



City of Muscatine



AGENDA ITEM SUMMARY

DATE:

8-19-2021

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT

An Ordinance Prohibiting the Parking of Semitrailers on Residential Parcels, Section 3 Nuisances Enumerated, Chapter 3 – Nuisance, Of Title 9 – Health and Sanitary Regulations, of City Code

EXECUTIVE SUMMARY

Staff has prepared an ordinance that adds semitrailers parked on residential parcels as an enumerated nuisance to Chapter 3 of Title 9. The proposed ordinance would address a gap in City Code by listing semitrailers parked on residential parcels as a specifically enumerated nuisance which allow them to be abated in the same manner that junked or unregistered vehicles are abated. The proposed ordinance is narrowly tailored to larger semitrailers (longer than 22 feet in length) and would not apply to the wide range of other type of trailers that are appropriate in a residential setting. The proposed ordinance also contains an exception for semitrailers which are being actively used to move a household in or out of a dwelling.

STAFF RECOMMENDATION

Staff recommends approval of the attached ordinance.

BACKGROUND/DISCUSSION

Nuisance are broadly defined in Section 9-3-1 of City Code and by Section 657.1 of the Code of Iowa as: *Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance.*

Section 9-3-3 of City contains all list of specific conditions that constitute a nuisance. Currently a semitrailer parked on a residential parcel would not be classified as a nuisance if it was properly registered, did not meet the definition of a junked vehicle, and was parked on a hard surface.

Semitrailers parked on residential parcels in locations visible from the public right of way or neighboring properties are found to be a nuisance, and generate complaints from the neighbors, as they out of character for residential areas, and the long-term parking of semitrailer on residential parcels have been used to circumvent restriction on the placement of accessory buildings. All accessory buildings in residential areas, including those used for

storage, must be located behind the front of the main building, and meet all other required setback. Such restrictions do not apply to the parking of vehicles, a fact that allows for essential permanent storage to be created by the parking of a semitrailer, in locations to an accessory building would not be permitted.

The proposed ordinance would allow for this gap in City Code to be addressed specifically listing semitrailers parked on residential parcels as a specifically enumerated nuisance which allow them to be abated in the same manner that junked or unregistered vehicles are abated. The proposed ordinance is narrowly tailored to larger semitrailers, and would not apply to the wide range of other type of trailers that are appropriate in a residential setting. It also contains an exception for semitrailers which are being actively used to move a household in or out of a dwelling.

CITY FINANCIAL IMPACT

None

ATTACHMENTS

1. Proposed Ordinance

ORDINANCE NO. 2021-0236

AN ORDINANCE PROHIBITING THE PARKING OF SEMITRAILERS ON RESIDENTIAL PARCELS, SECTION 3 NUISANCES ENUMERATED, CHAPTER 3 – NUISANCE, OF TITLE 9 – HEALTH AND SANITARY REGULATIONS, OF CITY CODE

WHEREAS, Chapter 3 of Title 9 of the City Code regulates nuisances, which are defined as conditions that are injurious to health, indecent, or unreasonably offensive to the senses, or obstruct the free use of property, interfering unreasonably with the comfortable enjoyment of life or property; and

WHEREAS, semitrailers parked on residential parcel in locations visible from the public right of way or neighboring properties are found to be a nuisance as they out of character for residential areas, and the long-term parking of semitrailer on residential parcels have been used to circumvent restriction on the placement of accessory buildings.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1. Subsection F of Section 2 of Chapter 3 of Title 9 of City Code is hereby renumbered as Subsection G of Section 2 of Chapter 3 of Title 9 of City Code; and Subsection G of Section 2 of Chapter 3 of Title 9 of City Code is hereby renumbered as Subsection H of Section 2 of Chapter 3 of Title 9 of City Code; and

SECTION 2. The following text is added as **Section 9-3-2(F)**:

F. “Semitrailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and is longer than 22 feet in length.”

SECTION 3. The following text is added as **Section 9-3-3(T)**:

T. Semitrailers Parking on Residential Parcels

On any parcels where a residential dwelling or dwellings are established as the primary use, the parking of any semitrailer is hereby declared to be a public nuisance and prohibited. However, a semitrailer may be parked in a residentially zoned district if it is parked in in compliance with another applicable city ordinance; and either

- 1. Is parked in a fully enclosed structure or in an area that is completely screened (opaque fence or landscaping) in a lawful manner where it is not visible from the street or other public or private property including the public right of way; or**

2. Is actively involved in making a pickup or delivery as part of a household move.

SECTION 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 6. This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law

PASSED, APPROVED AND ADOPTED this 19th day of August, 2021.

Attest



**By the City Council of the City of
Muscatine, Iowa**

Diana L. Broderson

Diana L. Broderson (Aug 20, 2021 11:28 CDT)

Diana L. Broderson, Mayor

Carol Webb

Carol Webb (Aug 20, 2021 14:27 CDT)

Carol Webb
City Clerk

First Reading: July 15, 2021
Second Reading: August 5, 2021
Third Reading: August 19, 2021
Publication: