



Roll Call Number

Agenda Item Number

39

Date March 7, 2016

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, as heretofore amended, by amending Sections 114-361.19, 114-361.20, 114-361.21 and 114-640.01, relating to special parking permit operating procedures",

which was considered and voted upon under Roll Call No. 16- 0301 of February 22, 2016; 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				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: February 22, 2016
	Agenda Item No. 46 Roll Call No. [16-0301] Communication No. 16-093 Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Amending Chapter 114 of the Municipal Code for Special Parking Permits to reflect current operating procedures.

SYNOPSIS:

Recommend approval of the staff recommendations, including first reading of the ordinance regarding the special parking permit code changes. The changes include:

- Moving the fees listed in 114-361.19 to the Schedule of Fees.
- Requiring payment when permits are issued, and remove the ability to invoice for payment.
- Authorizing the City traffic engineer to have the ability to waive the permit application fee, daily meter rate, or meter hood fee for unique circumstances.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

In an effort to simplify the parking permit process, Traffic and Transportation is proposing the following Municipal Code changes regarding the issuance of Special Parking Permits. The changes to the existing code are noted below:

Sec. 114-361.19. Special parking permit issuance.

- (a) The city traffic engineer is authorized by the city engineer to issue a public service special 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) ~~V~~vehicular parking or standing in a specific area or any public way in the city which may be designated as "point or points of service"; or
- (2) ~~V~~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 during specific hours in locations 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 those hours.
- (d) The permit ~~so issued for the specific vehicle or a clearly legible copy thereof~~ shall be placed eonspiciously clearly displayed in the window of the vehicle or on the container for which it is 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.~~
- (ef) Applicants are required to pay an application fee and the daily meter rate of the reserved meter(s) for the time period the meters are reserved except as specified in Section 114-361.19(g). Payment is required at the time the permit is issued except as specified in Section 114-361.19(i). The charges for the application fee, daily meter rate, and the meter hood fee may be waived at the discretion of the city traffic engineer or his or her designated representative. 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.
- (f) If parking meters are hooded specifically for a use 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 application permit fee and \$2.00 for each meter hooded meter hood fee for each meter listed in the permit. ~~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.~~
- (g) The application fee and meter hood fees shall be defined in the Schedule of Fees. 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 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.
- (h) Vehicles owned or operated by governmental agencies, shall be exempt from the permit fee requirements. Vehicles and equipment working directly under contract or subcontract to the City of Des Moines shall also be exempt from these permit fee requirements. ~~Subcontractors are not exempt.~~
- (i) For a permit issued for special handicap consideration for 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 under section 114-361.21(15), the fee for the permit shall be as provided above, but any daily meter fee shall be waived.
- (gi) 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 as defined in the Schedule of Fees of \$15.00.

Sec. 114-361.20. Parking permitted by special act of city council.

The city traffic engineer reserves the right to revoke the permit if requirements of the permit are not followed or there are unforeseen impacts to motorized or non-motorized traffic flow as a result of permit issuance. The city council may upon application of any interested person review the issuance, revocation, or denial of any permit issued under this article by the city engineer, either individually or collectively, and, after determining the applicability of the pertinent provisions of section 114-361.21 of this article, direct the issuance, modification or revocation of the permit.

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 under authority of the city traffic engineer. ~~This shall by means of illustration to be such parking or standing of vehicles as shall generically include but not be limited to the following use of a parking space:~~

- (1) Funeral vehicles during performance of funeral service.
- (2) Moving vans in actual service. ~~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)~~(5) Construction vehicles while delivering materials, or special equipment staging (e.g., concrete trucks), or mobile construction equipment in use.
- ~~(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)~~(6) Vehicles involved in utility or city construction or maintenance work in streets right of way.
- ~~(13)~~(7) 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.~~
- ~~(16)~~(8) 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.
- (9) Temporary moving storage containers in actual service for adjacent properties.
- (10) Dumpsters in actual service for adjacent construction activity.

Sec. 114-640.01. Resident parking permits.

- (c) A Special Parking Permit daily meter fee shall not be issued ~~at no charge to a holder of a Resident Parking Permit waived~~ when the reason for a parking restriction is related to a valid emergency restriction, such as but not limited to, ~~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(e)(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.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Changes to the schedule of fees.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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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 Sections 114-361.19, 114-361.20, 114-361.21 and 114-640.01, relating to special parking permit operating procedures.

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 114-361.19, 114-361.20, 114-361.21 and 114-640.01, relating to special parking permit operating procedures, as follows:

Sec. 114-361.19. Special parking permit issuance.

- (a) The city traffic engineer is authorized by the city engineer to issue a public service special 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 or any public way in the city, 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 during specific hours in locations 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~~ those hours.
- (d) The permit ~~so issued for the specific vehicle or a clearly legible copy thereof shall be placed conspicuously~~ clearly displayed in the window of the vehicle or on the container for which it is 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.~~
- (ef) Applicants are required to pay an application fee and the daily meter rate of the reserved meter(s) for the time period the meters are reserved except as specified in Section 114-36.19(g). Payment is required at the time the permit is issued except as specified in Section 114-361.19(i). The charges for the application fee, daily meter rate, and the meter hood may be waived at the discretion of the city traffic engineer or his or her designated representative. 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.
- (f) ~~If parking meters are hooded specifically for use 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 application fee and \$2.00 for each meter hooded meter hood fee for each meter listed in the permit. 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.~~
- (g) The application fee and meter hood fees shall be defined in the Schedule of Fees. 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 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.
- (h) Vehicles owned or operated by governmental agencies, shall be exempt from the permit fee requirements. Vehicles and equipment working directly under contract or subcontract to the City of Des Moines shall also be exempt from these permit fee requirements. Subcontractors are not exempt.
- (i) For a permit issued for special handicap consideration for 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 under section 114-361.21(15), the fee for the permit shall be as provided above, but any daily meter fee shall be waived.
- (jg) 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 as defined in the Schedule of Fees.

Sec. 114-361.20. Parking permitted by special act of city council.

The city traffic engineer reserves the right to revoke the permit if requirements of the permit are not followed or there are unforeseen impacts to motorized or non-motorized traffic flow as a

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result of permit issuance. The city council may upon application of any interested person review the issuance, revocation, or denial of any permit issued under this article by the city engineer, either individually or collectively, and, after determining the applicability of the pertinent provisions of section 114-361.21 of this article, direct the issuance, modification or revocation of the permit.

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 under authority of the city traffic engineer. This shall by means of illustration to be such parking or standing of vehicles as shall generically include but not be limited to the following use of a parking space:

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- (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.~~
- (65) Construction vehicles while delivering materials, ~~or~~ special equipment (e.g., concrete trucks), or mobile construction equipment in use.
- (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.~~
- (126) Vehicles involved in utility or city construction or maintenance work in streets right of way.
- (137) 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.~~
- (168) 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.
- (9) Temporary moving storage containers in actual service for adjacent properties.
- (10) Dumpsters in actual service for adjacent construction activity.

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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 daily meter fee shall not be issued at no charge to a holder of a Resident Parking Permit waived when the reason for a parking restriction is related to a valid emergency restriction, such as but not limited to, 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(e)(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.

Section 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