



City of Grand Island

Tuesday, April 22, 2014

Council Session

Item F-2

#9483 - Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Parking (Second and Final Readings).

Staff Contact: Steve Lamken - Police Chief

Council Agenda Memo

From: Steven Lamken, Police Chief

Meeting: April 22, 2014

Subject: Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Parking

Item #'s: F-2

Presenter(s): Steven Lamken, Police Chief

Background

The City Council voted to approve changes to Chapter 22 of the City Code relative to parking on April 8, 2014. The Police Department has reviewed the amended changes that were given first vote approval and has concerns regarding requiring the accumulation of five unpaid parking citations before a vehicle could be towed and impounded.

Discussion

The City Council gave first round approval to amendment to Chapter 22 of the City Code relevant to parking. The Council amended Section 22-106 (1) B to require a vehicle to accumulate five unpaid parking citations before it could be towed and impounded.

The Police Department has reviewed this amendment and requests that the Council reconsider the number of unpaid citations before a vehicle could be towed and impounded. We believe that permitting five citations will make any attempt to enact a scofflaw ineffective. It would be very rare that any vehicle would be issued five parking violations in a year or that the vehicle owner would not pay any of the citations. We do not believe that the ordinance as currently written permitting five unpaid parking citations will serve as a deterrent to illegal parking or a deterrent to ignoring citations.

We request the City Council reconsider Section 22-106 (1) B. It's the Grand Island Police Department's opinion to support the initial recommendation of towing and impounding after two unpaid parking citations.

Alternatives

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 amend Section 2-106 (1) B of the City Code to read “Have two (2) or more unpaid overdue parking tickets, or”...

Sample Motion

Move to amend Section 22-106 (1) B of the City Code to read “Have two (2) or more unpaid overdue parking tickets, or”...

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 five (5) 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 10, 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 22, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk