

★ **Roll Call Number**

Agenda Item Number

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Date July 28 2008

An Ordinance entitled, "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. 14,084 passed May 6, 2002, and Ordinance No. 14,244 passed June 23, 2003, and Ordinance No. 14,476 passed August 8, 2005, and Ordinance 14,533 passed January 9, 2006, and Ordinance No. 14,556 passed April 24, 2006, and Ordinance No. 14,722 passed November 19, 2007, by amending Sections 114-361.19, 114-361.21, 114-640.01, 114-640.02, 114-2815 and 114-3689 thereof, relating to traffic and vehicle regulations",

which was considered and voted upon under Roll Call No. 08- 1232 of July 14, 2008; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

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SUMMARY OF ORDINANCE NO. _____

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 Chapter 114 Traffic & Vehicle Regulations as summarized below. The complete text of the ordinance is available in the City of Des Moines City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa, or on the City of Des Moines' website at www.dmgov.org.

DES MOINES TRAFFIC REGULATION CHANGES

Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- A. Code Revisions Regarding Resident Permit Parking and Special Parking Permits for Special Events and Emergency Restrictions.
- B. Request from Drake Area Businesses for Removal of Parking Restrictions Near 23rd Street and University Avenue.

FORM APPROVED:

Katharine Massier, Assistant 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 summary of Ordinance No. _____, passed by the City Council of said City on _____, signed by the Mayor on _____, and published as provided by law in the Business Record on _____. Authorized by Publication Order No. _____.

Diane Rauh, City Clerk

ORDINANCE NO. _____

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. 14,084 passed May 6, 2002, and Ordinance No. 14,244 passed June 23, 2003, and Ordinance No. 14,476 passed August 8, 2005, and Ordinance 14,533 passed January 9, 2006, and Ordinance No. 14,556 passed April 24, 2006, and Ordinance No. 14,722 passed November 19, 2007, by amending Sections 114-361.19, 114-361.21, 114-640.01, 114-640.02, 114-2815 and 114-3689 thereof, relating to traffic and vehicle regulations.

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. 14,084 passed May 6, 2002, and Ordinance No. 14,244 passed June 23, 2003, and Ordinance No. 14,476 passed August 8, 2005, and Ordinance 14,533 passed January 9, 2006, and Ordinance No. 14,556 passed April 24, 2006, and Ordinance No. 14,722 passed November 19, 2007 is hereby amended by amending Sections 114-361.19, 114-361.21, 114-640.01, 114-640.02, 114-2815 and 114-3689 thereof, relating to traffic and vehicle regulations, as follows:

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

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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. Permits not paid within twenty (20) days after the date of issuance shall incur an additional handling/late fee of ten (10%) percent of the total fee for the permit. 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~~ \$2.00 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 daily meter rate charged for hooding parking meters shall be calculated using the specific parking meter district location of the meter(s) to be hooded and the daily meter

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rates designated in section 114-643 of this code. In all instances the daily meter fee shall be calculated based upon a ten-hour day. The daily meter fee shall be an additional fee only during normal hours of parking meter operations.

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.

For a permit issued for special handicap consideration under section 114-361.21(15), the fee for the permit shall be as provided above, but any daily meter fee shall be waived.

- (g) A person who parks a vehicle in violation of any provision of this section or of the terms of the special parking permit shall pay a fine of \$15.00.

Sec. 114-361.21. Standards for issuance of special parking permits.

For the purposes of section 114-361.19 of this article, the term "parking or standing required in the performance of a public service or to satisfy a public need" is defined by means of illustration to be such parking or standing of vehicles as shall generically include but not be limited to the following:

- (1) Funeral vehicles during performance of funeral service.
- (2) Moving vans at points of service.
- (3) Vehicles or equipment parked to facilitate special events, which shall be limited to the period immediately before, during and after such events.
- (4) Charter buses or school buses parked for special events, which shall be limited to the period immediately before, during and after such events.
- (5) Sidewalk replacement vehicles.
- (6) Construction vehicles while delivering materials or special equipment (e.g., concrete trucks).
- (7) Mobile construction equipment during times of actual use.
- (8) Armored vehicles in actual service.
- (9) Local ambulances in actual service.
- (10) Community blood bank vehicles in actual service.
- (11) Mobile library vehicles in actual service.
- (12) Vehicles involved in utility or city construction or maintenance work in streets.
- (13) Vehicles containing cable or public TV remote facilities in actual service.
- (14) Vehicles transporting governmental dignitaries visiting this city.
- (15) Persons who possess a permanent state of Iowa handicap placard or state of Iowa handicapped license plates, and a physician's certificate that substantiates a significant degree of disability related to coin handling dexterity.

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(16) Residents within the parking meter and resident permit parking districts I, II or III who are holders of a valid Resident Parking Permit shall be eligible for issuance of a Special Parking Permit, at no charge, if displaced by an authorized special event. A Special Parking Permit shall not be issued at no charge when parking within the resident permit parking areas is because of an emergency situation beyond the control of the city. No Special Parking Permit shall supersede emergency parking restrictions imposed by an authorized city official.

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 districts, as defined by Sec. 114-636, 114-637 and 114-638. Resident parking permits 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 shall not be issued at no charge to a holder of a Resident Parking Permit when the reason for a parking restriction is related to a valid emergency restriction of normal parking due to snow removal or any other act of God beyond the reasonable control of the city. 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(2)(f), 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. 114-640.02. Resident parking permit placement.

Residents issued residential parking permits are required to display the permit on the vehicle in compliance with placement and

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visibility requirements established by the city traffic engineer. The resident parking permit will be of such a design that ~~it~~ must annual permits may be applied to the inside of the windshield of the vehicle in a permanent manner consistent with the type of parking permit issued or monthly permits may be hung from the rear view mirror. Both types of permits must be clearly visible for enforcement purposes.

Sec. 114-2815. Twenty-third Street--Ingersoll Avenue to Holcomb Avenue.

Twenty-third Street, on the west side, from Ingersoll Avenue to High Street, no parking any time.

Twenty-third Street, on the east side, from Ingersoll Avenue to Woodland Avenue, no parking any time.

Twenty-third Street, on the east side, from a point 250 feet south of Rollins Avenue to a point 160 feet north of Olive Avenue, no parking any time.

Twenty-third Street, on the west side, from Cottage Grove Avenue to Drake Park Avenue, no parking any time.

Twenty-third Street, on the east side, from Cottage Grove Avenue to a point 295 feet north thereof, no parking any time.

Twenty-third Street, on the east side, from 50 feet south of Drake Park Avenue to Drake Park Avenue, no parking any time.

~~Twenty-third Street, on the west side, from a point 30 feet south of University Avenue to a point 50 feet south thereof, commercial loading zone.~~

Twenty-third Street, on the west side, from University Avenue to a point 75 feet north thereof, no parking any time.

Twenty-third Street, on the east side, from University Avenue to Forest Avenue, no parking any time.

Twenty-third Street, on the west side, from Forest Avenue to Hickman Road, no parking any time.

Twenty-third Street, on the west side, from Forest Avenue to a point 50 feet south thereof, no parking any time.

Twenty-third Street, on the east side, from a point 130 feet south of Clark Street to a point 50 feet north of Clark Street, no parking any time.

Twenty-third Street, on the east side, from Hickman Road to a point 120 feet south thereof, no parking any time.

Sec. 114-3689. University Avenue--Twenty-third Street to Twenty-fifth Street.

University Avenue, on both sides, from Twenty-third Street to a point 75 feet west thereof, no parking any time.

University Avenue, on the south side, from a point 75 feet west of Twenty-third Street to Twenty-fifth Street, no parking 7:00 a.m. to 9:00 a.m.

University Avenue, on the south side, from a point 75 feet

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west of Twenty-third Street to Twenty-fifth Street, two-hour parking 9:00 a.m. to 4:00 p.m.

University Avenue, on the north side, from a point 75 feet west of Twenty-third Street to a point 200 feet east of Twenty-fourth Street, two-hour parking 9:00 a.m. to 4:00 p.m.

University Avenue, on the north side, from a point 75 feet west of Twenty-third Street to a point 200 feet east of Twenty-fourth Street, no parking 4:00 p.m. to 6:00 p.m.

~~University Avenue, on the north side, from Twenty-fourth Street to a point 200 feet east thereof, no parking any time.~~

University Avenue, on the north side, from Twenty-fourth Street to a point 50 feet west thereof, no parking any time.

University Avenue, on the north side, from a point 50 feet west of Twenty-fourth Street to Twenty-fifth Street, two-hour parking 9:00 a.m. to 4:00 p.m.

University Avenue, on the north side, from a point 50 feet west of Twenty-fourth Street to Twenty-fifth Street, no parking 4:00 p.m. to 6:00 p.m.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

K. Massier

Katharine Massier
Assistant City Attorney