage. They shall not be permanently or temporarily connected to a source of water, electricity, gas, sewer, or other utility facility in the City, and shall at no time be used for living or sleeping quarters in the City.
- f) Utility Trailer: allowed with a permit to be parked in the side or rear yard of a property on a paved surface. Utility trailers not exceeding five and one-half (5½) feet in height, exclusive of any windshield or motor, may be parked on the side yard or the rear yard of a residential property. No utility trailer exceeding six and one-half (6½) feet in height, exclusive of windshield and motor may be parked in any portion of a yard unless the boat or trailer is parked or stored in a building or under a permanent structure. A permit is not required if parked permanently in an enclosed garage or fully in a carport. A utility trailers is allowed with permit to

be parked in a driveway if used for the daily work of the resident, and it may not exceed six and one-half (6½) feet in height. Derelict vehicles of any type are not allowed to be stored on a utility trailer in any sight of another residence.

- g) (R-4 Multiple Family Residence District only): The total number of vehicles, including allowed recreational vehicles and trailers on a premises shall not exceed three (3) for any one (1) residential unit.
- h) A permit shall be obtained from the City, which will be valid for one (1) year. The application for the permit shall contain the following information:
 - 1. Written consent of the owner, legal agent of the owner, or the lessee of the location on which trailer is to be parked.
 - 2. Description of the property on which the trailer is to be parked.
 - 3. Affidavit to the effect that plumbing facilities will not be used while this trailer is so parked, and such trailer will not be occupied as a residence.
 - 4. Purpose of parking the trailer.
 - 5. A site inspection is required by the Building Inspector, the property must be free of Code violations, before a trailer permit will be considered for approval.

Section 415.050 Parking in Commercial and Industrial Districts

- a) Tractors and trailers of all kinds and descriptions may be stored or parked on lots zoned "C-1" Local Commercial, "C-2" General Commercial and "M-1" Industrial, but while a boat or trailer is so stored or parked on such zoned land, it shall not be occupied as a residence, or used for the display, or selling of any merchandise, goods, or wares therein. Trailers shall be parked within the building lines of the lot (not in any setbacks). In commercial zones, all parking of said equipment must be behind the main building on the site.
- b) A construction trailer may be used as a temporary construction/sales office on the site of a construction project, provided the trailer is removed upon completion of the project. In residential districts, the construction trailer shall be moved from those portions of the project that have been completed and occupied. In the case of a project for which approval has been given for phased development, the trailer shall be moved to the subsequent phase of the development

Section 415.060 Additional Requirements in Flood Hazard Areas

- a) Recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM (Flood Insurance Rate Map) are required either to:
 - 1. Be on the site for fewer than one hundred eighty (180) consecutive days,

2. Be fully licensed and ready for highway use; or
3. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.
4. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Section 415.070 State Vehicle License Plates Required.

- a) No person shall operate or park any motor vehicle or trailer upon any street or highway of this City, unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country, or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.
- b) Inoperable vehicles and trailers shall only be parked within an enclosed garage.


Section 2. This Ordinance shall be in full force and effect from and after its date of passage.

1st Reading this 15th day of April 2024


2nd Reading this 15th day of April 2024

3rd Reading, PASSED and APPROVED, this 10th day of June 2024

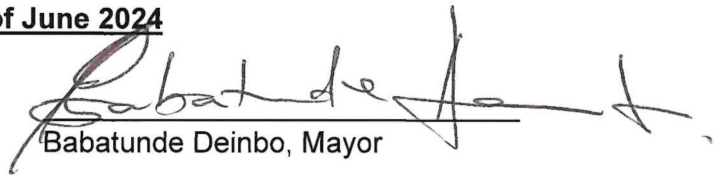
ATTEST:



 Deanna L. Jones, City Clerk



 Donnell Smith, City Attorney


 Babatunde Deinbo, Mayor

Final Roll Call:

Councilwoman Verges	Aye ___	Nay ___	Absent <u>X</u>	Abstain ___
Councilwoman Williams	Aye <u>X</u>	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay <u>X</u>	Absent ___	Abstain ___
Councilwoman Anthony	Aye <u>X</u>	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye <u>X</u>	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent <u>X</u>	Abstain ___
Mayor Deinbo	Aye <u>X</u>	Nay ___	Absent ___	Abstain ___