



CITY OF MANITOWOC

WISCONSIN, USA

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December 13, 2022

TO: Public Safety Committee
Eric Sitkiewitz, District 6 Alderman

FROM: Eric Nycz, Assistant City Attorney

Re: Request Concerning Recreational Vehicles on City Streets

Issue Presented

Item 22-0663 was discussed during the August 8, 2022 Public Safety Committee Hearing (“Hearing”) which addressed the concerns of several citizens regarding recreational vehicles (“RV’s”) parked on Manitowoc (“City”) streets. It was noted that the City does not have an ordinance that addresses this issue and, after some further discussion, it was decided to continue the discussion at a later date, once the City Attorney’s Office was staffed and had the opportunity to review related codes from other municipalities in Wisconsin. The Office has now completed a comprehensive review of municipal codes throughout Wisconsin that address this issue.

A Review of Several Options

The City is not alone in its silence on RV street parking. Approximately one-third of the municipality codebooks that were reviewed were silent on RV parking. The municipalities that have decided to address this issue have generally approached it in three different ways.

a. A “No Camping” Restriction

Most approaches are narrow and only limit RV parking on city streets if the RV is being used for “camping” (think Cousin Eddie from *Christmas Vacation*):

... no person shall camp or maintain a campsite, tent or mobile recreational vehicle, whether self-propelled or not, or camp on any street or property owned, leased, maintained or controlled by the city. Such property shall include but not be limited to city streets, parks or municipal parking lots.

I do not believe this approach would address all of the concerns expressed at the Hearing, but it would address the issue of citizens using RV’s for storage or as a temporary home on City streets.

b. A Complete Ban

A select few municipalities ban RV parking on city streets completely by noting where RV’s shall park. The following is a smattering of the provisions that accompany this approach in various locations:



- Recreational vehicles shall be parked upon a paved off-street parking area.
- A maximum of two recreational vehicles may be permitted to park per residential tax parcel.
- Recreational vehicles shall not be utilized for living, sleeping, or housekeeping.
- Recreational vehicles must be operational and owned by and registered to the owner or the legal tenant of the property and must bear current license registrations as applicable.
- Recreational vehicles shall not interfere with vehicular line of sight, the public right-of-way, or interfere with pedestrian traffic.

It should be noted that every total ban that we reviewed included the following provision:

- Recreational vehicles may be used as on-site offices in conjunction with construction work, provided they shall be removed upon completion of construction. Such vehicles may be occupied 24 hours a day for on-site security but shall not be used as a residence.

c. A Compromised Approach

There are some jurisdictions that allow for RV street parking for a limited number of days, whether consecutive or by calendar year. This is an excellent example of one such ordinance:

Recreational vehicle storage

(a) All recreational vehicles must be operable, have current registration, and be in good repair to be parked outdoors.

(b) Except for a period not to exceed 14 days in any calendar year, recreational vehicles shall not be stored on or extend into the public street right-of-way, including, but not limited to, on a public roadway or over a public sidewalk or path.

(c) Outdoor storage of recreational vehicles shall be set back from the associated property line a distance equal to the parking setback in the associated zoning district under...

(d) No recreational vehicle shall be used as a dwelling unit for more than seven days per calendar year, or shall be classified or used as an accessory building for storage or other purposes.

(e) No recreational vehicle shall be connected to municipal water, sanitary sewer, or a private on-site wastewater treatment system at any time, except for maintenance.

...

(g) Outdoor storage of recreational vehicles in residential zoning districts shall be permitted in the front or street side yard only if on hard, all-weather surface...

(h) Where a recreational vehicle is stored on a vegetative surface such as grass, the grass must be maintained and free of weeds and tall grass...

These approaches attempt to balance the interest of the RV owner with the interest of public safety and general residential aesthetics.



Punishment

The City has legal authority to impose an escalating fine system for this issue. It should be noted that while there was some indication by the committee that an escalating fine system might be desirable, we did not find a similar system envisioned by the committee at any other municipality for this issue. Typically, the ordinances that were reviewed provided a wide range of fines or an escalation as exhibited here:

(1) **GENERAL PENALTY.** Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) **First Offense.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) **Second Offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

Please note that a \$5.00 fine totals \$67.30 with costs, a \$100.00 fine totals \$187.00, and a \$500.00 fine totals \$691.00. Current City parking violations range \$5.00 - \$100.00, excepting handicap parking violations, which are \$100.00 - \$200.00. (*See Manitowoc Municipal Code 10.610*).

The amount of fine will clearly be dependent upon the type of system in place (ie, perhaps a smaller fine if there is a total ban, as the number of penalties issued could be a daily and cumulative occurrence). This information is provided to simply ensure that the committee has an opportunity to consider this aspect of the issue at the time of its discussion.

Considerations for the Committee

In order to best serve the committee and draft an appropriate ordinance to address the committee's concerns, this Office will require direction on:

- The type of approach (no camping, total ban, or a compromise position)
- Whether a “setback” provision is desirable when parking RV’s on private property
- If utilizing a compromise approach:
 - Total calendar days allowed per year? If so, how many?
 - Consecutive days/hours on the street? If so, what is the limit?



- The fine system the committee would like to impose: escalating fines or the same amount for each occurrence, punitive amounts or lower amounts to discourage behavior?
- Any other considerations or provision that the committee would like to have incorporated into the ordinance

Generally, this Office attempts to provide the committee with a draft ordinance for review as soon as possible. Given the unanswered policy questions at play and the numerous ordinances this proposed ordinance would have to work in concert with, a draft at this time was not a realistic goal. This Office will review video of the committee's discussion in the event an attorney is not present at the meeting when this issue is discussed, but also feel free to contact the Office with any concerns, questions, suggestions or remarks you may have regarding this issue.