



Office of the City Attorney

City Hall, Suite 206
201 Delafield Street
Waukesha, Wisconsin 53188-3646
Telephone (262) 524-3520
Fax (262) 650-2569
Email attorneys@waukesha-wi.gov

Brian E. Running
City Attorney
Miles W.B. Eastman
Assistant City Attorney
Julie M. Gay
Assistant City Attorney
Anne Marie Iselin
Assistant City Attorney
Rebecca L. Pipp
Legal Assistant

March 15, 2019

Memorandum

To: Common Council
From: Brian Running
Re: Second Reading of Proposed Municipal Code §17.09

With this memo are two documents, a redline of the draft of §17.09 showing the Ordinance and License Committee's revisions to the original draft, and a clean copy of it in ordinance form. Please refer to the original O&L agenda attachments for background information on this proposal.

The Committee voted to remove restrictions on large commercial vehicles and RVs on residential properties and driveways, in response to comments from two individuals at the O&L meeting. However, the Community Development Department and City Attorney's Office want to remind the Council that even though no one showed up at O&L to express a desire for regulation, we do receive complaints from citizens about commercial vehicles and large RVs being parked and stored on residential properties. There are two areas of legitimate concern regarding these vehicles. One, large vehicles can be as large as buildings – a Class A RV can be 40 or more feet in length, and 10 or more feet in height – and if they are parked close to a property line without a setback, they can loom large to neighbors. Two, if they are parked in driveways, they can block vision for both pedestrians using sidewalks and for drivers backing out of the driveway, creating a safety issue. We are not taking a position on this one way or the other, it's a policy matter for the Council to decide. But, we think the Council needs to know that there is not unanimous support from citizens for allowing large commercial vehicles and RVs on residential lots. You may want to poll your constituents before the third reading.

With legislation of this type, there will be unforeseen consequences that will pop up as it is applied, and there will be reaction from citizens from its enforcement or lack of applicability to certain situations. Therefore, we expect that in a year or so, we will be re-visiting this ordinance and making adjustments based on real-life experience. Please be sure to keep track of your constituents' comments and feedback on the ordinance, so we can make appropriate adjustments.