

ORDINANCE NO. 121

AN ORDINANCE AMENDING ORDINANCE NO. 120 REGARDING TRAFFIC REGULATIONS.

Ordinance No. 120 is amended by adding the following Sections:

Section 6 - PARKING REGULATIONS.

1. Parking Prohibited in Specified Places.

A. No driver of a vehicle shall stop, stand or park the vehicle in any of the following places except to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control sign or signal:

1. Within an intersection.
2. On a crosswalk.
3. Within fifteen feet (15') from the intersection of curb lines, or if none, then within fifteen feet (15') of the intersection of property lines at the intersection except at alleys.
4. Within ten feet (10') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of the roadway.
5. Within five feet (5') of a fire hydrant.
6. In front of a public or private driveway.
7. On a sidewalk.
8. Alongside or opposite any street excavation or obstruction if standing, stopping or parking would obstruct traffic.
9. No commercial vehicles used for pickup or delivery of merchandise or goods or passengers shall be stopped or parked in a lane of traffic when a parking space, loading zone or any other space is available at the curb or in an alley within one hundred fifty feet (150') of any building where pickup or delivery is to be made.
10. Within one block of any fire.

11. During a snow emergency, upon a street on which parking is prohibited by a snow emergency declaration.

12. On the parking, which is the area between the curb lines or the lateral lines of a roadway and the adjacent sidewalk, or, if there is no sidewalk, the area within six feet (6') of the lateral line of the roadway.

13. In front of a curb cut or ramp located on public or private property in a manner which blocks access to the curb cut or ramp.

14. At any place where official signs prohibit stopping or parking.

B. Vehicles so located are subject to being towed pursuant to this Ordinance.

2. Method of Parking.

A. Parallel Parking: No driver of a vehicle shall stop, stand or park such vehicle in a roadway except when parallel with the edge of the roadway, with the right wheels to the curb (or the left wheels on a one-way street where parking is permitted on the left-hand side of the street) and with the curbside wheels of the vehicle within eighteen inches (18") of the curb or property line, except as provided in this Ordinance when necessary in obedience to traffic regulations.

B. Angle Parking:

1. No angle parking shall be permitted upon any Federal aid or State highway within the City unless the Iowa Department of Transportation or its successor has determined that the roadway is sufficiently wide to permit angle parking without interfering with the free movement of traffic.

2. No angle parking shall be permitted in the City at any place where passing traffic would thereby be caused to drive upon the left side of the street.

3. On those streets which have been signed or marked by the Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

4. On those streets which have been signed or marked by the Traffic Engineer for angle parking, no vehicle

shall be backed into an angle parking stall except as provided by the provisions of this Ordinance.

3. General Parking Restrictions.

A. No person shall park a vehicle upon public property, including parkings, without the consent of the City Council.

B. Except as provided in Section 6(3)(C) of this Ordinance, no person shall park, be permitted to park, or be allowed to permit the parking of any vehicle upon a yard. "Yard" as used herein is defined by Ordinance No. 79, which concerns zoning; provided, however, that any lot upon which no building exists constitutes a "yard" in its entirety.

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. 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.

D. Any vehicle that is parked upon private property without the consent of the owner or persons in possession or the agents of either may be ticketed and/or towed pursuant to the following procedure: The University Heights Police Department is hereby authorized to act as an agent of any owner or other lawful possessor of real property and to tow or cause to be towed, pursuant to the Code of Iowa, as amended, any motor vehicle that has been parked or placed upon real property without the consent of the owner or persons in possession or the agents of either. However, prior to the towing of any motor vehicle, the owner, lawful possessor or agents thereof shall, in writing, authorize the police to act as agent therefor and shall further agree to notify the Johnson County Sheriff as required by the Code of Iowa, as amended, and shall also agree to release, defend, indemnify and hold harmless the City, its officers, employees and agents from any damages, claim of damages or liability resulting from such towing. The owner or lawful possessor of such motor vehicle may reclaim such vehicle pursuant to the Code of Iowa, as amended.

E. Any vehicle that is parked upon a yard on any day when The University of Iowa does not have a football game in

Kinnick Stadium may be ticketed and/or towed regardless of whether the vehicle is parked with the consent of the owner or persons in possession of the property or the agents of either.

F. Any person who violates 6(3)(B) of this Ordinance commits a simple misdemeanor and may be punished by a fine not exceeding one hundred dollars (\$100.00).

G. One-Way Streets and Roadways: No person shall stand or park a vehicle on the left side of a one-way street when such parking is prohibited by official signs.

H. Residential Districts:

1. Trailers, semi-trailers and other nonmotorized vehicles of any type and size shall not be parked on any street in a residential district, except as herein provided and excepting bicycles. Such vehicles may park for the purpose of loading or unloading or making local deliveries, but in no instance shall such activity exceed a period of twenty four (24) hours.

2. Motor vehicles of any type that exceed seven feet (7') in height or eight feet (8') in width or twenty feet (20') in length shall not be parked on any street in a residential district, except as herein provided. Such vehicles may park for the purpose of loading or unloading or making local deliveries, but in no event shall said activity exceed a period of twenty four (24) hours.

3. Commercial vehicles which transport detonable materials or flammable solids, liquids and gases shall not be parked on any street in a residential district, except for the purpose of making local deliveries.

I. Adjacent to Schools: No person shall park a motor vehicle in a place which has been designated and signed by the Traffic Engineer to prohibit parking adjacent to a school.

J. Narrow Streets: No person shall park a motor vehicle on any street when the width of the roadway is less than twenty feet (20') and when the Traffic Engineer has posted official signs to prohibit parking on the street. When a street does not exceed thirty feet (30') in width, parking along one side of the street may be prohibited when the Traffic Engineer has posted official signs to prohibit such parking.

K. Near Hazardous or Congested Places: No person shall stop, stand or park a vehicle in a hazardous or congested place which has been designated and signed by the Traffic Engineer to prohibit stopping, standing or parking.

L. Sale or Repairs of Vehicles: No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

M. In Excess of Forty-Eight Hours: No vehicle shall be parked or remain at the same location upon any street, alley or public ground at any time for a period longer than forty-eight (48) hours.

4. Temporary Parking Restrictions.

A. The University Heights Police Department is authorized to post temporary traffic signs prohibiting parking during special events and along streets or portions thereof which are scheduled for service or repair work, including but not limited to resurfacing, maintenance, repair, cleaning, oiling or snow removal.

B. It shall be unlawful for any person to park a vehicle on the street within the area where parking is prohibited by such signs. Vehicles parked in violation of this provision may be towed if the signs posted indicate "Towaway Zone", or language similar in content.

C. Temporary traffic signs constructed in accordance with standards established by the Traffic Engineer shall be placed within ten feet (10') of the traveled portion of the roadway or curb along that side of the street on which the parking prohibition is to be in effect. The signs may be mounted on temporary supports, on existing street signposts, or in accordance with standards established by the Traffic Engineer.

5. Parking in Alleys.

A. No person shall stop, stand or park any motor vehicle so as to block an alley, whether attended or unattended, nor shall any person park a vehicle upon or in alleys.

B. If a vehicle must be moved to provide emergency access and the owner, driver or other authorized person cannot be

located, the Department may cause the vehicle to be towed from the alley and impounded as provided in Section 9 of this Ordinance.

6. Parking During Snow Emergencies.

A. Purpose: The purpose of this Section is to provide a system to notify persons of snow emergencies. Without such provision, cars remain parked on certain streets, and effective plowing is curtailed. Consequently, cars often park too far from the curb, creating potential hazards to other motorists.

B. Parking Regulations During Snow Emergencies: When the City Council or its designee finds, on the basis of falling snow, sleet, freezing rain or on the basis of a forecast by the United States Weather Bureau or on the basis of any other weather service that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on certain City streets be prohibited or restricted for snow plowing or other purposes, the City Council or its designee shall declare a snow emergency. The following parking regulations shall be in effect during snow emergencies:

1. On all streets where parking is allowed on both sides, vehicles shall be parked on only the even street-numbered side of the street on even days of the month after eight o'clock (8:00) A.M.

2. On all streets where parking is allowed on both sides, vehicles shall be parked on only the odd street-numbered side of the street on odd days of the month after eight o'clock (8:00) A.M.

3. All other parking regulations and prohibitions, both posted and unposted, shall remain in effect.

C. Effect of Snow Emergency: A snow emergency shall take effect not earlier than four (4) hours after it is declared, except if a snow emergency is declared after eight o'clock (8:00) P.M., it shall not take effect until at least nine o'clock (9:00) A.M. the next day.

D. Declaration:

1. The City Council or designee shall declare a snow emergency by written signed notice, delivered to the City Clerk, stating the beginning and ending time for

the period of snow emergency. The City Council or its designee shall deliver such notice as promptly as reasonably practicable.

2. The City Council or designee may cancel such declaration or change the beginning or ending time. Notice as provided in Section 6(6)(D)(1) above shall be given for such cancellations or changes.

3. The City Council or designee shall inform the Iowa City/Cedar Rapids area radio and television stations and the Iowa City newspapers that the snow emergency parking regulations for University Heights will be in effect and ask that public service announcements be made.

4. The City Council or designee may take such other actions to inform the public of the snow emergency as appropriate.

E. Towing of Improperly Parked Vehicles: Any vehicle found to be parked where not permitted during a snow emergency may be towed to a place where parking is permitted or to a place designated by a peace officer for the storage of impounded vehicles.

7. Parking for Loading and Unloading.

A. Loading Zones Designated: Passenger loading zones shall be established and marked by signs.

B. Public Carrier Stops and Stands:

1. Established: Bus stands, vehicles for hire stands and stands for other passenger and common-carrier motor vehicles shall be marked by official signs and shall be established by the Traffic Engineer in conjunction with the City of Iowa City and Johnson County, with which University Heights contracts for provision of transit services.

2. Stopping, Standing and Parking of Buses Regulated:

a. The driver of a bus shall not stand or park a bus on a street any place except a designated bus stand

b. When the driver of a bus enters a bus stop, bus stand or passenger loading zone to load or unload passengers or baggage, the right front wheel of the bus shall be no more than eighteen inches

(18") from the curb, and the buss shall parallel the curb so as not to unduly impede other vehicular traffic.

3. Restricted Use of Bus and Vehicle for Hire Stands: No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a vehicle for hire in a vehicle for hire stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop to load or unload passengers if the vehicle does not interfere with any bus or vehicle for hire entering such zone.

8. Parking for Persons with Physical Disabilities.

A. In addition to the parking spaces designated by the Traffic Engineer for use by persons with physical disabilities, the owner of private property parking may also designate parking spaces for the exclusive use of persons with physical disabilities. The private property parking owner shall clearly and prominently mark parking spaces so designated.

B. No person shall stop, stand or park a vehicle in any parking space designated and signed as reserved for the use of persons with physical disabilities unless the vehicle displays an identification device issued pursuant to the Code of Iowa, as amended.

9. Removal of Parking Tags or Marks Prohibited.

No person shall remove, alter or destroy any tag or mark placed upon any vehicle by a peace officer, but once the tag or mark has been placed, the driver of such vehicle may remove the tag prior to driving the vehicle.

10. Penalties; Parking Tickets.

A.

(1) The fine for parking violations, except for illegally parking in a handicapped parking space or for illegally parking on yards in violation of Section 6(3)(B) of this Ordinance, shall be five dollars (\$5.00). If paid more than twenty-nine (29) days after issuance of the parking ticket, the fine shall increase to ten dollars (\$10.00).

(2) The fine for illegally parking in a handicapped parking space shall be one-hundred dollars (\$100.00)

or as stated in the Code of Iowa, as amended.

(3) The fine for illegally parking on yards in violation of Section 6(3)(B) of this Ordinance is twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense in a twelve-month period; and one-hundred dollars (\$100.00) for the third and any subsequent offense in a twelve-month period.

B. A driver or owner charged with a parking violation may appeal the ticket to the City Council by filing a written notice of appeal with the City Clerk within twenty (20) days of issuance of the ticket. The written notice should refer to the ticket by number, describe the alleged violation, and briefly explain the basis for the appeal. An appeal thus filed will be considered at the next regularly scheduled meeting of the City Council. The Council shall consider the defenses or mitigating circumstances set forth on the notice of appeal and shall base its findings and determination thereon. The Council may dismiss the notice of fine (ticket) for good cause, and upon dismissal, the City shall refund the fine money paid by the appealing party, less any unpaid parking fines then owing by the driver or owner charged. Payment of a fine does not constitute waiver of the right to appeal. Filing a notice of appeal does not prevent operation of the provision of this Ordinance increasing fines based upon delay in payment.

C. A driver or owner charged with a parking violation on a notice of fine (ticket) whose violation was reviewed but not dismissed by the Council may request that the violation be charged on a standard traffic citation and tried in magistrate court as a simple misdemeanor. If the driver or owner is found not guilty or the charge is dismissed by the magistrate, the City shall refund any fine money paid for the violation. If found guilty, the driver or owner shall be credited with all fine money previously paid for the violation. Requesting that the violation be charged and tried as a simple misdemeanor does not prevent operation of the provision of this Ordinance increasing fines based upon delay in payment.

Section 7 - SPEED RESTRICTIONS.

1. Speed Restrictions.

A. General Speed Limit Provisions:

1. Any person driving a motor vehicle on a highway shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard for the traffic, surface and width of the highway, and of any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring the motor vehicle to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using such highway will observe the law.

2. The following shall be the maximum allowable speed for any vehicles, except as otherwise modified in this Ordinance:

a. Twenty (20) miles per hour in any business or commercial district.

b. Twenty five (25) miles per hour in any school district.

c. Twenty five (25) miles per hour in any residential district; provided, however, that the Council may enact a limit of twenty (20) miles per hour upon streets or parts of streets to be designated by the Council and identified by signs accordingly.

d. Ten (10) miles per hour in any alley or other public place not specifically mentioned in this Section.

3. "Residential district" as used herein means an R-1 single-family and R-3 multiple-family residential district according to the University Heights Zoning Ordinance, Ordinance No. 79. "Business district" and "commercial district" as used herein mean, respectively, a B business district and a C commercial district according to the University Heights Zoning Ordinance.

4. The City Council may reduce or increase speed restrictions set forth in this Section where such greater or lesser speed is reasonable and safe under the conditions presented. Signs shall be posted to give notice of such speed restrictions.

B. Control of Vehicle; Reduced Speed: A person operating a motor vehicle shall have the vehicle under control at all times and shall reduce the speed to a reasonable proper rate:

1. When approaching and passing a person walking in the traveled portion of the public highway.
2. When approaching and passing an animal being led, ridden or driven upon a public highway.
3. When approaching and traversing a crossing or intersection of public highways or a bridge, sharp turn, curve or steep descent in a public highway.
4. When approaching and passing an emergency warning device displayed in accordance with rules adopted under the Code of Iowa, as amended, or an emergency vehicle displaying a revolving or flashing light.
5. When approaching and passing a slow-moving vehicle displaying a reflective device as provided by the Code of Iowa, as amended.
6. When approaching and passing through a sign-posted construction or maintenance zone upon the public highway.

Section 8 - BICYCLES.

1. Operation of Bicycles.

A. Observation of Traffic Rules:

1. All persons riding bicycles upon any street or sidewalk within the City shall obey all traffic ordinances and rules as to traffic lights and highway and street stop signs and shall be required to signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use of motor vehicles and shall not turn to the right or left in traffic except at regular intersections of streets, alleys or driveways.
2. All persons riding bicycles upon any street, sidewalk or bike lane within the City shall observe all ordinances and rules as to traffic limits and shall make full and complete stops at official stop signs.
3. In addition, all persons riding bicycles shall be subject to the provisions of ordinances

applicable to the driver of a motor vehicle, except as to those provisions which, by their very nature, can have no application.

B. Method of Riding:

1. A bicycle rider shall not ride other than astride a permanent and regular bicycle seat.

2. No rider of a bicycle intended for one person shall carry a second person on any part of the bicycle, except infants may be carried when a suitable and proper seat is provided.

3. No person riding a bicycle shall carry any package, bundle or article which would prevent the rider from keeping both hands on the handlebars.

C. Riding on Roadways: Persons riding bicycles on the roadway shall ride single file, and every person riding a bicycle on the roadway shall ride as near to the right-hand side of the roadway as practicable, except for turning movements or where bike lanes so designate.

D. Careful Riding: No person shall ride or propel a bicycle upon any sidewalk or roadway except in a prudent and careful manner.

E. Riding on Sidewalk:

1. The Traffic Engineer is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon. No person shall drive or ride a bicycle in violation of any signs thus erected.

2. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

F. Riding on Bikeways: No person shall ride or operate a bicycle within a bicycle lane or path in any direction except that permitted by vehicular traffic traveling on the same side of the roadway, provided bicycles may proceed either way along a lane or path where arrows or signs designate two-way bicycle traffic.

2. Lights and Reflectors Required.

A. Reflectors Required: All bicycles shall be equipped with reflective surfaces visible at three hundred feet (300') from the rear when viewed in front of lawful lower beams of head lamps on a motor vehicle. Reflective materials may be mounted on each side of each pedal.

B. Headlights Required at Night: All bicycles used during the hours from sunset to sunrise shall display or their drivers shall wear a lamp on the front part of the bicycle, and the lamp shall emit a white light visible from a distance of at least five hundred feet (500') from the front of the bicycle.

3. Vehicles in Bicycle Lanes and Bicycle Parking Areas.

A. No person shall drive or park a motor vehicle in a designated bicycle path or lane.

B. The Traffic Engineer is hereby authorized to erect signs permitting motor vehicles to be parked in a designated bicycle lane or bicycle path during specific times and days. When such signs are present, motor vehicle parking shall be permitted only during those times specifically stated on the signs.

4. Parking Violations.

A. Impoundment of Bicycles:

1. On finding a bicycle unattended at a place where the bicycle constitutes an obstruction to vehicle or pedestrian traffic or constitutes an imminent threat to the health, safety or welfare of the public or is in violation of an existing parking ordinance, the Police Department or any officer, agent or employee of the City so designated may remove or cause the removal of such bicycle to a place designated by the Chief of Police for the storage of impounded bicycles.

2. Upon impoundment of such bicycle, the City shall notify the last known owner of such impoundment by first class mail. At the time of impoundment, the City may cause to be filed a citation pursuant to State law upon the owner or driver of such bicycle at the time of impoundment. The owner or driver may reclaim such bicycle upon presentation of proof of ownership or by a notarized declaration of ownership and by accepting

such citation and signing a promise to appear and payment of any accrued fees and charges. Such fees and charges shall be set by resolution.

3. If impoundment requires the destruction of a chain, padlock or other security device, agents or employees designated to enforce the parking ordinances of the City or any peace officer are hereby authorized to destroy such security devices.

B. Owner Prima Facie Responsible for Parking Violations:

1. If any bicycle is found stopped, standing or parked in any manner in violation of this Ordinance and the identity of the driver cannot be determined, the owner shall be held prima facie responsible for such violation.

2. In the event the City is unable to ascertain the owner, or the owner does not claim the bicycle within three (3) calendar months from the date of impoundment, the City shall cause such bicycle to be sold at a public auction. Notice of such disposition shall be published pursuant to State law governing abandoned vehicles.

Section 9 - TOWING AND IMPOUNDMENT PROCEDURES.

1. Towing and Impoundment of Abandoned Vehicles; Notices.

A. Towing and Impoundment Authorized: The University Heights Police Department may tow and impound or have towed and impounded any vehicle abandoned, provided the Department has notified the owner or person entitled to possession that the vehicle will be towed and impounded if the vehicle is not removed within seventy two (72) hours of the time a towing notice is posted. Notice shall be deemed posted by securely attaching the notice to the driver's side window of the vehicle. The notice shall state the date and time the notice is attached to the vehicle, the intent to tow the vehicle seventy two (72) hours after the posting, the reason for the notice to tow and that all costs of removal, notification and storage must be paid before the vehicle may be reclaimed. This notice provision shall not be required in the case of a vehicle parked on or in a public street or alley determined by the Department to create an immediate hazard to vehicle or pedestrian traffic.

B. Notice After Impoundment and Prior to Sale:

1. When a vehicle has been impounded under the provisions of this Ordinance or seized under any provision of the laws of the State, the Department shall follow the procedures determined by State law for giving notice to the owner, lienholders and other persons entitled to possession of the proposed sale of the vehicle as an "abandoned vehicle."

2. If the vehicle was found and impounded under this Ordinance, the notice shall state that an objection may be made and a hearing held pursuant to Section 9(10) of this Ordinance.

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.

3. Vehicles Towed and Impounded Pursuant to Arrest of the Driver.

A vehicle may be towed and impounded by or under the direction of the Department when the driver is arrested if:

A. The arrested person consents to the impoundment; or

B. The vehicle is not legally parked or will constitute a traffic hazard if left at its location at the time of arrest, and the arrested person is either unable or unwilling to move it or have it moved; or

C. The vehicle may be towed and impounded pursuant to a provision 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.

5. Emergency Towing and Impoundment.

If an emergency requires the immediate removal of a vehicle lawfully parked, the Police Department may authorize the vehicle to be towed and, if necessary, impounded. The owner or person entitled to possession of the vehicle may reclaim the vehicle at any time without charge, and the party requesting emergency removal shall pay all costs and expenses resulting from the towing and impoundment.

6. Entry Into Vehicles To Be Towed Or Impounded Restricted.

If it is necessary to enter a locked or unlocked vehicle in order to tow or impound the vehicle, the entry must be made in the presence of a peace officer.

7. Impoundment Location.

All vehicles towed pursuant to this Ordinance shall be impounded in the area or places designated by the City Council.

8. Records Kept.

When a vehicle is towed or impounded under the provisions of this Ordinance, the Department shall maintain a record of the vehicle, including sufficient identifying information, the date and hour of towing, location towed from, impoundment or towing destination, person performing the towing, reason for towing or impoundment and the name of the peace officer authorizing the tow or impoundment.

9. Nonapplicability to Vehicles as Evidence in Criminal Cases.

This Ordinance shall not affect the established procedures for seizing a vehicle as evidence in a criminal case.

10. Hearing for Objection to Towing and Impoundment.

A. The owner, lienholder of record, a person entitled to possession or their duly authorized agent may object and request a hearing to a towing or impoundment if a vehicle is towed and/or impounded with or without prior notice. Requests for hearings must be in writing filed with the Department. All requests for hearings after an impoundment must be made within twenty one (21) calendar days after impoundment or shall be deemed waived.

B. The person challenging the impoundment shall be informed of the reason for the towing and/or impoundment, and a hearing shall be held without unnecessary delay before the City Council or designee.

C. The City Council or designee shall consider all relevant information offered by witnesses, including the person challenging the impoundment, and shall set forth findings as to the objection and grounds for challenge. The City Council or designee shall notify the person challenging the impoundment of the decision, and the decision shall indicate whether the towing and/or impoundment was appropriate.

D. If the City Council or designee finds the vehicle was improperly impounded, the vehicle shall be released to the person challenging the impoundment upon compliance with Section 9(11)(A) of this Ordinance. All costs of towing, preservation, storage and notification accruing through the fourth calendar day after the City Council's or designee's decision shall be paid by the City. All costs thereafter shall be paid by the person challenging the impoundment prior to the vehicle's release from impoundment.

11. Redemption of Towed and Impounded Vehicle.

A. Owner to Present Evidence of Identity and Pay Costs Prior to Reclaiming: Before a person may recover a vehicle which has been towed and impounded under the provisions of this Ordinance, the person shall present evidence to the Department of the person's identity and right to possession of the vehicle, sign a receipt for the return of the vehicle and pay the costs of towing, preservation, storage, outstanding parking tickets, notification and preliminary costs of sale unless some or all of these costs have been waived after hearing under Section 9-10 of this Ordinance.

B. Right to Reclaim and Forfeiture:

1. The owner, lienholder of record or person entitled to possession of an impounded vehicle shall reclaim the vehicle within twenty one (21) calendar days after:

a. The effective date of the notice provided in Section 9(1)(B) of this Ordinance.

b. Receipt of a vehicle release from the City; or

c. Receipt of a decision from a hearing held pursuant to Section 9(10) of this Ordinance.

2. If the owner, lienholder or person entitled to possession does not exercise the right to reclaim an impounded vehicle within the twenty-one (21) calendar day reclaiming period, such person shall be deemed to have waived any right, title, claim or interest in or to the vehicle.

3. The owner, lienholder of record or person entitled to possession may, upon written request and payment of additional storage charges, delivered to the Department prior to the expiration of the twenty-one (21) calendar day reclaiming period, obtain an addition period of up to fourteen (14) calendar days within which the vehicle may be reclaimed.

Section 10 - SAVING CLAUSE. If any Section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, this determination shall not affect the validity of the ordinance as a whole or any Section, provision, or part of the ordinance not determined to be invalid or unconstitutional.

Section 11 - EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this 11th day of September, 2001, and approved this 11th day of September 2001.