

ORDINANCE NO. 14,195

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, and amended by Ordinance No. 13,878, passed November 6, 2000, and Ordinance No. 13,881, passed November 6, 2000, and amended by Ordinance No. 14,018, passed November 19, 2001, by amending Sections 114-361.02, 114-361.10, 114-361.19, 114-643, 114-629 and 134-1377 to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution.

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, and amended by Ordinance No. 13,878, passed November 6, 2000, and Ordinance No. 13,881, passed November 6, 2000, and amended by Ordinance No. 14,018, passed November 19, 2001, is hereby amended by amending Sections 114-361.02, 114-361.10, 114-361.19, 114-643, 114-629 and 134-1377 to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution, as follows:

Sec. 114-361.02. Illegal off-street parking.

(a) No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property or an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of the privately owned property or facility. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be dealt with pursuant to section 114-485.11 of this chapter.

(b) No person shall park a vehicle in violation of the front yard parking provisions in subsection 134-1377(m) of this Code.

(c) The police department is authorized to impose an administrative penalty upon a person in violation of this section. The administrative penalty shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the penalty for such violation noted thereon, shall be issued to the violator. The penalty shall be paid in full within thirty (30) days of the issuance of the notice at the city clerk's office. The administrative penalty set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in subsection (d) of this section, unless the violator refuses to timely pay the scheduled administrative penalty.

(d) Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of the city code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of the city code.

Sec. 114-361.10. Parking outside curblines.

No person shall park a vehicle on any portion of any street between the curblin and the lot line, except that on recommendation of the city engineer, duly approved by resolution of the city council, parking may be permitted at such locations when requested in writing by property owners.

Sec. 114-361.19. Special parking permit issuance.

(a) The city traffic engineer is authorized to issue a public service parking permit for a vehicle to park or stand on a public street where such parking or standing is otherwise prohibited or regulated by the

provisions of this chapter. Application therefor may list one or more specific vehicles, shall be directed to the office of the city traffic engineer, and may contain such information, including vehicle characteristics and license, as the city traffic engineer shall deem pertinent to the application. Such permit shall only be issued when said parking or standing is required in the performance of a public service or to satisfy a public need as heretofore set forth. Such permit shall grant permission for:

(1) Vehicular parking or standing in a specific area which may be designated as "point or points of service"; or

(2) Vehicular parking or standing in any public way in the city which, by the nature of the service, becomes a point of service.

(b) The effective period of the permit may be a set number of days, not to exceed one year, and the inclusive dates of the permit shall be clearly displayed thereon. The permit may also specify the time or times of day when such parking is authorized as well as the days of the week to which it is limited.

(c) Except in situations of immediate emergency or in unique situations which have been identified to and approved by the city traffic engineer, such parking shall be prohibited on arterial and collector streets during the hours from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. where signs are currently in place prohibiting parking during these hours.

(d) The permit so issued for the specific vehicle or a clearly legible copy thereof shall be placed conspicuously in the window of the vehicle for which issued in a manner which clearly displays the restrictions contained in the permit.

(e) The phrases "point of service" and "point or points of service" shall not include parking of a vehicle while the owner or operator awaits call or service. Vehicles in such status or condition shall be subject to the remaining provisions of this chapter regulating the parking, standing, and stopping of vehicles.

(f) The city traffic engineer may either collect a fee of \$25.00 per vehicle for a period of 30 days or less in advance or direct the applicant to consider the permit as an invoice with payment due immediately upon receipt by mail or facsimile. At such time as parking meter spaces are hooded or removed for special permit purposes the permittee shall also be responsible for a daily rate of the metered use. If parking meters are hooded specifically for a special event after 6:00 p.m. and until 8:00 a.m. the following day, or on meter holidays and weekends, the only charges shall be the \$25.00 permit fee and \$1.00 for each meter hooded. The charges for the fee and the hooding of parking meters for a non-recurring special event, after 6:00 p.m. and until 8:00 a.m. the following day, or on meter holidays and weekends, may be waived at the discretion of the city traffic engineer or his or her designated representative. The following rates shall apply during normal hours of parking meter operation:

(1) At all \$0.30 per hour meters, the rate shall be \$3.00 per day.

(2) At all \$0.50 per hour meters, the rate shall be \$4.00 per day.

(3) At all \$1.00 per hour meters, the rate shall be \$7.50 per day.

Vehicles owned or operated by governmental agencies, shall be exempt from the permit fee requirements. Vehicles and equipment working directly under contract to the City of Des Moines shall also be exempt from these permit fee requirements. Subcontractors are not exempt.

Sec. 114-643. Parking meter rates.

The rates for metered parking for the parking meter districts provided in this article are as follows:

(1) District No. I - \$1.00 per hour, except ten hour meters, \$0.30 per hour. Electronic "free spin" parking meters, 30 minute limit, first 15 minutes free, additional 15 minutes at a rate of \$1.00 per hour.

(2) District No. II - \$0.50 per hour, except ten hour meters, \$0.30 per hour.

1. District No. III - \$0.50 per hour, except ten hour meters, \$0.30 per hour.

Sec. 114-629. Overtime parking.

(a) No person shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time at any location designated in

division 9 of article XVI of this chapter as subject to such restriction.

(b) Any person violating this section shall be deemed guilty of a simple misdemeanor. The fine for overtime parking is \$5.00 if paid within 30 days of the date upon which the violation occurred. Any ticket which is not paid within 30 days of issuance shall be deemed delinquent. The fine for delinquent overtime parking tickets is \$10.00.

Sec. 134-1377. Off-street parking area required.

(m) *Front yard parking.* Parking in front yards shall be subject to the following:

(1) All required parking in any R district must be outside the required front yard.

(2) No parking for any permitted use in any R district, other than single-family or two-family units, may be located in the required front yard.

(3) In any R district, no single-family or two-family lot shall have more than 25 percent of the front yard used for driveway and off-street parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway or a driveway expansion

immediately in front of
and the minimum width
reasonably necessary to
provide access to a
three- or four-car
garage.

(4) In any R district,
expansions of off-street
parking areas in front
yards shall be of a hard
surface, i.e., paved
concrete, asphalt, brick
pavers or equal.

(5) Temporary parking in
residential yards for
the state fair overflow
parking, for Drake
Relays, and for other
events officially
designated by the city
council to allow for
temporary parking in the
yard shall be permitted.

(6) Overflow temporary
parking for school
athletic events shall be
allowed in the required
front yard provided such
parking is restricted to
the school grounds.

(7) No vehicle shall be
displayed for sale,
rental or hire in the
required front yard in
any commercial district,
except upon an improved
parking lot.

(8) The requirements of
this subsection may also
be enforced as a
violation of subsection

114-361.02(b) of this
Code.

Sec. 2. 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

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, 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. 02-3006), passed by the City
Council of said City at a meeting held December 18, 2002 signed
by the Mayor on December 18, 2002 and published as provided by
law in the Business Record on December 30, 2002 Authorized by
Publication Order No. 3520.

Donna V. Boetel-Baker, City Clerk