

ORDINANCE NO. 15,658

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 114-636, 114-639, 114-640, 114-640.01, 114-640.03, 114-641, 114-642, 114-643, 114-644, 114-645, 114-650, 114-652, 114-653 and 114-655, and by repealing Sections 114-637, 114-638, 114-654, and by repealing all of Division 10, Parking Meter Districts of Article XVI, Schedules, including Sections 114-3831 through 114-4115, relating to regulation of parking meters.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 114-636, 114-639, 114-640, 114-640.01, 114-640.03, 114-641, 114-642, 114-643, 114-644, 114-645, 114-650, 114-652, 114-653 and 114-655, and by repealing Sections 114-637, 114-638, 114-654, and by repealing all of Division 10, Parking Meter Districts of Article XVI, Schedules, including Sections 114-3831 through 114-4115, relating to regulation of parking meters, as follows:

DIVISION 4. PARKING METERS

Sec. 114-636. Parking meter and resident permit parking district.

The parking meter and resident permit parking district shall be constituted of all the streets and avenues located within the area bounded by the north right-of-way line of West Martin Luther King Jr Parkway beginning at the west bank of the Des Moines River, thence west to the west side of Sixteenth Street, thence north along the westerly side of Sixteenth Street to the south side of Locust Street, thence west along the south side of Locust Street to a point even with the west side of Eighteenth Street, thence northwest along the westerly side of Eighteenth Street to the south side of Grand Avenue, thence west along the south side of Grand Avenue to the west side of Nineteenth Street, thence north along the west side of Nineteenth Street to the north side of Woodland Avenue, thence east along the north side of Woodland Avenue to the north extension of the west side of Twelfth Street, thence north along the north extension of the west side of Twelfth Street to a point even with the westerly extension of the north side of Chestnut Street, thence east along the west extension of the north side of Chestnut Street and along the north side of Chestnut Street to the west side of Ninth Street, thence north along the west side of Ninth Street to the south side of Keosauqua Way, thence northwest along the south side of Keosauqua Way to the west side of Tenth Street, thence north along the west side of Tenth Street

and along the north extension of the west side of Tenth Street to the south right-of-way line of Interstate 235, thence east along the south right-of-way line of Interstate 235 to the west bank of the Des Moines River, thence south along the west bank of the Des Moines River to the north side of Grand Avenue, thence east along the north side of Grand Avenue to the west side of Robert D. Ray Drive to a point even with the westerly extension of the north side of Lyon Street, then east along the west extension of the north side of Lyon Street and along the north side of Lyon Street to the east side of to the east side of Pennsylvania Avenue; thence south along the east side of Pennsylvania Avenue to the point of intersection with the east extension of the south side of East Locust Street and said point also being the east side of East Seventh Street; thence south along the east side of East Seventh Street and Southeast Seventh Street to the north right-of way line of East Martin Luther King Jr Parkway; thence west along the north right-of-way line of East Martin Luther King Jr Parkway and along the right-of-way line West Martin Luther King Jr Parkway to the point of beginning.

Sec. 114-637. Reserved.

Sec. 114-638. Reserved.

Sec. 114-639. Parking Meter and Resident Permit Parking District Map.

The city traffic engineer shall cause to be filed in the office of the city clerk a detailed map depicting the boundaries of the parking meter and resident permit parking district as established by this division.

Sec. 114-640. Designation of parking spaces.

The city traffic engineer may apportion the appropriate parts of the streets in the parking meter and resident parking district into individual parking spaces and may cause such parking spaces to be designated by meters placed on the sidewalk or border area of the street. No vehicle shall be parked which is not entirely within the limits of the space adjacent to the parking meter. The city traffic engineer may cause the removal of any parking meter placed for any parking space.

Sec. 114-640.01. Resident parking permits.

- (a) The city traffic engineer is authorized to issue a resident parking permit for residents living within the parking meter and resident parking permit district, as defined by Sec. 114-636. Resident parking permits may be issued on an annual or monthly basis. The fee for a Type A permit shall be \$50.00 per month, while the fee for a Type B shall be \$25.00 per month. Fees may be prorated on a monthly basis from the start of the effective period of the permit for permits issued after the start of the effective period. Resident parking permits will be of a color and design, as determined by the city traffic engineer, and this color and design will change as needed for enforcement purposes.
- (b) The city traffic engineer is authorized to issue, at no charge, a Special Parking Permit to any current holder of a Resident Parking Permit, when it is determined that an authorized activity within the Resident Parking Permit District precludes the holder of a Resident

Parking Permit from being able to use the adjacent parking area designated for Resident Permit Parking.

- (c) A Special Parking Permit daily meter fee shall not be waived when the reason for a parking restriction is related to a valid emergency restriction, such as but not limited to, snow removal. The holder of a valid Resident Parking Permit may apply and would be eligible for issuance of a Special Parking Permit under Sec. 114-361.21, with the permit fee waived, but would still be responsible for paying the daily cost of any parking meter, as computed under Sec. 114-361.19(e), at any parking metered space not temporarily restricted. The issuance of a Special Parking Permit will not supersede any emergency parking restrictions imposed by an authorized city official.

Sec. 114-640.03. Residency requirements for issuance of a resident parking permit.

Residents must establish to the satisfaction of the city traffic engineer that they have a current residence within the boundaries of the parking meter and resident permit parking district to be eligible for issuance of a resident parking permit. Proof of residence will normally be a copy of a signed and executed lease document.

Sec. 114-641. Installation, construction and maintenance of meters.

In the parking meter district the city traffic engineer shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in section 114-640 of this division. The parking meters shall be placed not more than three feet from the curb nor more than four feet from the front line or back line of the parking space as indicated. The city traffic engineer shall be responsible for the regulation, control, operation, maintenance and use of parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin into the appropriate coin slot, lawful money of the United States of America, insertion of a valid credit card, debit card or city issued pre-paid parking card, or application of such other payment method authorized and approved by the city traffic engineer for the period of time prescribed by this division. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired. The right of such vehicle to occupy such space shall then cease and the operator, owner, possessor or manager thereof shall be subject to the fines and penalties provided in this chapter.

Sec. 114-642. Operation of meters.

Except in a period of emergency determined by an officer of the fire or police department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, its operator shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the proper coin slot of the meter only those United States coins designated for use in the meter, immediately insert or cause to be inserted a valid credit card, debit card or city issued pre-paid parking card, or immediately apply such other payment method authorized and approved by the city traffic engineer in accordance with the directions affixed by the manufacturer to the meter. Failure to do so shall constitute a violation of this division. Upon making payment so required, the parking space may be lawfully occupied by the vehicle during

the time prescribed for the part of the street in which the parking space is located. Any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant shall not be required to make additional payment so long as the occupancy of that space does not exceed the indicated unused parking time. If the vehicle shall remain parked in any such parking space beyond the parking time limit and if the meter shall indicate illegal parking, the vehicle shall be considered as parking overtime and beyond the period of legal parking time. Such parking shall be deemed a violation of this division. If any motorcycle shall remain parked in any such parking space beyond the parking time limit set for such parking space and if the meter shall indicate such illegal parking, any and all such motorcycles so remaining shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this division.

Sec. 114-643. Parking meter rates and time zones.

- (a) Three parking meter rate and time zones within the parking meter and resident permit parking district designated as zone I, zone II and zone III shall be established and may subsequently be amended by resolution adopted by the city council. The parking meter rate and time zones may be comprised of contiguous or non-contiguous area. Zone I shall designate a peak pricing area and all zones shall designate the locations of thirty-minute meter parking spaces and the locations of handicapped meter parking spaces. The resolution establishing the parking meter rate and time zones together with all appended zone maps and descriptions incorporated therein shall be filed in the office of the city clerk.
- (b) Four-hour meters are utilized in parking meter rate and time zone I at the rate of \$1.25 per hour. Within the peak pricing area the rate is \$1.75 per hour after 5:00 p.m. Thirty-minute meters are utilized in zone I at designated locations at the rate after the initial fifteen minutes of free parking of \$1.25 per hour. No vehicle shall be parked in a four-hour meter parking space in zone I beyond four hours. No vehicle shall be parked in a thirty-minute parking space in zone I beyond thirty minutes.
- (c) Twelve-hour meters are utilized in parking meter rate and time zone II at the rate of \$0.75 per hour. Thirty-minute meters are utilized in zone II at designated locations at the rate after the initial fifteen minutes of free parking of \$0.75 per hour. No vehicle shall be parked in a thirty-minute parking space in zone II beyond thirty minutes.
- (d) Twelve-hour meters are utilized in parking meter rate and time zone III at the rate of \$0.25 per hour. Thirty-minute meters are utilized in zone III at designated locations at the rate after the initial fifteen minutes of free parking of \$0.25 per hour. No vehicle shall be parked in a thirty-minute parking space in zone III beyond thirty minutes.
- (e) At the direction of the city traffic engineer, temporary reduced parking meter rates may be charged during all or any designated times of meter operation for any parking spaces for up to six months, as an incentive to attract additional parking customers during times when unused spaces are available. Such temporary reduced rates shall be charged only when a preliminary analysis has indicated that total parking revenues will increase at the parking spaces where such reduced rates are proposed. The implementation of temporary reduced rates shall be subject to the prior review and approval of the city manager and city attorney to ensure compliance with any financial obligations of the parking facilities system. Any time that temporary reduced rates are charged, the city traffic engineer shall conduct an analysis to determine the impact on actual revenues and shall terminate the

temporary reduced rates if such rates have an adverse impact on actual revenues to the parking facilities system.

Sec. 114-644. Hours of meter operation.

Except on Sundays and the legal holidays of New Year's Day, January 1; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25, parking meters in the parking meter and resident parking district established by this division shall be operated every day between the hours of 9:00 a.m. and 9:00 p.m.; provided, however, that on those segments of streets where parking is prohibited during specified times by this chapter, the parking meters on such segments of streets shall be operated only at times parking is permitted.

Sec. 114-645. Overtime parking.

- (a) No person shall cause or allow any vehicle registered in the name of or operated by such person to be parked in a metered parking space beyond the period of legal parking time for such parking space established in accordance with section 114-643, or to make payment at any parking meter for the purpose of parking beyond the maximum legal parking time for such parking space established in accordance with section 114-643.
- (b) No person shall permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- (c) A person who violates any provision of this section shall pay a fine of \$15.00.

Sec. 114-650. System of accounting established.

The director of finance is directed to establish a system of accounts relating to the purchase, use, operation, maintenance, repair and control of parking meters and the receipts and disbursements in any manner connected therewith, including the amount of any contract entered into by the city council or city manager with any person respecting the use, operation, maintenance and repair of parking meters or parts thereof in the installation or transportation charges connected therewith in accordance with any contract.

Sec. 114-652. Manner of collecting moneys from meters.

All moneys shall be collected from parking meters under the direction and control of the city traffic engineer. All moneys so collected shall be deposited by the city treasurer. The maintenance and operation shall be under the supervision, direction and control of the city traffic engineer.

Sec. 114-653. Designation of collectors; disposition of moneys collected.

The city traffic engineer shall designate a city employee or employees under its direct supervision to make regular collections of the money deposited in parking meters. The person so designated shall remove from the parking meters the coin box contained therein, placing it in a locked coin-collection cart provided for collection purposes and shall deliver such locked coin-collection cart to the counting room or bank designated by the city treasurer, where the coin-collection cart will be unlocked, the coins contained therein counted, and deposited in the special parking meter fund.

Sec. 114-654. Reserved.

Sec. 114-655. Reservation of powers.

Nothing in this division shall be construed as prohibiting the city from providing for bus stops, taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

Sec. 114-3831—114-4174. Reserved.

Section 2. (a) The city traffic engineer shall in a systematic manner install all necessary modifications to parking meters and shall install all appropriate signage within the parking meter and resident parking district to implement the changes to parking meter rates and hours of meter operation contained in the amendments to the Municipal Code of this ordinance. The city traffic engineer shall deliver to the police chief a written notice of completion upon the complete installation of all such necessary modifications to parking meters and all such appropriate signage for a defined area within the district.

(b) Prior to the date of delivery to the police chief of such notice of completion for any area within the parking meter and resident parking district, the parking meter rates and hours of meter operation contained in the Municipal Code prior to the amendments of this ordinance shall remain in effect and continue to be enforced for that area. Upon the date of delivery to the police chief of such notice of completion for a defined area in the district, the changes to parking meter rates and hours of meter operation contained in the amendments to the Municipal Code of this ordinance shall come into effect and be enforced for that defined area.

(c) The city council hereby ratifies and confirms all prior actions of the city traffic engineer, police chief and city manager relating to application and enforcement of properly posted extended hours of parking meter operation and parking meter rates consistent with the amendments to the Municipal Code of this ordinance.

(d) The city traffic engineer and police chief are hereby authorized and directed to post free parking and cease parking meter enforcement for designated parking spaces on the Walnut Street bridge and the Locust Street bridge.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 18-0788), passed by the City Council of said City at a meeting held May 7, 2018 signed by the Mayor on May 7, 2018 and published and provided by law in the Business Record on May 11, 2018. Authorized by Publication Order No. 10324.

Diane Rauh, City Clerk