

To the Mayor and Members of the City Council**October 27, 2015**

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**SUBJECT: POTHoles ON PRIVATE PARKING LOTS****Issue:**

City Council requested an update on the City's policy for addressing potholes on private parking lots.

Summary:

Zoning and development ordinances do not specifically address the maintenance of private parking lots. The closest reference is section 6.202 of the Zoning Ordinance that states "Minimum required parking spaces must be hard-surfaced and dust free...All parking must be, at a minimum, on a compacted gravel base."

However, there are two scenarios where staff can use other ordinances to address these issues:

1. Section 503.2.3 of the Fire Code states "Fire lanes shall be designed and maintained to support a twelve thousand five hundred (12,500) pound wheel loading. The surface shall be designed to provide all-weather driving capability and constructed of asphalt or concrete, unless otherwise approved by the fire code official."
2. When potholes have pooling water that could be a breeding pool for mosquitos we can require that they be drained or filled. Most of the time they are filled.

When potholes are not in a fire lane or create a breeding pool, the Code Compliance Department has been somewhat successful in getting property owners to voluntarily repair them based on the arguments of liability and economic impact. For example, one of the lots that may have created this Council inquiry is being repaired by the property owner.

Potential Changes: There are two points of view that staff is considering as we examine changes to regulations related to maintenance of private parking lots. On one hand, it is very easy to say that these occur on private property and therefore the City should not regulate them, e.g., let economics and customer complaints drive the maintenance considerations. On the other hand, staff is frequently asked to engage on this issue and having a clear policy or ordinance would both reduce the impact on staff and set a clear expectation for property owners. Staff researched this issue and conducted public meetings on potential ordinance solutions several years ago, but the project was tabled due to the recession. Overall, there was favorable support for an ordinance that required filling potholes to address hazards.

Staff is currently working on ordinance revisions to address litter that blows off of private property, including parking lots. We are working with the Chamber of Commerce and others on ways to positively influence change and how to enact an ordinance that would hold violators accountable without impacting those that do a good job. As we move from development of these ordinances to holding public meetings, we will include parking lot maintenance and bring back a comprehensive report.

**David Cooke
City Manager**