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Date: August 25, 2009

To: Dee F. Bruemmer, County Administrator

From: Mary J. Thee, Human Resources Director/Asst. County Administrator

Subject: Parking Ordinance

As all of the construction on the downtown campus has concluded we have conducted the review of the County's parking ordinance. Facility Support organized a meeting with representatives of Sheriff's office, Conservation and me to review the current ordinance. We enlisted the assistance of a Legal Intern in the Attorney's office to work on the drafting. He presented a draft to us and we have conducted further review. Additionally the Sheriff's office has reviewed the no parking zones currently listed in the code for sign conformance. I have attached the final recommended draft for the Board's consideration. The changes include:

1. Adding language to encompass the Conservation properties. (§10-2)
2. Removing specific language regarding employee parking, this will be addressed in the Administrative Policies. This allows for updating the parking diagram by resolution of the Board, rather than an ordinance modification. (§10-4)
3. Clarification of public parking restrictions to include the prohibition of overnight parking in lots. (§10-5)
4. Requiring a state handicap permit to park in handicapped spots. The current ordinance allowed the FSS director to issue temporary permits. (§10-8)
5. Additions to the no parking zones as currently signed and moving the Engineer approved no parking zones into one section. (§10-9)
6. Increasing the parking fines from \$5 to \$15. The state law permits \$25. And increasing the handicapped parking violation from \$25 to the state limit of \$100. Additionally we clarified the process for addressing unpaid fines. (§10-11)

The ordinance will require three readings by the Board for final approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 ENTITLED PARKING ORDINANCES OF THE SCOTT COUNTY IOWA CODE, BY AMENDING NUMEROUS SECTIONS THERETO

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. That Chapter 10 of the Scott County Iowa Code, be and the same is hereby amended to read as follows:

CHAPTER 10

PARKING ORDINANCES

SECTIONS:

- 10-1. TITLE
- 10-2. GENERAL JURISDICTION
- 10-3. DEFINITIONS
- 10-4. EMPLOYEE PARKING
- 10-5. PUBLIC PARKING
- 10-6. LOADING ZONE PARKING
- 10-7. AUTHORIZED VEHICLE PARKING
- 10-8. HANDICAPPED PARKING
- 10-9. NO PARKING

Deleted: DIAGRAM OF PARKING AREAS

10-10. SIGNS REQUIRED FOR REGULATIONS EFFECTIVENESS

Deleted: 10-10. . . COUNTY ENGINEER REGULATIONS

10-11. ENFORCEMENT AND PAYMENT OF FINES

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SEC. 10-1. TITLE

This chapter may be known and cited as the "County Parking Ordinance" of Scott County, Iowa.

SEC. 10-2. GENERAL JURISDICTION

The rules of this Chapter shall apply to property owned and operated by the County or Conservation Board. Unless otherwise specified, all rules, regulations, and definitions outlined in Chapter 321 or 461A of the Code of Iowa shall apply.

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SEC. 10-3. DEFINITIONS

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the

plural, the word "shall" is mandatory, the word "may" is permissive.

A. MOTOR VEHICLE: Any vehicle which is self-propelled.

B. PERSON: Every natural person, firm, co-partnership, association, or corporation.

C. OWNER: A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this Chapter.

D. PARK, PARKING: The stopping, standing of an attended or unattended motor vehicle.

E. PERSONS INVOLVED WITH COURT ACTIVITY(S): Any witness or party who physically appears or is scheduled to appear in court. Court activity is defined as an activity which requires an appearance before a judge, magistrate or court appointed neutral party.

F. EMPLOYEE PARKING. Parking for vehicles for only those persons who meet one of the following criteria, and whose vehicle properly displays an "Employee Permit" or "Special Permit" acquired for that vehicle pursuant to this Ordinance:

1. County Employee: Full or part-time employee who is currently on the county payroll and who works in or out of a County-owned Building.

2. Board/Commission Member: Any person who is appointed by the County Board of Supervisors to serve in a part-time capacity on a Scott County Board (excluding the Board of Supervisors), Commission or Committee. Also any person who serves in a part-time capacity on a board or commission of an agency/governmental entity which leases/utilizes space in a County-owned Building.

3. Identified Company Vehicles: Vehicles whose driver is an employee of a company which:

a. Has a written contract with Scott County or an agency/governmental entity which leases or utilizes space in a County-owned Building; and

b. Are performing activity, which is authorized

Deleted: D. PUBLIC PARKING: Parking for only those persons conducting business in the specified county buildings and does not include county employees or employees of agencies/governmental entities which lease or utilize space in county-owned buildings. §
§
E. COUNTY-OWNED BUILDINGS: The Courthouse, Main Jail Facility, Annex/Juvenile Detention Center, and Administrative Center buildings. §
§
F. COUNTY PARKING LOTS: County-owned areas near County-owned Buildings which are utilized for parking motor vehicles. §
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under the written contract at/near a County-owned Building and;

c. Has notified the County Administrator or designee prior to performing activity.

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4. Juror or prospective juror.

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5. Persons attending scheduled meeting(s), classes in County-owned Building provided that the County Administrator or designee has been notified prior to such activity.

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6. Vehicles of persons employed by agencies and/or governmental entities which lease or utilize office space in a County-owned Building.

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7. Vehicles of persons on the workfare program, upon notification of County Administrator or his designee.

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G. SPECIAL PERMIT: An identifying instrument, placard, etc. authorized and issued by the Office of Facility and Support Services for: persons listed under Employee Parking which allows a vehicle to be parked in the employee parking area for a specified period of time, or district, associate and magistrate court judges allowed to park in the Authorized Vehicle Parking area.

Deleted: HANDICAPPED EMPLOYEE PARKING: Parking for temporary or permanently handicapped employee(s) subject to submission of documentation to the Office of the Facility and Support Services.

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H. EMPLOYEE PERMIT: An identifying instrument or permit shall be issued by the County which allows a vehicle to park in the employee parking area(s).

Deleted: The employee permit shall be placed on the lower left side of the rear bumper of a vehicle. If it is not possible to place the permit in the stated area, the Director of Facility and Support Services may provide an alternate designated area on a case by case basis. Permit must be easily visible from the rear of the vehicle.

I. AUTHORIZED VEHICLE PARKING: Parking for only vehicles of law enforcement agency personnel conducting official business and county owned vehicles.

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SEC. 10-4. EMPLOYEE PARKING

Employee parking locations shall be regulated by Scott County Employee General Policy. Employees are prohibited from parking in non-designated areas.

Deleted: ; vehicles owned/operated by a district associate or magistrate court judge;

A. SEC. 10-5. PUBLIC PARKING RIGHTS TO PUBLIC PARKING LIMITED. No individual may park a motor vehicle in areas designated as public parking, as defined in sec. 10-3(D) unless the individual is conducting business in the building associated with that designated parking area.

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B. OVERNIGHT PARKING PROHIBITED. An Individual may not park a motor vehicle or remain parked in areas designated for public parking, as defined in Sec. 10-3(D) after 8 pm and before 5 am.

Deleted: <#>No person shall park a motor vehicle on the area(s) known as employee parking except those persons outlined in Sec. 10-3, I. Employees shall park in areas as designated for specified buildings. These designations are defined in Sec. 10-8.¶
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C. OVERNIGHT PARKING EXCEPTION. The Overnight parking prohibition does not apply to a county employee who is :

1. conducting business in the building associated with the designated parking area during the prohibited hours, and
2. would otherwise be permitted to park in that area.

SEC. 10-6. LOADING ZONE

No person shall park a motor vehicle in space(s) designated as a loading zone except for the purpose of delivery or pick-up of quantities of materials. Any person who parks a motor vehicle in the designated loading zone space(s) shall be limited to thirty (30) minutes.

SEC. 10-7. AUTHORIZED VEHICLE PARKING

No person shall park a motor vehicle on the area designated Authorized Vehicles except vehicles outlined in Sec. 10-3(1).

SEC. 10-8. HANDICAPPED PARKING

No person shall park a motor vehicle in a designated Handicapped Parking area unless they properly hold and display a current state issued handicapped permit.

SEC. 10-9. NO PARKING

No person shall park a motor vehicle in the following described no parking areas located in the County:

1. On Grove Road from Park View Drive westerly for 259 feet, on the northerly side of the road.
2. On Park View Drive from Grove Road northerly for 267 feet, on the westerly side of the street.
3. On Lincoln Road from Manor Drive westerly for 200 feet, on the northerly side of the road and for 100 feet on the southerly side of the road.
4. On Manor Drive from Park View Drive westerly for a distance of 200 feet, on the northerly side of the street.
5. On Grove Road from U.S. Highway No. 61 to Park View Drive, on the southerly side of the street.
6. On both sides of Park View Drive from Manor Drive to a

Deleted: A. ONE HOUR PARKING. Designated area(s) of the public parking shall allow persons outlined in Sec. 10-3, D. to park for not more than one (1) hour. §

B. TWO HOUR PARKING. Designated area(s) of the public parking shall allow persons outlined in Sec. 10-3, D. to park for not more than two hours. §

C. THREE HOUR PARKING. Designated area(s) of the public parking shall allow persons outlined in Sec. 10-3, D. to park for not more than three hours. §

D. HANDICAPPED PARKING. Designated space(s) of this area(s), shall be reserved for vehicle(s) of handicapped person(s). §

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Deleted: or a temporary permit issued by the Director of Facility and Support Services.

Deleted: SEC. 10-9. . . DIAGRAM OF PARKING AREASS §

The County Parking Lot Diagram of the county parking lots, which visually displays the Employee Parking identified in Sec. 10-4, the Public Parking identified in Sec. 10-5, the Loading Zone Parking in Sec. 10-6, and the Authorized Vehicle Parking Area identified in Sec. 10-7, is hereby made a part of this chapter. §

The official County Parking Lot Diagram revised on April 7, 1999 shall be on file in the Office of the Administrator and shall bear the signature of the Chairman of the Board of Supervisors, attested by the County Auditor under certification that said diagram is the official County Parking Lot Diagram of the County Parking Lot Ordinance. It shall be the responsibility of the County Administrator to ensure (1)

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point 100 feet south of Grove Road.

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- 7. On Manor Drive from the County Park Road to Park View Drive, on the easterly side of the street.
- 8. On both sides of South Park View Drive from its intersection with Park View Drive southeasterly a distance of 575 feet to a point in front of addresses 114 and 115.
- 9. On both sides of Crest View Drive from its intersection with South Park View Drive southwesterly, southerly and southeasterly a distance of 575 feet to a point in front of addresses 110 and 111.

10. On both sides of Park Crest Court from its intersection with Crest View Drive southwesterly from the entire length of the street and the cul-de-sac.

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11. On Park View Drive from Manor Drive northerly for a distance of 200 feet, on the westerly side of the street.

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12. On Park Avenue between Manor Drive and Manor Court, on the north side of the street only.

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13. On Park View Drive from Valley drive to South Park View Drive on the westerly side of the street.

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14. On both sides of County Route F-33 (290th Street) from Scott Park Road (Old 61) east past Pioneer Village to bridge.

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15. On both sides of, on Park View Drive from Grove Street 200 feet south.

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§ The Board of Supervisors and/or the County Engineer, based upon an engineering and traffic investigation, is hereby authorized to designate the location and the effective times of no parking restrictions, and maintain by installation of appropriate official traffic control devices and/or markings. §

§ No Parking on Brady Street (in Mt. Joy) from 214th Street north to end of road on both sides of the street. §

§ No Parking on 140th Street Place from 110th Ave (Y-48) east to 112th Ave on both sides of street. §

16. On both sides of Brady Street (in Mt. Joy) from 214th Street north to end of road.

17. On both sides of 140th Street Place from 110th Ave (Y-48) east to 112th Ave.

18. In violation of any parking restrictions authorized by the Conservation Board within the county park system.

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SEC. 10-10. SIGNS REQUIRED FOR REGULATIONS EFFECTIVENESS

Parking regulations shall not be in effect until official traffic control devices and/or markings have been installed

for a minimum of twenty-four hours.

SEC. 10-11. ENFORCEMENT AND PAYMENT OF FINES

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A. FINE AMOUNT AND NOTICE OF VIOLATION

1. Violations of §§ 10-4, 10-5, 10-6, 10-7, and 10-9, of this chapter shall be a misdemeanor and result in a fine of fifteen dollars (\$15). Fines for violations listed in this paragraph which are admitted and/or mailed within three calendar days, excluding holidays and weekends, shall be reduced to an eight dollar (\$8) fine.

2. Violations of § 10-8 shall be a misdemeanor and result in a fine of One Hundred Dollars (\$100), there shall be no reductions for violation of § 10-8.

3. Notice of violation of said sanctions shall be placed/attached in a conspicuous place on the motor vehicle found to be in violation of the parking ordinance.

B. Towing and/or impoundment of motor vehicles shall occur in any of the following circumstances:

1. The owner of a motor vehicle accumulates more than ten (10) unpaid fines in a calendar year.

2. The owner of a motor vehicle does not park within a clearly marked parking space.

3. The owner of a motor vehicle has blocked access to another parking space.

4. Vehicles abandoned or unattended for over three (3) working days.

5. Blockage of the entrance to a private driveway by a motor vehicle.

C. WHEN PAYMENT IS DUE, ENFORCEMENT OF PAYMENT

1. Fines shall be payable to the Scott County Treasurer within thirty (30) days of issuance.

a. Person not paying said fines after 30 days shall be issued a notice to pay within fourteen (14) days of said notice.

b. The fine amount shall increase by five dollars (\$5) if not paid within 30 days of issuance.

2. If payment is not made fourteen (14) days after said notice, a citation shall be issued for the amount owed.

Deleted: Violations of Sec. 10-4, Sec. 10-5, Sec. 10-6, Sec. 10-7, Sec. 10-9, Sec. 10-10 and Sec. 10-11 of this chapter shall be a misdemeanor and shall result in a five dollar (\$5.00) fine. Notice of violation of said Sections shall consist of a written summons which shall be placed/attached in conspicuous place on the motor vehicle in violation. Violations of Sec. 10-8 shall be a misdemeanor and shall result in a twenty-five dollar (25.00) fine. Fines for violation of said Sections which are admitted and paid or admitted and/or mailed within three calendar days, excluding holidays and weekends, shall be reduced to a three dollar (\$3.00) penalty. There shall be no reductions for violations of section 10-8. If a person fails to pay the fine in the time frames listed in Section 10-12(C), a citation for the person's arrest will be issued. In addition, the Treasurer may place a hold on registration of Scott County vehicles until the fine is paid. The fine amount shall increase to twenty-five dollars (\$25.00) after the warrant has been issued.

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- a. Failure to pay within fourteen (14) days after said notice shall cause a citation for the person's arrest to be issued and a hold may be placed on the vehicles registration of Scott County vehicles until the fine is paid.
- b. If the original fine is issued due to a violation of §§ 10-4, 10-5, 10-6, 10-7, or 10-10, and a citation for the offenders arrest becomes necessary, the individual will be responsible for the five dollar (\$5) late fee, and the fine amount shall increase to twenty five (\$25) dollars, for a total fine amount of thirty dollars (\$30).
- 3. The Scott County Treasurer shall maintain appropriate records to ensure the efficient operation of the payment of fines.

Deleted: Fines shall be payable to the Scott County Treasurer within thirty (30) days of issuance. Person(s) not paying said fine(s) after thirty (30) days shall be issued a notice to pay within fourteen (14) days of date of said notice. Failure to pay shall be cause for warrant to be issued for said person's arrest. The Treasurer shall then issue a Complaint and Affidavit for parking violations with the Clerk of Court for collection. The County Treasurer shall maintain appropriate records to ensure the efficient operation of the payment of fines.¶

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D. Fines shall be collected in accordance with the procedures provided in Section 321.40 and 321.236(1) of the Code of Iowa.

Deleted: Enforcement hours for Sections 10-4, 10-5, 10-6, 10-7, and 10-8 shall be limited to the regular business hours of the Scott County Courthouse, 8:00 a.m. - 5:00 p.m., Monday - Friday, excluding holidays. Enforcement hours for Section 10-10 and 10-11 shall be for 24 hours per day, weekends and holidays included.¶

E. ENFORCEMENT HOURS, ENFORCEMENT HOLIDAYS

- 1. Enforcement hours for all Chapter 10 parking regulations shall be 24 hours per day.
- 2. The County reserves the right to not enforce parking violations.

F. Exception to the issuance and/or payment of parking lot fines:

Deleted: (1) District Court Administrator or designee shall authorize the invalidation of violations and maintain a record of such for the following:¶
 (a) Persons involved with court activity for violations issued pursuant to Sec. 10-5 Public Parking.¶
 (b) Prospective and selected jurors for violations issued pursuant to Sec. 10-4 Employee Parking.¶

1. The Director of Facility and Support Services, Sheriff, Conservation Director or their designee shall authorize the invalidation of violations and maintain a record of such for the following:

a. Persons outlined in Sec. 10-3(I) (1), (2), (3), (5), (6) and (7), for violations pursuant to Sec. 10-4 Employee Parking provided that this provision shall not be abused.

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b. Violations in which the information contained on the written summons does not match the motor vehicle records for violations issued pursuant to Sec. 10-4 through and inclusive of Sec. 10-7.

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c. Violation due to obvious error of parking ticket issuer for violations issued pursuant to Sec. 10-4 through and inclusive of Sec. 10-8.

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d. Persons outlined in Sec. 10-3(I), for violation pursuant to Sec. 10-7 Authorized Vehicles provided that this provision shall not be abused.

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G. PROCEDURES FOR CONTESTING

1. Persons wishing to contest violation and or fines shall be allowed an informal hearing (in person or telephonically) to reconsider the violation or fine. Said hearing shall be with the Director of Facility and Support Services or designee. At the conclusion of the hearing a decision will be made within seventy-two (72) hours.
2. A person contesting a violation need not make payment until a final decision is reached.
3. This subsection does not apply to individuals who have had a warrant issued for failing to pay within 14 days of receiving notice of nonpayment.

Deleted: Persons wishing to contest violations and or fines shall be allowed an informal hearing (in person or telephonically) to reconsider the violation or fine. Said hearing shall be with Director of Facility and Support Services. At the conclusion of said hearing, the Director of Facility and Support Services will immediately or within seventy-two (72) hours of the conclusion of the hearing shall either let the violation and fine stand or invalidate the violation under provisions of 10-13 F (2).

H. PROCEDURES FOR CONTESTING IF A CITATION OR WARRANT HAS BEEN ISSUED.

A person who has received a citation due a violation of 10-13(C)(2) (failing to pay within 14 days of receiving notice to pay the fine amount) and wishes to contest the violation must do so in Magistrate Court.

I. The Director of Facility and Support Services, County Engineer or Conservation Director or designees are authorized to purchase signs and identification permits consistent with this chapter.

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J. The Facility Support Services Director, Conservation Director and Sheriff or their designees are authorized and directed to enforce this chapter and to develop administrative procedures consistent with this Chapter.

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- Deleted: (respecting Sec. 10-10 violations)

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____,
Second Consideration _____,
Third Consideration _____.

James V. Hancock
Chairman, Board of Supervisors

Published on _____.