

PUBLIC SAFETY COMMITTEE

09-013-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MODIFYING PARKING REGULATIONS, ALLOWING FOR USE OF DIFFERENT PARKING METERING EQUIPMENT, AMENDING SECTION 33-101, 33-102, 33-104, 33-106, 33-107, 33-108, 33-109, 33-110, 33-111 AND 33-112 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 33-101 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-101. Definitions.

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

Fee. The payment in the amount established by the council by resolution for the privilege of parking in a parking meter space and paid by means of lawful currency or coinage of the United States, by a token or tokens purchased from the city for that purpose or by means of a credit or debit card recognized by a parking meter for the purpose.

Operator. Every individual who shall operate a vehicle as the owner thereof, as the agent, employee or permittee of the owner or who is in actual physical control of a vehicle.

Parking ~~meter~~ monitor. A person authorized by the city to issue traffic summons for parking violations.

Park or parking. The standing of a vehicle, whether occupied or not, upon a street, other than temporarily for purpose of and while actually engaged in receiving or discharging passengers, loading or unloading merchandise, in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of

the vehicle and the standing of any vehicle in any public parking lot.

Parking meter. Any ~~mechanical device or meter~~, not inconsistent with this Division, placed or erected for the authorization of and regulation of parking in any parking meter zone in exchange for the fee by authority of this Division. ~~Each parking meter installed shall indicate, by proper legend, the legal parking time established by the city and, at the expiration of such period, shall indicate illegal or overtime parking.~~

Parking meter space. Any space within a parking meter zone ~~adjacent to a parking meter and~~ which is duly designated for the parking of a single vehicle.

~~Single parking meter space. Any space within a parking meter zone adjacent to a single parking meter is hereby designated a single parking meter space.~~

~~Tandem parking meter space. A space within a parking meter zone for the parking of two vehicles, designated as such by two parking meters mounted on one meter post, is a tandem parking meter space.~~

Parking meter zone. Any area on a street or in a public parking lot designated as such by resolution of the Council whereupon vehicular parking is authorized by a means of a parking meter ~~restricted street upon which parking meters are installed and in operation.~~

Public parking lot. Any property in the city owned or operated by the city or any political subdivision of the State of Minnesota held out for use as vehicular parking upon the payment of fee.

Street. Any public street, avenue, road, alley, highway, lane, path or other public place located in the city and established for the use of vehicles.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

Section 2. That Section 33-102 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-102. Installation.

The mayor or such officers or employees of the city as he or she may designate are hereby authorized to install or place parking meters in parking meter zones ~~spaces~~ designated under the authority of this Division. Such parking meters shall be placed in reasonable proximity to all parking meter spaces and signs shall be erected to notify persons parking in parking meter spaces as to the location and identity of the parking meter which authorizes and controls parking in said parking meter space ~~upon the curb alongside or next to the individual parking spaces, as designated.~~

Section 3. That Section 33-104 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-104. Specifications.

Each parking meter shall ~~either be so set as to~~ display a signal showing legal parking upon the deposit of the appropriate fee coin, lawful money of the United States of America, or an approved token, for the period of time prescribed by this Division or shall, upon deposit of such fee, issue a receipt to the purchaser thereof displaying the date and time purchased and the period of time thereafter during which the purchaser is entitled to park his or her vehicle in a parking meter space in the zone in which the receipt

was issued. Any such receipt shall authorize the parking of a vehicle in a parking meter space only if the receipt is visibly displayed on the windshield or on the dashboard of such vehicle adjacent to the driver's seat during the time period for which it is valid. Each device shall be so arranged that, upon the expiration of the lawful time limit, it will indicate, by a proper visible signal, that the lawful parking period has expired and, in such case, the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided in this Division.

Section 4. That Section 33-106 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-106. Same--Manner of parking vehicles therein.

Any vehicle parked in any parking meter space shall be parked within the lines circumscribing said space or, if one side of such space is not demarcated by such line, by a line which would connect the ends of the lines demarcating end of the space most adjacent to the missing line.

~~(a) Single parking method. Any vehicle parked in any single parking meter space provided for parallel parking shall be parked parallel with the curb and in such a manner that the foremost front portion of the vehicle closest to the curb shall be no more than 12 inches back from the parking meter provided for said space. Any vehicle parked in a parking space where angle parking is permitted, and in which is located a parking meter, shall be parked with the entire front of such vehicle to the curb and in such a manner that the foremost part of the right front fender shall be immediately to the left of the parking meter provided. In no event shall any vehicle so parked occupy more than one parking space.~~

~~(b) Tandem parking method. Any vehicle parked in any tandem parking meter space provided for parallel parking shall be parked parallel to the curb as follows:~~

~~(1) If occupying the front space of the tandem parking meter space, in such a manner that the portion of the vehicle furthest to the rear and closest to the curb shall be no more than 12 inches from the parking meter provided for said space;~~

~~(2) If occupying the rear space of the tandem parking meter space, in such manner that the foremost front portion of the vehicle closest to the curb shall be no more than 12 inches back of the parking meter provided for said space;~~

~~(3) In no event shall a vehicle parking in either the front or rear space of a tandem parking space occupy more than one parking space.~~

Section 5. That Section 33-107 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-107. Operation.

Except in a period of emergency determined by an officer of the fire or police division or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking meter space ~~alongside or next to which a parking meter is located~~, the operator of such vehicle shall, upon entering the parking meter space, immediately pay the fee therefore and, if a receipt is issued by the parking meter, shall display said receipt as provided for in Section 33-104 ~~above~~ deposit or cause to be deposited in such meter such proper coin of the United States or a token approved by written order of the chief of police, as is required for such parking meter and as is designated by proper directions on the meter. When required by the

directions on the parking meter, the operator of such vehicle, after the deposit of the proper coins or tokens, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to so pay the fee, to display any receipt, or deposit such proper coin or tokens and to set the timing mechanism in operation, when so required, shall constitute a violation of this Division. Upon the deposit of the fee, such appropriate coins, lawful money of the United States of America or approved tokens, the display of any receipt as required by Section 33-104 and the setting of the timing mechanism in operation when so required, the metered parking space may be lawfully occupied by a ~~such~~ vehicle during the period of time authorized under this Division registered on the meter adjacent to such parking space; provided, that any person placing a vehicle in a parking meter space with regard to which a parking adjacent to a meter which indicates that unused time has been left in the parking meter by a previous occupant of the space shall not be required to pay any additional fee deposit a coin or token so long as his occupancy of such space does not exceed the indicated unused parking time. Upon the expiration of such unused time, if such vehicle shall remain parked in any such parking meter space ~~and if the meter shall indicate such illegal parking~~, such vehicle shall be considered as parking ~~overtime and~~ beyond the period of legal parking time, and such parking shall be deemed a violation of this Division.

Section 6. That Section 33-108 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-108. Parking meter zones.

The city council may, by resolution designate certain streets or public parking lots or portions thereof ~~of streets~~ as parking meter zones and may establish time limits and rates for such parking meter zones, and the parking or standing of vehicles in ~~designated~~ parking meter spaces within such zones shall be lawful at the rates established.

Section 7. That Section 33-109 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-109. Parking longer than maximum time specified ~~on~~ meter prohibited.

No person, ~~by the deposit of additional coins or tokens or in any other manner,~~ shall cause a vehicle to occupy a ~~metered~~ parking meter space for a period of time longer than the maximum time limit established for such space provided on such meter.

Section 8. That Section 33-110 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-110. Hours of operation.

Parking meters shall regulate parking in parking meter spaces and persons parking vehicles in parking meter spaces shall be required to pay the appropriate fee therefore on such days and during such hours as the council shall establish by resolution for each parking meter zone ~~Parking meters shall be operated in the parking meter zones designated in Section 33-108 every day between the hours of 8:30 a.m. and 5:30 p.m., except as otherwise limited by law or modified by city council resolution, and except on Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.~~

Section 9. That Section 33-111 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-111. Prohibited acts.

It shall be unlawful and a violation of the provisions of this Division for any person:

(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked ~~overtime or~~ beyond the period of legal parking time established for any metered parking space or to pay any fee ~~deposit in any meter any coin~~ for the purpose of parking beyond the maximum legal parking time for the particular parking meter space;

~~(b) To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space;~~

~~(c)~~ To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings;

(c) ~~(d)~~ To deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Division;

(d) ~~(e)~~ To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins or tokens approved by written order of the chief of police;

(e) ~~(f)~~ To fail to comply with any of the provisions of this Division;

(f) (g) Any owner or operator of any vehicle who causes, allows or permits the vehicle to remain parked unlawfully at a parking meter for over two hours shall be guilty of a separate aggravated violation of this Division and shall be punished as provided in Section 33-46 of this Chapter.

Section 10. That Section 33-112 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33-112. Division declared regulatory.

The fees ~~coins~~ required by this Division to be to be paid for the privilege of parking ~~deposited in parking meters~~ are hereby imposed as police regulations and inspection fees to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of the parking spaces and parking meters described in this Division and involved in checking up and regulating the parking meter zones created by this Division.

Section 11. This ordinance shall take effect 30 days from and after its passage and publication.

Approved:

Approved for presentation to council:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

POLICE/ATTY REA:blj 4/2/2009

STATEMENT OF PURPOSE: This ordinance amends the city's parking meter ordinance to allow the city a greater range of flexibility in deploying and using the best technology available to regulate parking in city streets and on public property.

At present, the City Code only authorizes the use of coin- and token-operated mechanical parking meters and requires that they be mounted directly adjacent to regulated parking meter spaces. Current parking regulation technology employs the use of kiosks supporting multiple parking spaces and payment not only through coins and tokens but also currency and credit and debit cards.

The purpose of this ordinance is to modify the City Code to take advantage of these modern and more flexible parking control techniques and payment methods.