



Legislation Details (With Text)

**File #:** ORD-17:019    **Version:** 1    **Name:** Repeal and adopt ordinances relating to downtown parking

**Type:** Ordinance    **Status:** Passed

**File created:** 4/13/2017    **In control:** Public Safety Council Committee

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**Title:** AN ORDINANCE TO REPEAL AND ADOPT ORDINANCES RELATING TO DOWNTOWN PARKING IN THE CITY OF JONESBORO

**Sponsors:** Police Department

**Indexes:** Code of Ordinances amendment

**Code sections:** Chapter 66 - Traffic & Vehicles

**Attachments:**

Date	Ver.	Action By	Action	Result
5/16/2017	1	City Council	Passed	Pass
5/2/2017	1	City Council	Waived Second Reading	Pass
4/18/2017	1	Public Safety Council Committee	Recommended to Council	Pass

AN ORDINANCE TO REPEAL AND ADOPT ORDINANCES RELATING TO DOWNTOWN PARKING IN THE CITY OF JONESBORO

WHEREAS, the City Council of the City of Jonesboro, Arkansas desires to regulate downtown parking to alleviate parking conditions that endanger the health, safety, and general welfare of the citizens of Jonesboro.

WHEREAS, Chapter 66-221 through Chapter 66-235 is to be repealed and the following language of Chapter 66-221 through Chapter 66-237 is to be adopted to better conform to the current downtown parking needs

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION ONE: That Chapter 66-221 through 66-235 shall be repealed in its entirety and replaced with the following language:

Sec. 66-221. - Prohibited in rented spaces and handicap areas.

It shall be unlawful to park in any spaces labeled as handicap and designated for exclusive use of any person with a disability without a special license plate or certificate displayed.

Sec. 66-222. - Signs required.

Whenever any provision of this division or any traffic ordinance, a parking time limit is imposed or parking is prohibited on any street or public parking lot or part thereof or an area is designated for handicap parking, it shall be the duty of the chief of police or some person designated by him, to erect appropriate signs on such street or public parking lot or part thereof giving notice thereof and no such regulations shall be effective unless said signs are erected and in place on the street or public parking lot or part thereof where parking time is limited or prohibited at the time of any alleged offense.

Sec. 66-223. - Parking within marked lines.

Where diagonal or parallel parking is provided, the vehicle shall be wholly within the painted or marked parking lines and no part of any vehicle shall be allowed to project over or across said diagonal lines. It shall be unlawful to park in any location where diagonal and/or parallel parking lines are not clearly provided. Further, all on street diagonal or parallel parking shall be designated as two-hour parking only.

Sec. 66-224. - Loading zones.

(a) It shall be unlawful for any person to park or leave standing any vehicle within any loading zone except for the purpose of loading or unloading persons or freight and then only for a period not exceeding 15 minutes. Further, it shall be unlawful to park or leave standing any vehicle for the purpose of loading and unloading other than in marked loading zones.

(b) Due to the need for uniform rules and regulations regarding loading and unloading, the following rules and regulations regarding delivery and loading shall apply to all such activities for the 200, 300, and 400 block of North Main:

(1) Deliveries shall be unlimited and may use any space available before 10:00 a.m., on Main Street.

(2) After 10:00 a.m., deliveries shall be made, and loading and unloading shall be had, only in the following three spaces provided as loading zones:

a. On southeast corner of Huntington and Main;

b. On northwest corner of Huntington and Main;

c. Two spaces directly in front of the Forum on Monroe Street;

d. After 6:00 p.m. deliveries on Main Street are again unrestricted.

(c) Deliveries may be made in the alley from Monroe to Cate Street in the alley between Main and Church at any time.

(d) Additional loading zones may be designated based upon future development and future needs.

Sec. 66-225. - Parking on private property prohibited.

It shall be unlawful for any person to park or place any vehicle upon private property without the consent of the owner.

Sec. 66-226. - Parking for certain purposes prohibited.

It shall be unlawful to park any vehicle of any kind or character upon any street or street right-of-way within the city or upon any city-owned parking lot for the purpose of displaying said vehicle for sale or for rent or hire or to park any vehicle upon any street or street right-of-way within the city for a period of longer than five minutes unless said vehicle is being loaded and/or unloaded on a continuous basis.

Sec. 66-227. - Parking within 15 feet of fire hydrant prohibited.

It shall be unlawful for any person to stop or park an automobile, motorcycle or vehicle of any kind whatsoever on any street, avenue or alley within a radius or distance of 15 feet of any fire hydrant within the corporate limits of the city.

Sec. 66-228. - Parking time limits designated.

(a) The following named and designated streets, public parking lots or parts thereof in the downtown improvement district to the city are hereby designated with parking time limits as follows:

(1) All on-street public parking in the area bounded by Matthews Avenue north to Cate/Burke Street and Union Avenue east to Church Street including both sides of the boundary streets shall be designated as two-hour limit public parking unless otherwise designated by ordinance, the chief of police, or his designee by the placement of the appropriate signs or markings.

(2) The following public parking lots or parts thereof shall have time limits as posted at each entrance:

a. The parking lot located at the southeast corner of Union and Huntington Avenue.

b. The public parking lot at the corner of the 300 block of South Main Street and the 100 block

of West Monroe Street.

c. The public parking lot on Burke Street between Union and Main.

d. The Forum parking lot.

e. The parking lot at South Church Street and connecting to Cate Street.

f. The parking lot on the corner of West Monroe and Madison Street.

g. The public parking lot in the 300 block of Union Street running westward to Madison Street.

h. The public parking lot located in the 200 block of East Monroe street between East Street and Church Street.

i. The public parking lot in the 300 block of South Church which encompasses the area of the said lot which runs from East Street 87 feet west, then 113.5 feet south, 87 feet east, then 113.5 feet north.

j. The 700 block of South Main Street.

(b) Exemptions:

(1) No judge or his court reporter of any court of this state shall be subject to a fine or other penalty for the offense of overtime parking incurred while the person was on duty as a judge or court reporter.

(2) No person shall be subject to a fine or other penalty for the offense of overtime parking incurred while the person is engaged in actual service as a grand or petit juror in any court (federal, state or municipal) in the state. The person may evidence the fact of jury service by exhibiting to the appropriate official of the city or town offended by the violation a certificate of the clerk of the court similar to the form now in use to the effect that the person was engaged in jury service on the date of the violation and the hours of actual service.

(3) Any person attempting to enforce any fine or other penalty notwithstanding the provisions of this section shall be subject to contempt proceedings before the judge of the court being served by the person so charged.

(4) Nothing contained in this section shall be construed to give immunity from fine or penalty other than for the offenses of overtime parking.

(c) Moving of vehicle with the same area to circumvent timed parking limits. When any particular parking lot or space has been designated as a timed parking area or space, it shall be unlawful for any person to park or otherwise cause a vehicle to be parked for a total time exceeding the limit of that particular space by utilizing any combination of spaces located in that particular parking lot or with the same block of any city street located within the area covered by this section.

(d) All on-street parking time limits and any time limits posted for public parking lots will be enforced Monday through Friday between the times of 8:00 am and 5:00 pm.

Sec. 66-229. - Handicap spaces designated.

It shall be the duty of the chief of police, or his designees, to mark and designate appropriate parking for handicapped spaces in the downtown area. That these spaces may be modified and relocated as future needs develop and shall comply with state regulations.

Sec. 66-230. - Owner responsible for violation.

(a) It shall be unlawful and a violation of the provisions of the parking regulations of the city whether or not the owner was the operator of the vehicle at the time the parking violation occurred.

(b) In any hearing in the district court on a charge (violation or civil), of illegally parking a vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the parking regulations of the city and further testimony that the records of the registrar of the motor vehicles for the city or the state that said license plates were issued to the defendant shall be prima facie evidence that the vehicle was parked unlawfully and was so parked or permitted to be parked by the defendant.

Sec. 66-231. - Violations.

- (a) Every person in violation of the parking regulations of the city within the downtown district, concerning parking time limits and/or parking in unauthorized locations, shall be punished by a fine of not more than \$10.00 for each violation. The initial fine of \$10.00 for parking violations shall be increased to \$25.00 where the party cited for a violation of any such ordinance shall fail to pay said fine of \$10.00 within fourteen of the date of issuance of the citation.
- (b) If the space is marked as a two-hour or other time limit, then each additional two hour or marked time period in which the vehicle is parked in the space shall be a separate offense.
- (c) Every person in violation of a second or subsequent offense within a 60-day period shall be fined \$25.00 for each such violation.
- (d) Every person in violation of a fourth or subsequent offense within a six-month period shall be subject to being towed or mechanically disabled, i.e., booted, as authorized herein.
- (e) In the event that a person in violation of the parking regulations within the downtown district shall fail to pay their fine as designated shall be subject to issuance of a summons to the county district court for adjudication.
- (f) Every person in violation of the parking regulations of the city concerning spaces marked for handicapped persons shall be punished by a fine of not more that \$100.00.
- (g) Every person in violation of the parking regulations of the city concerning spaces rented or unlawful to park shall be punished by a fine of not more that \$25.00 for said violation.
- (h) Every person in violation of the parking regulations of the city concerning no parking zones or parking where no parking spaces are clearly marked shall be punished by a fine of not more that \$50.00 for said violation.
- (i) The parking enforcement officers previously under the supervision of the finance department shall be moved to the city police department subject to the supervision of the chief of police or his designee. It shall be the duty of the parking enforcement officers of the city acting in accordance with the instructions issued to them to report:
- (1) The location where any vehicle has occupied a space in violation of the parking regulations of the city;
  - (2) The state license number on such vehicle;
  - (3) The date and time of day the officers detected such vehicle parked in violation of the parking regulations;
  - (4) Any other facts or knowledge of which is necessary to a thorough understanding of the circumstances attending such violation; and
  - (5) Name of the parking enforcement officer detecting such violation.
- (j) Each parking enforcement officer observing such violation shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the parking regulations of the city.
- (k) Every owner or operator of a vehicle found in violation of the parking regulations of the city shall within seven days of the time when notice of the parking violation was attached to such vehicle, pay to the city collector the sums required to satisfy such violation as set forth in the provisions of this section. The failure of such owner or operator to make such payment to the city collector with seven days shall render such owner or operator subject to the penalties currently provided for the violation of the parking regulations of the city.
- (l) In addition to the penalties set forth herein, vehicles which accumulate unpaid parking fines in excess of \$100.00 shall be subject to being mechanically disabled, i.e., booted, and said device shall not be removed until such time as parking fines are paid in full.
- (m) In addition to the penalties provided in this section, when any vehicle is found illegally parked as provided in section 66-83, the chief of police or his designee is authorized to contact a wrecker service for the purpose of towing such vehicle away. The wrecker may tow the vehicle to the place of business of the owner of the wrecker.
- (n) The owner of the vehicle may reclaim it from the wrecker service by paying the standard and customary charge for such towing service plus any additional charges for storage.

(o) Every person in violation of parking regulations of the city concerning a vehicle parked with the left door to the curb, on two-way streets, shall be punished by a fine of not more than \$50.00.

(p) Every person in violation of parking regulations of the city concerning a vehicle parked in a fire lane on any street, avenue or alley or within a radius or distance of 15 feet of any fire hydrant within the corporate limits of the city, shall be punished by a fine of not more than \$50.00.

Sec. 66-232. - No parking in alleys or on Sidewalks.

(a) There shall be no parking in the alleys located between Main Street and Church Street in the 200 and 300 block of Main Street.

(b) There shall be no parking in the alley between Main Street and Union Street in the 200 block and 400 block of Main Street.

(c) It shall be unlawful to block and park in any public alleyway so as to create an obstruction of traffic as may be necessary for emergency or service vehicles.

(d) It shall be unlawful to park a vehicle on sidewalks.

Sec. 66-233. - Nonconforming use of on-street parking spaces and parking lots.

There shall be no placing of dumpsters, other such containers or any other items or equipment in parking spaces on the streets or in the parking lots of the city without obtaining a permit.

(1) Permits shall be for a period not to exceed 30 days and purchased from the city collectors office for the sum of \$100.00 per 30 days.

(2) Parking dumpsters in these parking spaces without a permit shall subject the violator to the same violations and penalties as parking a vehicle over the time limit in section 66-231.

(3) Monies collected for parking permit violations shall be placed in the general fund with a designated account number for downtown parking avenue.

Sec. 66-234. - Parked left door to curb or wrong way on a one-way.

No person shall park a vehicle with the left door to the curb on two-way streets, or the opposite direction on one-way streets.

Sec. 66-235. - Construction parking permits.

(a) Individuals and companies involved in construction and renovation of buildings and properties in the city downtown improvement district may obtain a temporary parking permit to park their construction vehicles in two-hour parking long enough to conduct the business of that construction and renovation.

(b) Permits shall be obtained from the Collector's Office at 300 South Church Street and shall be valid for five consecutive days and be vehicle specific.

(1) Construction vehicles shall be any vehicle used for the delivery of materials and containing tools for the construction and renovation

(2) These permits shall be obtained at the cost of \$10.00 per permit issued.

Sec. 66-236 Revenue

Monies collected for parking permit violations shall be placed in the general fund with a designated account number for downtown parking avenue.

Sec. 66-237

Any appeal of a parking ticket shall be directed to the chief of Jonesboro Police Department, or his designee. If the chief, or his designee, denies appeal, a summons can be issued and charges under this ordinance can be brought in district court.

PASSED AND APPROVED this 16th day of May, 2017.

