



City of Grand Island

Tuesday, April 1, 2014

Study Session

Item -1

Presentation of Parking Code Changes and Pre Pay Fuel Ordinance

Staff Contact: Steven Lamken

Council Agenda Memo

From: Steven Lamken, Chief of Police
Meeting: April 1, 2014
Subject: Changes to City Code Section 22 - Parking
Item #: 1
Presenter(s): Steven Lamken, Chief of Police

Background

The regulation of parking in the City is important for traffic safety and the quality of life in our residential areas. The Police Department is requesting changes in the ordinances governing parking. Some of the changes are to update the City code to reflect current practices and terminology. One of the recommendations creates a scofflaw (a law addressing a contemptuous law violation) that would allow the Police Department to impound a vehicle that has been issued two or more parking tickets that have not been paid. Such vehicle impoundments would only occur if the vehicle was left parked on the street or in a public parking lot. Another recommendation would formalize the requirements for release of a vehicle from impoundment.

Between the dates of March 15, 2011 and March 15, 2014 there were 593 unpaid parking tickets that have been issued on vehicles by the Police Department. Seventy-six (76) of these vehicles have two or more unpaid parking tickets.

Discussion

22-102 and 22-104

The Police Department is recommending changing the term “tag” throughout the ordinances to the term “ticket.” Parking violation notices have been called tickets and no one can remember when the word tag was last used.

22-106

Section (1), We recommend deleting the term “police officer” and use the term “authorized Police Department employee.” The Police Department has been using

Community Service Officers for parking enforcement and towing vehicles for over a decade. The language in the code needs to be updated to reflect the change.

Sections (1) B The Department is increasing parking enforcement efforts as part of our quality of life efforts in Strategic Policing. Section B creates a scoff law provision in the code that allows us to tow a vehicle that has two or more unpaid parking tickets. We would have the authority to tow from the roadway or public parking lots but not private property. This change creates sanctions for not paying parking fines which is currently lacking in code.

Section (1) C. We are recommending that the code be amended to permit the towing of vehicles that are a concern for public safety. Examples of such tows would be vehicles that have been stripped of equipment and parts left on the street which are accessible to children, vehicles that have burned and left on the street, and vehicles that are parked that are creating a safety hazard to traffic by obstructing traffic lanes or driver vision. Another example is a vehicle that is parked on the shoulder of the roadway in such a manner as to create a hazard to traffic on the roadway.

We recommend eliminating the language of affixing a notice of towing tag to a vehicle that we have towed to the impound lot and replacing it with a towing report that is filed at the Police Department. A copy of this report is kept with the vehicle at the impoundment facility. This is the current practice.

We recommend that the conditions for release of an impounded vehicle be established. This would include the payment of any unpaid parking violations against the vehicle and that the vehicle is properly registered and insured and that there is a licensed driver to operate the vehicle. If the vehicle cannot be legally driven on the roadway, the option would be to have the vehicle towed from the impound lot to a private property location at the owners expense. This is the current practice.

Section (2) We recommend that the language “officer in charge” be changed to the Police Department. The Department has not had a shift Captain working the service desk for decades. The service desk Police Records Clerks and Community Service Officers are the employees who currently process vehicles for release from the impound lot.

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for action by City Council.

Council Agenda Memo

From: Steven Lamken, Chief of Police
Meeting: April 1, 2014
Subject: Retail Fuels Pre Pay Ordinance
Item: 1
Presenter(s): Steven Lamken, Chief of Police

Background

The Police Department is proposing the implementation of a “pre pay” ordinance for the retail sale of fuel in Grand Island. A prepay ordinance would reduce crime, provide more time for strategic policing initiatives and provide a level playing field for all retail vendors in the City.

Discussion

The City Council has charged the Police Department with reducing crime in Grand Island as set forth in the performance objectives established through the ICMA public safety study. The ICMA recommendations also charged the Police Department to work towards developing ordinances that would enhance our efforts. The FBI’s Uniform Crime Report (UCR) indicates that Grand Island’s property crime rate is well above the national or state average. The 2013 Police Department summary shows that our performance objective target is 1756 UCR reported property crimes. The number of reported property crimes was 2381. This is a significant difference.

The Police Department took 86 theft reports that were “gas drive off” or failure to pay for fuel offenses in 2013. These were the crimes reported to the Police Department. Some reports had possible offender information but some just the reported loss of fuel with no other information. What is important is that these crimes were preventable with the use of a prepayment system. While 86 crimes may not seem overwhelming, it is significant when we are 625 property crimes over our objective and these crimes can be prevented. A prepayment ordinance would also allow officer time spent on these thefts to be redirected towards other policing activities.

The Police Department is proposing to create a “pre pay” ordinance for the retail sale of gasoline and diesel fuel in the City. Prepayment ordinances are common in other

locations in the United States. The Police Department ordinance draft is modeled after the Kansas City, Missouri ordinance. The proposed prepayment ordinance would require the retail purchaser of gasoline or diesel fuel to have pre approval authorization or prepayment for the fuel. The other option would be if the fuel vendor provides full service and dispenses the fuel. There are fuel vendors in Grand Island that currently require pre approval or prepayment for the purchase of fuel. This is not a new concept in our community.

The Police Department researched the use of prepayment ordinances that are in effect in other cities. Our Crime Prevention Unit Officer made personal contact with the owners/managers of most of the retail fuel vendors in the City. The feedback he received was that many of the owners/managers were not opposed to prepayment for fuel, but were hesitant to convert to prepay unless all vendors were required to implement prepay. Some of them said that they supported the idea of a prepayment ordinance for all vendors. We also sent a letter to all of the corporate offices or individual business owners who are retail fuel vendors in Grand Island. The letter solicited their input and reaction to the implementation of a fuel prepayment ordinance in Grand Island. A draft of the letter is attached. We received one response from the manager of one vendor in Grand Island but not the corporate office of the corporation. The manager's response expressing his concerns is also attached.

The major inconvenience in the establishment of a prepayment ordinance is for customers who are using cash for an unspecified dollar amount (i.e. filling up the gas tank). This customer would be required to enter the business and make a cash prepayment. If the actual costs were less than the prepayment amount, the customer would then be required to enter the business again to receive the change due them. Customers who make a cash prepayment and purchase the amount of fuel that was paid for would not be required to enter the business a second time.

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for action by City Council.

ORDINANCE NO.

An ordinance to amend Chapter 22 of Grand Island City Code; to amend Section 22-102; Section 22-104; and Section 22-106; to add Article XIII Gasoline Sales Sections 22-147 thru 22-149; to clarify and/or make general corrections to various code sections, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 22-102; Section 22-104; and Section 22-106; and Sections 22-147 thru 22-149 of the Grand Island City Code is hereby amended to read as follows:

§22-102. Official Police Tag Ticket to Be Issued

Each violator of the parking provisions of this article or Article XII in this chapter shall be given notice in the form of an official police tag ticket attached to the offending motor vehicle, which notice shall require such violator to appear at the police department.

§22-104. Appearance In Response to Police Tag Ticket

Persons receiving police tags tickets for violations of this article or Article XII of this chapter shall have five (5) days from the date on which the official tag ticket was attached to the offending motor vehicle to report in person to the Police Department with said official police tag ticket and pay the amounts set out in §22-103, or to mail the official police ticket and full payment as set out in §22-103 to the Police Department. Further, said persons shall also be in violation of the provisions of this Code and subject to the penalties provided herein.

§22-106. Impounding of Vehicles Generally

(1) Whenever any vehicle is found by a ~~police officer~~ an authorized Police Department employee to:

- (A) Be parked, abandoned, or left standing in the streets or alleys of the City in violation of the provisions of this chapter; or
- (B) Have two (2) or more unpaid overdue parking tickets; or
- (C) Be a danger to the public, health, welfare and or safety,

such ~~police officer~~ Police Department employee may remove and convey such vehicle, or cause such vehicle to be removed and conveyed by means of towing or otherwise, to the automobile pound. ~~A police tag shall be attached to such impounded vehicle indicating that such vehicle has been impounded, and directing the owner or operator to appear at the police department.~~ A report documenting the reason for and the towing of the vehicle shall be completed by the Police

ORDINANCE NO. (Cont.)

Department employee and placed in a designated location for such reports. No impounded vehicle shall be discharged released or removed from impoundment prior to the public sale provided for in §22-108 except by the payment by the owner, operator, or driver of such impounded vehicle, of all unpaid overdue parking tickets, of an impounding fee as set forth in the User Fee Schedule approved and adopted by the City Council, plus and any towing and storage charge assessed against such automobile as provided for in §22-107. Further, no impounded vehicle shall be released from impoundment without:

(A) The person claiming the vehicle, or another person accompanying them, presenting for inspection a valid driver's license; and

(B) The vehicle being properly registered and insured for operation upon the roadway in accordance with State Statute.

In the event that conditions (A) and (B) above cannot be met, the vehicle may be released to a towing service only after the owner arranges for the vehicle to be towed from the impoundment facility by the towing service and is not operated on the roadway.

(2) When, and if, the owner, operator, or custodian of such automobile presents himself/herself at the Police Department ~~in response to the impoundment notice~~, it shall be the duty of the ~~officer in charge~~ Police Department to inform such person of the nature of the violation for which such vehicle was impounded. In case the owner, driver, or custodian of any impounded vehicle executes an affidavit denying the facts upon which the impoundment has been based, and protesting the payment of such impounding, towing, and storage fees, the receipt for the same shall be marked, "Paid Under Protest," and in such case it shall become the duty of the chief of police to make complaint in conformity with the provisions of this Code, or other ordinances of the City. If such person is found not guilty by the court upon such charges, it shall be the duty of the chief of police to refund to such person the fees so paid under protest.

(3) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle shall be removed, nor the City of Grand Island shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent, or as a result of any subsequent disposition.

(4) It shall be the duty of the chief of police, or their designee, to account for any fees collected by ~~him~~ the Police Department under the provisions of this section to the city treasurer, who shall place the same in the police fund. The chief of police, or their designee, shall ~~also~~ keep a record of ~~the name of the owner of~~ each impounded vehicle containing the name of the owner, the registration plate numbers (if any), ~~and~~ the make, ~~and~~ model and year of the vehicle, ~~of each impounded vehicle~~, as well as the nature of each violation involved and the ultimate disposition of each ~~impoundment~~ impounded vehicle.

Article XIII. Gasoline Sales

§22-147. Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full Service: A business that sells gasoline and/or diesel fuel where only an employee of the business dispenses the gasoline and/or diesel fuel at the dispensing device or fuel pumping device.

ORDINANCE NO. (Cont.)

Pre-approval: The business has issued an identification card to the purchaser that verifies and records the purchaser's driver's license information.

Pre-payment: Payment in advance for any quantity of gasoline or diesel fuel sold at any time by cash, credit card, debit card, check or any other legal means.

§22-148. Pre-Payment or Pre-Approval Gasoline Sales

(1) Business establishments that sell retail gasoline and or diesel fuel shall require pre-payment or pre-approval of sales of fuel prior to activation or authorization of any fuel dispensing unit or fuel pumping device.

(2) Business establishments that provide full service gasoline and/or diesel fuel sales shall not be required to have pre-payment or pre-approval sales.

§22-149. Penalty

Any business owner, manager/supervisor, or employee who violates any provision of this article shall be subject to a fine one hundred dollars (\$100.00) for each offense.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: _____, 2014.




Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Changes to Section 22 - Parking

Purpose

-  Update language in code
-  Create a “Scofflaw” violation in code
-  Formalize Policy on release of vehicles from impoundment in code

Language Updates

- ☞ 22-102, 22-104 Change “Tag” to “Ticket”
- ☞ 22-106 (1) Change “Police Officer” to “Employee”
- ☞ 22-106 (1) Change “Notice of Towing Tag” to “Towing Report”
- ☞ 22-106 (2) Change “Officer in Charge” to “Police Department”

Scofflaw & Public Safety

- 22-106 (1) Scofflaw provision would allow the towing and impoundment of vehicles with two or more unpaid parking tickets from streets or public parking lots.
- 22-1-6 (1) Public Safety provision would allow the towing of a parked vehicle that is creating a hazard to public safety.

Release of Impounded Vehicles

22-106 Release Requirements

- A person with a valid operators license
- The vehicle is properly registered, licensed and insured
- Absent either of the above, the vehicle is towed by towing service and not operated on the roadway

Fuel Prepayment Ordinance

Purpose

-  Reduce Crime – Stop Gas Drive Offs
-  Reduce Patrol Committed Time

Fuel Prepayment

- Option of Prepayment, Preauthorization or Full Service
- Common in Other Areas of the Country

Fuel Prepayment

- Prepay, Preauthorization and Full Service being used in Grand Island.
- Vendor Survey
- Feedback
 - Officer Contacts
 - Response to Letters
 - Inconvenience to persons using cash and wanting to fill their tank.

December 30, 2013

Retail Fuel Vendor

Dear Sirs:

There are a significant number of motorists throughout the City who are filling their fuel tanks and driving off without paying. The Grand Island Police Department responds to and investigates these offenses when reported to us. Frequently there is inadequate information to conduct an investigation. Often the information provided an officer is inaccurate. Investigations show that employees frequently provide the wrong or incomplete information on an offending vehicle and the operator/owner of a reported offending vehicle has a receipt for their purchase. Other investigations show that the person paid for other items and was unaware or not charged for their fuel purchase and left inadvertently without paying for fuel. Another concern is that when an investigation does identify an offender and an officer makes contact, the business will accept belated payment for the fuel and not pursue criminal charges thus using the Police Department resources as a collection agency.

The reporting and investigation of failure to pay fuel drive offs requires a significant amount of time and expense of the Grand Island Police Department that can be avoided. This loss of time detracts from our ability to perform proactive policing opportunities regarding other community concerns. The Police Department cannot fulfill our commitment to implementing community oriented, strategic policing without more available time.

Pre-payment and/or pre-approval retail sales of gasoline and/or diesel fuel is a proven strategy to prevent a great majority of drive offs. The use of pre-payment and pre-approval for fuel dispensing is currently used by vendors in Grand Island and many other locations and does not create significant issues.

The Police Department has prepared an ordinance to bring before the City Council that would mandate the use of pre-payment or pre-approval of retail sales of gasoline and/or diesel fuel for all vendors in the City. We propose to allow sixty days for vendors to make changes after the ordinance would take effect if approved by the Council. An exception to this mandate would be if the vendor provided full service and only an employee dispensed the fuel.

We are seeking your input regarding our action. A draft copy of the proposed ordinance is attached with this letter for your review. We ask that you contact Chief Steven Lamken by email, mail or telephone if you have comments about this action. The contact information is:

GIPoliceChief@grand-island.com

Steven Lamken, Police Chief
Grand Island Police Department
111 Public Safety Drive
Grand Island, NE 68801

308-385-5400

Sincerely,

Steven Lamken
Police Chief

Ampride/CPI
Bosselman Corporation
Casey's General Store
Coffins Corner
Conoco One Stop
Gas Island
Git N Split Corporation
Hy Vee Corporation
Kessingers
Paulsen's Rite Way
Pumpers
Snac Shac

Chief Lamken,

I have reviewed the memo stating the Grand Island Police Department's desire to have all non-full-service fuel vendors in town to require prepaids or pre-approval to complete fuel transactions. The premise behind such desires is a noble cause that both the police department and vendors can appreciate. I can tell you that our station has had its fair share of drive offs and it is a pain for us when they occur.

However, it would be even more trying on our customers and our staff to require prepay or pre-approval only. I would say that at least half of our fuel sales are done by customers coming in to pay inside the store after they have pumped. I imagine there are quite a few other vendors where this is the same. Requiring customers to come inside before they pump will only make things more complicated for the city's fuel vendors and their customers.

I think the main problem with this issue is the lack of understanding that many of the fuel stations in this city have. I think it would be a better investment in the department's resources if all the station's in town are educated in how to proceed when a drive off occurs. If the station is not going to file a criminal charge, then they should not call the police. I can't even tell you the last time we called in a drive off. I understand the difficulty for the police to track down a drive off so we don't even bother with calling them in. I have relayed this to my employees and so they also understand the difficulty of reporting the drive offs to the police. My employees and I also go to great lengths to reduce the amount of drive offs we have by greeting every customer that comes up to get gas. That way the customer knows we are aware they are fueling up and greatly reduces the chance that they will not come in to pay for their fuel. Over the last few months, we have had less than ten drive offs total during one of our busiest times of the year. If more fuel vendors would proactively try to prevent drive offs, the GI Police Department wouldn't even have to propose an ordinance like this for the city council to approve.

Another thing the department could implement would be a "false alarm" fee much like the fire department uses. This fee would be charged to the vendor if they call in a drive off without having all of the necessary information, or if the information is inaccurate. This would help to make up for the lost time and wages if there isn't enough to prosecute. I think this would also deter fuel stations from calling the department to track down drive offs.

I hope you will take these comments into consideration when you go before the council. I think that these measures put forth in the ordinance will drastically change the way that Hy-Vee, and other fuel vendors, do their business. Thank you for all that you and the department do.

Sincerely,

Tyler Hulme | *Fuel Station Manager*

Hy-Vee, Inc | 118 Wilmar Ave. | Grand Island, NE 68803

Phone 308.381.0615 | Email 1221cstoremgr@hy-vee.com



Making lives easier,
healthier, happier