

**CITY OF MOAB
ORDINANCE # 2010-02**

AN ORDINANCE AMENDING TITLE 10. VEHICLES AND TRAFFIC, SPECIFICALLY CHAPTER 10.04, VEHICLE CODE, AND MORE SPECIFICALLY, CHAPTER 10.04.230, UNLAWFUL PARKING-VEHICLES LEFT STANDING FOR MORE THAN FORTY-EIGHT HOURS AND OVERNIGHT CAMPING IN VEHICLES.

WHEREAS, the Vehicle Code was adopted to provide a codified reference of all regulations established by the Moab City Council relating to the operation and parking of motor vehicles and other motorized or non motorized transportation vehicles and devices operated within the jurisdiction of Moab City. The regulations contained within the code are intended to provide for the safe and orderly movement of vehicle and pedestrian traffic on and about public streets, alleys, and easements; and,

WHEREAS, historically, local law enforcement of traffic violations has been effectuated through ordinances that set out provisions of the Municipal Code, the state statute known as the Utah Vehicle Code (UVC) or through adoption by reference of the rules and procedures promulgated by the Uniform Traffic Code (UTC); and,

WHEREAS, the City of Moab has seen an increase in the number of recreational vehicles, boats, and utility trailers parked on neighborhood streets that are now used as storage for such large items; and,

WHEREAS, these vehicles often remain for extended periods of time and are moved only when a complaint is registered; and,

WHEREAS, the City Council ("Council") of the City of Moab finds that long term parking of inoperative and unattended vehicles and detached trailers is a nuisance in neighborhoods, by impeding the cleaning of streets, adding trash to the neighborhoods, and hindering traffic safety within the corporate limits of the City of Moab; and,

WHEREAS, the intent of this ordinance is to reduce the impacts from parking certain recreational vehicles, unattached trailers, and other vehicles on City of Moab rights-of-way for the purposes of storage; and,

WHEREAS, this ordinance will improve traffic safety by decreasing congestion on public streets and increase the visual aesthetics of neighborhoods; and,

WHEREAS, Council, in accordance with the ordinances of the City of Moab and Utah State Law, has given the required notices and held the required public hearing regarding this amendment of the Land Use Code on February 9, 2010; and,

WHEREAS, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the ordinances of the City of Moab and it is accordingly so ordained; and,

WHEREAS, the Council finds that it is in the public interest to amend the code in an effort to protect the character of neighborhoods, and increase traffic safety and decrease neighborhood blight by curtailing the use of neighborhood streets as storage facilities for various vehicles and trailers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOAB pursuant to Utah Code Annotated section 10-8-84, and UCA 41 that, Title 10.0, Vehicles and Traffic, Code Chapter 10.04, Vehicle Code, Section 10.04.230, Unlawful parking, is repealed and amended with the adoption of the following new language:

“10.04.230 Unlawful parking-Vehicles left standing for more than four hours and overnight camping in vehicles.

A. It is an infraction for any person, company, or corporation to park or to cause to park or leave standing any inoperative vehicle, truck, recreation vehicle, or trailer on any public road, street, alley or municipal property except for loading or unloading of equipment. In no instance shall the vehicle be parked for a period of time that will exceed four (4) consecutive hours. Any vehicle so parked or left standing may be fined, impounded or removed by any regularly employed and salaried officer of the police department of the City of Moab.

B. It is unlawful to park any vehicle or motor home on a public road, street, alley, or lot, other than designated recreational vehicle parks, for human habitation or overnight camping. Any vehicle or mobile motor home so parked or left standing may be fined, impounded or removed by a peace officer or designated official.

C. For purposes of impoundment and removal, an officer may, after making a reasonable effort to locate the owner, may impound and remove any motor vehicle which has been unremoved for four (4) consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

D. The presence of any motor vehicle on any street when standing or parked in violation of this chapter of the code is prima facie evidence that the registered owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

E. No vehicle or trailer that has been involved in a violation of this section shall be relocated on the street for a period of not less than 10 months and shall not be relocated within one face block of the previous location.

F. A second offense at any time subsequent to the initial violation constitutes a repeat offense. Repeat offenders shall be prosecuted under Moab Code Chapter 10.04.250.

AND, FURTHER THAT the following terms shall be included in Chapter 10.04.020, Definitions, to read:

“Face block” is a section of street including both sides of the pavement that extends from one corner to a subsequent corner of an intersecting street.

“Inoperative vehicle” is defined as any vehicle that is unlicensed or unregistered, and/or is unable to be operated because of needed mechanical or other physical repairs.

"Recreational vehicle" means any of the following:

1. "Travel Trailer" a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.
2. "Pick-up Coach" a structure designed to be mounted on a truck

chassis for use as a temporary dwelling for travel, recreation and vacation.

3. "Motor Home" a portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

4. "Camping Trailer" a folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

5. "Utility recreation trailer" is a trailer towed behind a vehicle that may or may not be designed to provide temporary quarters for eating and sleeping but is primarily utilized to transport recreation equipment such as OHVs, and motorcycles of every type, supplies, or boats, rafts, four wheel drive vehicles, and snowmobiles.

IN EFFECT IMMEDIATELY UPON PASSAGE.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on February 23, 2010.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Ellison, Recorder