

Staff Report

Penalties for Parking Violations

August 9, 2011

This report will provide a brief overview of the penalties for parking infractions, the cost of parking enforcement operations, and the rationale for potential changes in the parking fines.

Background

Overtime parking occurs when the time a motorist parks at a metered spot exceeds the time paid on the meter. The fine for this violation is \$5 if paid within seven days, and \$10 thereafter. This rate was last increased in 2003. This violation accounted for 24,208 of approximately 50,894 tickets written in 2010.

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 \$10 if paid within seven days, and \$15 thereafter. These rates were increased from \$5 to \$10 in 2003. On November 16, 2006, staff and neighborhood representatives studying parking in the University Impacted Area recommended the illegal parking violation increase to \$15, but Council chose to leave the fine at \$10. In 2010, there were 26,686 illegal parking citations

Violation of the municipal regulation reserving space for persons with disabilities is currently set at \$100.

Deterrence

One rationale for setting parking fine amounts 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.

As the supply of available parking decreases, however, the motorist is often willing to pay more in order to park their car. At some point, the cost of a parking ticket can become equivalent to the cost of parking. In essence, the citation can become a “convenience fee” for the privilege of parking at a desirable location. This may be most evident on football game days when there is readily available parking on university lots with rates beginning at \$20 per vehicle. Many attendees are willing to pay \$20 or more to park their vehicle on game day. Some, however, choose to avoid these costs and park illegally on City streets; and a portion of this group will accept a \$10 illegal parking

citation in order to park illegally on City streets near to the Stadium. It should also be noted that some illegal parking citations stem from misinterpretation of complex regulations or motorists who are simply misled by seeing someone else park illegally.

It is likely that the current \$10 citation is a modest deterrent to most illegal parking. On football game days or during other major special events, \$10 may be an inadequate 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 \$6.72 in 2010 (\$6.67 per illegal and \$6.78 per overtime). This average cost was at \$5.11 in 2008 and \$6.62 in 2009. 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 an overtime citation. However, it must be emphasized that these costs do not include payment processing and collection, all of which would add to the overall cost incurred per ticket.

Other Communities

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

City	Overtime Fine	Illegal Fine
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. Iowa City, for instance, had a scaled response with the first violation waived at meters, followed by rapidly escalating amounts for repeat offenders. Dubuque charges \$7 for this violation, which would align well with a “break-even” philosophy for the cost of writing citations.

Parking for Persons with Disabilities

State penalties for violation of parking regulations which reserve spaces for persons with disabilities was increased from \$100 to \$200. Historically, the City’s ordinance has applied the same fine as the state. On that basis, it seems appropriate to consider changing the municipal ordinance penalty to \$200.

Summary

Parking fines are primarily set to encourage compliance with regulations, and a secondary goal may be to cover the expenses associated with enforcement of parking regulations. In considering these goals and the current practices in other cities, it seems appropriate for the City Council to consider increasing the illegal parking fine to \$20 (\$15 if paid within seven days), the overtime parking fine to \$12 (\$7 if paid within seven days), and the Parking for Persons with Disabilities fine to \$200.

Alternatives

Illegal Parking

The City Council can increase illegal parking fines to \$20 (\$15 if paid within seven days).

The City Council can increase illegal parking fines to a different amount.

The City Council can make no change in illegal parking fines.

Overtime Parking

The City Council can increase overtime parking fines to \$12 (\$7 if paid within seven days).

The City Council can increase overtime parking fines to a different amount.

The City Council can elect to make no change to the overtime parking fine amount.

Parking for Persons with Disabilities

The City Council can increase the fine for a Parking for Persons with Disabilities violation to \$200.

The City Council can increase the fine for a Parking for Persons with Disabilities violation to a different amount.

The City Council can elect to make no change to the Parking for Persons with Disabilities fine.

Next Steps

In the event that the Council desires to further consider increases in the City's parking fine structure, it will next be important to solicit stakeholder input before a decision is made. With Council's approval, staff will begin gathering stakeholder input on this issue from neighborhoods, downtown and Campustown businesses, students, visitors,

organizations that bring visitors to Ames, and others who are impacted by parking fines. That input will then be brought back to the City Council for further consideration.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SUBSECTIONS 18.1(8), 18.2(1)(2), 18.4(4), 18.7(1), AND 18.18(1)(2)(3) AND ENACTING NEW SUBSECTIONS 18.1(8), 18.2(1)(2), 18.4(4), 18.7(1), AND 18.18(1)(2)(3) FOR THE PURPOSE OF REPLACING THE TERM “HANDICAPPED” WITH “PERSONS WITH DISABILITIES” AND REPEALING SUBSECTION 18.7(2) AND ENACTING A NEW SUBSECTION 18.7(2), FOR THE PURPOSE OF INCORPORATING THE STATE PROVISION REGARDING THE FINE AMOUNT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending subsections 18.1(8), 18.2(1)(2)(3), 18.4(4), 18.7(1), 18.18(1)(2)(3) and repealing subsection 18.7(2) and enacting a new subsection 18.7(2) as follows:

Sec. 18.1. DEFINITIONS; CITY MANAGER'S AUTHORITY; TRAFFIC CONTROL MARKINGS; MISCELLANEOUS GENERAL RULES.

...

(8) The city manager is authorized to designate parking spaces on the public streets and highways and in municipal parking lots for use only by motor vehicles transporting persons with disabilities.

...

Sec. 18.2. DESIGNATION OF PERSONS WITH DISABILITIES PARKING ON PRIVATE PROPERTY.

(1) All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences, shall set aside at least two percent of the parking spaces provided as persons with disabilities parking spaces as defined in Chapter 321L of the Iowa Code. There shall be at least one parking space for persons with disabilities in any off-street nonresidential parking facility available to the public which has a total of ten or more parking spaces.

(2) All public and private buildings and facilities, temporary and permanent, which are residences, excluding condominiums as defined in Chapter 499B of the Iowa Code, and which provide ten or more parking spaces, excluding extended health care facilities, shall set aside at least one persons with disabilities parking space as defined in Chapter 321L of the Iowa Code for each individual dwelling unit in which a person with disabilities resides.

[State Law Ref. Chapters 104A, 601E] (Ord. No. 2788, Sec. 1, 10-20-81)[State Law Ref. Chapter 321L]

Sec. 18.4 PARKING METER MAP; EFFECTIVE HOURS FOR METERS.

...

(4) Persons properly displaying a valid city issued permit to allow persons with disabilities to park at metered spaces shall be allowed to park at metered spaces during the hours indicated at (3) above, without regard to the maximum time limitation indicated on the official parking meter map or on the meter.

(Ord. No. 843, Sec. 212; Code 1956, Sec. 25-112; Ord. No. 1091, Sec. 1, 2-10-63; Ord. No. 2242, Sec. 1, 2, 3-19-68; Ord. No. 2590, Sec. 1, 2, 4-5-77; Ord. No. 2637, Sec. 1, 2-7-78; Ord. No. 2782, Sec. 1, 9-1-81; Ord. No. 2902, Sec. 1, 7-24-84; Ord. No. 2963, Sec. 1, 9-30-86; Ord. No. 3547, 1-25-00)

Sec. 18.7. PARKING VIOLATIONS; METHOD OF CHARGING; METHOD OF PAYING.

(1) Any violation of any parking regulations of this chapter, or of Section 22.8 (snow routes), may be charged by placing a notice of violation and fine on the vehicle so parked. The amount of the fine payable for each violation of Section 18.28 (overtime parking) shall be ten dollars (\$10.00). However, if the fine is paid within the first seven (7) days of the date of the violation, five dollars (\$5.00) of the fine amount will be waived. The amount of fine payable for all other parking violations, except Section 18.18(1) (persons with disabilities parking), including snow route violations, shall be fifteen dollars (\$15.00). However, if the fine is paid within the first seven (7) days of the date of the violation, five dollars (\$5.00) of the fine amount will be waived. Any fines that remain unpaid after thirty (30) days from the date of the violation will be deemed contested and may be prosecuted.

(2) The amount of fine payable for violation of Section 18.18(1) (persons with disabilities parking) shall be equivalent to the fine amount contained in Iowa Code Section 805.8A(1)(c) and shall only be enforceable by notice and fine payable to the City of Ames Finance Department.

...

Sec. 18.18 PARKING ONLY FOR PERSONS WITH DISABILITIES.

(1) No person shall park a vehicle in any parking space on private or public property that is designated and marked or signed as reserved only for motor vehicles transporting persons with disabilities, unless there is displayed in such vehicle, in a manner visible from outside such vehicle, the special identification device available to persons with disabilities from the Iowa Department of Transportation.

(2) In spaces designated as parking only for motor vehicles displaying the special DOT persons with disabilities identification device that are posted with a time limit, no vehicle shall remain in a space beyond the time limit posted.

(3) There shall be a two hour time limit at posted persons with disabilities parking spaces.

(Ord. No. 2606, Sec. 1, 6-7-77; Ord. No. 3244, Sec. 1, 10-12-93; Ord. No. 3290, Sec. 1, 8-23-94; Ord. No. 3553, 3-7-00) ”

Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor