

PUBLIC SAFETY COMMITTEE AMENDED

11-054-O

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 33, ARTICLE VI, AND AMENDING SECTIONS 33-101, 33-108, 33-110, 33-111.1 AND 33-221 OF THE DULUTH CITY CODE, 1959, AS AMENDED, CREATING A NEW DULUTH PARKING COMMISSION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 33, Article VI, of the Duluth City Code, 1959, as amended, is hereby repealed and replaced as follows:

Article VI. Duluth Parking Commission.

Sec. 33-74. Establishment.

There is hereby established a commission which shall be known as the Duluth parking commission.

Sec. 33-75. Membership.

(a) The commission shall consist of seven members. No member shall serve more than two consecutive full three year terms on the commission plus any partial term pursuant to the provisions of this Article VI;

(1) One member shall be a city councilor appointed to a three year term, provided, however that such councilor shall serve only as long as they continue to hold such office or, unless removed from membership on the commission by the affirmative vote of a majority of the city councilors then serving on the city council, excluding the subject councilor;

(2) Of the remaining six members, two shall be appointed for a one year term, two shall be appointed for a two year term, and two shall be appointed to a three year term. Thereafter, all commissioners shall be appointed for three year terms;

(b) All members shall be residents of Duluth, shall be appointed by the mayor subject to council approval, except the councilor member who shall be appointed by the council president subject to council approval, and shall be chosen on the basis of their broad based ability to understand

the variety of parking issues in the city and provide appropriate,
~~innovative and open minded~~ solutions;

(c) When a vacancy occurs on the commission for any reason,
such vacancy shall be filled for the unexpired term;

(d) If a commissioner shall be found to have failed or
neglected to perform the duties of a commissioner, the mayor, with
the approval of the city council, may remove such commissioner from
office and the vacancy created shall be filled for the unexpired
term;

(e) Commissioners shall serve without compensation.

Sec. 33-76. Commission organization.

(a) Within 30 days after all commissioners have been
appointed, the commission shall meet and elect from among their
membership a president and vice president. Thereafter, the
commission shall meet at stated intervals fixed by resolution of the
commission or at the call of any three members of the commission;

(b) The commissioners shall organize and adopt, and
thereafter may amend, such bylaws, rules and regulations for the
conduct and operation of the commission as the commission shall deem
to be in the public interest and most likely to enhance, foster and
promote the purposes of this Article VI. Five commissioners shall
constitute a quorum for the transaction of business of the
commission;

(c) The parking manager shall serve as an ex-officio non-
voting member of the commission and shall act as secretary of the
commission.

Sec. 33-77. Powers and duties.

The Duluth parking commission shall have the following powers
and duties:

(a) To provide strategic oversight and guidance to the

operations of the city's parking operations and functions;

(b) To investigate and study on and off street parking problems of broad significance occurring in the city of Duluth and to make recommendations to the administration and city council concerning the solution of such problems;

(c) To facilitate the implementation of recommendations of earlier parking problem study groups if such recommendations have not been implemented but remain valid and desirable after the parking commission is formed;

(d) To establish rates to be charged for parking meters and for city owned parking lots and ramps;

(e) To establish the following parking rates and regulations for parking meters and for city owned parking lots and ramps:

(1) Parking times and limits;

(2) Parking meter locations;

(3) Establishment of no parking, loading or drop-off zones;

(4) Establishment of seasonal parking regulations and times;

(f) To perform any functions, duties and/or studies concerning parking problems that it is requested to perform by the administration or the city council;

(g) Work toward improving the availability, ease and perception of parking throughout the city;

(h) To review and recommend to city administration the annual budgets for the city's parking operations.

Sec. 33-78. City council review and veto.

Before any parking rates or parking regulations approved by the Duluth parking commission pursuant to Section 33-77 above shall take effect, a full, true and correct copy of the commission's

resolution approving such rates or regulations shall be filed in the office of the city clerk and remain on file as a public document for at least one week before the holding of a regular meeting of the city council. It is hereby made the duty of the city clerk to report to the council at any regular meeting thereof concerning the filing of said resolution. The city council may, by resolution adopted by a majority vote of the council, veto the rates or regulations proposed by the Duluth parking commission. If the council votes to veto the proposed rates or regulations, the last approved shall continue in force and effect until modified in accordance with the provisions of this Article. If such proposal is not vetoed, the commissions proposed rates or regulations shall go into effect on the date specified in the commission's resolution or the date after such council meeting, whichever is later.

Section 2. That Section 33-101 of the Duluth City Code, 1959, as amended is hereby amended 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~~ Duluth parking commission by resolution, subject to city council veto as set forth in Section 33-78, 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 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 device, 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.

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

Parking meter zone. Any area on a street or in a public parking lot designated as such by resolution of the ~~Council~~ Duluth parking commission whereupon vehicular parking is authorized by a means of a parking meter.

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

Sec. 33-108. Parking meter zones.

The ~~city council~~ Duluth parking commission may, by resolution subject to city council veto as set forth in Section 33-78, designate certain streets or public parking lots or portions thereof as parking meter zones and may establish time limits and rates for such parking meter zones, and the parking or standing of vehicles in parking meter spaces within such zones shall be lawful at the rates established.

Section 4. That Section 33-110 of the Duluth City Code, 1959, as amended is hereby amended 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~~ Duluth parking commission shall establish by resolution, subject to city council veto as set forth in Section 33-78, for each parking meter zone.

Section 5. That Section 33-111.1 of the Duluth City Code, 1959, as amended is hereby amended as follows:

Sec. 33-111.1. Exemption of taxicabs from regulations in certain zones.

The ~~city council~~ Duluth parking commission may, by resolution subject to city council veto as set forth in Section 33-78, exempt taxicabs from the parking meter regulations of this Division in certain zones of the city while such taxicabs are occupied by the licensed operators of such taxicabs and are available for business. Notwithstanding the provisions of Section 47-35 of the City Code, a taxicab is permitted to stand or park in a metered parking space

while in service in a zone where taxicabs are exempt from parking meter regulations.

Section 6. That Section 33-221 of the Duluth City Code, 1959, as amended is hereby amended as follows:

Sec. 33-221. Authority ~~of council~~ to designate.

The ~~council~~ Duluth parking commission may from time to time, by resolution subject to city council veto as set forth in Section 33-78, designate and set aside property owned or leased by the city for off street parking.

Section 7. That this ordinance shall take effect 30 days after its passage and publication.

Approved:


Department Director

Approved for presentation to council:


Chief Administrative Officer

Approved as to form:


Attorney

Approved:


Auditor

DPD/ATTY GR:cjk 10/27/2011

STATEMENT OF PURPOSE: This ordinance repeals and replaces Article VI of Chapter 33 of the Duluth City Code, 1959, as amended, effectively disbanding the current parking commission while creating a new commission which has a new membership structure, organization and expanded duties. The ordinance further amends applicable sections of Chapter 33 to allow for the expanded duties of the new commission.