

**ORDINANCE NO. 2020-004
AMENDMENT TO ROSSVILLE MUNICIPAL CODE**

**AN ORDINANCE AMENDING TITLE 13 OF THE TOWN OF ROSSVILLE MUNICIPAL CODE CHAPTER 6
REGULATING PARKING OF VEHICLES ON UNIMPROVED SURFACES OF COMMERCIALY ZONED PROPERTY
TO COMPLY WITH ZONING ORDINANCE REQUIREMENTS.**

Whereas, the Town of Rossville Board of Mayor and Aldermen passed Ordinance 2017-003 on second reading on May 7, 2017 to regulate parking of vehicles on unimproved surfaces of commercially zoned property; and

Whereas, the definition identified in the Rossville Municipal Code Chapter 6 13-6.01(3) of an "improved surface" is in discrepancy with the definition of "improved surface in the Zoning Ordinance Article VIII, Section 1,1(e) which "requires the entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with 4" compacted gravel surface in accordance with specifications approved by the Building Inspector. The parking area shall be surfaced within one (1) year of the date the permit is issued."

Whereas, the Zoning Ordinance is the prevailing regulation for the Town of Rossville.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Rossville, Tennessee that Chapter 6, 13-6.01 Definitions of the Rossville Municipal Code be repealed in its entirety and replaced with the following verbiage:

Chapter 13

PARKING ON UNIMPROVED SURFACES OF COMMERCIALY ZONED PROPERTY PROHIBITED

Chapter:

- 13 – 6.01 Definitions.
- 13 – 6.02 Violations a civil offense.
- 13 – 6.03 Enforcement.
- 13 – 6.04 Penalty for violations

13-6.01 Definitions: For the purpose of interpretation and application of this Chapter, the following words and phrases shall have the indicated meanings:

- (1) **"person"** shall mean any natural person, or any partnership, association, corporation or other organization of any kind and description.
- (2) **"vehicle"** shall mean any machine propelled by motor or human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids including but not limited to automobiles, trucks, motorcycles, motor scooters, go carts, golf carts, all-terrain vehicles, bicycles, campers, trailers, tractors, tractor-trailers, buggies, wagons, earthmoving equipment, bicycles, grass cutting equipment and any one or more parts of the above.
- (3) **"improved surface"** shall mean a continuous area constructed of concrete, asphalt, brick, or pavers which is free of visible dirt, grass and other vegetation.
- (4) **"unimproved surface"** shall mean any area that is not an improved surface as defined hereinabove.
- (5) **"inoperative vehicle"** shall mean a vehicle which is currently not registered or which will not operate under its own power.

(6) "commercially-zoned property" shall mean any property zoned for retail or office use excluding properties zoned for industrial use.

13-6.02 Violations a Civil Offense. It shall be unlawful and a civil offense for any person to park, store, keep, maintain or display an operative or inoperative vehicle on any unimproved surface of commercially-zoned property.

13-6.03 Exceptions. Nothing in this Chapter shall be construed to prohibit the short-term, temporary parking of vehicles engaged in the provision of services to the building owners or occupants, including but not limited to, the loading or unloading of merchandise or other bulky items; construction activities for which a building permit has been secured; building maintenance or repair, emergency activities; any activity involving the use of a bucket truck or similar equipment; and other temporary activities for which no reasonable parking alternatives exists.

13-6.04 Enforcement. The building inspector or his designee shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations. If after such investigation, the building inspector or his designee finds a vehicle parked in violation of this ordinance, he shall first issue a notice of non-compliance upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property. If the offender fails to comply with this ordinance within the time period stated in the notice, the building inspector or his designee may (1) request the city judge to issue a summons, or (2) request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest, as authorized by Tennessee Code Annotated Section 70. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may (1) request the city judge to issue a summons, or (2) request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a violation in lieu of arrest as authorized by Tennessee Code Annotated Section 7 - 63 - 101 et seq. or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to Tennessee Code Annotated Section 55-5-122 the municipal court may issue an order to remove the vehicle or vehicles from the property at the owner's expense.

13-6.05 Penalty for Violations. Any person violating this Chapter shall be subject to a civil penalty of Fifty Dollars (\$50.00) plus court costs for each separate violation of this Chapter. Each day the violation of this Chapter continues shall be considered a separate violation.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage, the public welfare so requiring.

1st reading: March 10, 2020 2020

Public Meeting: April 14, 2020 2020

2nd reading: April 14, 2020 2020

Mayor: Judy B. Walters

Town Recorder: Helen Pennington