

COUNCIL ACTION FORM

SUBJECT: PARKING VIOLATION FINE INCREASES

BACKGROUND:

A previous staff report on the parking enforcement ([Parking Staff Report 1.24.12](#)) demonstrated that fine increases may be necessary to adequately deter illegal and overtime parking. **Overtime parking** occurs when the vehicle parked at a metered spot exceeds the time paid on the meter. **The fine for this violation is \$10, but is reduced to \$5 if paid within seven days.** This violation accounts for 24,823 of approximately 48,419 tickets written in 2011. The estimated cost of meter enforcement, converted to a per-ticket basis, is \$6.73. Added to this is \$4.39 in overhead costs associated with collecting and processing payments and all other city support functions (Legal, Human Resources, Facilities, etc.) for a total cost of \$11.12 per ticket.

Illegal parking violations include such things as blocking sidewalks or driveways, parking without the proper permit or permission, or parking in violation of alternate side or hour of day restrictions. **The fine for this violation is \$15, but is reduced to \$10 if paid within seven days.** In 2011, there were 23,596 illegal parking citations written at an estimated cost of \$6.44 per ticket plus \$4.39 in collections and overhead expenses for a total estimated expense of \$10.83.

These estimates include all costs associated with the enforcement, ticketing, and collections functions as well as any city overhead expense associated with this service. Approximately 50% of tickets are paid within seven days and 87% of all tickets are eventually paid. (This information was discussed at a series of public meetings.)

- **Deterrence**

One rationale for setting the parking fine amount derives from the potential to deter illegal parking. While the “deterrent effect” of a given penalty certainly varies among individuals, the willingness to risk the penalty is probably also influenced by the availability of parking options. For instance, with a ready supply of convenient parking options (metered spaces for example), most people will comply with parking regulations and park legally. Under these conditions, any parking citation is undesirable and serves as a deterrent.

- **Support of Operations**

A second perspective on the fine amounts derives from the cost of enforcement. The overall average cost of a parking citation was \$11.02 in 2011 (\$10.83 per illegal and \$11.12 per overtime). **While there is some year-to-year fluctuation in the cost of enforcement and the number of citations, the citation cost seems to consistently exceed the current fine amount for a parking citation.**

- **Other Communities**

The following table details overtime and illegal parking fines for a selection of other Iowa communities.

City	Overtime	Illegal
Ames	\$10, but \$5 if paid in 7 days	\$15, but \$10 if paid in 7 days
Ankeny	\$15, \$20 if not paid in 30 days	\$15, \$20 if not paid in 30 days
Cedar Falls	\$10, \$15 if not paid in 30 days	\$10, \$15 if not paid in 30 days
Clive	\$15, \$20 if not paid in 30 days	\$15, \$20 if not paid in 30 days
Dubuque	\$7, \$12 if not paid in 30 days	\$15, \$20 if not paid in 30 days
Iowa City	\$10 (variable at meters)	\$15, \$20 if not paid in 30 days
Mason City	\$15, \$20 if not paid in 30 days	\$15, \$20 if not paid in 30 days
West Des Moines	\$15, \$20 if not paid in 30 days	\$15, \$20 if not paid in 30 days
Iowa State University	\$10	\$15-30

Most of the cities in this survey have an illegal parking fine amount of \$15. There was somewhat more variability in how communities addressed overtime parking violations, although a majority had amounts similar to the \$15 for illegal parking.

- **Citizen Feedback**

A summary of the violations and parking system finances was prepared as the basis for discussion with various citizen and business groups. Sessions were held with interested parties from Campustown, downtown, and the Panhellenic representatives. Meetings were held with the ISU Parking System representative, the GSB Off-Campus Student Senator, and a representative of the ISU Athletic Department. In addition, comments were invited from citizens through emails to the neighborhood association representatives and ISU Greek Affairs.

Opinions expressed at these meetings were reported in the previous staff report. While there was a great deal of variability in the views expressed in these meetings, many citizens understood the need for parking enforcement and accepted a “break-even” approach to financing the parking system. **In general, there was stronger support for increasing illegal parking fines than there was for increasing overtime parking fines.**

Game day parking in areas adjacent to the football stadium was of special concern for some residents. A preliminary search for ordinances assessing enhanced penalties on game day did not identify a regulation of this kind in similar communities. Developing and implementing such a new penalty would require additional work from both Legal and Police if we are to craft something that is precise and effective enough to have an impact on parking behavior.

ISU students emphasized the importance of advance public notice of any change in the fees. In these discussions, there seemed to be some acceptance of the need for increased fines. At the same time, they emphasized the value of widespread public awareness prior to the change.

Based on this information, the greatest consensus developed around the need to increase the fine associated with illegal parking violations. It seems prudent to increase this penalty and monitor the impact on parking regulation compliance over the coming year. For instance, if the increase in the illegal parking fine leads to a reduction in illegal parking, additional penalties may not be necessary. If additional game day or special event penalties are warranted, this need can be judged in light of any changes resulting from a higher overall illegal parking fine. Changing the illegal fine amount on July 1, 2012 would allow publicity about the change at both the end of this academic year and at the start of the new academic year. This will leave several months for people to make alternate parking arrangements if that is necessary.

ALTERNATIVES:

1. In terms of **Illegal Parking**:

- a. The City Council can increase illegal parking fines to \$20 (\$15 if paid within seven days) with an effective date of July 1, 2012. This option would direct the City Attorney to develop an ordinance change to reflect the increase in illegal parking fines for future approval by the City Council.
- b. The City Council can increase illegal parking fines to a different amount with an effective date of July 1, 2012.
- c. The City Council can direct the Legal and Police staff to develop a ordinance that would allow for a higher fine structure for illegal parking violations during game days.
- d. The City Council can make no change in illegal parking fines at this time.

2. In terms of **Overtime Parking**:

- a. The City Council can increase overtime parking fines to \$15 (\$10 if paid within seven days) with an effective date of July 1, 2012. This option would direct the City Attorney to develop an ordinance change to reflect the increase in overtime parking fines for future approval by the City Council.
- b. The City Council can increase overtime parking fines to a different amount with an effective date of July 1, 2012.
- c. The City Council can make no change in overtime parking fines at this time.

MANAGER'S RECOMMENDED ACTION:

Parking fines are established to encourage compliance with regulations and, hopefully, to cover the expenses associated with enforcement of parking regulations. However, the FY 2012/13 budget anticipates a drawdown of the Parking Fund balance. **In considering these goals and the current practices in other cities, it seems appropriate to consider increasing the illegal parking fine to \$20 (\$15 if paid within seven days). Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1a, thereby directing the City Attorney to develop an ordinance change that reflects this increased fine for illegal parking violations.**

The Council requested that staff examine whether similar cities have created higher penalties to address some of their **game day parking issues**. To date, we have not identified an ordinance addressing this problem in a mid-sized Midwestern city. While this question may require further study, it does not appear that this should delay an increase in the current illegal parking fine amount. The increased illegal parking fine may have some deterrent effect on game days. By implementing this program on July 1, 2012, we can evaluate the impact of this action during the upcoming football season.

Since there was less unanimity on the question of **overtime parking fines**, it may be prudent to increase the illegal parking fine now and delay action on overtime parking fines. This will allow staff additional time to study in more detail the costs associated with overtime enforcement and provide merchants who rely on metered parking for customers to make additional comments about parking strategies that would provide better support for their commercial neighborhoods. **However, the City Council should understand that given the recent trend in increasing expenditures in the Parking Fund and the continuation of meter waivers for special events, some level of increase in meter fines and/or fees will likely be needed in the future.**