



CITY OF TONKA BAY

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ITEM NO. 9A

Memo

To: Mayor and City Council
From: Lindy Crawford, City Administrator
Date: June 9, 2015
Re: Continued First Reading – Section 910 Amendments

At the City Council meeting held on May 26, 2015, the City Council held the first reading on amendments to Section 910 relating to boat trailer parking. After careful consideration, the first reading was continued to gather additional information from Ken Potts, our prosecuting attorney, get statistics and/or fact finding, and see information on enforcement by signage vs. resolution or ordinance.

I've received the following information by email from Sgt. Justin Ballsrud of the SLMPD and Mr. Potts.

In an email from Sgt. Justin Ballsrud from SLMPD, he states: "We cannot enforce a resolution and in order to use the parking ordinance, trailers have to be included in the vehicle definition. Because the resolution signs are posted, residents call and expect enforcement of violations. There has been confusion about this issue for numerous years among the officers. After looking at all the information we determined that a change in the vehicle definition for the parking ordinance would be the best way to handle it."

In emails from Ken Potts, our Prosecuting Attorney, he states: "In my experience as a prosecutor an ordinance must be succinct and to the point and clearly set forth what conduct is prohibited. The less words the better; I believe the proposed amendment identifies the area the Council wanted to prohibit boat trailer parking. The problem being the officers believed that they could not write citations based upon a resolution. If the Council wanted to set forth a specific time frame that could be included in the ordinance. Since the no parking prohibition pertains specifically to boat trailers, I believe that it would be necessary to have a specific ordinance to that effect, a simple no parking sign would not suffice."

Council Action Requested:

The Council should determine if this additional information answers their questions and concerns about the ordinance amendment and they can move this item on to the next meeting for a second reading. The final ordinance language and accompanying resolution will then be brought back for adoption.