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AN ORDINANCE DELETING CHAPTER 502 OF THE MUNICIPAL CODE OF THE CITY OF WAUKEE, AND ENACTING IN LIEU THEREOF THE REVISED PARKING REGULATIONS OF MOTOR VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF WAUKEE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND PENALTIES PROVIDED THEREIN.

PARKING REGULATIONS

CHAPTER 502

SECTION

§502. All references made to public streets herein are to be construed to refer to the nearest right of way line of said street. All public streets running in the manner here defined are to be described as follows; north/south are to be described as “street”; east/west are to be described as “avenue”; curving or diagonal are to be described as “drive” or “parkway”; roads with a total length of one block or less are to be described as “lane”; and a cul-de-sac may be described as either a “court”, “point” or “circle”.

§502.1 **No parking is permitted at any time on either side of the following north-south streets:**

Boone Drive
Brick Drive (SE)
First Street
Florence Drive (SE) between University Avenue and Booth Drive (SE)
Legacy Pointe Boulevard (SE) from Hickman Road to Hawthorne Ridge Drive (SE)
Manor Drive
Second Street between Ashworth Drive and Corene Avenue
Seventh Street (see §502.4)
Sixth Street (see §502.4 and §502.9)
Tenth & North Tenth Street
Third Street
Warrior & North Warrior
Windfield Parkway
Windfield Parkway (SE)
Waco Place

June 17, 2002 Ordinance 2384
October 6, 2003 Ordinance 2433
June 20, 2005 Ordinance 2520
September 19, 2005 Ordinance 2533
October 15, 2007 Ordinance 2613
June 1, 2009 Ordinance 2648
September 14, 2009 Ordinance 2654

§502.2 **No parking is permitted at any time on the east side of the following north-south streets:**

- Bell Court (SE)
- Bell Drive (SE)
- Brentwood Drive
- Brick Drive (SE)
- Carefree Lane (NE) (loop street)
- Carefree Lane (SE)
- Crabapple Drive
- Creekview Court
- Dartmoor Drive (NE)
- Dogwood Lane
- Eighth Street
- First Street Place
- Fourth Street
- Harper Drive (SE)
- Holiday Crest Circle (SE)
- Kaylin Drive
- Meadowlark Lane (NE)
- Meadowlark Lane (SE)
- Melrose Drive
- Ninth Street
- Peachtree Drive
- Plumwood Lane
- Second Street:
 - from Southview to Parkview
- Sugar Creek Drive
- Terrace Drive
- Third Street:
 - from Laurel Street to Windfield Parkway between 6:00 a.m. and 6:00 p.m.
Monday – Friday
- Traden Court (SE)
- Whitetail Lane (NE) (loop street)
- Whitetail Lane (SE)

June 7, 1999	Ordinance 2297
November 27, 2000	Ordinance. 2333
January 15, 2002	Ordinance 2358
June 17, 2002	Ordinance 2384
October 6, 2003	Ordinance 2433
June 20, 2005	Ordinance 2521
September 19, 2005	Ordinance 2533
March 20, 2006	Ordinance 2569
June 18, 2007	Ordinance 2606
October 15, 2007	Ordinance 2613
April 20, 2009	Ordinance 2643

June 18, 2007 Ordinance 2606
October 15, 2007 Ordinance 2613
May 18, 2009 Ordinance 2645

§502.4 **Other parking prohibitions on north-south streets:**

A. Fourth Street parking prohibited on either side from U.S. Highway 6 south to the south side of Northview, except:

1. Angle parking will be permitted 142 feet north from the northwest corner of Maple Street on the west side of Fourth Street;
2. Angle parking will be permitted on the west side of Fourth Street from Locust Street 716 feet south.
3. September through May, Monday through Friday, 8:00 A.M. to 4:00 P.M., 15 minute parking shall be allowed on the west side of Fourth Street from a point 61 feet south of the south line of Locust Street to a point 150 feet south of the south line of Locust Street; and 15 minute parking shall be allowed on the west side of Fourth Street from a point 399 feet south of the south line of Locust Street to a point 4454 feet south of the south line of Locust Street.
4. Parking is permitted on the west side of 4th Street from the South line of Northview to the South Terminus of 4th Street at the North edge of the Cul-de-sac.

October 6, 2003 Ordinance 2433

B. Seventh Street parking prohibited on either side, except:

1. Parallel parking is permitted on the west side of Seventh Street from the south side of Maple Street to a point 122 feet south of Maple Street.
2. Parallel parking is permitted on the west side of Seventh Street from a point 10 feet north of Walnut Street to a point 40 feet north of Walnut Street.
3. Angle parking is permitted on the east side of Seventh Street from the south side of Maple Street to a point 142 feet south of Maple Street and from the north side of Walnut Street to a point 73 feet north of Walnut Street.
4. Head-in parking is permitted on the east side of Seventh Street from a point 15 feet south of the south side of Walnut Street to a point 70 feet south of Walnut Street.
5. Parallel parking is permitted on the east side of Seventh Street between Walnut Street and Cherry Street.

- C. Sixth Street parking prohibited on either side of north of Ashworth Drive, except;
1. Angle parking is permitted on the west side of Sixth Street starting 123 feet north of Ashworth Drive South to north side of Locust Street;
 2. Angle Parking is permitted on the west side of Sixth Street 100 feet south from Locust Street;
 3. Parallel parking is permitted on the east side of Sixth Street from Walnut Street south 134 feet.
 4. Angle parking is permitted on the east side of Sixth Street from a point 157 feet south of Walnut to a point 239 feet south of Walnut; and from a point 266 feet south of Walnut to a point 294 feet south of Walnut Regulations concerning the other north-south streets from east to west are:

§502.5 No parking is permitted at any time on either side of the following east-west streets:

- Ashworth Drive (see §502.8)
- Booth Avenue
- Cherry Street
- Corene Avenue from First Street Place to Christopher Avenue
- Laurel Street from Warrior Lane east to Legacy Pointe Boulevard (SE)
- Northview Drive west of 6th Street
- Northview Drive from 6th Street east for a length of 210 feet
- Olson Drive (SE) from Crabapple Drive (SE) east to Alice's Road (SE)
- Park Road (SE) from 7:00 A.M. to 9:00 A.M., Monday through Friday
- University Avenue
- Venture Drive (N)
- Westown Parkway (SE)

January 4, 1999	Ordinance 2266
May 3, 1999	Ordinance 2280
June 7, 1999	Ordinance 2296
January 17, 2000	Ordinance 2310
February 12, 2002	Ordinance 2363
June 17, 2002	Ordinance 2384
October 15, 2007	Ordinance 2613
September 14, 2009	Ordinance 2654
November 16, 2009	Ordinance 2658
March 22, 2010	Ordinance 2664

§502.6 No parking is permitted on the north side of the following east-west streets:

- Aidan Street
- Ashland Court
- Baytree Drive (SE)

Bel-Aire Drive
 Bristol Drive (SE)
 Broderick Drive
 Corene Avenue
 Grant Park Lane (SE)
 Gray Avenue
 Greenbriar Circle (SE)
 Greentree Drive (SE)
 Hawthorne Ridge Drive
 Hazelwood Drive (SE)
 Heritage Drive (SE)
 Holiday Crest Circle (SE)
 Leeann Drive (SE) (loop street)
 Maple Street (see §502.7 and §502.8)
 Marshall Drive (SE)
 Melrose Drive (SE)
 Northview Drive (see §502.8)
 Olson Drive
 Olson Drive (SE)
 Painted Woods Drive
 Pleasant View Drive (SE)
 Prairie Creek Drive (SE) (L-shaped street)
 Sagewood Circle (SE)
 Spyglass Lane
 Telby Lane (SE)
 Terrace Drive
 Traden Drive (SE)
 Venture Drive
 Windfield Parkway from Third Street to Warrior Lane between 6:00 a.m. to 6:00 p.m.
 Monday – Friday (see §502.7)
 Woodcrest Drive

June 7, 1999	Ordinance 2296
January 17, 2000	Ordinance 2310
June 17, 2002	Ordinance 2384
September 19, 2005	Ordinance 2533
March 20, 2006	Ordinance 2569
June 18, 2007	Ordinance 2606
October 15, 2007	Ordinance 2613

§502.7 No parking is permitted on the south side of the following east-west streets:

Arrowhead Drive
 Bell Drive (SE)
 Bowman Drive (NE)
 Carefree Lane (NE) (loop street)
 Christopher Avenue
 Grace Wood Drive (NE)
 Holiday Crest Circle (SE)

Laurel Street
 Locust Street (see §502.5, §502.6 & §502.8)
 Lookout Court
 Maple Street (parking prohibited on the south side of from Seventh Street to Tenth Street,
 see §502.8)
 Marshall Drive
 Northview Drive (see §502.8)
 Parkview Drive
 Southview Drive
 Spyglass Court
 Sunrise Drive
 Walnut Street (see §502.8 and §502.9)
 Waukee Avenue
 Whitetail Lane (NE) (loop street)
 Windfield Parkway from Third Street to Warrior Lane (see §502.6)
 Wood Creek Drive (SE)

June 7, 1999	Ordinance 2296
January 17, 2000	Ordinance 2310
June 17, 2002	Ordinance 2384
September 19, 2005	Ordinance 2533
March 20, 2006	Ordinance 2569
June 18, 2007	Ordinance 2606
October 15, 2007	Ordinance 2613

§502.8 Other parking prohibitions on east-west streets:

- A. Ashworth Drive parking prohibited on either side, except:
 - 1. Accept, angle parking is permitted from a point 82 feet west of Sixth Street east on both sides of Ashworth Drive to the west side of Fifth Street on the north side of 121 feet West of Fifth Street on the south Side.

- B. Locust Street parking prohibited on the south side excluding school busses, with the following exceptions:
 - 1. Angle parking is permitted a distance of 134 feet west of Sixth Street on the south side of Locust Street.
 - 2. Head-in parking is permitted on the south side of Locust Street, except the East 75 feet thereof, between Fourth Street and Fifth Street, except during the hours 8:00 A.M. to 9:00 A.M. and from 3:00 P.M. to 4:00 P.M. Monday through Friday, and 12:30 P.M. to 1:30 P.M., Wednesday, during the school year.

February 28, 2000	Ordinance 2311
October 21, 2002	Ordinance 2389

- C. Maple Street parking prohibited on the south side of from Seventh Street to Tenth Street.
- D. Maple Street parking prohibited on the north side of Maple Street, except:
 - 1. Head-in parking is permitted from a point 65 feet west of Seventh Street to a point 155 feet west of Seventh Street.
- E. Northview parking prohibited on the north side from Warrior Lane to Fourth Street between the hours of 6:00 A.M and 6:00 P.M. Monday through Friday.
- F. Northview Drive parking prohibited on the south side from Warrior Lane to Sixth Street at any time.
- G. Walnut Street parking prohibited on the north side, except:
 - 1. As hereinafter provided in §502.9 regarding regulations concerning parking in the business district (triangle).
 - 2. Head-in parking is permitted on the north side of Walnut Street from a point 15 feet west of Sixth Street to a point 76 feet west of Sixth Street; and from a point 95 feet west of Sixth Street to a point 114 feet west of Sixth Street.
- H. Walnut Street parking prohibited on the south side, except:
 - 1. As hereinafter provided in §502.5 regarding regulations concerning parking in the business district (triangle).
 - 2. Head-in parking is permitted from a point 9 feet west of Sixth Street to a point 118 feet west of Sixth Street.
 - 3. Head-in parking is permitted east from Seventh Street a distance of 50 feet.

§502.9 **Regulations concerning parking in the Business District (Triangle).**

- A. Parallel parking is permitted on the east side of Sixth Street from Ashworth Drive south to Walnut Street.
- B. Parallel parking is permitted on the north side of Walnut Street between west side of Ashworth Drive and east side of Sixth Street.
- C. Head-in parking is permitted from a point 111 feet west of Fifth Street to a point 138 feet west of Fifth Street; and from a point 162 feet west of Fifth Street to a point 183 feet west of Fifth Street.
- D. Angle parking is permitted from a point 206 feet west of Fifth Street to a point 295 feet west of Fifth Street.

§502.10 **Parking Prohibited:** No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the other traffic or in compliance with the directions of a peace officer or traffic-control device, in any of the following places:

- A. Crosswalk: On a crosswalk at an intersection.
- B. Center Parkway: On the center parkway or dividing area of any divided street.
- C. Mailboxes: Within twenty feet (20') on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
- D. Sidewalks: On or across a sidewalk.
- E. Driveway: In front of or within three feet (3') of a public or private driveway.
- F. Intersection: Inside of an intersection, or within ten feet (10'), of any street or alley intersection.
- G. Fire Hydrant: Within five feet (5') of a fire hydrant.
- H. Stop Sign or Signal: Within ten feet (10') upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
- I. Railroad Crossing: Within fifty feet (50') of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
- J. Fire Station: Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy five feet (75') of said entrance when properly sign posted.
- K. Excavations: Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- L. Double Parking: On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- M. Hazardous Locations: When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbs to be painted with a yellow color and erect no parking or standing signs.

- N. Theaters, Hotels and Auditoriums: A space of fifty feet (50') is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight and then only for such length of time as is necessary for such purpose.
- O. Alleys Generally: No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of width of the roadway for free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- P. Parking or Terrace: No person shall park or drive a vehicle upon the parking or terrace, designated as that area between the curb line and the sidewalk line, where curbing has been installed.
- Q. Time Limit on Parking: No parking is permitted on the public streets anywhere in the City of Waukee for more than forty-eight (48) consecutive hours.
- R. Prohibited Parking on portions of Street Right-of-Way Outside the Traveled Portions of the Street: No parking is permitted on portions of the street right-of-way outside the traveled portion of the street, except as may be specifically permitted and indicated by appropriate signs pursuant to duly enacted and published ordinances.
- S. Centennial Park: No parking between the hours of 7 a.m. to 9 a.m. Monday through Friday in specific parking lots located in Centennial Park. This prohibition applies to the parking lots adjoining SE Park Road to the south of said street; and the parking lot adjoining SE University Avenue to the north of said Street.

November 16, 1998 Ordinance 2261
November 16, 2009 Ordinance 2658

§502.11 **Parking for Certain Purposes Illegal:** No person shall park a vehicle upon the roadway for any of the following principal purposes:

- A. Sale: Displaying such vehicle for sale.
- B. Repairing: For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
- C. Advertising: Displaying advertising.
- D. Merchandise Sales: Selling merchandise from vehicle except in a duly established marketplace or when so authorized or licensed under the City Code.
- E. Storage: Storage or as junk or dead storage for more than forty-eight (48) hours.

§502.12 **Illegal Parking on Private Property.** No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility. A violation of this Section shall place such vehicle in the status of an illegally parked vehicle, however, no vehicle shall be deemed illegally parked under this Section on land zoned commercial or industrial unless the owner, lessee or person in charge of such privately owned property or facility shall first post in a conspicuous location a sign or signs designating the specific use of the off-street parking facility.

§502.13 **Fire Lanes.** No person shall stop, stand or park a vehicle in a fire lane as provided herein.

- A. Fire Lanes Established: The Fire Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.
- B. Signs and Markings: Wherever a fire lane has been designated, the Public Works Director shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this Section.
- C. Exception: The provisions of this Section shall not apply to authorized emergency vehicles.

§502.14 **Handicapped Parking.** Parking for the use of physically handicapped is provided as follows:

- A. Public Property: The City Council, by resolution, may set aside on or off street parking spaces as handicapped parking spaces.
- B. Private Property: A person may set aside handicapped parking spaces on the person's property, provided each parking space is clearly and prominently designated as a handicapped parking space, and provided that such signage designating each space is in accordance with State law using the international symbol of accessibility.
- C. Unlawful Use: The use of a handicapped parking space by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person, as operator or passenger is a misdemeanor.
- D. Scheduled Violation: A violation of this Section is a scheduled violation and subject to a fine as per State code.

§502.15 **All-Night Parking Prohibited:** No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty (30) minutes between the hours of 2 A.M. and 5 A.M. of any day.

§502.16 **Loading and Unloading Zones:** It shall be unlawful to park a vehicle for any purpose or length of time other than for the loading and unloading of material or merchandise or passengers in any designated loading zone.

- A. **Loading Zones Identified:** The locations designated as loading zones shall be marked by signs with the words “loading zone” and the designated area marked off with yellow paint with the words “no parking - loading zone” visibly stenciled inside the marked-off area, and it shall be the duty of the driver or operator of any vehicle to park the vehicle within the limits of the marked off loading zone areas.

§502.17 **Prohibited Parking During Snow Emergency:** No person shall park, abandon or leave unattended any vehicle on any public street, alley or city-owned off-street parking area during any snow emergency proclaimed by the chief of police or his designee unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm except as above provided upon streets which have been fully opened.

Such a ban shall be of uniform application and the police department is directed to widely publicize the requirements, using all available news media, in early November each year. When predictions or occurrences indicate the need, the chief of police or his designee shall proclaim a snow emergency and the police department shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened when conditions warrant.

This section shall not be construed as suspending parking limitations or restrictions imposed by any other section of this chapter, except that, in the event of a proclamation pursuant to this section, this section shall supersede any ordinances in conflict with this provision.

May 15, 2006 – Ordinance 2578
February 26, 2007 – Ordinance 2597

§502.18 **Truck Parking Limited:** No person shall park a motor truck, semi-trailer or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this Section shall not apply to pickups, non-commercial light delivery or non-commercial panel delivery trucks.

- A. Diagonal Parking Areas: No such vehicles shall be left unattended or parked on any diagonal or angle parking district.
- B. Two-Hour Limit: No such vehicle shall be left unattended or parked on any public street for a period of time in excess of two (2) hours.
- C. Public Off-Street Parking: No such vehicle shall be left unattended or parked in a twenty-four (24) hour public off-street parking zone.
- D. Semi-trailers and Special Mobile Equipment: It shall be unlawful to park a trailer, semi-trailer, implement of husbandry, special mobile equipment, mobile home or travel trailer, except bicycles, in a twenty four (24) hour public off-street parking zone designated in Section 502.12, 502.19.

§502.19 **Manner of Parking:**

- A. **Adjacent to Curb:** No person shall stand or park a vehicle in a roadway other than parallel with the edge or the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway and not placed closer than four feet (4') from another vehicle except in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

- B. **Park Adjacent to Curb on one-way Street:** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway and not closer than four feet (4') from another vehicle except as hereinafter provided in the case of angle parking.

- C. **Angle Parking; Manner:** Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway as indicated by such signs and markings and with the right-hand front wheel, if parked on the right-hand side, or the left-hand front wheel, if parked on the left-hand side of a one-way street, within twelve inches (12") of the curb. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen feet (16') when measured at right angles to the adjacent curb or edge or roadway.

- D. **Stalls and Sections:** Where now or hereafter stalls or sections may be marked or painted upon the surface any street or portion thereof, it shall be the duty of the driver or operator of any vehicle to park the same within the limits of one of the said stalls or sections and not over or across said lines.

§502.20 **Authority to Paint Curbs and Erect Signs Prohibiting Standing or Parking:**

When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require the police department may cause curbs to be painted with a yellow or orange color and erect no parking or standing signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted.

§502.21 **Signs Required:** Whenever by this Chapter or any section of the City Code any

parking time limit is imposed or parking is prohibited on designated streets or portions of streets, it shall be the duty of the Public Works Director to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of the alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

§502.22 **Stopping on Traveled Way; Exception:**

A. Prohibition: Upon any highway outside of a business district, rural residence district or residence district a person shall not stop, park or leave standing a vehicle, whether attended or unattended:

1. Upon the paved part of the highway when it is practical to stop, park or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet (20') of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "paved highway" includes an asphalt surfaced highway.
2. Upon the main traveled part of a highway when it is practical to stop, park or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow the free passage of other vehicles.

A clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in Iowa Code.

B. Disabled Vehicle: Subsection A above shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping temporarily leaving such disabled vehicle in such position.

§502.23 **Officers Authorized to Remove:** Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this Chapter or sections thereof, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

§502.24 **Removal from Bridge:** Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

§502.25 **Moving Other Vehicle:** No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

§502.26 **Authority to Impound Vehicles.** Members of the police department are hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley or highway to the nearest available garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city, under the circumstances hereinafter enumerated:

- A. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- B. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
- C. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle.
- D. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the mayor.

In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this ordinance shall be required to pay the reasonable cost of towing charges and storage.

§502.27 **Parking Violations; Failure to Pay:**

- A. **Notice on Illegally Parked Vehicles:** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Chapter or any other City ordinance or by State law, the officer or designated City employee finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner or user and shall conspicuously affix to such vehicle a citation-complaint, in writing, on a form as provided by the City Code for the owner to appear to the charge against him at the City Clerk's office or in the District Court for the County in which the alleged violation occurred as designated in the citation-complaint.
- B. **Failure to Pay or to Contest:** Failure to pay a parking citation-complaint within thirty (30) days of its issuance or to timely contest such citation under the provisions of this Section shall render the charges contained therein admitted.
- C. **Payment of Parking Citation-Complaint:** Persons receiving a citation-complaint who desire to admit and pay the violation may do so in one of the following ways:
 - 1. Place the amount specified on the face of the citation-complaint in the envelope provided and mail within thirty (30) days of the date issued.
 - 2. Appear in person no sooner than seventy-two (72) hours but no more than thirty (30) calendar days after the date of issuance of the citation-complaint. Place and time of appearance will be the City Clerk's office between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, expecting holidays, and pay in person the amount specified on the face of the citation-complaint to a City Clerk.
 - 3. Persons wishing to contest the citation-complaint may do so by appearing in person in the office of the City Clerk no sooner than seventy two (72) hours but not more than ten (10) calendar days after the date of issuance of the citation-complaint between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday expecting holidays.
- D. **Notification of Contest and Assignment of Court Dates:** Persons wishing to contest the citation-complaint will do so in writing on forms provided by the City Clerk and shall appear as provided in subsection C of this Section. At the time of filing of the contest, a date and time of court appearance will be established by the City Clerk and notice thereof provided to the person contesting the citation-complaint. The person contesting the citation-complaint will be required to post an unsecured appearance bond in the amount specified pursuant to section 805.6(1), Code of Iowa, providing for the setting of unsecured appearance bonds for a scheduled fine. The City Clerk shall forward the citation-complaint to the Traffic Division of the office of the Clerk of District Court for Dallas County.
- E. **Form and Use of Parking Citation-Complaint Forms:** Parking citation-complaints shall be issued by the Police Department, the Fire Department and other designated personnel, upon serially numbered sets of parking citation-complaint forms, each copy of each set to be clearly imprinted with citation-complaint number. Copies of the citation-complaint forms

shall be used as notice of violation to be delivered to the owner of the vehicle, or affixed to the vehicle illegally parked, as provided in subsection A of this Section; one to be placed on file with the City Clerk which may be proceeded upon as a simple notice pursuant to Code of Iowa, which, if admitted, may be paid to the City Clerk as specified in the citation-complaint or which, if denied, shall be sworn to by an officer as an information and filed in the District Court of Dallas County upon the filing of a written request to receive a date for entering a court appearance and plea as provided in this Section, and one to be retained for record purposes by the Police Department. Citation-complaints which are denied as provided in this Section shall be filed in the Traffic Division of the office of the Clerk of District Court for Dallas County and prosecuted pursuant to law.

- F. **Habitual Violator:** For the purposes of this Section, a delinquent parking citation-complaint is one which has not been paid within thirty (30) days of the date upon which the violation occurred.

Any person who has allowed four (4) or more overtime and/or illegal parking citation-complaints issued on a single motor vehicle to become delinquent shall be deemed to be a habitual violator.

No person shall park a vehicle and permit it to remain standing upon any public street or public lot or City-owned parking facility in the City when there are four (4) or more delinquent parking citation-complaints outstanding against that vehicle.

A violation of this Section shall place such vehicle in the status of an illegally parked vehicle and the vehicle may be dealt with pursuant to subsection G of this Section.

- G. **Removal and Impoundment of Illegally Parked Vehicles:** The Police Department may remove and impound vehicles or cause vehicles to be removed and impounded, when the vehicles are stopped or parked in violation of this Chapter or other City ordinances and, in so doing, may employ such means as are reasonably necessary. Impounded vehicles shall be stored in a location designated by the City.

- H. **Right of Owner to Redeem Impounded Vehicle:** The registered owner or person having a legal entitlement to possession of a motor vehicle impounded pursuant to subsection G of this Section may claim the same by appearing personally in the office of the City Clerk and either paying, in full, all delinquent parking citation-complaints pursuant to subsection C2 of this Section, or contesting the citation-complaints pursuant to the procedure established in subsection D of this Section. The City Clerk, upon compliance with above procedure, shall provide the registered owner or person having legal entitlement to possession of the motor vehicle, a written release to be presented to the towing impoundment entity which, upon payment of all towing and storage fees by the registered owner or person having legal entitlement or possession of the motor vehicle, shall enable the individual to possession of the automobile.

- I. **Failure of Owner to Claim Impounded Vehicle:** If an impounded vehicle is not claimed by the owner within ten (10) days after impoundment, the unclaimed vehicle shall be placed in the status of, and, shall be deemed an abandoned vehicle as provided by State law and/or the City Code.

- J. Notice of Impoundment: When a vehicle has been impounded pursuant to this Chapter, the registered owner of the vehicle shall be sent, by certified mail, to the owner's last known address of record, within seventy two (72) hours of the impoundment, excluding weekends and holidays, a notice of said impoundment along with a description of any personal property contained within the vehicle and of the right to a hearing pursuant to this Chapter. Notice personally presented within said period to said owner or person having a legal entitlement to possession shall satisfy the mailing requirement.

§502.28 **Arrest and Notice to Appear.** Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this ordinance such officer may:

- A. Immediately arrest such person and take him before a magistrate having jurisdiction, or
- B. Without arresting the person, prepare in five copies a written summons to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number of his vehicle, the offense charged, the time when and place where such person shall appear, and if the offense charged by speeding such summons shall also specify the speed at which such person is alleged to have driven and the speed limit applicable within the district or location.

The original and copy of the summons shall be delivered to the Court where the defendant is to appear; 2 copies to be given to the defendant; and one copy to the law enforcement agency of the officer.

§502.29 **Penalty.** The standard penalty for violation of any part of this Chapter of sections thereof, shall be as follows:

- A. In the event a violation of this Chapter constitutes a violation charged, admitted and collected pursuant to a simple notice of fine as established in section 502.28, the fine shall be as follows:
 - 1. For each violation of this Chapter, excluding a scheduled violation that is subject to a fine as per State Code, the fine shall be ten dollars (\$10.00).
 - 2. For a violation of the provisions of §502.17, Prohibited Parking During Snow Emergency, the fine shall be twenty-five dollars (\$25.00).
 - 3. For a violation of Handicapped Parking of this Code, the fine shall be one hundred dollars (\$100.00).
 - 4. In the event the penalty as set forth in this subsection is not paid within thirty (30) days from the date of issuance of an illegal parking citation-complaint and the defendant has failed to appear to contest the citation-complaint, the penalty shall automatically increase to five dollars (\$5.00) more than the fine for the initial violation in accordance with Sec. 805.8A(1)(a) Code of Iowa.

November 3, 2003 – Ordinance 2448
May 15, 2006 – Ordinance 2579