

Sponsor: Councilwoman Gott
First Reading: 09/20/21
Second Reading: 10/04/21
Third Reading: 10/18/21
Ord. No.: 011-21

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA TO UPDATE REGULATIONS REGARDING THE PARKING OF TRAILERS, BOATS, AND OFF-HIGHWAY VEHICLES

WHEREAS, the Town of Smyrna is authorized pursuant to Section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, the Town Council finds that the parking and storing of trailers, boats, or off-highway vehicles on streets and within front yards tends to obstruct the view of automobile drivers and pedestrians, creating hazardous and dangerous conditions, reduces the availability of on-street parking, and creates visual blight and unsightly conditions throughout the Town;

WHEREAS, the Town Council recognizes that the use of trailers is an important aspect of many businesses serving the residents of the Town and seeks to provide appropriate opportunities for trailers to be used in those businesses; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to revise the town’s regulations to clarify the standards for parking and storing trailers, boats, and off-highway vehicles in the Town.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 66 (Traffic and Vehicles), Article III (Stopping, Standing, and Parking) be and hereby is amended as follows:

Section 1. Amend Section 66-107 by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Sec. 66-107. - ~~Parking of boats, boat trailers and OHVs.~~ Parking of trailers, boats, and Off-Highway Vehicles (OHVs)

~~No boat, boat trailer, or OHV shall be parked, placed, stored, or maintained on any front yard area, public roadway, street or other public property for a time period exceeding 24 hours.~~

- (a) No trailer, boat, or OHV shall be parked, placed, stored, or maintained in any front yard area, public roadway, street or other public property from 9 p.m. until 6 a.m. Between the hours of 6 a.m. and 9 p.m., a trailer, boat, or OHV may only be parked or placed in any front yard area, public roadway, street, or other public property when (a) connected to a motor vehicle used to transport the trailer, boat, or OHV and (b) being actively loaded, unloaded, or used to perform construction, landscaping, yard or house maintenance, or other similar work.

(b) Any person convicted of a violation of subsection (a) of this section shall be guilty of a civil violation and, upon conviction before any court of competent jurisdiction, shall pay a fine of \$50.00 and costs. Each day a violation continues shall be considered a separate violation subject to a separate fine.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 3. Effective Date. This Ordinance shall become effective December 1, 2021.

SYNOPSIS

This ordinance clarifies that all trailers, boats, and off-highway vehicles are prohibited from being parked in any front yard area, public roadway, street or other public property between 9 p.m. and 6 a.m. Trailers, boats, and OHVs connected to a motor vehicle and in active use may be parked or placed in any front yard area, public roadway, street, or other public property between 6 a.m. and 9 p.m. This ordinance establishes a fine of \$50.00 for violations thereof.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2021.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2021 and posted at the Town Hall on _____, 2021.

So Certifies:

Town Clerk