

CHAPTER 16
LINN COUNTY PARKING FACILITIES REGULATIONS

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LINN COUNTY PARKING FACILITIES REGULATIONS

16.1 Definitions

For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. A "vehicle" means a device, in, upon, or by which any person or property is or can be transported or drawn upon a street, highway, or sidewalk, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

2. An "owner" means a person who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or mortgagor shall be deemed the owner for the purpose of this ordinance.

3. A "person" means any natural person, firm, or co-partnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, co-partnership, company, firm, or any other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesman, or otherwise.

4. An "operator:" means a person who is in actual physical control of a vehicle upon a street or highway; upon a County parking facility; or upon property of Linn County, Iowa.

5. A "standing" means any stopping of a vehicle, whether occupied or not.

6. A "parking or parked" means the standing of a vehicle upon any County parking facility or property of Linn County, Iowa, whether occupied or not.

7. A "parking meter" means a device or devices which shall indicate thereon the length of time during which a vehicle may be parked in a particular place which shall have as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or lace in which said coins may be deposited; a timing mechanism to indicate the passage of the interval of time which shall have elapsed; also brief instructions as to its operations.

8. The "property of Linn County" means all real estate in which Linn County, Iowa, has

a possessory interest including but not limited to real estate in which Linn County, Iowa, holds fee simple title or a least hold interest.

16.2 Establishment

All parking lots and off-street parking areas owned or leased and maintained and operated by Linn County, Iowa, are hereby declared to be County parking facilities.

16.3 Designation of Individual Parking Spaces

The designee of the Board of Supervisors, Linn County, Iowa, shall designate and mark off such individual parking spaces for the parking of vehicles in the Linn County Parking Facilities as traffic conditions require. At each place where individual parking spaces are marked off, each vehicle shall be parked entirely within the individual parking space. No vehicle shall be backed into an individual parking space.

16.4 Regulations

1. The Board of Supervisors of Linn County, Iowa, shall establish by resolution such regulations as may be necessary to designate the manner in which vehicles shall enter and leave property of Linn County, Iowa, including but not limited to the various County parking facilities; the manner in which they shall be driven thereon; and the length of time for which parking is permitted and the conditions thereof. The designee of the Board of Supervisors, Linn County, Iowa, under the direction of the Board of Supervisors, Linn County, Iowa, shall place and maintain or cause to be placed and maintained all such official signs and markings upon the property of Linn County, Iowa, including but not limited to County parking facilities, as the Board of Supervisors, Linn County, Iowa, may deem necessary to indicate and to carry out the provisions of this ordinance, or to regulate, warn or guide traffic.

2. Wherever by the provisions of this ordinance, or by the provisions of the laws of Iowa, it is necessary to place and maintain any official sign or marking upon the property of Linn County, Iowa, including but not limited to County parking facilities, but excluding secondary roads of Linn County, Iowa, the designee of the Board of Supervisors, Linn County, Iowa, under the direction of the Board of Supervisors, Linn County, Iowa, is hereby authorized to place and maintain such official signs or markings.

3. No driver of a vehicle shall disobey the instructions of any official sign or marking placed in accordance with the provisions of this ordinance. The existence of any sign or marking upon the property of Linn County, Iowa, including but not limited to County parking facilities, shall be prima facie evidence that the instructions of such sign or

marking are in accord with this ordinance and regulations promulgated pursuant to it.

16.5 Stopping, Standing, or Parking Prohibited

1. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer, in any of the following places:

a. Upon such property of Linn County, Iowa, including but not limited to County parking facilities, as the Board of Supervisors of Linn County, Iowa, by resolution designates as prohibited areas;

b. Upon such property of Linn County, Iowa, including but not limited to County parking facilities, as the Board of Supervisors of Linn County, Iowa by resolution designates as restricted parking areas, excepting only where there has been full compliance with the parking restrictions established by resolution of the Board of Supervisors of Linn County, Iowa, for that restricted parking area.

2. Where parking is prohibited or restricted by resolution of the Board of Supervisors of Linn County, Iowa, suitable signs shall be erected in such areas, or suitable markings shall be placed in such areas showing that parking is prohibited or restricted.

3. Any vehicle which remains in an individual parking space after the time prescribed for legal parking or any vehicle standing upon the property of Linn County, Iowa, including but not limited to County parking facilities in violation of any restriction or regulation promulgated by resolution of the Board of Supervisors of Linn county, Iowa, pursuant to this ordinance is hereby determined to be illegally parked.

16.6 Evidence

The fact that a vehicle is in an individual parking space after the time prescribed for legal parking or standing upon the property of Linn County, Iowa, including but not limited to County parking facilities, in violation of any regulations promulgated pursuant to this ordinance shall be deemed prima facia evidence of the unlawful parking of such motor vehicle by its owner or operator.

16.7 Separate Offenses

Each consecutive hour during one calendar day that a vehicle remains illegally parked as provided in this ordinance shall be a separate and distinct offense under this ordinance. The first offense shall terminate one hour after the time a citation charging said offense is issued, which time shall be noted on the citation, an a separate and new

offense shall occur during each one hour period thereafter.

16.8 Penalties

The Sheriff of Linn County, Iowa, is directed and empowered to enforce this ordinance and any violation of this ordinance shall be punishable by a fine of \$5.00 for each offense. The total penalties for all offenses at one parking space in one calendar day by the same person shall not exceed the maximum penalty of a fine not exceeding \$100 or imprisonment not exceeding 30 days.

16.9 Offenses by Owner

Where any vehicle is parked in violation of this ordinance it shall be presumed that the owner of the vehicle parked the vehicle at such place, except official Linn County vehicles parked in violation of this ordinance, in which case it shall be presumed that the individual to whom such vehicle has been assigned or to whom such vehicle has been checked out, as determined when necessary by the appropriate Linn County elected official or department head, parked the vehicle in such place.

16.10 Removing Vehicles

1. The Sheriff of Linn County, Iowa, or the designee of the Board of Supervisors, Linn County, Iowa, may remove or direct the removal of a vehicle from a County parking facility or other property of Linn County, Iowa, to a garage or other place of safety, or to a storage facility designed by Linn County, Iowa, under the following circumstances:

a. When a vehicle upon a County parking facility or other property of Linn County, Iowa, is so disabled as to constitute an obstruction to traffic and there is no person in charge thereof or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such extent as to be unable to provide for its custody or removal.

b. When a vehicle is left unattended upon a County parking facility or other property of Linn County, Iowa, and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.

c. When a vehicle is parked so as to interfere with the construction, repair, cleaning, or maintenance of a County parking facility or other property of Linn County, Iowa.

d. When a vehicle is parked so as to interfere with the prompt and orderly

removal of snow from any County parking facility or other property of Linn County, Iowa.

e. When a vehicle is parked upon any County parking facility for more than twenty-four (24) hours.

f. When a vehicle is abandoned. Abandoned vehicle means any of the following:

(1) A vehicle that has been left unattended upon property of Linn County, Iowa, for more than forty-eight (48) hours and lacks current registration plates or two or more wheels or other structural parts which render the vehicle totally inoperable, or

(2) A vehicle that has remained illegally upon property of Linn County, Iowa, for more than fifteen (15) days.

2. The owner of any vehicle removed from the property of Linn County, Iowa, including but not limited to County Parking Facilities, pursuant to this section shall be solely liable for any and all costs and expenses of such removal and storage, except official Linn County vehicles removed from the property of Linn County, Iowa, including but not limited to County Parking Facilities, pursuant to this section, in which case the individual to whom such vehicle has been assigned or to whom such appropriate Linn County elected official or department head, shall be solely liable for any and all costs and expenses of such removal and storage. All costs and expenses of removal and storage must be paid prior to release of the vehicle to its owner.

16.11 Metered Parking Areas

All parking lots or off-street parking areas owned or leased and maintained and operated by Linn County, Iowa, and in which parking is restricted and subject to regulation by parking meters by resolution of the Board of Supervisors, Linn County, Iowa, are hereby declared to be County metered parking areas.

The designee of the Board of Supervisors, Linn County, Iowa, shall place, install and remove parking meters for individual parking spaces designated and marked off in County metered parking areas. Whenever a vehicle shall be parked in an individual parking space where a parking meter has been installed, the person parking such vehicle shall deposit such coin or coins of the United States money in the parking meter as shown by the notice on the meter or in the vicinity thereof if such meter displays the legend showing that legal parking is permitted only upon such deposit.

Notice to the public shall be given by appropriate signs in a conspicuous place either on the parking meter or in the immediate vicinity setting forth the length of time for which parking is permitted and the conditions thereof. Any vehicle which remains in an

individual parking space after the time prescribed shall be illegally parked.

In County metered parking areas the rates charged shall be established by resolution of the Board of Supervisors, Linn County, Iowa.

The hours of operation in County metered parking areas will be 7 a.m. to 5 p.m. except Saturdays, Sundays and holidays unless signs are posted in the manner provided herein indicating different hours of operation than above provided; in such case the hours of operation shown on the sign shall be applicable.

16.12 Parking Meter Violation

1. Evidence. Parking is prohibited in any parking space in a County Metered Parking area where a meter is installed and displays a signal showing that the parking is not permitted unless a deposit of such coin or coins of the United States money is made as herein provided. Any vehicle parking in contravention shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal of the parking meter of the same shows no parking permitted unless a deposit of a proper coin is made as herein provided shall be deemed prima facie evidence of the unlawful parking of such motor vehicle by its operator or owner.

2. Overtime Parking. No person shall cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any County Metered Parking area.

3. Meter Signaling Violation. No person shall permit a vehicle to remain or be placed in any parking place adjacent to any parking meter in a County metered parking area while the meter is displaying a signal indication that the vehicle occupying the parking space has already been parking beyond the period of time prescribed for such parking space.

4. Separate Offenses. Each consecutive hour during one calendar day that a vehicle remains illegally parked as provided in §16.12 shall be a separate and distinct offense under this chapter. The first offense shall terminate one hour after the time a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one hour period thereafter.

5. Penalty. The penalty for offenses for meter or non-meter parking violations shall be prescribed in §16.8 of this ordinance.