CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 15, 2019

ITEM: Amendment to City Code – Amend Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5-4 (Special Restricted No Parking Areas) to grant the City authority to temporarily prohibit parking in and around construction zones.

Ordinance: Approval of First Reading, Waive Second and Third Readings and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to the noted chapter and section of Title 6 (Motor Vehicles and Traffic) to grant the City authority to temporarily prohibit parking in and around construction zones.

- Title 6 (Motor Vehicles and Traffic)
  - Chapter 9 (Traffic Schedules), Section 5-4 (Special Restricted No Parking Areas)

Due to time constraints this agenda item was distributed to the Public Services Subcommittee by e-mail only.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Due to public safety concerns, City Staff recommends the City Council approve the first reading, waive the second and third readings, and adopt in final form the amendment to City Code, Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5-4 (Special Restricted No Parking Areas).

Lead Staff Member: **Brian J. Hemesath, P.E., City Engineer**

STAFF REVIEWS:

Department Director	Brian J. Hemesath, P.E., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Date(s) Published	
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I Proposed Ordinance

Prepared by: Greta Truman, Assistant City Attorney, City of West Des Moines, West Des Moines, IA 50265 (515) 222-3673
Return To: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265

ORDINANCE #_____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019, BY AMENDING TITLE 6 (MOTOR VEHICLES AND TRAFFIC), CHAPTER 9 (TRAFFIC SCHEDULES), SECTION 5-4 (SPECIAL RESTRICTED NO PARKING AREAS) TO GRANT THE CITY AUTHORITY TO TEMPORARILY PROHIBIT PARKING IN AND AROUND CONSTRCUTION ZONES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5-4 (Special Restricted No Parking Areas) is hereby amended by adding the text in bold lettering;

> C. **For the purpose of protecting public safety, the City may designate temporary no parking areas as necessitated by a public improvement project for the duration of the public improvement project. A parking ban under this subsection must be recommended by the Director of the Department of Engineering, approved by the City Manager, posted on the City website, and the no parking area marked with signage twenty-four (24) hours prior to the implementation of the parking ban. During a parking ban under this subsection, no one shall stop, stand, or park a vehicle in any portion of the designated no parking area, except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.**

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this _____day _____ 2019.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2019, and was published in the Des Moines Register on _____, 2019.

_____
Ryan Jacobson
City Clerk