

## CITY COUNCIL REPORT

DATE: April 21, 2015

TO: Mayor and Councilmember

FROM: Michael O'Connor, Public Works Section Head  
Walt Miller, Deputy Police Chief

CC: Jeff Meilbeck, Josh Copley, Jerene Watson, Leadership Team

SUBJECT: WINTER PARKING ORDINANCE

This is in response to Councilmember Oravits request for information regarding the winter parking ordinance to date.

### DISCUSSION

The City Code §9-01-001-0003(F)(4) was originally adopted by the City on April 8, 1940. The exemption clause was added on March 15, 1983. This section reads:

#### City Code §9-01-001-0003 STOPPING, STANDING AND PARKING RESTRICTIONS

##### F. Violations

4. Seasonal Parking Restriction: No person shall park or permit to be parked on any street or alley between midnight and seven o'clock (7:00) A.M., from November 1 to April 1, for more than the space of one hour any vehicle owned or controlled by that person except upon such streets or alleys as may be exempted from this prohibition by traffic regulation adopted by motion of the City Council.

The purpose of this section of the Traffic Code is to assure that the streets of the City are free of parked vehicles overnight during snowstorms so plowing operations can be conducted efficiently and safely. Having the streets clear during the low traffic times overnight is a critical factor in enabling city crews to provide the high level of snow removal service that the citizens expect.

In 2005, the Traffic Commission opened a discussion about the issues surrounding the enforcement of this provision of the Code. This was occasioned by Commissioners' observation that violations are seldom ticketed unless it is actually snowing.

The Commission considered the possibility of recommending a change in the plowing policy that would allow overnight parking on local streets but prohibit it on the main streets during either the snow season or only during snowstorms. Commissioners decided that a change of such magnitude in the expected level of service was an issue that required much broader public participation and should be initiated at the Council level. However, some modifications were identified that could enhance the enforceability of this Code section.

In 2005, changes to the Code resulting from these discussions were incorporated into Ordinance 2005-26. These are described below.

- Amend the 12:00 midnight beginning time for several streets in the downtown area to 3:00 A.M. due to Effective July 1, 2005 the State liquor law was changed to allow liquor sales until 2:00 AM. And taverns in the downtown area do not have adequate off-street parking and depend on the public on-street parking for their patrons and employees.
- Eliminate the provision for a one-hour 'grace period' during the parking prohibited time. The current wording makes the enforcement of the parking restriction very difficult. As a practical matter, the officer writing the ticket needs to have observed the vehicle parking on the street not just once, but continuously for at least an hour. With this deletion the ticketable offense becomes the presence of the parked vehicle, rather than the extended time of the parking.

In 2005, no options or alternatives were considered. The additions were necessary to maintain the status quo through the change from the Traffic Regulation process to the Ordinance process for establishing an exemption to the seasonal parking prohibition.

#### RECOMMENDATION / CONCLUSION

The Police Department recommends no changes to the current ordinance. We like to use a one month period as an educational/reminder period that the ordinance is in effect. If enforcement is driven by "snow storm" only we will most likely see an increase in violations which, during a large snow event will overwhelm our resources and the resources of our contracted tow company. The Public Works Department supports no changes to the ordinance as it helps the Streets Section snow operations clear the roads efficiently and in a timely manner.

We also remind citizens through the media and our Facebook page that the ordinance will be effective from November 1 to April 1.

If the ordinance is amended to issuing citations during "snow storms" only, then how is that defined? As it stands now there is an effective period for enforcement that the vast majority of our citizens are aware of.

We can see an enforcement issue in the determination and definition of "snow storm". With the existing ordinance we have a clear date and time period for enforcement.