



Memo

TO: Committee of the Whole
FROM: Ed Andrews, Public Works Director
SUBJECT: Parking Ban During Two-Inch or More Snowfall Events
DATE: February 8, 2018

During the course of winter operations this year, the issuance of parking bans to aid in the removal of snow has revealed a concern with the amount of time allowed to elapse between the issuance of the ban and when enforcement might ensue for vehicles not moved within the allotted time.

This was discussed at last Public Works Committee meeting with representatives from the Police Department also present the direction to share it at the next Committee of the Whole. The current Code provides for a twelve (12) hour period by which a vehicle can remain on the street after a ban is issued. Staff's practice is to wait until near the start of a snow event to ensure that the accumulation will be in excess of the two (2) inches or more before issuing a ban.

Snow plowing operations are such that a first-round pass of the driving lanes City-wide take approximately 4 to 5 hours. The second-round pass of the parking lanes is much sooner than what the ordinance provides for. Discussions were that the ban could be issued earlier before a snow event, however there would be a chance that a declaration might not actually see the forecasted snowfall amount. Conversely, the consideration of a reduction in the amount of time allocated to remove a vehicle from the street was discussed.

The Public Works Committee favored reducing the time from declaration from twelve hours to six hours. A copy of Section 72.13 PARKING DURING SNOWFALL is attached herewith, along with the potential text change to it and also the relevant portions of the 72.99 PENALTY.

§ 72.13 PARKING DURING SNOWFALL

Subsections:

- A. Parking During Snow Removal
- B. Prohibited Parking Hours
- ~~C. On-Street Parking~~
- D. Prima Facie Proof
- ~~E. Violation; Towing~~

- A. PARKING DURING SNOWFALL.** The Chief of Police of the City of Washington or his designee or the Manager of Public Services or his designee shall have the authority and power to issue a declaration calling for the prohibition of on-street parking of all automobiles and other vehicles on City streets when such a declaration is necessary to allow the safe and efficient removal of snow and/or ice from the streets of the City of Washington. A parking prohibition shall automatically go into effect on all City streets, except the Washington Square, Main Street from the Washington Square south to Burton Street, and Main Street from the Washington Square north to Zinser Place, when there has been an accumulation of snow and/or ice of two inches (2") or more. Any declarations made herein will be publicly announced through the news media or such other methods as the City may deem appropriate.
- B. PROHIBITED PARKING HOURS.** It shall be the duty of the owner or possessor of any automobile or other vehicle to remove said vehicle or vehicles from the streets of the City no later than 42 6 hours after the declaration has been made. It shall be unlawful to park any automobile or other vehicle upon any street of the City within forty-eight (48) hours thereafter. The City by declaration issued prior to the end of such forty-eight (48) hour period, may extend such prohibition beyond the initial forty-eight (48) hour period for such period of time as the City may deem necessary. Whenever the City finds that some or all of the conditions which give rise to the need for a parking prohibition pursuant to this Section no longer exist and all snow upon said street has been plowed back to the curb line of said street, the City may declare the prohibition terminated, in whole or in part. The termination of a parking prohibition pursuant to this subsection shall be effective immediately upon declaration and shall be publicly announced through the news media or such other methods as the City may deem appropriate.
- C. PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.
- D. VIOLATION; TOWING.** In the event that any vehicle shall fail to be removed as provided for in this Chapter, the City by its Police Officers or other City officials shall have the right to remove said vehicle from the street by private or public wrecker or tow truck, said removal to be at the expense of the owner or possessor of said vehicle. Such vehicles shall be restored to their owners only after payment of the expense incurred in removing, towing, and/or storage.

(Ord. 1294, passed 12-3-79; Am. Ord. 2527, passed 5-3-04; Am. Ord. 2862, passed 11-2-09)
Penalty, see § 72.99

§ 72.99 PENALTY

- (A) General Penalty. Any person, firm or corporation violating any provision of this chapter for which another penalty is not provided shall be fined not less than \$75.00 for each offense. Each day a violation of this chapter shall continue shall constitute a separate offense.
- (B) Any person, firm or corporation accused of a violation of this chapter may settle and compromise the claim against him or her for such illegal parking by paying in person, or by mail, to the City the following amount prior to the filing of a Complaint in the Circuit Court: within seven (7) days of the date of the offense, the sum of \$20.00; after seven (7) days but within fourteen (14) days of the date of the offense, the sum of \$40.00; after fourteen (14) days but prior to the filing of a Complaint in the Circuit Court, the sum of \$60.00; and after the filing of a Complaint in the Circuit Court, such sum as otherwise provided herein. Such payment may be made at the police station or at the office of the City Clerk. A receipt shall be issued for all monies so received, and such monies shall be promptly turned over to the City Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for the alleged defenses involved where the person accused of the violation referred to above in this Section has settled and compromised a claim against him or her in accordance with this Section.
 - (1) However, this Paragraph (B) shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to a hospital. Nor shall this Paragraph (B) apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only, or to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.
 - (2) Further, this Paragraph (B) shall not apply to persons parking a vehicle in violation of Section 72.13. Any person accused of violating Section 72.13 may settle and compromise the claim against him or her for such illegal parking by paying in person, or by mail, to the City the following amounts: the sum of \$20.00 if such violation did not last more than eight (8) hours; the sum of \$40.00 if the violation lasted more than eight (8) hours but less than sixteen (16) hours; and the sum of \$60.00 if the violation lasted in excess of sixteen (16) hours. The \$20.00, \$40.00, and \$60.00 sums shall apply if paid within seven days from the date the offense was committed. If paid after said seven days, the amount shall be doubled. Such payment may be made at the Police Station or at the office of the City Clerk. A receipt shall be issued for all monies so received, and such monies shall be promptly turned over to the City Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for the alleged offenses involved where the person accused of a violation of Section 72.13 has settled and compromised a claim against him in accordance with this Paragraph (B).

(Ord. 1294, passed 12-3-79; Ord. 1304, passed 5-19-80; Ord. 1336, passed 7-20-81; Ord. 1517, passed 1-19-87; Am. Ord. 1758, passed 12-7-92; Am. Ord. 2664, passed 02-20-0