NO CHANGE FROM PERVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: August 19, 2019

ITEM: Amendment to City Code – Amend Title 6 (Motor Vehicles and Traffic), Chapter 1 (Title and Definitions), Section 2 (Definitions) and Chapter 6 (Parking Regulations), Section 5 (Handicapped Parking) to clarify the definitions of Parking and the Unlawful Use of a Handicapped Parking Stall.

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to the noted chapter and sections of Title 6 (Motor Vehicles and Traffic) to clarify definitions in the Code.

- Title 6 (Motor Vehicles and Traffic)
  - Chapter 1 (Title and Definitions), Section 2 (Definitions)
  - Chapter 6 (Parking Regulations), Section 5 (Handicapped Parking)

This amendment is to clarify the intent that handicapped parking shall be accessible for persons with disabilities, and not be obstructed by an individual or motor vehicle unless authorized under the Code.

Previous Council Action:
Vote: 3-0 for approval, with Councilmember Trevillyan and Mickelson, absent
Date: August 5, 2019
Motion: Approval of the First Reading of the Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: City Staff recommends the City Council approve the second reading, waiver the third and adopt the Ordinance in final form.

Lead Staff Member: Asst. Chief Travis Ouverson TO

STAFF REVIEWS:

Department Director	Police Chief Chris Scott
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Jessica D. Spoden, Asst. City Attorney JDS
Agenda Acceptance	

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety Subcommittee		
Date Reviewed	08/02/19		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I Proposed Ordinance

EXHIBIT I

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 1, "TITLE AND DEFINITIONS", SECTION 2, "DEFINITIONS", AND CHAPTER 6, "PARKING REGULATIONS", SECTION 5, "HANDICAPPED PARKING"

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 1 (Title and Definitions), Section 2 (Definitions) is hereby amended by deleting the highlighted strike-through text and adding the bold italic text.

> PARK or PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while ~~actually~~ engaged in loading or unloading merchandise or passengers. ***The exception for parking temporarily while engaged in loading or unloading merchandise or passengers shall not be an exception to the unlawful use of a handicapped stall.***

SECTION 2. AMENDMENT. Title 6 (Motor Vehicles and Traffic), Chapter 6 (Parking Regulations), Section 5 (Handicapped Parking) is hereby amended by deleting the highlighted strike-through text and adding the bold italic text.

> C. Unlawful Use: ~~The use of a handicapped parking space, by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person, as operator or passenger is a misdemeanor.~~
>
> 1. ***Iowa Code (2018) section 321L.4 is adopted by reference.***
> 2. ***"Unlawful Use" shall also include any other activity which results in the obstruction of a handicapped parking space unless otherwise allowed under this code or state law.***
>
> D. Scheduled Violation: A violation of this section is a scheduled violation ***which shall be imposed upon the owner, operator, or lessee of the vehicle*** and subject to a fine as per state code. (1985 Code §2.1-2.1008; ~~amd.~~ ***Amended*** 1993 Code).

SECTION 3. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 4. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this 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 5. 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 6. OTHER REMEDIES. In additional 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 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. 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 T. Jacobson, City Clerk