

**ORDINANCE NO. 88894-1103**

**AN ORDINANCE AMENDING TITLE 7 POLICE REGULATIONS, CHAPTER 15 PARKING METERS AND LOTS SECTION 6 ON STREET METER RATES**

**Be It Enacted by the City Council of the City of Muscatine, Iowa:**

**SECTION 1. AMENDMENT.** Title 7 Police Regulations, Chapter 15 Parking Meters and Lots, Section 6 On Street Meter Rates, of the City Code of Muscatine which currently provides as follows:

7-15-6 On Street Meter Rates. Parking or standing a vehicle in a designated space in an on-street parking meter zone shall be lawful upon the deposit of coins of the United States of America as established by Resolution adopted from time to time by the City Council.

On street parking in the parking meter district shall be for the maximum parking time limit as indicated on the parking meter or by appropriate signs, after which the vehicle shall be moved and may not be parked in that same parking stall during the next consecutive eight (8) hour period

is hereby amended to provide as follows:

7-15-6 On Street Meter Rates. Parking or standing a vehicle in a designated space in an on-street parking meter zone shall be lawful upon the deposit of coins of the United States of America as established by Resolution adopted from time to time by the City Council.

A vehicle may be parked only once in an on street parking stall in the parking meter district for any time period up to the maximum parking time limit as indicated on the parking meter or by appropriate signs, after which the vehicle shall be moved from that parking stall. A vehicle moved from the parking stall may not be parked in that same parking stall during the next consecutive eight (8) hour period even though the vehicle was parked for less than the maximum parking time limit.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**PASSED** by the City Council the 6th day of November, 2003, and **APPROVED** this 6th day of November, 2003.



  
Mayor

First Reading	<u>10/16/03</u>
Second Reading	<u>11/06/03</u>
Third Reading	<u>11/06/03 (Waived)</u>
Publication	<u>11/18/03</u>

## PROOF OF PUBLICATION

I, Beth Lester, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following notice:

Muscatine City Clerk

Ordinance 88894-1103

Police Regulations/Parking Meters

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

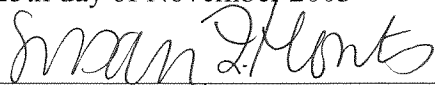
November 18, 2003



Beth Lester

### STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this  
25th day of November 2003



Susan F. Honts, Notary Public



Iowa Notarial Seal  
Susan F. Honts  
Commission Number 153623  
My Commission Expires 10/19/2004

**ORDINANCE No. 88894-1103  
AN ORDINANCE AMENDING  
TITLE 7 POLICE REGULA-  
TIONS, CHAPTER 15 PARK-  
ING METERS AND LOTS SEC-  
TION 6 ON STREET METER  
RATES**

Be it Enacted by the City  
Council of the City of  
Muscatine, Iowa:

**SECTION 1. AMENDMENT.**  
Title 7 Police Regulations,  
Chapter 15 Parking Meters and  
Lots, Section 6 On Street Meter  
Rates, of the City Code of  
Muscatine which currently pro-  
vides as follows:

**7-15-6 On Street Meter Rates.**  
Parking or standing a vehicle in a  
designated space in an on street  
parking meter zone shall be law-  
ful upon the deposit of coins of  
the United States of America as  
established by Resolution adopt-  
ed from time to time by the City  
Council.

On street parking in the parking  
meter district shall be for the max-  
imum parking time limit as indi-  
cated on the parking meter or by  
appropriate signs, after which the  
vehicle shall be moved and may  
not be parked in that same park-  
ing stall during the next consecu-  
tive eight (8) hour period

is hereby amended to provide  
as follows:

**7-15-6 On Street Meter Rates.**  
Parking or standing a vehicle in a  
designated space in an on street  
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A vehicle may be parked only  
once in an on street parking stall  
in the parking meter district for  
any time period up to the maxi-  
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vehicle shall be moved from that  
parking stall. A vehicle moved  
from the parking stall may not be  
parked in that same parking stall  
during the next consecutive eight  
(8) hour period even though the  
vehicle was parked for less than  
the maximum parking time limit.

**SECTION 2. REPEALER.** All  
ordinances or parts of ordinances  
in conflict with the provisions of  
this ordinance are hereby  
repealed.

**SECTION 3. SEVERABILITY  
CLAUSE.** If any section, provi-  
sion or part of this ordinance shall  
be adjudged invalid or unconstitu-  
tional, such adjudication shall not  
affect the validity of the ordinance  
as a whole or any section, provi-  
sion or part thereof not adjudged  
invalid or unconstitutional

**SECTION 4. WHEN EFFEC-  
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effect from and after its final pas-  
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provided by law.

**PASSED** by the City Council  
the 6th day of November, 2003,  
and **APPROVED** this 6th day of  
November, 2003.

Richard W. O'Brien  
Mayor

Attest  
A. J. Johnson  
City Clerk  
First Reading 10/16/03  
Second Reading 11/06/03  
Third Reading 11/06/03 (waived)  
Publication 11/18/03

**HARVEY G. ALLBEE, JR.  
MUSCATINE CITY ATTORNEY  
115 EAST SECOND STREET  
P. O. BOX 8127**

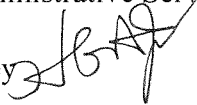
**MUSCATINE, IA 52761-0092**

**TELEPHONE: 563-263-1960 FACSIMILE: 563-263-1976 E-MAILhallbee@allbeelaw.com**

**MEMO**

**TO:** A. J. Johnson, City Administrator  
David Casstevens, Director of Administrative Services

**FROM:** Harvey G. Allbee, Jr., City Attorney



**DATE:** October 8, 2003

**CLIENT/SUBJECT: Amendment to Parking Meter Ordinance concerning Parking only  
once in a metered stall each day.**

On September 5, 2002, an amendment to the parking meter ordinance, Section 7-15-6, was adopted, approved and published on September 13, 2002, which we believed would clarify the interpretation of the limit on parking no longer than the maximum parking time limit (usually 2 hours) only once in a metered stall each day. The language was determined by the judicial magistrate to permit a person to park in a particular stall more than once during the day so long as the total time that the vehicle was parked in the same stall did not exceed the maximum parking time limit, i.e. park for one hour, leave the space and return to park a second time for an additional one hour making a total of two hours, the maximum parking time limit.

The attached amendment shows the amended language underlined in the second paragraph which the magistrates have reviewed and agree that the new language more clearly states the intent of the city in making the metered parking stalls more available for more citizens.

I request that upon your review and approval that this amendment be submitted to the city council for consideration and adoption.