



"...meeting community needs...enhancing quality of life."

TO: Safety & Licensing Committee
FROM: APD Chief Todd Thomas
SUBJECT: Update to Section 19-91 of the Municipal Code
DATE: July 21, 2020

For at least the last couple of decades, officers and CSO's at the police department were under the belief that lawn parking violations in residential settings could be legally addressed via either a parking ticket under the Municipal Code of Appleton Sec. 19-90 or a municipal summons under Sec. 19-91. Most violations were resolved by placing a parking ticket on the vehicle parked on the lawn, allowing for a relatively quick and convenient correction to the problem with a reasonable cost to the owner, the former is \$20.00 when paid timely and the latter is \$200.50. The more formal resolution of warning and eventually issuing a municipal summons to the owner was reserved for chronic or persistent violators. The summons process often requires more work for the officer because owners must be contacted directly, requiring repeat visits to the homes if owners are not initially available. The summons also carries an increased cost to the owner as compared to the parking ticket, of course.

Recently it was discovered that officers should not be using Sec. 19-90 (\$20.00) parking tickets for lawn parking violations per the previous practice and Sec. 19-91 requires that officers enforce front and side lawn violations under this specific section causing an increase in the forfeiture amount to \$200.50. In order to increase the efficiency of officers and create a more equitable process for citizens, the police department would like to make first offense front and side lawn violations a \$20.00 parking ticket while leaving second and subsequent violations subject to the \$200.50 fine under Sec. 1-16 by making the following modifications to Sec. 19-91.

Sec. 19-91. Parking in front and side yard in residential district; parking on terraces.

(a) **Purpose.** The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.

(b) **Residential driveway.** Residential driveway means that area leading directly

from the street to a garage, carport, or rear yard parking area.

(c) **Front yard.** No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. All driveways on one- (1-) and two- (2-) family residential properties, as well as those properties with three (3) dwelling units, shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians in accordance with Sec. 12-59(c)(3) are permitted. Those existing driveways on one- (1-) and two- (2-) family properties, as well as those properties with three (3) dwelling units, that are not currently paved as described for new driveways shall be so paved within one (1) year of notice of non-compliance.

(d) **Side yard.** No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless the side yard parking area is no greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property. Side yard parking areas are required to be hard surfaced and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.

(e) **Permits.** The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

(f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide; and,
- (4) The paved area is no longer than the length of the driveway, extending from the edge of the City’s right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,
- (5) Whenever practicable, the extension shall be located on the side of the driveway such that it extends toward the nearest side lot line. When such a configuration is not possible, the property owner may install an extension no greater than four (4) feet into the greater front yard. Any extension into the greater front yard of the property that is more than four (4) feet wide shall require approval from the Municipal Services Committee.

(6) This section shall not apply toward paved circular driveways.

(7) The paved area shall meet any other requirements of the Municipal Code including, but not limited to, zoning requirements and the Driveway Installation Policy.

(g) Appeals to the requirements of this section shall be filed with the Inspections Supervisor and heard by the Municipal Services Committee. In hearing and deciding appeals, the Committee shall have the power to grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Decisions of the Committee shall be consistent with the purpose and intent of this section.

(h) Relief granted by the Municipal Services Committee, pursuant to (g) above, shall run with the land.

(i) ~~Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §1-16 of the Municipal Code.~~ **Penalty.**

(1) First offense parking forfeiture. Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in § 19-90 (i), (k) and (l) apply to first offenses of this section.

(2) Second and subsequent violations of this section. Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in § 1-16 of the Municipal Code.

cc: Assistant City Attorney Darrin Glad