

ORDINANCE NO. 1513

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 435-2(H)
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
REGULATING OVERNIGHT PARKING OF CERTAIN HEAVY VEHICLES
IN RESIDENTIAL AREAS**

WHEREAS, Section 435-2(H) of the City of St. Francis Code of Ordinances establishes overnight parking regulations within the City of St. Francis regarding certain heavy vehicles in residential areas of the City; and

WHEREAS, City Staff has recommended revisions to Section 435-2(H) to provide clarification concerning the types of vehicles that are prohibited from overnight parking in residential areas; and

WHEREAS, the Common Council finds that the revisions to Section 435-2(H) as set forth in this Ordinance will provide clarity for the public and City law enforcement personnel and will promote the public health, safety, and welfare;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Chapter 435, entitled “Vehicles and Traffic”, Section 435-2, entitled “Parking Regulations”, subsection H, entitled “Overnight Parking of Heavy Vehicles Prohibited,” is hereby repealed and recreated to read as follows:

H. Overnight parking of certain vehicles in residential areas prohibited.

1. Except as provided in subsection H(3) below, no person shall park any vehicle described in subparagraphs (a) through (e) below on any City street, alley, terrace way or other area reserved for public use during hours of darkness; and no person having ownership or control of a vehicle of such type(s) shall allow or cause such vehicle to remain so parked during hours of darkness:
 - a. Any vehicle licensed as having a gross vehicle weight of over 8,000 pounds that is designed, intended, or used for agricultural, commercial, or construction purposes.
 - b. Any vehicle having more than six wheels.
 - c. Any vehicle exceeding 20 feet in length.
 - d. Any semi-tractor, semi-trailer, or semi-tractor/trailer combination.
 - e. Any trailer, irrespective of whether such trailer is attached to a vehicle that is otherwise permitted.
2. “Residential area” is defined for purposes of this subsection (H) as any area within the City of St. Francis that is zoned for residential use and any block within the City wherein more than 50% of the land use on either side of the street is used for residential purposes.

3. These provisions shall not apply to:
 - a. Any motor vehicle licensed as an automobile or as a sports-utility vehicle.
 - b. Any pickup truck licensed as having a gross motor vehicle weight of 8,000 pounds or less, or
 - c. Any vehicle that is being used for active loading or unloading for a period of 20 minutes or less.
4. No overnight parking permit issued under § 435-2(F) shall be deemed to modify or limit the provisions of this section.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 6th day of June 2023.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC
Anne Uecker, City Clerk/Treasurer