



**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
TUESDAY, JULY 6, 2010
COMMUNITY ROOM
6:00 P.M.**

- I. **Winter De-Icing Alternatives**
Public Works Director Rick Kahm will discuss winter de-icing alternatives.
- II. **City Council Action Minutes**
Financial and Administrative Services Director Frank Gryglewicz and City Clerk Lou Ellis will discuss City Council action minutes.
- III. **Off-Road Vehicle/Storage**
City Council will discuss the off-road vehicle/storage issue.
- IV. **City Manager's Choice**
- V. **City Attorney's Choice**
- VI. **Council Member's Choice**
 - A. City Council Selection of Budget Sub-Committee

MEMORANDUM



TO: City Council

THROUGH: Gary Sears, City Manager

FROM: Rick Kahm, Director of Public Works ✓

DATE: June 30, 2010

SUBJECT: WINTER DE-ICING ALTERNATIVES

As we anticipate the future of services provided by Englewood Public Works, we must always focus on economics and efficiencies in the products that we provide for the community. This is even more critical in the economic conditions that we are currently facing. In addition, we must always consider our impacts on the environment and the carbon footprint that we leave behind.

Over the past many years, we have contemplated our process in dealing with winter snow storms and in our use of deicers. We remain one of the few governmental entities along the front range that continues to rely on sand and salt as our method of choice in dealing with Colorado's harsh winters. Each year, we attempt to lessen our contribution on Denver's brown cloud by modifying our application rates of sand and salt, and sweeping more efficiently after each event. And, minor improvement has been noted.

However, we believe the time has come to alter our approach in dealing with snow storms and icy roads. The change we propose will enhance our economical and environmental efforts and will follow best management practices in the industry.

After thorough analysis of available options, and there weren't many, and research through the American Public Works Association, we believe that "**Ice Slicer**" is the best match for our community and our organization. The benefits of ice slicer compared to sand/salt are many. The only advantage of sand/salt over ice slicer that we can identify is that we have a 50 year experience with sand/salt. Ice slicer is a natural product that is mined in Utah and stockpiled locally and is readily available year round. Using magnesium chloride to pre-wet the ice slicer causes the product to adhere to the road surface with less bounce and to begin melting snow and ice immediately.

- Regular road salt stops working when the temperature dips below 17°F while ice slicer melts snow and ice effectively to 0°F (and, in some instances, -5°F).
- Ice slicer has a natural grittiness which eliminates the need for sand while providing traction. The elimination of most of the sand means the cost of cleaning up after storms is dramatically reduced. Clean up after a storm now typically requires two sweepers, a

truck, and six employees (64 man hours). Most of this cost would be eliminated and free up employees to perform tasks that have been deferred.)

- Ice slicer is 70% less corrosive than rock salt (presently used) which saves on equipment maintenance, damage to automobiles and the infrastructure.
- Reducing the amount of sand on the streets lowers the amount of pollutants in the air and helps the City to comply with requirements of DRCOG.
- The Streets Division has traditionally had designated areas at the Servicenter to dispose of street sweepings at no cost. The areas are full and no longer available. Beginning in 2011, it will be necessary to take sweepings to a landfill at an estimated annual cost of \$30,000. By using ice slicer, the majority of this cost would be eliminated.
- Application rates for ice slicer can be reduced by as much as 50% compared to sand and salt.

The Streets Division currently has eight (8) dump trucks that are equipped for snow removal. Four trucks are equipped with sanding equipment (drop box sanders and computer controls set up for sand/salt applications – these units would be utilized as back up or extra sanding units).

- In 2008, three replacement trucks were equipped with stainless steel beds which allowed the life cycle to be increased from 8 years to 12 years. In 2009, an additional truck was replaced and equipped with a stainless bed. This allowed the elimination of one replacement cycle in 24 years with a savings to the City of \$412,000.
- Proposed changes in 2010 to accommodate the use of ice slicer require the purchase of four (4) slide-in sanding units equipped with saddle tanks for pre-wetting with magnesium chloride for these four trucks. This will allow for a more precise application of material and allow the truck beds to remain in a down position while sanding, which provides a safer method.
- Additionally, Streets has a water truck, 1,500 gallon capacity that can easily be converted with a spray bar assembly, to be used as a pre-wetting truck for bridges and roadways when needed and can also be used for applying magnesium chloride to alleys experiencing severe dust (a process not currently available to us).
- The purchase of an additional storage tank for liquid de-icer to be located at Servicenter would be required.

Implementing a GPS system on snow removal equipment to provide application information to Streets management, including real time ambient air and pavement temperatures, location information to Streets and Safety Services dispatch for areas that have been cleared for emergency dispatch, and web based information for citizens of areas that have been sanded and plowed.

- Implement GPS system on motor graders and provide web based information for citizens of ongoing alley maintenance during the spring and summer.
- Currently in the process of applying for funding through the Regional Air Quality Council for GPS units. If successful, 80% of the cost will be covered through the grant with a 20% match by the City (we won't know until early 2011).

Total cost to implement ice slicer and GPS system is:

• 4 spreader boxes @ \$21,000	\$ 84,000
• Additional magnesium chloride storage tank	4,269
• GPS system and equipment for Streets vehicles (9@ \$1,500)	<u>13,500</u>
Sub-total	\$101,769
Contingency	<u>8,231</u>
Estimate Total Lease Purchase	\$110,000
Anticipated Regional Air Quality Comm. Grant	<u>10,800</u>
	\$ 99,200

We are asking Council to support acquiring the equipment through a lease purchase by adding it to the upcoming lease purchase for the City's telephone system.

/lw

Attach.

c: Dave Henderson
Brad Hagan
Pat White
Larry Nimmo

2035 Regional Transportation Plan Conformity PM10 Emission Reduction Commitments

City of Englewood

PM10 Emission Reduction Conformity Commitments

Geographic Area of Commitment	For Staging Years	Emission Reduction Commitment
General PM10 Modeling Domain	2015	58 %
	2020	58 %
	2030	58 %
	2035	58 %

It is our intention to pursue the above percentages of PM10 emission reductions compared to the 1989 baseline as goals for the years noted.

Name _____

Date

Title _____

Signature needed from Chairman, County Board of Commissioners,
Mayor/City Manager of Municipality, or Agency Executive Director.

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Table A	
Total Pounds Applied	5,558,000 Pounds
Current Application Rate	416 #/mile
Percent Sanding Reduction from Baseline	60 Percent
Emission Reduction from Sanding Reductions	33 Percent
Weighted Average Sweeping Credit	37 Percent
Emission Reduction from Sweeping -- Dust Fraction	13 Percent
Emission Reduction from Sweeping -- Sand Fraction	11 Percent
Total Emission Reduction	58 Percent

Table B	
Emission Reduction from Sanding Reductions	0 Percent
Weighted Average Sweeping Credit	0 Percent
Emission Reduction from Sweeping -- Dust Fraction	0 Percent
Emission Reduction from Sweeping -- Sand Fraction	0 Percent
Total Emission Reduction	0 Percent

Emission Reduction Requirements Effective Oct. 2000:

Metro Area -- 30%

Foothills Area -- 20%

Estimate with ICE SLICER

**2035 Regional Transportation Plan Conformity
PM10 Emission Reduction Commitments**

City of Englewood

PM10 Emission Reduction Conformity Commitments

Geographic Area of Commitment	For Staging Years	Emission Reduction Commitment
General PM10 Modeling Domain	2015	67 %
	2020	67 %
	2030	67 %
	2035	67 %

It is our intention to pursue the above percentages of PM10 emission reductions compared to the 1989 baseline as goals for the years noted.

Name

2011 & beyond
Date

Title

Signature needed from Chairman, County Board of Commissioners,
Mayor/City Manager of Municipality, or Agency Executive Director.

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Table A	
Total Pounds Applied	2,400,000 Pounds
Current Application Rate	180 #/mile
Percent Sanding Reduction from Baseline	83 Percent
Emission Reduction from Sanding Reductions	48 Percent
Weighted Average Sweeping Credit	37 Percent
Emission Reduction from Sweeping -- Dust Fraction	13 Percent
Emission Reduction from Sweeping -- Sand Fraction	6 Percent
Total Emission Reduction	67 Percent

Table B	
Emission Reduction from Sanding Reductions	0 Percent
Weighted Average Sweeping Credit	0 Percent
Emission Reduction from Sweeping -- Dust Fraction	0 Percent
Emission Reduction from Sweeping -- Sand Fraction	0 Percent
Total Emission Reduction	0 Percent

Emission Reduction Requirements Effective Oct. 2000:
Metro Area -- 30%
Foothills Area -- 20%







MEMORANDUM

TO: Mayor Woodward and City Council Members
FROM: Loucrishia A. Ellis, City Clerk
DATE: July 6, 2010
SUBJECT: **City Council Study Session
Verbatim vs Action Minutes**

There are three basic categories of minutes: action, summary and verbatim.

Action minutes are a record of what action was taken, rather than what was said. Action minutes include a record of the legal components of a meeting (date, time, place, quorum) plus a record of each decision made (vote count and how each member voted).

Summary minutes include all of the elements of action minutes, plus a brief, general summation of the meeting completed by the Clerk.

Verbatim minutes are a word-for-word account of the meeting. They are very labor intensive.

I do not recommend summary minutes as, given the nature of the Council Meetings, that would probably be more time and labor intensive for staff. Summary minutes require staff to interpret Council's intent. Several years ago, some Council members complained that the summary minutes did not include all of their comments and some requested that even though they were summary minutes, they wanted their comments to appear verbatim. That led to the decision by Council, that all Council minutes from that point forward would be verbatim.

All minutes have a permanent retention. The Liberty Recording System recordings of the Council meetings are linked to the City's website. If we move to action minutes then the audio would be retained permanently. Along with a hard copy of the action minutes, the audio is retained on the network drive and is backed up. For disaster recovery purposes, a CD will be burned annually of the action minutes and recording.

MEMORANDUM

To: Chief of Police Thomas E. Vandermee

From: Commander Gary Condreay, Neighborhood Services Commander
Sergeant Tim Englert, Code Enforcement Supervisor

Date: June 30, 2010

Subject: Follow-up to Council Requests #10-127

Council Request #10-127

Assigned to: Police Code Enforcement

Date Assigned: June 22, 2010

Request for background information/history on Englewood's off road vehicle/boat regulations.

On March 15, 2004 the current Municipal Ordinance applicable to inoperable vehicles and off road vehicles and trailers was codified. At that time Code Enforcement Officers began an educational period of ninety days prior to commencement of enforcement actions. Since the inception of the ordinance its enforcement has been contentious and controversial.

Over the years there has been much discussion in reference to the storage of off road vehicles and recreational vehicles. The off road vehicle ordinance, especially in relation to the storage of boats/trailers and utility trailers in front driveways, has generated many citizen complaints. The majority of these complaints relate to the lack of access to side yards or backyards. The Code Enforcement Advisory Committee has reviewed these issues in the past.

The storage of recreational vehicles, especially oversized motor homes, in driveways has also been a point of contention. The problem with these vehicles arises in that they may be allowed by Englewood Municipal Code (EMC) 15-9-1 but disallowed by the weight restrictions in EMC 11-6-2.

A summary of recent council requests and significant discussions beginning in April of 2008 is included below.

In April of 2008 Council Request 08-103 was submitted to address a citizen's concerns related to a boat parked in a driveway. The request was answered through a reference to EMC sections 15-9-1 (Inoperable Motor Vehicles and Trailers), 15-9-2 (Vehicles: Off-Road and Trailers), and 11-6-2 (Parking/Storage Regulations for Residential Districts). At that time Police and Code Enforcement staff requested clarification regarding application of the ordinances that would apply to properties without access to side or rear yards.

On April 30, 2008 a meeting was held with the City Attorney in reference to camper trailers and off road vehicles. A policy decision was made in conjunction with the City Attorney that Motor Homes parked in front yards would be handled on a complaint only basis. All other camper trailers and off road vehicles were to be enforced per ordinance.

On June 17, 2008 a memo from the Police Chief and the Director of Community Development was sent to City Council addressing the parking of RVs and Trailers in zoned residential districts. The memo pointed out several discrepancies and conflicts between sections of EMC Titles 11 and 15 which made enforcement of the ordinances problematic.

In July 2008 direction was received from City Council that Motor Homes would be exempt from the 7,000 weight restriction in EMC 11-6-2 and that properties without rear or side yard access would be enforced per ordinance.

In April 2009, the Code Enforcement Officers were given direction by their supervisor to amend their enforcement strategy base on City Council direction pending further review. The following guidelines were provided for enforcement: Do not enforce ordinances related to motor homes, camper trailers, and boats that are parked in front yards, and to enforce utility trailers per ordinance.

In November of 2009 Council Request 09-166 requested clarification of the enforcement of Recreational Vehicles over 7,000 pounds. The applicable ordinances were summarized and the policy of not enforcing off road vehicles and boats in front yards restated. The report concluded with a request for clarification and guidance from City Council.

On February 24, 2010 Council Request 10-50 was submitted to address three specific properties with issues related to the parking of recreational vehicles and the storage requirements in residential areas.

On June 8, 2010 Council Request 10-118 was submitted to address a citizen inquiry after they received a Notice of Violation for parking a boat in her front driveway. The citizen inquired if she could obtain a permit to park the boat in the driveway during the summer months. At this time there are no provisions in the ordinances addressing a permitting process.

On June 15, 2010 Council Request 10-119 was submitted to address a citizen concern with a travel trailer parked to the side of a residence. A Notice of Violation was issued and the trailer was moved upon re-inspection. Upon receipt of the Notice the citizen contacted several City staff members and members of City Council.

The above referenced Council Requests and communications have been included as attachments with this report.

In conclusion, the enforcement of these ordinances has been the source of numerous citizen complaints since their codification. On several occasions previous Councils have been asked for clarification and guidance from not only Police and Code personnel but also from the Code Enforcement Advisory Board in dealing with these issues.

Among the options available to provide the necessary clear direction for enforcement are:

- Make no changes to current ordinances, lift the notice by complaint only policy currently in effect and begin normal enforcement.
- Make modifications to the existing ordinances to address current enforcement policy (i.e. modify maximum weight limits for the storage of motor homes in residential districts or permitting seasonal storage).
- Study the matter thoroughly with City Staff and Code Enforcement Advisory Committee to make recommendations for drafting new ordinances (i.e. parking of boats in front driveways, access to rear and side yards, and weight limits, and or seasonal storage permits).

RESIDENTIALLY ZONED DISTRICTS

	FRONT YARD	SIDE YARD	BACK YARD	PUBLIC RIGHT OF WAY
INOPERABLE VEHICLES EMC 15-9-1A	No Storage Except 8 Hours Daily on Hard Surface	One on Property on a Hard Surface Screened From View		No EMC 11-6-1
OFF ROAD VEHICLES EMC 15-9-2A	No Storage Except 8 Hours daily on Hard Surface. Car Port ok if under 3500 lbs.	One ORV on Hard Surface if Under 3500 lbs. Additional ORVs on Hard Surface Screened from view if under 5000 lbs.		Licensed Subject to Parking Regulations EMC 11-6-1
UTILITY TRAILERS BOAT EMC 15-9-2A	No Storage Except 8 Hours daily on Hard Surface. Car Port ok if under 3500 lbs.	One on Hard Surface if Under 3500 lbs. Additional Vehicles on Hard Surface Screened from view if under 5000 lbs.		Licensed Attached to Vehicle subject To Parking Regulations EMC 11-6-1
RECREATIONAL VEHICLES: MOTOR HOMES CAMPERS EMC 15-9-1A				Yes, Licensed and Operable Current Enforcement Policy

Applicable Ordinances Title 15

15-9-1: Inoperable Motor Vehicles.

This Chapter is intended to address the proper storage of **inoperable motor vehicles, off-road vehicles and trailers**. It shall be unlawful and considered a nuisance for any person to store, maintain or keep any inoperable motor vehicle, off-road vehicle or trailer in violation of this Chapter.

The owner of an inoperable motor vehicle, off-road vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or trailer is stored, shall be responsible for the maintenance of such vehicle in compliance with this Chapter.

A. *Inoperable Motor Vehicles in All Residential Zone Districts.*

1. No inoperable motor vehicle shall be stored within the **front yard**.
2. No person shall store or work on any inoperable motor vehicle within the front yard or in or on any public property or right-of way, **except** that such vehicles may be **temporarily maintained** in the **front yard**, on a **hard surface**, for the purposes of **transport, loading, unloading, or other temporary activities**. Such transport, loading, unloading, or other temporary activities shall **not exceed eight (8) hours per day**.
3. **No inoperable motor vehicle may be stored in a carport**. An inoperable motor vehicle may be stored in a fully enclosed garage or similar structure.
4. **One (1) inoperable motor vehicle** may be stored in a rear or side yard if it is on a **hard surface, and screened from view of adjacent properties and public rights-of-way**.

B. *Inoperable Motor Vehicles in Zone Districts Other Than Residential (including TSA District and PUDs).*

1. No inoperable motor vehicle shall be stored unless it is on a **hard surface, screened from view of adjacent properties and public rights-of-way** or in a fully enclosed structure.
2. The provisions of this Section shall not apply to a permitted and/or licensed automotive use. (Ord. 98-39; Ord. 02-32; Ord. 03-44; Ord. 04-15)

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. *Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.*

1. **No ORV or any type of trailer** shall be stored within the **front yard**.
2. No person shall **store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way**, except that such vehicles may be **temporarily maintained** in the **front yard**, on a **hard surface**, for the purposes of transport, loading, unloading, or other temporary activities. Such **transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day**.
3. **One (1) ORV or trailer under three thousand five hundred (3,500) pounds**, may be stored in a **carport or a rear or side yard** if it is on a **hard surface**. Any **additional ORV or trailer under five thousand (5,000) pounds** may be stored in the **rear or side yard if it is on a hard surface and screened from view** of adjacent properties and public rights-of-way.

B. *Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).*

1. No off-road vehicle or trailer shall be stored unless it is on a **hard surface, screened from view of adjacent properties and public rights-of-way** or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

(Ord. 03-44; Ord. 04-15; Ord. 07-4)

Applicable Ordinances Title 11

11-6-1: Parking/Storage Regulations in All Districts

C. No person shall **park any motor vehicle or vehicle** in excess of **twenty-two feet (22')** in length, or **eight feet (8')** in width, in the **public right-of-way** except when such motor vehicle is being **expeditiously loaded or unloaded**.

D. No person shall **park or permit to stand in any public right-of-way or on public property**, any **trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed**. The vehicle and connected trailer shall not be parked in the public right-of-way for more than **seventy-two (72) hours within any one week**.

11-6-2: Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to **store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way**.

The vehicle may be parked in the right-of-way for no more than **seventy-two (72) hours** within any one week while being **expeditiously loaded or unloaded**.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. **Any vehicle** with an empty weight in excess of **seven thousand (7,000) pounds (70 C.W.T.)**.

(text omitted referring to commercial vehicles)

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to **block the sidewalk** or any portion of the public sidewalk.

2. No vehicle shall be parked **in front of the front setback of the principal structure** unless located on a **concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface**.

3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).

4. **Detached campers** shall be stored in the area identified as the **rear or side yard** and shall be stored on **blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits**. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;

b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is

visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

(Ord. 98-39; Ord. 00-7)

MEMORANDUM

To: Chief of Police Tom Vandermee
From: Sgt Christian Contos
Code Enforcement Supervisor
Date: April 10, 2008
Subject: Council Request #08-103

Council Request 08-103
Assigned to: Police-Code Enforcement
Date assigned: April 10, 2008

The resident of 2235 West Vassar Avenue requested information regarding the storage of a boat/trailer in the front driveway of the residence, and the storage of an RV in the front driveway of the residence. The resident received a Notice of Violation for these items.

According to *EMC 15-9-1 (Inoperable Motor Vehicles and Trailers)* and *15-9-2 (Vehicles: Off-Road and Trailers)*, no off-road vehicle or trailer, including boats, may be stored within the front yard.

According to *EMC 11-6-2 (Parking/Storage Regulations for Residential Districts)*, any vehicle that weighs over 7000 pounds may not be stored on private property. The ordinance doesn't specifically include or exclude motorized recreational vehicles from parking on *private* property; however it does specifically exclude motorized recreational vehicles from parking on *public* property for other than loading/unloading purposes.

There doesn't appear to be an exception in either of these vehicle/trailer storage ordinances for properties that don't have a side or rear yard.

Since the early 1990's, it appears that it has been a policy decision of the City of Englewood to exclude motorized recreational vehicles from enforcement as the number of this type of vehicle in the City is very high, and virtually all motorized recreational vehicles are over 7000 pounds. Code Enforcement Officers are requesting a policy clarification regarding enforcement of the storage of oversized, motorized recreational vehicles within the City of Englewood. In addition, clarification is requested regarding application of ordinances that would ordinarily apply to properties that have a side or rear yard, except that the properties in question don't have a side or rear yard.

Code Enforcement Officers are in contact with the residents of 2235 West Vassar Avenue in an attempt to find a solution to the storage problems regarding the recreational vehicle and boat.

From: Caroline Faseruk
Sent: Thursday, May 08, 2008 8:53 AM
To: Christian Contos
Cc: Sam Watson
Subject: RE: Ordinance clarifications

I called 2335 W. Vassar and advised owner Elaine Bills (w-3-285-1350) that, although the RV-motor home can remain for the time being, the boat and trailer must be placed in either the side or rear yard or removed from the premises. She got upset, said why when 'it's been there since 1992', why 'when we were told to remove it, we got Council to say it could stay.' I explained to her that I cannot speak for previous enforcement, can only speak for recent rulings and current enforcement, that I called her with the outcome of management's review as I said I would. Elaine said she'd call Sgt. Contos on Monday but will also be getting in touch with City Council, so I told her that I appreciated her time and that I would follow-up for compliance in two weeks.

-----Original Message-----

From: Christian Contos
Sent: Wednesday, April 30, 2008 3:27 PM
To: #Police (Code Enforcement); Nancy Wilson; Adrian Curry
Cc: Mike O'Connor
Subject: FW: Ordinance clarifications

To Code and Parking Officers:

Please see below email regarding recent decisions by the City Attorney about enforcement of some ordinances.

From: Christian Contos
Sent: Wed 4/30/2008 1:20 PM
To: Sam Watson
Subject: Ordinance clarifications

The following items were discussed at a meeting with the City Attorney on April 30. Please use this email as written guidelines regarding enforcement of these items until we receive written directives from the City.

- RV issues on private property will only be handled on a complaint-only basis until we receive written direction from the City Manager on how to proceed. RV includes only motorized, self-propelled camper vehicles, not detachable campers or camper trailers, which will still be enforced as usual per ordinance. (15-9-2). RV's parked on public streets are prohibited by ordinance and enforceable via parking citation (11-6-1).
- Properties without a side or rear yard setback are not exempt from the ORV or storage ordinances, and are treated as any other property and should be enforced (except RV's).
- Parking on gravel surfaces is *permitted* until Community Development decides if it should be permitted or not.
- Trailers that are legally licensed and attached to legally registered vehicles in the public right-of-way should be enforced under the 72 hr max per week ordinance (11-6-1D).
- If you happen to locate any contradictions in ordinance, let me know and I will forward them to the City Attorney's office for correction.



M E M O R A N D U M

TO: Mayor and City Council

FROM: Tom Vandermee, Police Chief
Alan White, Community Development Director

DATE: June 17, 2008

RE: Parking of RVs and Trailers in Residential Zone Districts

The parking of vehicles on public and private property is regulated in Titles 11 and 15 of the Englewood Municipal Code.

Title 15-9-2 contains regulations for the parking of off-road vehicles and trailers. The regulations prohibit the storage of any ORV or any type of trailer within the front yard. Work on an ORV or trailer within the front yard in or on any public right-of-way is prohibited, except for the temporary purposes of transport, loading, unloading, or other temporary activities. Such temporary activities may only take place in the front yard on a hard surface. One ORV or trailer under 3,500 pounds may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under 5,000 pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

[Note: An off road vehicle (ORV) includes, but is not limited to, an all-terrain vehicle (ATV), mini-bike, dirt bike, hovercraft, dune buggy, go-cart, boat, personal watercraft, race car or other vehicles that are not street legal in the State of Colorado, experimental vehicle, aircraft, and trailers for any of the foregoing even if properly licensed. One or more ORVs stored on a trailer is considered one ORV.]

Title 11-6-2 establishes parking and storage regulations for residential zone districts. The storage of a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way is prohibited. The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

The parking of the following described vehicles on public or private property in residential areas is prohibited, except while making normal deliveries or when being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of 7,000 pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.

3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

Title 11-6-2 places further restrictions on the parking or storage of any vehicle on private property:

1. No vehicle may be parked which blocks the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
3. Only one commercial vehicle may be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of 7,000 pounds (70 C.W.T.).
4. Detached campers shall be stored in the rear or side yard and shall be stored on blocks or supports not more than six inches in height, or on its loading jacks or apparatus at their lowest limits.
5. The occupancy or use of any motor vehicle for living, housekeeping or sleeping purposes or for the housing and keeping of animals is prohibited. A special permit may be issued to an applicant for a nonresident journeying in a recreational vehicle and who is visiting the applicant. The permit enables the visitor to occupy the recreational vehicle at the applicant's residence for not more than seven days.

The foregoing regulations essentially eliminate the parking or storage of certain vehicles and trailers in front yards or on the street. One ORV under 3,500 pounds may be parked in the side or rear yard on a hard surface. Additional ORVs weighing under 5,000 pounds may be stored in the side or rear yard on a hard surface if screened from adjacent properties and rights-of-way. The parking or storage of RVs or motor homes, because of their weight, is prohibited in residential zone districts.

In single family residential zone districts (R-1-A, R-1-B, R-1-C), the required side yard setbacks range from three to seven feet. In multi-unit zone districts (R-2-A, R-2-B, MU-R-3-A, MU-R-3-B), required side setbacks for residential structures are five feet. Required rear yard setbacks for residential structures are twenty feet in all residential zone districts. Due to the relatively small size of lots in the City, most residential structures have been built at the minimum side yard setback.

The side setbacks for garages are three feet in all residential zone districts (except R-1-A which is five feet). The rear setbacks are six feet if the garage entrance faces the alley, or three feet if the entrance faces a street or side lot line.

Several areas of the City were not platted and developed with alleys. The combination of lack of alley access and side yards measuring three to seven feet makes it difficult for some residents to park allowed ORVs or trailers in the side or rear yard of their lot. There is also a discrepancy between the two Titles. Title 11 allows gravel as a parking surface. Title 15 does not.

Gary Condreay

From: Sam Watson
Sent: Tuesday, July 22, 2008 8:30 AM
To: #Police (Code Enforcement)
Cc: Tom Vandermee
Subject: Motor Homes

Last night at the Council Study Session they discussed two topics that pertain to us.

The first was the topic of motor homes stored on private property – Council decided to amend Title 11-6-2 (B) and exempt motor homes from this restriction. This will mean that we will not enforce motor homes parked on private property. We will still enforce if they are on the public right of way.

The second topic was the issue of residential properties that have no rear or side yard access and wish to park ORV's and trailers. Council decided not to make an exception for these properties - so (for now) we will continue to enforce this as usual.

Thanks...
Sam

Tim Englert

From: Christian Contos
Sent: Monday, April 20, 2009 4:00 PM
To: #Police (Code Enforcement)
Subject: Enforcement of ORV's

All,

City Council is once again considering how to enforce trailer and hard surfaces for parking. Until we hear otherwise, please take the following approach to the following specific violations:

- Do not enforce **motorhomes, camper trailers, and boats** that are not parked to the side or rear of a property.
- Public education is our goal. Both the violator and the RP need to be contacted and advised that the ordinance is under review, and that they may be required to move the **motorhome, camper trailer, or boat** once Council makes a decision on which way to proceed. You may tell them that for now, they are not expected to move it until they hear back from us. Please encourage citizens to call Code Enforcement if they have questions. Please do not refer them to City Council.
- We are still enforcing IV rules. This means that even though the above can be parked in the front driveway, it still must be licensed/operable, if applicable.
- Enforce **utility trailers** as usual.
- Any surface other than plain dirt or grass is acceptable to park on.
- All public right-of-way parking regulations still apply.

I'm just as confused as everyone else. Let me know if you have questions. Thanks...Christian

*Sgt Christian Contos
Englewood Police-Code Enforcement & Asst Emergency Mgt
3615 South Elati Street
Englewood, Colorado 80110
office: 303-762-2379
email: ccontos@englewoodgov.org*

MEMORANDUM

To: Chief of Police Tom Vandermee

CC: Sgt Mike O'Connor, Traffic Enforcement Unit Supervisor
Dan Brotzman, City Attorney's Office

From: Sgt Christian Contos
Code Enforcement Supervisor

Date: November 30, 2009

Subject: Council Request #09-166

Council Request #09-166
Assigned to: Police-Code Enforcement
Date assigned: November 24, 2009

Information was requested regarding clarification on intent and enforcement of 11-6-2-B-1 of the Englewood Municipal Code pertaining to Recreational Vehicles (over 7,000 pounds).

The Englewood Police Department's Neighborhood Services Division, made up of the Traffic Enforcement and Code Enforcement Units, handles violations that occur on the public right of way (streets, alleys, and sidewalks) and on private property within the City of Englewood. This memo addresses the enforcement philosophy of the Police Department. The City Attorney's Office may be the proper venue for discussing the actual intent of the ordinance. The Englewood Police Department follows the enforcement philosophy of "voluntary compliance through education", which means that enforcement increases through increased violation history, lack of response to prior education or enforcement, and the individual circumstances of the incident.

Current societal trends have resulted in larger personal-use and recreational vehicles. Most RV's are large vehicles and likely weigh more than 7,000 pounds. In addition, many larger personal-use SUV's and pickup trucks also weigh more than 7,000 pounds. Personal-use vehicles that are over 7,000 pounds are usually not a violation of municipal ordinance. A citizen inquired as to why a neighbor's possibly oversized vehicle was allegedly in violation. In order to better address the circumstances surrounding the citizen's questions, we would respectfully request more information about the details of the incident.

Based on issues such as these, City Council determined a review of the oversized vehicle ordinance was necessary.

Inoperable vehicles, commercial vehicles, and utility trailers (any trailers not specifically designed for sleeping) are enforced per ordinance on both private and public property. In addition, all parking and storage regulations for public rights-of-way are still enforced per ordinance. On private property, enforcement is conducted via education and warnings, written Notices of Violation, and/or a summons into municipal court. On public rights-of-way, enforcement is conducted via education, warnings, and/or a parking summons issued to the vehicle in violation.

In April 2008, the Englewood City Council directed that enforcement of RV issues on private property occur on a complaint-only basis until there is further direction from City Council to the City Manager's Office. For the purposes of this issue, RV includes only motorized, self-propelled camper vehicles, not detachable campers or camper trailers. Detachable campers and camper trailers on private property are enforced per *EMC 15-9-2 Off-road Vehicles and Trailers*.

RV's stored on public streets are still prohibited by ordinance and are enforced on a complaint-only basis by the Police Department via education and warning or parking citation under *EMC 11-6-2(A) Parking/Storage Regulations in Residential Districts*. RV's and camper trailers may be legally parked (not stored) on the street for up to 72 hours within a seven day period for the purposes of expeditiously loading and unloading.

In April 2009, the Englewood City Council considered the municipal code relating to the private property storage of trailers and hard surface parking. Per the City Council discussions, and until otherwise directed, the Englewood Police Department has taken the following approach to enforcement of RV's, trailers, and boats on private property:

Normally, trailers, campers, RV's, and boats must be stored to the side or rear of the residence, on private property. Some properties in the City do not have side/rear yard or alley access that would allow one of these trailers or vehicles to be stored there. The Police Department is not enforcing RV's, camper trailers, and boats that are parked in the front driveway because they cannot be parked to the side or rear of a private property due to lack of access. In these cases, both the violator and the complainant are contacted and advised that the related ordinances are under review, and that no enforcement of these issues will occur at this time, pending a decision by City Council. The involved citizens are advised that once a decision is made by City Council, they may be required to remove their vehicles or trailers from their property.

MEMORANDUM

To: Chief of Police Tom Vandermee
From: Commander Gary Condrey
Date: February 25, 2010
Subject: Council Request 10-050

Council Request 10-050
Assigned to: Police – Code Enforcement
Date Assigned: February 23, 2010

Request for information regarding motor homes parked in residential-zoned areas and the storage requirements for these vehicles. Information is also requested on regulations covering traffic safety concerns governing motor homes parked in driveways or in corner lots blocking visibility for adjacent properties, oncoming traffic, or vehicles entering intersections.

On February 24, 2010, three specific addresses were checked for issues related to parking of recreational vehicles in reference to storage requirements in residential areas.

At 4900 S. Inca St. a moderate sized motor home is parked in a driveway to the rear of the property. The vehicle is properly licensed and is parked on a hard surface. There were no violations observed.

At 850 W. Chenango Ave. a Snap-On Tool truck is parked in the driveway in the front of the address. No license plates were observed on the vehicle. Contact was made with the owner of the property. He advised that he had just purchased the used vehicle and planned to convert it to a work truck. He will have the vehicle properly registered to his business and plans to have it moved to another address within a few days.

At 4795 S. Lipan St. a fifth wheel travel trailer is parked to the rear of the residence in a driveway with access from W. Layton Ave. The property is very well maintained and has no previous code violations. The trailer is parked approximately two feet from the sidewalk. Traffic Engineer Ladd Vostry assisted with the inspection of the property. There is a partial sight obstruction when viewing W. Layton Ave to the east of S. Mariposa St. Traffic appears to currently be able to safely transverse the intersection.

Contact was made with the owner at 4795 S. Lipan who was very cooperative. The fifth wheel has been parked at the location for several years. The owners will be able to clear some debris from the rear of the parking area and will move

the fifth wheel back into the driveway approximately two additional feet. This may alleviate any concerns with sight obstruction caused by the fifth wheel.

An additional sight obstruction was noted at the location. There is a retaining wall, tree and a bush immediately northwest of where the fifth wheel is parked. During the summer months, when foliage is present on the tree and bush, a sight obstruction may exist. An attempt was made to contact the owners at 4580 S. Mariposa Dr. in reference to the landscape. A business card was left and the owner has not yet contacted us.

The following is stated in the Unified Development Code:

16-6-6: Fences and Retaining Walls.

D. Visibility: Sight Distance Triangle. The City Traffic Engineer shall determine compliance with sight distance standards in connection with all permit applications and shall be authorized to vary these standards depending on site conditions.

1. Street/Street Intersection Sight Distance Triangle. No fence, visual obstruction or retaining wall over three feet (3') in height above the grade of the adjacent street shall be erected, placed, planted, or allowed to grow that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at intersections.

There are no specific regulations governing motor homes parked in driveways or corner lots that block visibility for adjacent properties, oncoming traffic, or vehicle entering the intersection, other than the information that is listed above. The Traffic Engineer will investigate any complaint for the sight-distance triangle and will make recommendations for compliance.

Recreational vehicles primarily used for recreational camping are referred to in the Model Traffic Code as "Camper Coaches," "Camper Trailers" and "Trailer Coaches." There is no specific wording in ordinance to prohibit the storage of any recreational vehicle. According to EMC 11-6-2 (*Parking/Storage Regulations for Residential Districts*) any vehicle that weighs over 7000 pounds may not be stored on private property. One difficulty is determining the exact weight of any vehicle. The ordinance doesn't specifically include or exclude recreation vehicles from parking on private property; however it does specifically exclude motorized recreational vehicles from parking on public property for other than loading/unloading purposes. Since the early 1990's, it appears that it has been a policy decision of the City of Englewood to exclude recreational vehicles from enforcement as the number of this type of vehicle in the City is very high, and virtually all motorized recreational vehicles are over 7000 pounds.

MEMORANDUM

To: Chief of Police Thomas E. Vandermee
From: Sergeant Tim Englert, Code Enforcement Supervisor
Date: June 10, 2010
Subject: Follow-up to Council Requests #10-118

Council Request #10-118

Assigned to: Police Code Enforcement

Date Assigned: June 8, 2010

Follow-up information requested regarding a citizen inquiry after receiving a Notice of Violation for parking a boat in their driveway, and the possibility of obtaining a permit to park the boat there for the summer months.

On June 3, 2010 the District Code Official issued a Notice of Violation to the resident at 3280 South Cherokee for parking a boat in the driveway of the residence. The Ordinance cited on the Notice was 15-9-2.

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. *Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.*

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. *Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).*

1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

(Ord. 03-44; Ord. 04-15; Ord. 07-4)

The resident upon receipt of the notice submitted a question to their council person requesting information about being granted a permit to park the boat in the driveway for the summer months.

On June 9, 2010 Sergeant Englert met with the Code Officer who issued the Notice. The notice was issued as result of an e-mail received by Sergeant Englert from a citizen on June 1, 2010. In the e-mail the citizen complained regarding weeds and trash at 3270 South Cherokee, weeds at several other houses, and weeds at Table Steaks. As a result of the e-mail the District Code Official issued a verbal warning to Table Steaks and 9 Notices of Violation in the area of the 3200 block Bannock and Cherokee. The Notices were issued for weeds, trash, inoperable vehicle, off road vehicle and outdoor storage issues.

The citizen at 3280 South Cherokee spoke with the District Official regarding the notice for his boat and trailer. No options were identified or parking the boat on the side of the house or in the backyard. In an effort to work with the citizen a two week extension in addition to the seven days on the original Notice was granted. At the end of the extension period a Posting Notice may be issued.

There are no provisions in the ordinance for exceptions or permits at this time.

MEMORANDUM

To: Chief of Police Thomas E. Vandermee
From: Sergeant Tim Englert, Code Enforcement Supervisor
Date: June 16, 2010
Subject: Follow-up to Council Requests #10-119

Council Request #10-119

Assigned to: Police Code Enforcement

Date Assigned: June 15, 2010

Follow-up information requested regarding a citizen inquiry related to a trailer parked on the side of a house located at 4981 South Kalamath.

On June 14, 2010 a request was received to check the status of a trailer parked to the side of a residence located at 4981 South Kalamath. A Code Officer was assigned to investigate the complaint. A Notice of Violation was issued and the citizen contacted. As a result the trailer was moved from the side of the house. On June 15, 2010 the Code Officer was in the area and noted the trailer was now in the driveway attached to a vehicle. The address will be re-inspected for compliance at the end of the notice period in seven days.