

Ordinance No. 503

An Ordinance to revise and restate Section 172-2 of the Code of the City of New Castle to prohibit the parking of trailers on public streets, private roadways, front yard areas or lawn areas of apartment buildings or complexes in a residential district.

WHEREAS, the Council of the City of New Castle desires to make certain amendments to Section 172-2 of the City Code relating to the parking of “trailers”, as defined by §172-1, in residential districts;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of New Castle, the following:

SECTION 1: Section 172-2 C (1) of the Code of the City of New Castle is hereby amended so that such section will state, in its entirety, as follows:

C. Parking of trailers and other recreational vehicles in residential districts.

(1) No person shall park any trailer on any public roadway, dedicated private roadway, front yard areas, or lawn areas of apartment buildings or complexes in a residential district. The exemption provided for in §172-2 C (3) below shall be inapplicable to trailers. In addition, no person shall park any other recreational vehicle whose length is greater than 240 inches, or whose width is over 84 inches, or whose weight exceeds 5,000 pounds on any public roadway, dedicated private roadway, front yard areas, or lawn areas of apartment buildings or complexes in a residential district.

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SECTION 2: Section 172-2 C (2) of the Code of the City of New Castle is hereby amended so that such section will state, in its entirety, as follows:

C. Parking of trailers and other recreational vehicles in residential districts.

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(2) Parking of a recreational vehicle on a public or private roadway in a residential district shall be permitted on a temporary basis, not to exceed seven (7) days, by any person visiting a lot owner, lessee or sublessee. A visitor wishing to avail himself/herself of this privilege must comply with the following requirements:

(a) **Parking on the roadway during the seven (7) day period shall be limited to the portion of the roadway fronting on the lot which is the subject of the visit.**

(b) **The visitor or his/her designee shall obtain a temporary permit form from the City Clerk, which permit shall designate the vehicle to be parked, to whom the permit is issued and the date upon which the permit is to expire. The temporary permit must be displayed on the rearview mirror of the recreational vehicle during the period of time it is parked on the roadway.**

(c) **A fee as set by resolution of the City Council from time to time exists to defray the costs of administering this permit procedure. The fee shall be due and payable to the City Clerk upon the filing of the application.**

(d) **Failure to display the temporary permit shall be deemed to be a violation of this Chapter, punishable as provided in §172-4.**

SECTION 3: Section 172-2 C (3) of the Code of the City of New Castle is hereby amended so that such section will state, in its entirety, as follows:

C. Parking of trailers and other recreational vehicles in residential districts.

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(3) Exemptions.

(a) **Notwithstanding anything to the contrary contained herein, all owners of recreational vehicles currently parking recreational vehicles on public and private roadways, who do not have private property on which to park the recreational vehicle, may continue to park the recreational vehicle on the roadway, subject to the conditions that: (i) this exemption shall not apply to trailers; and (ii) this exemption shall expire on the earlier of the two following occurrences, the intent of this provision being to assure that exemption rights are nontransferable with respect to the vehicle and the place of residence:**

[1] The recreational vehicle is sold by the owner who qualified for the exemption.

[2] The recreational vehicle owner has moved from the property which served as his or her residence on the date that this provision was adopted.

SECTION 4: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect

