

# EXECUTIVE SUMMARY



**TO:** Jim Scholl

**FROM:** Parking Division  
Code Enforcement  
Police Department

**DATE:** November 6, 2011

**SUBJECT:** Code of Ordinance Change proposal for trailered vessels and RV's

## **Action statement:**

The City of Key West City Commission directed City Staff to explore options for changing the City Code of Ordinances to allow trailered vessels and recreational vehicles (RV's) to park in the City right-of-way. This presentation provides 3 options for action:

- Option 1 leaves the ordinance unchanged and directs staff to change the manner of enforcement.
- Option 2 would draft an ordinance change allowing owners to store vessels and vehicles on private property, but not screened from public view.
- Option 3 would draft an ordinance change allowing for a permit to park trailered vessels and recreation vehicles in the City right-of-way with certain exceptions and requirements.

## **Background:**

Current City Ordinance Section 108-680 prohibits parking RV, Boats, and Trailers in the City's right-of-way. Additionally, the City has other ordinances that effectively ban the practice. Section 70-116 (a)(5) prohibits storage of vehicles in City right-of-way for more than 72 hours. Section 70-462 prohibits recreational vehicles more than 20 feet in length parking in City Right of Way.

Current enforcement practice for this ordinance by Key West Police, City Code Enforcement and City Parking Division is complaint driven. When a complaint is

received, a City Employee visits the site to investigate. If a Boat or RV is discovered parked in the City right-of-way, a Notice of Violation is affixed to the vehicle. Commonly called a “Red Tag”, this document gives the owner of the vehicle written notice that the vehicle will be towed if not removed within a specific amount of time – usually 3 days. After the time period expires, the City Employee revisits the site. If the vehicle is removed, the case is closed. If the vehicle is still in violation, the Employee begins the tow process. The City investigates every complaint it receives.

This manner of enforcement is not very effective. Owners of vehicles in violation frequently move their vehicle for a few days and then return it to the same location. Often conflict between neighbors occurs because the investigation began with a complaint. Confusion about the ordinance is generated because of the large number of vehicles in violation – people assume the ordinance is not enforced or that it is enforced selectively. On occasion vehicles are towed and later it is discovered the owner was out of town on vacation or in hospital. The following are three options are changes that would improve the current enforcement efforts.

### **Option 1**

The Ordinance remains unchanged. Direction is given to staff to change the manner of enforcement.

A Public Service Announcement would be sent to all local media informing them that the City will be proactive in the enforcement of City Ordinances prohibiting Boats, Trailers and RVs and such from parking in the City right-of-way. City Staff will canvas the City and a “red tag” notice of violation will be affixed to the vehicles in violation. There will be a 30 day grace period from the announcement to allow owners to make other arrangements for their vehicles. At the expiration of the 30 day grace period, any vessels or RV’s remaining in violation will be cited and towed.

From that day, City employees from the 3 divisions charged with enforcement of these ordinances will actively patrol the City right-of-way, issue a citation and a 24 hour “red tag” notice of violation, and tow vehicles still in violation after 24 hours. After this notice is given and the vehicle, as identified by tag or registration, is in another location in the City right-of-way it will be towed upon discovery.

### **Option 2**

Current Ordinance requires the vessel or vehicle to be parked in the side or rear yard, screened from view of the street. Staff would draft an ordinance change decreasing the restrictions, allowing for the storage of these types of vehicles; only requiring they be contained entirely on a resident’s private property.

Enforcement efforts would be the same as in option 1 for vehicles in violation.

### **Option 3**

Staff would draft a change to the existing ordinance allowing for a permit to store vehicles and trailered vessels in the City right-of-way in a similar manner to ordinance section 70-467 which provides for an Owners Permit to park RV's in City right-of-way.

This ordinance change would allow owners of recreation vehicles or trailered vessels who are City Residents to apply for a right-of-way permit for one recreational vehicle or trailered vessel registered to them to park in front of their residence in the City right-of-way. It would provide for a fee for the permit. The permit would expire annually and would not be transferable. The following suggested criteria must be met for the permit to be issued.

- Limited to the Single Family (SF) Zoning District.
- Limited to 50' right-of-way or greater with two-way traffic and vehicle parking on both sides.
- Limited to 30' right-of-way or greater with one-way traffic and vehicle parking on one side.
- Residents who do not have parking on their side of street must obtain a letter of non-objection from owner of residence the vehicle will be obscuring.
- Renters or lease holders must provide a letter of non-objection from the property owner.
- Recreational vehicle or trailered vessel max. length is 32' and width 9'
- In no case shall parking interfere with emergency vehicle access; travel lane must be maintained at a minimum of 14 feet in width.
- Must not interfere with drivers need for an adequate sight distance to anticipate and avoid potential collisions at street corners and driveways. (line-of-sight)
- Permit does not intend to grant exclusive parking rights in City right-of-way in front of a residence. If the parking space is occupied upon return from a boating outing, the permit holder must find another place to store the trailered vessel until the space is vacated.
- Vessel must be stored on a trailer in the City right-of-way.
- Vehicle or vessel and trailer must maintain current registration.
- Vehicle or vessel and trailer must be maintained in working order.
- No greasing or repair of vehicle, vessel or trailer in City right-of-way.
- Vehicle or vessel must be removed with official notice from the City.
- Parking would be prohibited where indicated by official sign or markings.
- All other prohibited parking regulations would apply i.e. 15 feet from fire hydrant, 20 feet from crosswalk, cannot park on bike path, no parking against traffic, etc...

- City reserves the right to terminate the permit with notice to the permit holder if necessary for public purpose or misuse without compensation to permit holder.
- A good neighbor policy should apply to any conflicts arising from the permit for storage of recreational vehicle or trailered vessel in City right-of-way.

This permit would be administered by the City's right-of-way Coordinator and would require a site inspection and permit fee. A \$500.00 per year fee has been proposed. In contrast, it would cost approximately \$4,000.00 to dry rack store a boat at local marinas on average.

Enforcement efforts would be the same as in option 1 for vehicles in violation outside of the Single Family (SF) Zoning District.

### **Financial Impact:**

There is minimal financial impact to the City from these options.

Option 1 would drive some number of vessels to local marinas where the local businesses would benefit. City would benefit minimally from increased sale tax. All local marinas contacted indicated they could absorb some additional demand for storage.

Option 2 would drive fewer vessels to storage at local marinas. It could be argued that boats visible from the street could decrease property values. However, this option decreases the level of impact experienced from current enforcement practice.

Option 3 would require increased staff effort which can be absorbed with current staff levels. The permit fee would have a positive financial impact to the City. We estimate there are 400+ boats currently in the City right-of-way but it is not possible to predict the number that would seek right-of-way permits.

# **Attachment A**

## **City Code of Ordinance**

### **Sec. 108-680. - Recreational vehicles and boats.**

Recreational vehicles, boats, trailers, and the like shall be parked within an enclosed structure, within a carport behind the front setback, within the required minimum rear yard or in the minimum side yard behind the front structure line of the main dwelling. If not located within an enclosed structure, the recreational vehicle, boat, trailer or similar equipment shall be screened by a fence and/or plant vegetation of sufficient height and opaqueness so that the vehicle, boat, trailer or similar equipment cannot be seen from a location off the site. A recreational vehicle, boat and trailer, and the like must be for the resident's individual use or related to employment.

### **Sec. 70-462. - Prohibition.**

Except as provided in this article, it shall be unlawful and a violation for any person to park, cause to be parked, allow to be parked, or to cause or to allow to remain standing or stationary, except in the normal course of traffic flow, any recreational vehicle or any combination of a recreational vehicle and a motor vehicle in excess of 20 feet in length or seven feet in width, exclusive of mirrors and other safety devices determined by the department of highway safety and motor vehicles to be necessary for the safe and efficient operation of such vehicles, whether occupied or not and whether attended or unattended, except for the purpose of loading or unloading passengers or property and unless actual loading or unloading of passengers or property is taking place, on any street over which the city exercises parking jurisdiction.

### **Sec. 70-116(a)(5).Storage of Vehicle on right-of-way.**

Storage on the public right-of-way or in a public place for more than 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right-of-way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129

### **Sec. 70-467. - Resident owner permits.**

Owners of recreational vehicles who are city residents may apply to the city manager, on forms approved and distributed by the city manager, for annual parking permits allowing them to park their recreational vehicles at their residences on the city streets. There shall be no fee for such permits; however, the permits shall be renewed each year and shall not be transferable.

# Attachment B

## “Red Tag” Notice of Violation

### OFFICIAL NOTICE

## CITY OF KEY WEST

**THIS TAG IS TO NOTIFY THE PERSON IN CHARGE OF THIS  
VEHICLE THAT IT WILL BE TOWED BY DATE \_\_\_\_/\_\_\_\_/\_\_\_\_**

### THIS VEHICLE IS IN VIOLATION OF KEY WEST CITY ORDINANCE

- ☐ #70-116(a)(1) Display for sale on right-of-way
- ☐ #70-116(a)(2) Greasing/repair on right-of-way
- ☐ #70-116(a)(3) Advertizing from vehicle
- ☐ #70-116(a)(4) Selling merchandise from vehicle
- ☐ #70-116(a)(5) Storage on right-of-way (>72 hours)
- ☐ #70-128 Abandoned/expired tag (>24 hours)
- ☐ #108-679 Commercial Vehicle parked w/o active temporary work
- ☐ #108-680 R/V, Boat, or Trailer parked on right-of-way

<b>DATE AND TIME</b> _____	<b>VEHICLE DESCRIPTION</b> _____
<b>LICENSE NUMBER</b> _____	<b>STATE</b> _____
<b>OFFICER NAME</b> _____	<b>CASE NUMBER</b> _____

**THIS IS NOT A TRAFFIC CITATION**  
**K.W.P.D TELEPHONE # (305) 809-1111**  
**WEBSITE: WWW.KEYWESTCITY.COM**

**SEC. 70-117 - AUTHORITY OF POLICE TO MOVE VEHICLES PARKED IN VIOLATION**

# Attachment C

## Single Family (SF) District



# **Attachment D**

## **50 Foot right-of-way**



50 foot City Right of Way with two-way traffic and parking on both sides



# Attachment E

## 30 Foot right-of-way



30 foot right-of-way with one side parking



50 foot right-of-way with one side parking

# Attachment F

## 32 foot length / 10 foot width



20 foot length X 8 feet wide



32 foot length X 10 feet wide