

ORDINANCE NO. 90165-0707

AN ORDINANCE AMENDING TITLE 7 POLICE REGULATIONS
CHAPTER 15 PARKING METERS AND LOTS

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 4 Zones Established subsection (D) of the City Code of Muscatine, which currently provides as follows:

7-15-4 (D) Fourth Street, both sides, from Sycamore Street to Iowa Avenue

is amended to provide as follows:

7-15-4 (D) Fourth Street, both sides, from Sycamore Street to Chestnut Street

SECTION 2. AMENDMENT. TITLE 7 POLICE REGULATIONS CHAPTER 15 PARKING METERS AND LOTS, Section 8 Hours Meters and Lots to be Operated. Subsection (A) of the City Code of Muscatine, which currently provides as follows:

7-15-8(A) Parking meters shall be operated in the parking zones established by Section 7-15-4 of this Code, every day, except Saturdays, Sundays and holidays, between the hours of nine o'clock (9:00) a.m. and five o'clock (5:00) p.m. and provided that from and including the day after Thanksgiving through and including the day before Christmas, said parking meters shall not be operated.

is amended to provide as follows:

7-15-8(A) Parking meters shall be operated in the parking zones established by Section 7-15-4 of this Code, every day, except Saturdays, Sundays and holidays, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m.

SECTION 3. AMENDMENT. TITLE 7 POLICE REGULATIONS CHAPTER 15 PARKING METERS AND LOTS, Section 11 Administration sub-section (D) Appeal of the City Code of Muscatine, which currently provides as follows:

7-15-11 (D) A three (3) member administrative review panel will be established with a representative from the Police Department, the Community Development Department and a citizen-at-large to be appointed by the City Council. The administrative review panel will meet once a month to adjudicate appeals made by motor vehicle operators. All appeals must be filed with the City's Parking Bureau within ten (10) days of receipt of a ticket. The administrative review panel will render a decision on a ticket of dismissed or not-dismissed and notify the motor vehicle operator accordingly. If the operator disagrees with the decision, he/she may have the matter brought before a

judicial magistrate for a determination.

is amended to provide as follows:

7-15-11 (D) A three (3) member administrative review panel will be established with a representative from the Police Department, the Finance Department and a citizen-at-large to be appointed by the City Council. The administrative review panel will meet once a month to adjudicate appeals made by motor vehicle operators. All appeals must be filed with the City's Parking Bureau within ten (10) days of receipt of a ticket. The administrative review panel will render a decision on a ticket of dismissed or not-dismissed and notify the motor vehicle operator accordingly. If the operator disagrees with the decision, he/she may have the matter brought before a judicial magistrate for a determination.

SECTION 4. AMENDMENT. TITLE 7 POLICE REGULATIONS CHAPTER 15 PARKING METERS AND LOTS, Section 14 sub-sections (A) and (B) Notice of Violation of the City Code of Muscatine, which currently provide as follows:

7-15-14(A) If a citation issued for a vehicle parked in a parking space while the parking meter indicates that time has expired, but said vehicle has not been parked beyond the parking time limit set for such parking space, the penalty shall be five dollars (\$5.00); except, the penalty shall be three dollars (\$3.00) if the violation is admitted and paid within seventy-two (72) hours of the time and date of issue.

7-15-14(B) If a citation is issued for a vehicle parked in a parking space beyond the parking time limit set for such parking space, the penalty shall be five dollars (\$5.00).

are amended to provide as follows:

7-15-14(A) If a citation issued for a vehicle parked in a parking space while the parking meter indicates that time has expired, but said vehicle has not been parked beyond the parking time limit set for such parking space, the penalty shall be ten dollars (\$10.00); except, the penalty shall be five dollars (\$5.00) if the violation is admitted and paid within seventy-two (72) hours of the time and date of issue. If the number of citations issued for a vehicle exceeds twenty (20) citations in the same calendar year, the penalty shall be twenty-five dollars (\$25.00) for each citation issued in excess of twenty (20) citations in the same calendar year.

7-15-14(B) If a citation is issued for a vehicle parked in a parking space beyond the parking time limit set for such parking space, the penalty shall be ten dollars (\$10.00); except, the penalty shall be five dollars (\$5.00) if the violation is admitted and paid within seventy-two (72) hours of the time and date of issue. If the number of citations issued for a vehicle exceeds twenty (20) citations in the same calendar year, the penalty shall be twenty-five dollars (\$25.00) for each citation issued in excess of twenty (20) citations in the same calendar year.

SECTION 5. AMENDMENT. TITLE 7 POLICE REGULATIONS CHAPTER 15 PARKING METERS AND LOTS, Section 15 Impoundment. sub-section (B) sub-section 3. of the City Code of Muscatine, which currently provides as follows:

7-15-15 (B) 3. The hearing shall be conducted before the Administrative Parking Review Panel – made up of a representative of the Community Development Department, Police Department and a private citizen to be appointed by the City Council, and shall be limited as to whether such vehicle shall be impounded for unpaid parking tickets. The owner may at that time pay for any outstanding tickets.

is amended to provide as follows:

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SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

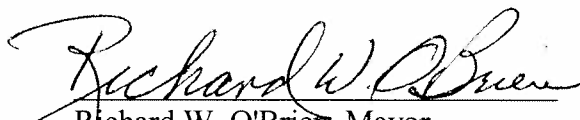
SECTION 7. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 8. 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 5th day of July, 2007, and APPROVED the 5th day of July, 2007.



_____, City Clerk


Richard W. O'Brien, Mayor

First Reading	<u>June 21, 2007</u>
Second Reading	<u>July 5, 2007</u>
Third Reading	<u>July 5, 2007</u>
Publication	<u>July 13, 2007</u>

PROOF OF PUBLICATION

I, Jeff Lee, 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 No. 90165-0707

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:

July 13, 2007

Jeff Lee

STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this
13th day of July, 2007

Beth Lester
Beth Lester, Notary Public



Beth Lester
Iowa Notarial Seal
Commission number 745921
My Commission Expires 03/20/2010

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AN ORDINANCE
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CHAPTER 15 PARKING
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Be It Enacted by the City
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SECTION 1. AMENDMENT.
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Zones Established subsection
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vides as follows:

7-15-4 (D) Fourth Street, both
sides, from Sycamore Street to
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is amended to provide as fol-

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7-15-4 (D) Fourth Street, both
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SECTION 2. AMENDMENT.
TITLE 7 POLICE REGULA-
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Hours, Meters and Lots to be
Operated, Subsection (A) of the
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SECTION 3. AMENDMENT.
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SECTION 6. REPEALER. All
ordinances or parts of ordinances
in conflict with the provisions of
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SECTION 7. SEVERABILITY
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as provided by law.

PASSED by the City Council
the 5th day of July 2007, and
APPROVED the 5th day of July
2007.

Richard W. O'Brien,
Mayor

Attest:
A. J. Johnson,
City Clerk

First Reading
June 21, 2007
Second Reading
July 3, 2007
Third Reading
July 5, 2007
Publication
July 13, 2007

MEMO

To: A.J. Johnson, City Administrator

From: Nancy A. Lueck, Finance Director

Date: June 18, 2007

Re: Ordinance on 1st Reading Amending Title 7 Chapter 15 of the City Code –
Parking Meters and Lots

The Parking Task Force recently completed their recommendations for a total of 18 changes to the City's parking operation. These changes were reviewed with Council at the June 14, 2007 In Depth meeting. The first three changes were previously approved by Council and involved changes in the configuration of Lot 4 and changes in the leased parking rates.

A portion of the remaining 15 recommendations require changes in the City's Parking Ordinance. Others can be done by Council resolution or motion. The items requiring the ordinance changes were recommendations 7, 12, 13, 15, and 16:

7. Adding meters on 4th Street between Iowa and Chestnut. This area is not currently included in the parking "zones established" in the current ordinance and a parking zone change will be required.
12. Increasing the fine rate for expired meters from the current \$3.00 if paid within 72 hours to \$5.00, and from the current \$5.00 if paid after 72 hours to \$10.00. The fine rate for parking over the specified time limit would remain at \$5.00, but would increase to \$10.00 if not paid within 72 hours.
13. The elimination of free holiday parking from the first day after Thanksgiving to the day before Christmas.
15. Changing the parking enforcement period from the current 9:00 a.m. to 5:00 p.m. to 8:00 a.m. to 5:00 p.m.
16. Ticket rates to increase to \$25.00 per ticket after the 20th ticket in a calendar year.

The attached ordinance also includes another change related to the composition of the Parking Appeals Board. The current ordinance reads that the Board will consist of a representative of the Police Department, the Community Development Department and a citizen-at-large. With the staff reductions in the Community Development Department in recent years, a representative from the Finance Department has been serving on the Appeals Board in lieu of the Community Development representative. The attached ordinance reflects this proposed change.

As noted above, several of the other Task Force recommendations are required to be approved by Council resolution including the parking meter and meter hood rate changes and the designation of parking time limits. This resolution will be presented to Council for consideration at a future meeting.

Please include this item on the agenda for the June 21, 2007 Council meeting. The City Attorney is preparing the required ordinance and this will be forwarded when it's available. If you have any questions or need additional information, please contact me.