

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 9-10.21 OF THE ALBANY MUNICIPAL CODE RELATED TO OVERSIZED AND RECREATIONAL VEHICLE PARKING

WHEREAS, The Traffic and Safety Commission has recommended that there be parking restrictions for oversized and recreational vehicles;

WHEREAS, The City Council has reviewed the Traffic and Safety Commission recommendations and desires to amend the Albany Municipal Code; and

WHEREAS, The City Council finds that the proposed changes are in the best health, safety, and welfare interests of the City.

THEREFORE, The Albany City Council hereby ordains that Section 9-10.21 is hereby amended to read as follows:

Section 1.

9-10.21 Parking of Oversized and Recreational Vehicles Prohibited

a. Parking Prohibitions. No person shall park any oversized vehicle, or vehicles or recreational vehicle or vehicles as defined in Section 9-1.1 on any public street or highway within the City. Further, no dolly or trailer not connected to a towing vehicle shall at any time be parked or left standing on any public street or highway within the City.

b. Exemptions

This article shall not apply in the following situations:

1. Any resident with a permit issued by the City of Albany Police Department whose oversized vehicle, recreational vehicle or trailer is parked for a period not to exceed forty eight (48) consecutive hours in front of his or her residence for the purpose of loading or unloading before or after a trip. The term “trip” does not refer to daily use of the vehicle but instead refers to an extended overnight use of the vehicle which requires additional time to prepare the vehicle. The term loading or unloading means the packing of food, clothing and supplies, and preparing the vehicle’s refrigeration, and unpacking the vehicle after the trip.
2. Vehicles actively being used in repairs to public facilities.

3. Any bona fide guest of a resident who has secured a permit for the parking of a recreational vehicle from the City. A permit not to exceed 3 days will be issued if:
 - i. The bona fide guest is not a resident of the City, and
 - ii. The vehicle is not registered to an address within the City.
4. Any person who is actually engaged in making emergency repairs thereon.
5. Any oversized vehicle making pick ups or deliveries of goods, wares and merchandise from or to any building or structure located on a public street or delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a street or highway for which a building permit has previously been obtained.
6. Any oversized vehicle used for the movement of commercial or residential property, (i.e., moving trucks or vans), while making pick-ups or deliveries of property and/or valuables.
7. Any oversized vehicle or trailer designed and used for the hauling of special purpose equipment while such equipment is being operated in an area immediately adjacent to the location of the parked oversized vehicle or trailer.
8. Any person who has been a resident living in Albany before July 1, 2010 who has owned a recreational vehicle registered to an Albany address prior to July 1, 2010 and continues to own the same recreational vehicle is authorized to park, after having obtained a permit issued by the Police Department, that recreational vehicle on the public street or highway on his/her block of residence in accordance with this Section 90-21.10. Only one recreational vehicle per household is excepted under the provisions of this section. This "Albany Resident" exception will expire on July 15, 2015. Said permits may be revoked if compliance with all conditions are not met.

Any Albany resident seeking an exception under the provisions of this section bears the burden of proof in establishing said residency and ownership.
9. The exceptions listed in this section shall not apply to any oversized vehicle, recreational vehicle or trailer parked within 100 feet from the street corner or in such a manner as to obstruct and prevent free use of sidewalks.
10. The provisions of this section shall not apply to any city-owned vehicles or vehicles of agents of the city.
11. The Chief of Police may consider authorizing other exemptions on a case by case basis.

Section 2. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. Posting or publishing.

This ordinance shall be published in a newspaper of general circulation in the City of Albany, which said newspaper is designated for that purpose, or it shall be posted in three locations.

Section 4. Effective Date.

This ordinance shall become effective 30 days after its passage and adoption by the City Council.

Mayor Joanne Wile