

# Agenda Report

---

June 3, 2013 City Council Meeting

June 3, 2013

Item No. 11

## **ISSUE: Ordinance Revisions to Address Parking Regulations**

Consideration of Ordinance 13-06 revising parking regulations and authorization to enforce primarily subchapter 60.10, as well as offering additional clarification to fire lane violations and authority to enforce.

## **BACKGROUND:**

These changes and clarifications are the result of a previous city council committee of the whole discussion that was centered around parking issues as they related to nuisance abatement. The police chief had gone through the existing parking regulations and recommended amendments to better clarify the code as well as an attempt to strengthen the City's ability to adequately enforce violations.

During the course of review three issues were identified within city code relating to enforcement of fire lanes. This ordinance also cleans up that language.

## **RECOMMENDATION:**

These amendments have been thoroughly reviewed by the city attorney.

Staff recommends the City Council approve this ordinance revision on one or more readings.

## **STAFF CONTACTS:**

Jeffrey A. Fiegenschuh, City Administrator

Dennis McDaniel, Chief of Police

DRAFT ORDINANCE NO. 13-06

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE TRAFFIC AND VEHICLES CODE, UNDER THE ORDINANCES OF CHAPTER 60

Be It Enacted by the City Council of the City of Windsor Heights, Iowa:

SECTION 1. AMENDMENT. Chapter 35 FIRE DEPARTMENT is hereby amended to read as follows:

**35.08 AUTHORITY TO CITE VIOLATIONS.** Fire officials acting under the authority of Chapter 100 of the *Code of Iowa* may issue citations in accordance to Chapter 805 of the *Code of Iowa*, for violations of State and/or local fire safety regulations. In addition, Fire officials acting under the authority of Section 1.03 and Chapter 35 of the Code of Ordinances may issue citations for violations of Subchapter 60.10 of the Code of Ordinances.

SECTION 2. AMENDMENT. Chapter 60, Subchapter 60.10 PARKING REGULATIONS, Section 2 shall be repealed and replaced to read as follows:

~~**60.10.02 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left hand side of one way streets.~~

**60.10.02 LEFT-SIDE TO CURB PROHIBITED.** Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb except as in the case of angle parking and vehicles parked adjacent to the left-hand curb of a one-way street.

SECTION 3. AMENDMENT. Chapter 60, Subchapter 60.10 PARKING REGULATIONS, Section 3 shall be repealed and replaced to read as follows:

~~**60.10.03 PARK ADJACENT TO CURB — ONE-WAY STREET.** No person shall stand or park a vehicle on the left hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.~~

**60.10.03 DISTANCE FROM CURB.** Every vehicle stopped or parked upon a roadway shall be so stopped or parked within eighteen (18) inches of the curb.

SECTION 4. AMENDMENT. Chapter 60, Subchapter 60.10 PARKING REGULATIONS, Section 6 is hereby amended by adding the following new subsection:

**60.10.06 PARKING FOR CERTAIN PURPOSES ILLEGAL.**

5. Abandoned. Vehicles defined as “abandoned” pursuant to Section 52.01 of the Code of Ordinances.

SECTION 5. AMENDMENT. Chapter 60, Subchapter 60.10 PARKING REGULATIONS, Section 7 is hereby amended to read as follows:

**60.10.07 PARKING PROHIBITED.**

6. Intersection. Within an intersection or within ~~sixty-five (65)~~ ten (10) feet of an intersection of any street or alley or as otherwise marked.

SECTION 6. AMENDMENT. Chapter 60, Subchapter 60.10 PARKING REGULATIONS, Section 7 is hereby amended by adding the following new subsections:

**60.10.07 PARKING PROHIBITED.**

21. Unimproved Surfaces – Private or Public. On grass, unpaved areas, or any unimproved portion of a yard or lawn. Parking is only permitted on improved surfaces, such as concrete or asphalt.

22. Automotive Sales. In an area not zoned for commercial use, parking on private or public property incidental to the “sale of automobiles” as defined in Section 167.07.2.A of the Code of Ordinances, and as prohibited in Section 171.08.2.G of the Code of Ordinances.

23. Fire Lanes. Within any No Parking Fire Lane and/or within ten (10) feet of any No Parking Fire Lane traffic control device.

SECTION 7. AMENDMENT. Chapter 60, Subchapter 60.11 TRAFFIC CODE ENFORCEMENT PROCEDURES, Section 3 is hereby amended to read as follows:

**60.11.03 PARKING VIOLATIONS: ALTERNATE.**

3. The simple notice of a fine for violation of a No Parking Fire Lane traffic control device pursuant to Section 60.10.07.23 of the Code of Ordinances is \$50.00.

SECTION 8. REPEALER. All parts of the "MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section,

subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 10. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

Passed by the City Council this 03 day of June, 2013 and approved this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
David J. Sullivan, Mayor

Attest:

\_\_\_\_\_  
Jeff Fiegenschuh  
City Administrator

**First Reading, June 3, 2013**

Burgess: \_\_\_\_\_

Glover: \_\_\_\_\_

Jenison: \_\_\_\_\_

Willits: \_\_\_\_\_

Butz: \_\_\_\_\_

**Second Reading, June 17, 2013**

Burgess: \_\_\_\_\_

Glover: \_\_\_\_\_

Jenison: \_\_\_\_\_

Willits: \_\_\_\_\_

Butz: \_\_\_\_\_

**Third Reading: July 1, 2013**

Burgess: \_\_\_\_\_

Glover: \_\_\_\_\_

Jenison: \_\_\_\_\_

Willits: \_\_\_\_\_

Butz: \_\_\_\_\_