

## **ORDINANCE # 299**

AN ORDINANCE TO AMEND THE CITY OF MALVERN, IOWA CODE OF ORDINANCES, BY AMENDING CHAPTER 69 – PARKING REGULATIONS – RECREATIONAL VEHICLE PARKING ON A SINGLE-FAMILY OR TWO-FAMILY LOT – CRITERIA

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

SECTION 1: **AMENDMENT** :. An amendment to Chapter 69 – by the addition of a new subsection 69.11 which shall read:

**Section 69.11 Recreational Vehicle Parking on a Single-Family or Two-Family Lot – Criteria**

Definition – Recreational Vehicle: camper, motor home, boat, or trailer of any length or size.

Recreational Vehicles shall not be parked within a residential zoning district, except as provided below. These conditions are in addition to those requirements for the parking of Personal Vehicles.

1. Any combination of two of three: Any residence is limited to one camper or motorhome, one boat on trailer, or flatbed/enclosed trailer.
2. Recreational Vehicle shall be parked in an enclosed building, the side yard, or rear yard, but not in the front yard except as provided in Item #13 below.
3. Recreational Vehicle may be parked on the front drive for up to two (2) days to load and two (2) days to unload as related to a trip.
4. Recreational Vehicle may not be dollied down on a City street and must abide by paragraph 70.06(4) in Traffic Code Enforcement Procedures regarding forty-eight (48) hour parking.
5. Recreational Vehicle may not be parked closer than seven and one-half (7.5) feet to any side-yard property line or five (5) feet from an adjoining alley.
6. The Recreational Vehicle must be parked or stored on a dust-free surface of water-permeable grass pavers, cement, asphalt, or other similar ground cover. Parking shall be allowed on a gravel pad only if it is kept with ample gravel as to be weed and grass free and it is not muddy. Any pad added must meet the requirements herein on lines 2, 3, and 5 above.
7. Recreational Vehicle must be operable, with equipment being in a usable working condition at all times, not leaking fluids, and maintained in a clean, well-kept state that does not detract from the appearance of the surrounding area. The recreational vehicle and the area where such vehicle is parked shall be maintained in a clean and neat manner. No disposing of gray water or chemical water in the city streets, yards, or city sewer. A dump station is provided at T&N Park for said waste.
8. Recreational vehicles shall not be used for or substituted for a storage shed in any form, or used for storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.

9. Recreational Vehicles not moved or used within a one-year period shall be considered a nuisance and may be removed from the property.
10. Recreational Vehicle equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
11. Recreational Vehicle may not be 1) used for on-site dwelling purposes for more than twenty-one (21) days per year; or 2) permanently connected to sewer lines, water lines or electrical lines, unless approved by the City Council in the event of an emergency or natural disaster, in which case any provision in this article is subject to Council leniency.
12. The storage or keeping of Recreational Vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Malvern, except for recreational vehicles stored within a fully enclosed building or held for sale by a licensed motor vehicle dealer at his/her place of business in a zoning district which permits such use.
13. Parking of one (1) Recreational Vehicle is permitted on a front driveway provided that the following conditions are met:
  - a. Approval is acquired by you from the City Council.
  - b. No part of the Recreational Vehicle shall encroach upon side yards, sidewalks, or sit upon City right-of-way.
  - c. Inside parking is not possible.
  - d. There is no reasonable access to the rear or side yard. A lot shall be deemed to have reasonable access to the rear or side yard if:
    - i. The side yards are ten (10) feet or more in width;
    - ii. There is less than ten (10) feet of difference in the elevation of the front and rear yards as measured at the front and rear lot lines; and
    - iii. There are not large trees (trunk four (4) inches in caliper) or large shrubs (six (6) feet in height in the side yards.
    - iv. Corner lots shall normally be deemed to have reasonable access to the rear yard.
    - v. A fence shall not be deemed as preventing reasonable access.
14. Any Recreational Vehicle parked or stored in violation of the provisions of this section shall be deemed a nuisance. Any person violating the provisions of this section shall be deemed to be keeping, allowing, and maintaining a nuisance in violation of Chapter 50 of this code. The provision of Chapter 50 of this code regarding penalties, additional relief, abatement emergency and liability shall apply to violation of the provision of this section.

15. The provision of this section may be enforced by criminal or civil processes by any peace officer or parking enforcement officer. Further the provisions of this section may also be enforced by civil processes by the building official, director of public works, or zoning enforcement official, or their respective designee, and by the director of public health.

**SECTION 2. EFFECTIVE DATE:** This ordinance shall become effective after its passage and publication by law.

**SECTION 3. REPEALER.** All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

**SECTION 4. SEVERABILITY.** 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 provision thereof not adjudicated to be invalid or unconstitutional.

**PASSED AND APPROVED** by the City Council of the City of Malvern, this 13<sup>th</sup> day of March, 2017.

Michael K. Blackburn, Mayor

ATTEST:

Mary Poort, City Clerk

First Reading: March 13, 2017

Second and Third Readings: waived by Council, motion carried, March 13, 2017.