



City of Muscatine

ITEM NUMBER 2022-0352

AGENDA ITEM SUMMARY

DATE: 9/15/2022

STAFF

Brian Stineman, Public Works Director

SUBJECT

Third and Final Reading of an Ordinance Revising Title 7, Chapter 10 of City Code regarding Snow Emergency Routes

EXECUTIVE SUMMARY

Third reading of an ordinance revising portions of Title 7, Chapter 10 of the Code of the City of Muscatine regarding posting and enforcement of emergency snow routes

STAFF RECOMMENDATION

Staff recommend approving the second reading of this ordinance

BACKGROUND/DISCUSSION

The City Council approved moving forward with this ordinance change after a presentation and discussion at the July 14, 2022 in-depth council meeting. A public hearing was set at the August 4th, 2022 regular council meeting. A public hearing was held on August 18, 2022. There were no comments from the public. The first reading of the ordinance was approved with all ayes on August 18, 2022. The second reading was approved on September 1, 2022, with 6 ayes and 1 nay

CITY FINANCIAL IMPACT

Funding for the signage to post on snow emergency routes is available in the Snow and Ice Budget.

ATTACHMENTS

1. Redline current and proposed snow ordinance
2. Exhibit A Proposed Chapter 10, Title 7 Snow Emergency Regulations 2022
3. Ordinance Amending Chapter 10 of Title 7 Regarding Snow Emergency Regulations

**TITLE 7 – VEHICLES AND TRAFFIC
CHAPTER 10 – SNOW EMERGENCY REGULATIONS**

SECTIONS:

- 7-10-1 Definitions
- 7-10-2 Snow Emergency Route
- 7-10-3 Signs
- 7-10-4 Notice of Snow Emergency
- 7-10-5 Duration of Snow Emergency
- 7-10-6 Termination of Snow Emergency
- 7-10-7 Parking on Snow Emergency Routes
- 7-10-8 Conflict of Ordinances
- 7-10-9 Stalled Vehicles
- 7-10-10 Removal and Impounding Vehicle
- 7-10-11 Citation on Vehicle

7-10-1 Definitions.

- A. "Street" or Highway" means the entire width between the boundary lines of every way publicly maintained where any part is open to the use of the public for purposes of vehicular travel.
- B. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- C. "Snow Emergency Routes" are those streets designated as priority.

7-10-2 Snow Emergency Route. The Snow Emergency Routes shall consist of streets or portion of streets as the City Council may from time to time designate by appropriate motion.

7-10-3 Standing and Parking. No person shall park or leave standing any vehicle except as provided in Section 7-10-6 of the City Code on any alley, street or roadway within the City during the period of time than an emergency snow removal operation is in effect.

7-10-3 Signs. On those streets or parts thereof designated by the Council as snow emergency routes, special signs shall be posted at intervals not exceeding six hundred feet (600') with the wording: "Snow Emergency Route. No Parking During Snow Removal". These signs shall be distinctive and uniform in appearance, shall be plainly readable to persons traveling on the street or highway and shall comply with the Manual on Uniform Traffic Control Devices, as adopted by the City.

7-10-4 Notice of Snow Emergency. ~~At the time ice or snow accumulations impede or hinder the safe movement of vehicular traffic upon any alley, street or roadway within the City or impede or otherwise interfere with the safe movement of emergency or public transportation over and across the same, the City Administrator or his or her designate may by public media declare the commencement of an emergency snow removal operation. The City Administrator may also cause such declaration to be announced in newspapers, when time permits. The public announcement shall also specify the time and date when the emergency snow removal operation shall commence and its duration.~~

7-10-4 Notice of Snow Emergency. Whenever the City Administrator or his or her

designee determines, on the basis of falling snow, sleet, or freezing rain, or predictions of the same indicate that weather conditions will make it necessary that, in the interests of the safety of the community, motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, he or she shall declare a snow emergency on all or a portion of the emergency routes. The City Administrator or his or her designee may also cause such declaration to be announced in newspapers, when time permits. The public announcement shall also specify the time and date when the snow emergency shall commence and its duration.

7-10-5 Duration of Snow Emergency. The time and day for the beginning and end of the snow emergency will be included in the initial declaration. The minimum duration will be 48 hours. However, the ending time and date can be amended if necessary because of weather conditions **or in the interest of the safety of the community**

7-10-6 "Alternate Side of Street" Parking During a Snow Emergency.

- A. ~~Streets where parking permitted on both sides.~~ During a snow emergency, streets that normally permit parking **on both sides of the street** will be subject to "alternate side of the street" parking. On odd-numbered days of the month, parking is permitted only on the odd-numbered side of the street. Likewise, parking is permitted only on the even-numbered side of the street on even-numbered days.
- B. ~~Streets where parking only permitted on one side.~~ On all streets where parking is allowed **on one side only**, if the permitted side (where parking is allowed) is even numbered, vehicles can park on that side only on even-numbered days. If the permitted side (where parking is allowed) is odd-numbered, vehicles can park on that side only on odd-numbered days.
- C. ~~Parking prohibitions not affected.~~ No parking is ever allowed on the side of the street where parking is prohibited by posted sign.
- D. ~~Transition time.~~ The transition time between the first and second day of a snow emergency is from 12 o'clock midnight until 8:00 o'clock A.M. Enforcement of the second snow emergency day does not begin until 8:00 o'clock A.M.
- E. ~~Downtown Central Business District Exempted.~~ The downtown Central Business District (area bounded by Mulberry, Third, Mississippi Drive and Pine Streets) is not affected by these parking rules. Existing parking restrictions will remain in effect.

7-10-6 Termination of Snow Emergency. Whenever the City Administrator or his or her designee determines the need for a snow emergency no longer exists, he or she may declare it terminated, in whole or in part, effective immediately upon announcement through appropriate media.

7-10-7 Parking on Snow Emergency Routes. While a snow emergency is in effect, in the interests of the safety of the community, no person shall park, or allow to remain parked, any vehicle on any portion of a snow emergency route to which the snow emergency applies. Nothing in this section shall permit parking at any time or place otherwise forbidden by any other provision of law.

7-10-8 Conflict of Ordinances. The provisions of this Chapter which become effective during a snow emergency shall take precedence over conflicting ordinances normally in effect, except those relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a Police Officer. However, nothing in this Section shall be construed to permit parking at any time or place otherwise forbidden by any other provision of law.

7-10-9 Stalled Vehicles. Whenever a vehicle becomes stalled or immobilized, for any reason, on any part of a snow emergency route during a snow emergency, the person operating that vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the snow emergency route, either onto the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of such snow emergency route except for a reasonable time necessary to receive assistance.

7-10-10 Removal and Impounding Vehicle. In the interests of the safety of the community, members of the Police Department are authorized to remove or have removed a vehicle from a street to a garage or other place of safety when:

- A. The vehicle is parked on a part of a snow emergency route on which a snow emergency is in effect.
- B. The vehicle is stalled or immobilized on a part of a snow emergency route on which there is a snow emergency in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter.
- C. The vehicle is parked in violation of any parking Ordinance or provision of law and is interfering or about to interfere with snow removal operation. When an officer removes or has removed a vehicle from a street as authorized herein and the Police Department knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, the Police Department shall, within twenty-four (24) hours, give written notice to such owner of the fact of removal, the reasons therefore, and the place to which the vehicle has been removed. If the owner does not appear within three (3) days to identify and claim the vehicle and pay the removal and storage costs, such vehicle shall be considered to be an abandoned vehicle and the Police Department shall proceed to sell or dispose of the same in accord with the provisions of the Code of Iowa.

7-10-11 Citation on Vehicle. Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded, the officer finding such vehicle may take its registration number and any other information displayed on the vehicle which identifies its user, and conspicuously affix to such vehicle a traffic citation for the driver to answer the charge against him on the date, time, and place specified in the citation. Nothing herein shall be construed as prohibiting both removal of a vehicle and prosecution of the driver for violation of this chapter.

**TITLE 7 – VEHICLES AND TRAFFIC
CHAPTER 10 – SNOW EMERGENCY REGULATIONS**

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- B. "Director" means the City Administrator or his/her designee
- C. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- D. "Snow Emergency Routes" are those streets designated as priority.

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7-10-8 Conflict of Ordinances. The provisions of this Chapter which become effective during a snow emergency shall take precedence over conflicting ordinances normally in effect due to the importance of community safety during a snow emergency, except those ordinances relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a Police Officer. However, nothing in this Section shall be construed to permit parking at any time or place otherwise forbidden by any other provision of law.

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ORDINANCE NO. 2022-0352

AN ORDINANCE REVISING TITLE 7, CHAPTER 10 – SNOW EMERGENCY REGULATIONS

WHEREAS, The City of Muscatine’s current snow emergency regulations can be found in Chapter 10 of Title 7 of the City Code of Muscatine; and

WHEREAS, proposed changes to Chapter 10 of Title 7 of the City Code of Muscatine regarding Snow Emergency Regulations have been discussed and reviewed by the City Council at the July 14, 2022, in-depth council meeting; and

WHEREAS, City Council directed City staff to prepare changes to portions of Chapter 10 of Title 7 of City Code related to snow emergency regulations; and

WHEREAS, a public hearing was conducted on August 18, 2022 by the City Council of Muscatine prior to the adoption of this ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1. The currently adopted versions of Chapter Ten of Title Seven of the City Code are hereby deleted and Exhibit A as attached hereby to is adopted in lieu thereof.

SECTION 2. 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 3. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 4. This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law

PASSED, APPROVED AND ADOPTED this 15th day of Sept., 2022.

By the City Council of the City of Muscatine Iowa;




Dr. Brad Bark (Sep 20, 2022 15:40 CDT)
Brad Bark, Mayor



Carol Webb (Sep 20, 2022 21:24 CDT)

Carol Webb
City Clerk

First Reading: 8-18-2022
Second Reading: 9-1-22
Third Reading: 9-15-22
Publication:

*** Proof of Publication ***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

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PASSED, APPROVED AND ADOPTED this 15th day of September, 2022.
By the City Council of the City of Muscatine Iowa;

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 137126

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Timothy J. Simpson

Section: Notices & Legals
Category: 2635 Legal Ordinance
PUBLISHED ON: 09/27/2022

TOTAL AD COST: 26.51
FILED ON: 9/27/2022

Subscribed and sworn to before me by said affiant this 21 day of September 2022

Michelle Graham

Notary Public in and for Scott County, Iowa



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MICHELLE GRAHAM
Commission Number 837841
My Commission Expires
February 23, 2025

