



## City Attorney's Office

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September 16, 2009

**ITEM# 33a**

The Honorable Ann Campbell, Mayor,  
and Members of the City Council  
of the City of Ames, Iowa

Re: Sec. 18.7 of the Ames City Code and Proposed Changes

Dear Mayor Campbell and Council Members:

I am writing this letter regarding proposed changes to Section 18.7 of the Ames City Code. Section 18.7 deals with parking violations and the manner in which the city enforces those violations. There have been recent changes to the Iowa State Code which have impacted the city's ability to enforce parking violations pursuant to our municipal code.

Specifically, Section 321.236(1)(a) has changed and now reads:

Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk.

and

The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred.

and

Violations of section 321L.4, subsection 2, shall be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk.

These changes have preempted several of the provisions of Section 18.7 of the Ames Municipal Code as it now reads. Fine increases cannot be imposed until after thirty (30) days have passed, the handicapped parking violation can only be enforced through notice and fine payment, and "uncontested" parking violations are also limited to enforcement through notice and fine payment only.

In order for Section 18.7 to comply with the changes to Section 321.236 of the Iowa State Code, the city attorney's office proposes the following changes:

1. We recommend increasing the fine amounts listed in the ordinance by \$5.00 each and include a \$5.00 waiver if the fine is paid within the first seven days of the ticket.

Mike Wheelock, with Finance, has advised that the city saw a large increase in parking fine collections once fine schedules were set to increase after seven days of the date of the violation. This proposed change would essentially continue this practice while also complying with the new restrictions imposed by Iowa State law. The ordinance would now give a person the option of receiving a \$5 waiver if the fine is paid within the first seven days of the date of the violation.

2. Include language at the end of paragraph 1 of 18.7 which states that fines which are unpaid after 30 days will be deemed "contested" and may be prosecuted.

As a department, we have learned over the years that certain individuals do not respond to collection efforts by collection agencies. The only way to effectively collect parking fines from these people is to bring an action in court. We believe that this proposed change to 18.7 will enable the city to exercise this kind of discretion on a case by case basis and provide for more effective enforcement and collection of fines, while still complying with Iowa law.

3. Create a new paragraph which states that handicapped parking violations can only be enforced by notice and fine payable to the City of Ames Finance Department.

This will comply with the Iowa Legislature's changes to 321.236. This is now the only way that these parking violations can be enforced.

4. As a practical matter, we propose adding language to the payment section of 18.7 that says that fines can be paid online and that online payments are credited at the time of the transaction.

This language will create a distinction between the crediting of online payments and regular mail payments in such a way as to hopefully encourage individuals to make online payments, which is the preferred method of payment by the Finance Department. Online payments are credited immediately at the time of payment whereas mail payments are not credited until they are actually received by the Finance Department.

The City Attorney's office believes that these proposed changes to Section 18.7 are the best way to maintain the current practices of the city's enforcement activities while complying with the changes to state law.

Sincerely,

Kristine Stone  
Assistant City Attorney

