

New ordinance:

- For storms with many inches of snow accumulation, this provides the option for an “snow emergency” to be declared.
- Although no specific amount of accumulation is defined, generally we think this will be used for 6 inches or more.
- The Mayor may designate several different staff as designees to declare a snow emergency.
- A snow emergency shall commence immediately upon its declaration and shall last for twenty-four (24) hours from the effective start time, unless otherwise indicated. During this time, no vehicle shall be parked on any City street.
- However, ticketing will not begin until two hours following the notice to local media outlets
- “failure of a person to receive such notice (of snow emergency) shall not constitute a defense to any prosecution for violation of the rules, regulations and procedures prescribed by this chapter.”
- **In the event no snow emergency is declared, no person shall park, abandon or leave unattended any vehicles on any public street, alley, or City-owned or operated off-street parking area between 2:00 a.m. and 6:00 a.m. if snow has accumulated.**

ORDINANCE 2019-02

**AN ORDINANCE AMENDING CHAPTER 69 (PARKING REGULATIONS) AND
CHAPTER 70 (TRAFFIC CODE ENFORCEMENT PROCEDURES) OF THE CODE OF
ORDINANCES OF THE CITY OF ELKADER, IOWA**

WHEREAS, the City of Elkader has determined it is necessary to amend its parking regulations and traffic code enforcement ordinances to add snow emergency requirements and provisions allowing for the enforcement of those requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKADER, IOWA:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend Chapter 156 of the Code to address the placement of temporary signage, wall signage and murals/artwork on private property located within the City.

SECTION 2. SECTIONS AMENDED. Chapter 69, PARKING REGULATIONS, and Chapter 70, TRAFFIC CODE ENFORCEMENT PROCEDURES, are hereby amended as follows:

69.12 SNOW EMERGENCY PARKING. The purpose of this Section is to improve public safety during times when significant amounts of snow or ice accumulate on or expected to accumulate on City streets.

1. *Definitions.* For purposes of this Section, the following are defined:
 - A. "Business District" shall have the same meaning set forth in Section 60.02(1) of this Code of Ordinances.
 - B. "Park" or "Parking" shall have the same meaning set forth in Section 60.02(2) of this Code of Ordinances.
 - C. "Mayor or the Mayor's Designee" for purposes of this Section shall include, but shall not be limited to, the City Administrator, Public Works Director and/or Chief of Police.
 - D. "Vehicle" shall have the same meaning set forth in Section 60.02(11) of this Code of Ordinances.
2. *Declared Snow Emergencies.*
 - A. The Mayor or the Mayor's designee may declare a snow emergency any time the Mayor or the Mayor's designee, in his/her sole discretion, determines the declaration of a snow emergency is necessary or desirable for purposes of facilitating the maintenance of public streets and/or preserving public health, safety, and welfare.
 - B. The Mayor or the Mayor's designee may declare a snow emergency based upon actual or predicted snow, sleet, freezing rain, or ice.
3. *Public Notification.* The Mayor or the Mayor's designee, upon declaring a snow emergency, shall utilize, at his or her discretion, all available communications media in the

community to give notice to the public that a snow emergency is in effect, but failure of a person to receive such notice shall not constitute a defense to any prosecution for violation of the rules, regulations and procedures prescribed by this chapter snow has accumulated on any portion of the paved roadway.

4. *Effective Times of Emergency.*
 - A. A snow emergency shall commence immediately upon its declaration and shall last for twenty-four (24) hours from the effective start time, unless otherwise indicated by the Mayor or the Mayor's designee.
 - B. In no event shall the parking restrictions set forth in this Section be enforced until two (2) hours following the provision of notice to local media outlets as herein required.
5. *Restrictions During Snow Emergency.*
 - A. In the event of a conflict between the provisions of this section and any other section or provision of this Code, the provisions of this Section shall control.
 - B. During a snow emergency no vehicle shall be parked on any City street.
 - C. During the effective period of a declared snow emergency, the identified portions of the following streets shall be shut down and made inaccessible for vehicle parking:
 - i. Main Street (all portions within Business District)
 - ii. Mulberry Street (all portions within Business District)
 - iii. Bridge Street (all portions within Business District)
 - iv. Cedar Street (all portions within Business District)
 - v. Spruce Street (all portions within Business District)
 - vi. First Street (between Bridge Street and Cedar Street NW).
6. *Towing and Impounding of Illegally Parked Vehicles.* During a snow emergency, members of the Elkader Police Department are authorized to tow and impound any vehicle parked on a City street in violation of this Section. When such vehicle is reclaimed by its owner, there shall be assessed to said owner, in addition to any court-imposed fine and costs, a reasonable fee for towing and storage. Neither the city nor its employees or agents designated to move vehicles in accordance with the provisions of this chapter shall be responsible for any damage to such vehicle occasioned by such moving, towing, or storage. Any person who removes an impounded vehicle from any police-designated impounding area without first paying all fines, costs, towing and storage charges, is guilty of a municipal infraction.
7. *Violations and Penalties.* In addition to or in lieu of having the vehicle towed, the owner of the vehicle or the person otherwise entitled to possession thereof found to be in violation of this Section may be ticketed pursuant to the provisions of Section 70.03 of this Code of Ordinances. Each 2-hour period a vehicle remains parked in violation of the provisions of this Section shall constitute a separate and distinct offense. The ticket shall be placed on a conspicuous place on the offending vehicle or presented to the owner or operator of the vehicle, if that person is available.
8. *Termination of Snow Emergency Parking Restrictions:* Whenever the Mayor or the Mayor's designee shall find that the conditions which gave rise to the snow emergency declaration no longer exist, the Mayor or the Mayor's designee is authorized to declare the termination of the snow emergency parking restrictions set forth above, in whole or in part, effective immediately upon announcement. When the termination is announced, it shall

then be lawful to park on those streets in accordance with the regular parking provisions. The Mayor or Mayor's designee shall request the cooperation of the local press, radio, and television media to announce the termination of the snow emergency parking restrictions.

9. *Parking Restrictions During Snowfall Where No Snow Emergency Declared.* In the event no snow emergency is declared, no person shall park, abandon or leave unattended any vehicles on any public street, alley, or City-owned or operated off-street parking area between 2:00 a.m. and 6:00 a.m. if snow has accumulated on any portion of the paved roadway.

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions provided for in this Chapter and in Chapter 69 of this Code of Ordinances may be charged upon a simple notice of a fine, payable in the office of the City Clerk, in the amount of twenty dollars (\$20.00) for all violations except as otherwise provided herein. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). For violations of the following parking restrictions the simple notice of a fine shall be:

1. Snow emergency parking - \$30.00 (plus any and all towing and/or impound fees imposed in accordance with § 69.12 of this Code of Ordinances)
2. Improper use of a persons with disability parking permit - \$100.00

If a parking violation is not paid within sixty (60) days of the date upon which the violation occurred, the City may charge the owner of the vehicle or the person otherwise entitled to possession thereof and proceed before a court in the same manner as other traffic violations.

(Code of Iowa, Sec. 321.236)

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle 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.
(Code of Iowa, Sec. 321.236 [1])
2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
(Code of Iowa, Sec. 321.236 [1])
3. Snow Removal/Snow Emergencies. When any vehicle is left parked in violation of a ban on parking during snow removal operations, including but not limited to vehicles parked in violation of § 69.12 of this Code of Ordinances.
4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236 [1])

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

(Code of Iowa, Sec. 321.236 [1])

SECTION 3. REPEALER. All other sections of this Ordinance in conflict with these provisions shall be repealed.

SECTION 4. SEVERABILITY. If any section, provisions or part of these Ordinances shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. These Ordinances shall be in full force and effect from and after its adoption and publication as provided by law.

Passed by the Council on the 8th day of April, 2019.

Josh R. Pope, Mayor

ATTEST:



Jennifer K. Cowsert, City Administrator/Clerk

I certify that the foregoing was published as Ordinance No. 2019-02 on the

_____ day of _____, _____.

Jennifer K. Cowsert, City Administrator/Clerk