

ORDINANCE NO. 230

AN ORDINANCE REQUIRING VEHICLES PARKED ON YARDS ON GAME DAYS TO BE MOVED BY NOON THE FOLLOWING DAY AND PROVIDING FOR TOWING OF VEHICLES WITH ACCUMULATED PARKING FINES WITHOUT NOTICE (AMENDING ORDINANCE NO. 120)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

Part I: AMENDMENTS:

University Heights Ordinance No. 120 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "****"):

Section 6 - PARKING REGULATIONS.

3. **General Parking Restrictions.**

- C. With the consent of the owner or persons in possession or the agents of either, vehicles may be parked upon a yard any day on which The University of Iowa plays football games in Kinnick Stadium. Any vehicle parked upon a yard pursuant to this subsection must be off the yard by 12:00 p.m. the day following any day on which the University of Iowa plays football games in Kinnick Stadium. If a vehicle remains parked on a yard after 11:59 a.m. the day following any day on which the University of Iowa plays football games in Kinnick Stadium, the vehicle may be ticketed and/or towed. On other days, vehicles may not be parked upon any yard unless the vehicle is a service vehicle parked with the consent of the owner or persons in possession or the agents of either. "Service vehicle" as used herein means a vehicle used by a business or person engaged in a business but only while the business or person is actually performing services at the address where the yard is situated.

Section 9 - TOWING AND IMPOUNDMENT PROCEDURES.

2. Towing and Impoundment of Certain Illegally Parked Vehicles.

Notwithstanding Section 9(1)(A) of this Ordinance, any vehicle illegally parked and left unattended as described herein is hereby declared a public nuisance, per se, and may be towed and impounded by or under direction of the Department without prior notice:

- A. Any vehicle which substantially blocks a public or private driveway without the consent of the owner or person in control of the property.
- B. Any vehicle which obstructs the movement of an emergency vehicle.
- C. Any vehicle which obstructs or interferes with the use of a fire hydrant.
- D. Any vehicle parked in violation of a posted parking regulation, where a temporary or permanent traffic sign indicates "Towaway Zone" or language similar in content.
- E. Any vehicle parked on a street or alley in a manner which obstructs pedestrian or vehicular traffic.
- F. Any vehicle parked in violation of this Ordinance.
- G. Any vehicle parked in violation of Section 6(3)(C) of this Ordinance.

4. Impoundment for Accumulated Parking Violations.

- A. Determination of Towing and Impoundment: If any vehicle has accumulated ~~five (5) or more~~ parking tickets of fifty dollars (\$50.00) or more worth of accumulated parking violations as defined in this Ordinance, such vehicle may be towed and impounded or may be impounded by use of "Denver boot" or similar device, ~~as hereafter provided.~~

~~B. Notice of Towing and Impoundment; Hearing:~~

- ~~1. Towing and impoundment shall occur only after notice and opportunity for an administrative hearing is offered to the last known owner or person entitled to possession of such motor vehicle. No vehicle shall be towed and impounded unless such vehicle is on a public street and is in violation of a parking regulation of this Ordinance.~~
- ~~2. Notice shall be in writing and shall state the license number of the vehicle at issue, the name and address of the owner or the person entitled to possession of the vehicle, a brief description of the parking tickets issued to such vehicle, that there is a right to request an administrative hearing before towing and impoundment if such request is made within ten (10) calendar days of the mailing date of the notice, that failure to request a hearing within ten (10) calendar days or failure to appear at a requested hearing waives the opportunity for hearing, and that the owner or other person entitled to possession shall be responsible for all charges and costs incurred for towing and impoundment of the vehicle, in addition to charges for unpaid parking tickets.~~
- ~~3. A hearing held pursuant to a request shall be conducted before the City Council or designee and shall be limited to whether a violation of Section 9(4)(A) of this Ordinance exists, and whether the vehicle shall be towed and impounded for unpaid parking tickets. The owner or person entitled to possession may, at that time, pay for any outstanding tickets.~~
- ~~4. If the City Council or designee determines that the vehicle shall be towed and impounded, the City Council or designee shall notify the owner or person entitled to possession, either orally at the conclusion of the hearing or by letter of such decision. However, such notice need not be given if the owner or person entitled to possession fails to appear at such hearing.~~

~~C. Impoundment by Use of the Denver Boot: Impoundment by use of the Denver boot is subject to the following:~~

1. Impoundment shall not exceed twenty four (24) hours, except a peace officer may extend or reduce such time period for safety or traffic reasons.
2. No vehicle shall be impounded within the traveled portion of any street or on any portion of a street or sidewalk when the impoundment at such place would create a hazard to the public or traffic.
3. On expiration of the time period contained in Section 9(C)(1) above, the vehicle shall be towed and impounded.

PART II: EFFECTIVE DATE:

This Ordinance shall become effective upon its passage and publication as provided by law.

PART III: REPEALER:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this ____ day of _____, 201_, and approved this ____ day of _____, 2018.

Louise From, Mayor

(SEAL)

ATTEST:

Christine M. Anderson, City Clerk

STATE OF IOWA)

COUNTY OF JOHNSON) SS:
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On this ____ day of _____, 2018, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that the instrument was signed and sealed on behalf of the city, and that Louise From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 2018.

Christine M. Anderson, City Clerk

Signed and sworn to before me on the ____ day of _____, 2018, by Christine M. Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa

Steve/UH/UHOrdinances/Ordinance 230 amending 120 re game day parking and towing for accumulated parking fines