

CHAPTER 69

PARKING REGULATIONS

- | | |
|---|---|
| 69.01 Parking Limited or Controlled | 69.18 Form and Use of Parking Citation |
| 69.02 Park Adjacent to Curb | 69.19 Payment or Contest of Parking Citation Complaints |
| 69.03 Park Adjacent to Curb – One-way Street | 69.20 Administrative Review Panel |
| 69.04 Diagonal Parking | 69.21 Action Following Administrative Review |
| 69.05 Angle Parking – Manner | 69.22 Assignment of Court Appearance Date |
| 69.06 Parking for Certain Purposes Illegal | 69.23 Failure to Pay or to Contest |
| 69.07 Parking Prohibited | 69.24 Redemption of Impounded Vehicle |
| 69.08 Handicapped Parking | 69.25 Failure of an Owner to Claim an Impounded Vehicle |
| 69.09 Illegal Off-Street Parking | 69.26 Notice of Impoundment |
| 69.10 Private Off-Street Parking Facilities | 69.27 Right to a Hearing |
| 69.11 Truck Parking Limited | 69.29 Appeal Process for Impounded |
| 69.12 Snow Removal | 69.30 Bids for Private Storage and Designation by Council |
| 69.13 Parking Signs Required | |
| 69.14 Recreational Vehicle Parking Prohibited | |
| 69.15 Offenses by Owner | |
| 69.16 Notice on Illegally Parked Vehicles | |
| 69.17 Habitual Violator | |

69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

69.02 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, § 321.361)

69.03 PARK ADJACENT TO CURB – 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 vehicles within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, § 321.361)

69.04 DIAGONAL PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, § 321.361)

1. South Main Street on the west side from South Second Street to South Third Street;
2. South Main Street on the west side from S 3rd St., south 103 ft. (in front of Kastle Pointe Apartments) ;
3. South Third Street on the south side from S Main St., east 154ft to 326 ft (in front of the Presbyterian Church);
4. South Main Street on the east side from S 3rd St. south 225 ft to 288 ft (in front of the Dance Studio);
5. South Main Street on the west side from S 4th St., south 184 ft to 478 ft (in front of the City Community Building);
6. North Main Street on the west side from N 5th St north 136 ft to 450 ft; (in front of the Right Stuf);
7. South Second Street on the south side from S Main St, east 80 ft to 196 ft (in front of 404 and 408 S 2nd).

69.05 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 or in the center of the roadway as indicated by such signs and marking. 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 (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, § 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours or for any of the following principal purposes:

(Code of Iowa, § 321.235[1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except for such repairs as are necessitated by an emergency.

Code of Ordinances, Grimes, Iowa

3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.
5. Storage: Storage or as junk or dead storage.

69.07 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 directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, § 321.236[1] & 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, § 321.236[1])
3. Mailboxes. Within twenty (20) feet 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.
(Code of Iowa, § 321.236[1])
4. Sidewalks. On or across sidewalks.
(Code of Iowa, § 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, § 321.358[1])
6. Intersection. Within, or within then (10) feet of an intersection of any street or alley.
(Code of Iowa, § 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, § 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, § 321.358[6])

Code of Ordinances, Grimes, Iowa

9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

(Code of Iowa, § 321.358[9])

10. Fire Station. Within twenty (20) feet 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 (75) feet of said entrance when properly sign posted.

(Code of Iowa, § 321.358[9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(Code of Iowa, § 321.358[10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Hazardous Location. 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 City Administrator may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, § 321.358[13])

14. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, 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 such 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.

(Code of Iowa, § 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet or the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in

Code of Ordinances, Grimes, Iowa

such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

(Code of Iowa, § 321.236[1])

16. Ramps. In front of a curb but or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, § 321.358[15])

17. Parking Between Curb and Lot Lines:

A. Parking on un-curbed streets.-

Parking, standing and driving is prohibited on unpaved areas in the front or side-yards of principal residential buildings. Parking is allowed on existing gravel pads. The maintenance of any existing gravel pad or parking area in the public right-of-way shall be maintained solely at the owner's expense. Sidewalks are not considered paved areas where parking, standing or driving is permitted, but such activities are permitted on gravel driveways in existence as of May 1, 2006.

B. Parking on curbed-streets.

Parking, standing and driving is prohibited on unpaved areas between the curb and the front property line and in the front or side-yards of principal residential buildings. line of residential property. Sidewalks are not considered paved areas where parking, standing or driving is permitted, but such activities are permitted on gravel driveways in existence as of May 1, 2006.

18. Parking along roadways designated as municipal collector streets in the following locations:

A. South 5th from Little Beaver to Woodbine between the hours of 12:00 A.M. – 6:00 P.M. Monday through Friday except on designated holidays then parking shall be permitted. Designated holidays shall be defined as: Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, 4th of July and Labor Day.

B. Woodbine from South 5th to South 3rd.

C. South 3rd from Woodbine to Gateway Drive.

Code of Ordinances, Grimes, Iowa

D. Gateway Drive in Final Plat 1, Grimes Crossing.

69.08 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking areas:

1. Establishment. Handicapped parking spaces shall be established and designated in accordance with Chapter 321 of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street handicapped parking space without first obtaining Council approval.

2. Improper Use. The use of a handicapped parking space, located on either public or private property, by a motor vehicle not displaying a handicapped identification device, displaying such device but not being used by a handicapped person, or in violation of the rules adopted under Section 321L.8 of the Code of Iowa, constitutes improper use of a handicapped identification device, which is a misdemeanor.

(Code of Iowa, § 321L.4[2])

69.09 ILLEGAL OFF-STREET PARKING. No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of the privately owned property or facility. A violation of this provision shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the property or facility, the vehicle may be dealt with pursuant to this Code of Ordinances.

69.10 PRIVATE OFF-STREET PARKING FACILITIES. It is the duty of the property owner, lessee or person in charge of a privately owned off-street parking facility to erect appropriate signs giving notice of any restriction regarding the use of the private parking facility by vehicle operators. This regulation and any restriction placed on the use of the private parking facility by the owner shall not be effective unless such signs are erected and in place at the time of the alleged offense. When warning signs are so erected giving notice of any restrictions in the use of the private parking facility, no person shall disobey the restriction stated on the warning signs or be subject to the sanctions provided under this Code of Ordinances.

69.11 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 pick-ups, non-commercial light delivery or non-commercial panel delivery trucks.

(Code of Iowa, § 321.236[1])

1. Business or Residential Districts. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle in any streets abutting property zoned "R-1", "R-2", "R-3", "C-2", and "C-3". When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time more than thirty (30) minutes.
3. Diagonal Parking Areas. No such vehicles shall be left unattended or parked on any diagonal or angle-parking district.
4. 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.
5. Public Off-Street Parking. No such vehicle shall be left unattended or parked in a twenty-four (24) hour public off-street parking zone.
6. 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 hour (24) hour public off-street parking zone.

Code of Ordinances, Grimes, Iowa

- 291 -

Revised 03/28/06

CHAPTER 69

PARKING REGULATIONS

7. No person shall park any trailer not attached to a motor vehicle on any city street or public property.

69.12 SNOW REMOVAL.

1. No person shall park or allow a vehicle to remain parked on a public street in the City from the time a designated snow event occurs until such time as the streets have been cleared of accumulated snow from curb-to-curb. The vehicle shall be removed immediately when there is a minimum of two (2) inches of snow on the ground or upon the announcement that

Code of Ordinances, Grimes, Iowa

-291-

Revised 06/27/06

the snow ordinance is in effect. The City Administrator or designee shall be responsible for determining when the snow is of sufficient depth to be defined as a designated snow event and when the enforcement of this ordinance shall begin. The City Administrator or designee is empowered to contact the designated media source when the snow ordinance is in effect and shall publish said designated media source in accordance with Grimes Code of Ordinances Chapter 18.05. The City Administrator or designee is also empowered to end the prohibition on parking.

69.13 PARKING SIGNS REQUIRED. Whenever by this chapter or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it is the duty of the Public Works Department to erect appropriate signs giving notice thereof and no such regulations are effective unless signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, § 321.255 & 321.256)

69.14 RECREATIONAL VEHICLE PARKING PROHIBITED. No person shall park a travel trailer, fifth wheel travel trailer or motor home, as defined in Iowa Code § 321.1(39), upon any roadway, unless in compliance with the directions of a peace officer.

69.15 OFFENSES BY OWNERS. It is unlawful for the owner or any other person employing or otherwise directing the driver or a vehicle to require or knowingly permit the stopping, standing, or parking of any vehicle upon the highway in any manner contrary to law. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing or parking of a vehicle, whether the provision is contained in this Chapter, or the Code of Iowa or an ordinance or other regulation or rule if the owner establishes that at the time of the violation, the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in Chapter 321F, Code of Iowa. The furnishing to the Administrative Review Panel or the Clerk of District Court of Polk County, Iowa, where the charge is pending of a copy of the certificate of responsibility prescribed in § 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in custody of an identified person other than the owner within the meaning of this Chapter, and the charge against the owner shall be dismissed. If a peace officer has reasonable cause to believe the driver of a motor vehicle has violated any section of this Chapter, the officer may request any owner of the motor vehicle to supply information identifying the driver to the best of his or her ability. However, the owner of the vehicle is not required to supply information to the officer if the owner believes the information to be self-incriminating.

69.16 NOTICE ON ILLEGALLY PARKED VEHICLES. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restriction imposed by this Chapter or any other City ordinance or State law, the officer or designated City employee finding such vehicle shall take the 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 in Chapter 69.18 for the owner to appear to the charge against him or her at the City Clerk's office or in the District Court of Polk County, Iowa as designated in the citation complaint.

69.17 HABITUAL VIOLATOR. A delinquent parking citation complaint is one which has not been paid within 30 days of the date upon which the violation occurred. Any person who has allowed four or more overtime and/or illegal parking citation complaints issued on a motor vehicle or registration plate to become delinquent shall be deemed a habitual violator. No person shall park a vehicle and permit it to remain standing upon any public street or public metered lot or City owned parking lot when there are four or more delinquent parking citation complaints outstanding against that vehicle. A violation of this provision shall place the status of an illegally parked vehicle and the vehicle may be removed and impounded by any reasonably necessary means. Impounded vehicles shall be stored in the location designated by the City in compliance with this Chapter.

69.18 FORM AND USE OF PARKING CITATION COMPLAINT FORMS. Parking citation complaints shall be issued by any lawfully designated personnel upon serially numbered sets of parking citation complaint forms. Each copy of each citation complaint form shall be used as follows: one to be used as a notice of violation to be delivered to the owner of the vehicle; one to be placed on or affixed to the illegally parked vehicle; one to be placed on file with the City Clerk which may be proceeded upon as a simple notice pursuant to § 321.236, Code of Iowa, which, if admitted, may be paid to the City Clerk as specified on the citation complaint or which, if denied, shall be sworn by an officer as an information and filed in the District Court of Polk County, Iowa upon the filing of a written request to receive a date for entering a court appearance and plea as provided in this Chapter; and one to be retained for record purposes by the City Clerk. Citation complaints which are denied as provided in this Chapter shall be filed in traffic division of the Clerk of District Court of Polk County, Iowa and prosecuted pursuant to law.

69.19 PAYMENT OR CONTEST OF PARKING CITATION COMPLAINTS. Parking citation complaints shall be paid at the office of the City Clerk within 30 days of issue unless the owner of the vehicle contests the parking citation complaint by filing a written request within seven days of the issuance of the citation for administrative review or for any appearance date before the District Court of Polk County, Iowa. The written request for administrative review shall be filed in the office of the City Clerk and shall stop the running of the 30 day period for payment. Upon a decision of the administrative review panel to uphold the parking citation complaint, the period for payment set out in this Chapter shall resume.

69.20 ADMINISTRATIVE REVIEW PANEL. An administrative review panel comprised of the City Clerk or the City Clerk's designee as chairperson of the panel and two other City employees appointed by the Mayor to serve upon such panel shall, at the written request of the owner of the vehicle, review the facts and circumstances upon which the citation was issued and shall decide whether the parking citation complaint should be voided or should be upheld.

69.21 ACTION FOLLOWING ADMINISTRATIVE REVIEW. If the administrative review panel determines the parking citation complaint should be voided, such action shall be promptly taken by the City Clerk. If the administrative review panel upholds the parking citation complaint, it shall be paid within the period set out in this Chapter, unless the owner of the vehicle wishes to deny the parking citation complaint and files with the City Clerk within seven business days of the administrative review panel's decision a written request to receive a date upon which to appear and enter a plea to the parking citation complaint before the District Court of Polk County, Iowa. Failure to timely pay a parking citation complaint after administrative review or to timely request an appearance date shall render the parking citation complaint delinquent and subject to the provisions of this Chapter.

69.22 ASSIGNMENT OF COURT APPEARANCE DATE. Upon the written request of the owner of the vehicle filed under 69.21, the City Attorney shall fix a date upon which an appearance and plea to the charges contained in the parking citation complaint must be entered in the District Court. The City Attorney shall forward and file the citation complaint in the Traffic Division of the office of the Clerk of District Court and provide notice of this fact to the person filing an appeal and the owner of the vehicle involved.

69.23 FAILURE TO PAY OR CONTEST. Failure to pay a parking citation complaint within 30 days of its issuance or timely contest such citation under the provisions of this Chapter shall render the charges contained therein admitted.

69.24 REDEMPTION OF IMPOUNDED VEHICLES.

- A. The registered owner or person having legal entitlement to possession of a motor vehicle impounded pursuant to this Chapter may claim the vehicle by paying the City's impoundment contractor in an amount sufficient to cover all charges attributable to the impoundment and storage of the vehicle. If a hearing pursuant to this subchapter is held and an administrative panel determines there was no probable cause to impound a vehicle, the costs attributable to the impoundment shall be refunded upon presentation to the City Treasurer a Certificate of No Probable Cause issued by the City and the bond receipt.
- B. In the event a motor vehicle was impounded pursuant to this Chapter, all delinquent parking citation complaints must be satisfied.
- C. In the event a vehicle is not claimed until after a hearing requested under this subchapter, the vehicle may be claimed (1) upon payment of all charges referred in the subsection and (2) upon presentation of a Certificate of No Probable Cause within two working days of its issuance to the party in possession of the vehicle.
- D. Failure to timely present said Certificate will result in assumed liability on the part of the owner or person having legal entitlement to possess the vehicle for all related storage charges.

69.25 FAILURE OF AN OWNER TO CLAIM AN IMPOUNDED VEHICLE. If an impounded vehicle is not claimed by the owner within 20 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 Chapter 80 of the Grimes City Code of Ordinances.

69.26 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 within 72 hours of the impoundment, excluding weekends and holidays, a notice of the impoundment along with a description of any personal property contained within the vehicle

Code of Ordinances, Grimes, Iowa

and of the right of a hearing pursuant to this Chapter. Notice personally presented within the period to said owner or person having legal entitlement to possess shall satisfy the mailing requirement.

69.27 RIGHT TO A HEARING. The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this subchapter has a right to a post-seizure administrative hearing before an administrative review panel under this Chapter to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle, provided the registered owner or person having legal entitlement to possess files a written demand with the City Clerk's office within ten days of the impoundment. A copy of this section of the Grimes City Code of Ordinances shall be given to a person requesting a hearing. Failure to request a hearing within such time period or to attend a post-seizure hearing shall be deemed a waiver of the rights of such a hearing. A post-seizure administrative hearing shall be conducted within a reasonable period of time not to exceed 15 business days from the date of the receipt of a written demand therefore. The sole issue before the administrative review panel shall be whether there was probable cause to impound the vehicle and personal property contained within the vehicle in question. Probable cause to impound shall mean such a state of facts as would lead a reasonable person or ordinary care and prudence to believe there was a breach of law for which the vehicle may be removed and impounded. The decision by the administrative review panel regarding impoundment may be appealed provided the registered owner or person having legal entitlement to possession of the impounded vehicle files a written notice of appeal with the City Clerk's office within seven days of the hearing officer's decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right of appeal and the decision of the administrative review panel shall be final.

69.29 APPEAL PROCESS FOR IMPOUNDED VEHICLES. An appeal for an impounded vehicle shall be considered and a decision rendered by the City Council at the next City Council meeting after the filing of a written notice of appeal. The time for considering an appeal may be extended for good cause. The sole issue before the Council shall be whether the decision of the administrative review panel was supported by sufficient evidence. If the City Council finds no probable cause for impoundment, the administrative review panel, or other designee of the City Council shall issue a Certificate of No Probable Cause. The decision shall in no way effect any criminal proceedings in connection with the impoundment in question. Criminal charges, if any, may only be challenged in the appropriate court.

69.30 BIDS FOR PRIVATE STORAGE AND DESIGNATION BY COUNCIL. At least once a year the City Council shall take bids from privately owned garages and other enterprises for schedules of fees for towing and storing impounded vehicles or vehicles taken because of being illegally parked. Thereupon, the City Council shall designate such of the bidders as shall be geographically located to tow and store such vehicles at minimum cost if the City facilities are not available for towing and/or storing vehicles to be impounded. The Mayor is hereby authorized to direct the private garage designated to be the storage place for the City. Such garage is hereby authorized to retain the vehicle until the fees for towing and storage of the basis of their bid shall be paid.