



# **City of Grand Island**

**Tuesday, April 8, 2014**

**Council Session**

## **Item F-2**

**#9483 - Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Parking**

**Staff Contact: Steven Lamken**

# **Council Agenda Memo**

**From:** Steven Lamken, Police Chief

**Meeting:** April 8, 2014

**Subject:** Amendments to Section 22 of the Grand Island City Code Relative to Parking

**Item #'s:** F-2

**Presenter(s):** Steven Lamken, Police Chief

## **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 in Section 22 of the City Code. The changes will update language in the code, make provisions for the towing of vehicles that create a safety concern, create a provision for towing a vehicle that has unpaid parking tickets issued to it and to formalize the standards for the release of vehicles from impoundment. These changes were discussed at the April 1, 2014 Study Session.

## **Discussion**

22-102 and 22-104

The term “tag” is changed to “ticket” in both paragraphs.

22-106

Section (1) deletes the term “police officer” and uses the term “employee authorized by the Police Department.” The Police Department assigns both sworn Police Officers and non-sworn Community Service Officers to enforce parking code violations and tow vehicles.

Section (1) A, permits the towing of vehicles that are illegally parked and obstructing a street or alley.

Sections (1) 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 permits 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.

Section (1) C changes the code to permit the Department to manage towing reports in a more efficient manner as is our current practice.

The second paragraph of Section (1) A and B establishes conditions for release of an impounded vehicle. This includes 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 roadway, the option is to have the vehicle towed from the impound lot to a private property location at the owner's expense. This is current practice.

Section (2) changes the language "officer in charge" to the Police Department. The release of impounded vehicles is administered by non-sworn staff.

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**




City Administration recommends that the Council adopt and pass the changes to Section 22 of the City Code.

### **Sample Motion**

Move to approve the changes to Section 22 of the City Code.

## Changes to Section 22 - Parking

### Purpose

-  Update language in code
-  Establish criteria for towing vehicles with parking violations.
-  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

- 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.

## 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

ORDINANCE NO. 9483

An ordinance to amend Chapter 22 of Grand Island City Code; to amend Section 22-102; Section 22-104; and Section 22-106; 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; 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 employee authorized by the Police Department 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 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

Approved as to Form	□
April 4, 2014	□ City Attorney

ORDINANCE NO. 9483 (Cont.)

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.

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.

ORDINANCE NO. 9483 (Cont.)

Enacted: April 8, 2014.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk