

BILL NO.: 4998

ORDINANCE NO.: _____

Introduced by: City Manager Nathan Mai-Lombardo

**AN ORDINANCE FOR THE CITY OF BERKELEY MISSOURI,
AMENDING SECTION 390 OF THE TRAFFIC CODE**

WHEREAS, the City of Berkeley is authorized to regulate the use and parking of motor vehicles pursuant to Title III of the Municipal Code of the City; and;

WHEREAS, the City has previously adopted regulations for the parking of motor vehicles within the City; and;

WHEREAS, overnight truck and (semi) trailer parking on small streets and lots other than at designated truck terminals is unsightly, and a potential health and/or safety hazard; and;

WHEREAS, Section 390.050 of the current Traffic Code allows for overnight parking on public or private property, **only** if a hearing is held by the City Council, and said parking is determined not to be a threat to the character, general welfare, public safety, and the peaceful enjoyment of neighboring property owners; and;

WHEREAS, City Staff have determined that there is no benefit to issuing such special permits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. The Section 390.050: Parking Where Prohibited – Special Permit, is hereby repealed.

Section 2. This Ordinance shall be in full force and effect from and after its date of passage.

1st Reading this _____ day of _____ 2023

2nd Reading this _____ day of _____ 2023

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2023

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___

Chapter 390. Regulation of Trucks and Truck Traffic

Article II. Parking

Section 390.050. Parking, Where Prohibited — Special Permit.

[CC 1961 §38.30(B); Ord. No. 2155, 7-12-1976]

- A. No truck or commercial vehicle with a gross license weight in excess of twelve thousand (12,000) pounds, or in excess of twenty-four (24) feet in length, or in excess of eight (8) feet in height, except State licensed recreational property, unless the vehicle is parked within an enclosed garage or has secured a special permit issued by the Council after a hearing wherein the Council should determine whether such parking will:
1. Adversely affect the character of the neighborhood.
 2. Adversely affect the general welfare of the community.
 3. Subsequently interfere with the protection of the property on which the vehicle is parking with relation to fire and police protection.
 4. Subsequently interfere with the enjoiment of neighbors in relation to vision, screen, appearance, and utilization of their property.

If the Council's findings should be negative as to all of the Subparagraphs referred to (1, 2, 3, and 4) above, then the application shall be granted. If the Council's findings are affirmative as to either Subparagraphs 1, 2, 3, and 4, then the permit shall be denied.

- B. Any person desiring a special permit shall pay the City the sum of thirty-five dollars (\$35.00) for costs herein, and upon receipt of an application and thirty-five dollars (\$35.00), the Council shall grant a public hearing giving fifteen (15) day's notice, and a letter shall be sent to enjoining property owners informing them of said public hearing.