

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 10 of the Lincoln Municipal Code relating to
 2 Vehicles and Traffic to add and clarify provisions and penalties relating to violations of snow
 3 emergency parking bans by amending Section 10.06.110 to clarify the authority of Parking Control
 4 Officers to issue citations relating to snow emergency parking violations pursuant to Chapters 10.40
 5 and 10.41; amending Section 10.06.120 to provide that a person accused of parking in violation of
 6 a snow removal district parking ban may waive arraignment and their right to a hearing and pay a
 7 designated sum; amending Section 10.40.120 to delete a reference to an obsolete section; amending
 8 Section 10.41.110 to add a reference to the penalty section in Section 10.06.120; and repealing
 9 Sections 10.06.110, 10.06.120, 10.40.120, and 10.41.110 of the Lincoln Municipal Code as hitherto
 10 existing.

11 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

12 Section 1. That Section 10.06.110 of the Lincoln Municipal Code be amended to
 13 read as follows:

14 **10.06.110 Issuing Citations.**

15 (a) It shall be the duty of any police officer to issue a citation which shall be processed
 16 originally through the Parking Services Division upon finding:

- 17 (1) Any motor vehicle in violation of a motor vehicle parking ordinance or of a duly
- 18 established parking regulation of the city;
- 19 (2) Any motor vehicle stopped or parked in such a manner as to interfere with the
- 20 lawful use of the street;
- 21 (3) Any motor vehicle stopped or parked in violation of Chapter 10.32 of this title;

22 or

1 (4) Any motor vehicle parked on any street or other public property within the city
2 which is in violation of a city ordinance regarding the registration certificate or registration or
3 display of proper plates.

4 (b) It shall be the duty of any Parking Control Officer to issue a citation, within the Parking
5 Service Enforcement area, which shall be processed originally through the Parking Services Division
6 upon finding:

7 (1) Any motor vehicle stopped or parked in violation of any of the following sections
8 of the Lincoln Municipal Code: 10.08.030, 10.08.050, 10.32.010, 10.32.015, 10.32.020, 10.32.050,
9 10.32.070, 10.32.080, 10.32.090, 10.32.100, 10.32.110, 10.32.140, 10.32.150, 10.32.160, 10.32.170,
10 10.32.190, 10.32.200, 10.32.210, 10.32.220, 10.32.240, 10.32.250, 10.32.260, 10.32.280, 10.32.290,
11 10.32.300, 10.32.310, 10.32.320, 10.32.330, 10.32.350, 10.34.050, 10.34.060, 10.40.040, 10.40.050,
12 ~~10.40.110~~ 10.41.110, and 10.44.030.

13 (2) Any motor vehicle parked on any street or other public property within the city
14 which is in violation of a city ordinance regarding the registration certificate or registration or
15 display of proper plates.

16 (3) The provisions of this subsection shall not be construed to restrict or prohibit any
17 Ppolice officer or Ccity employee from also enforcing parking or registration violations in the City
18 of Lincoln.

19
20 Section 2. That Section 10.06.120 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **10.06.120 Payment of Fines and Costs; Administrative Hearing Process; Appeal.**

23 (a) Any person accused of any of the following violations of the Lincoln Municipal Code
24 may waive arraignment and right to a hearing and pay the sum indicated for those complaints as
25 listed below:

26 (1) Violation of a motor vehicle parking ordinance or duly
27 established parking regulation not otherwise hereinafter
28 specified, or parking on or obstructing a fire lane in violation of
29 Title 19 of this code \$ 2.00

- 1 (2) Parking or stopping of a motor vehicle in such a manner as to
2 interfere with the lawful use of the street, street intersection or
3 sidewalk, or parking in an alley in violation of Section
4 10.32.150, or the parking, or stopping, or standing of a motor
5 vehicle in a bus stop zone, or parking near street intersections
6 in violation of Section 10.32.140, or obstructing private
7 driveways in violation of Section 10.32.110 \$ 12.00
- 8 (3) Parking or stopping of a motor vehicle too close to a fire
9 hydrant in violation of Section 10.32.320 \$ 32.00
- 10 (4) Parking or stopping of a motor vehicle in violation of Sections
11 10.40.030, 10.40.040, ~~or~~ 10.40.080, or 10.41.100 regarding
12 prohibition of parking on snow emergency routes, arterials, ~~and~~
13 bus routes, and snow removal districts \$ 42.00
- 14 (5) Parking of a motor vehicle in violation of Section 10.40.050
15 relating to parking on residential streets during a snow
16 emergency \$ 27.00
- 17 (6) Violation of Section 10.32.020 relating to handicapped parking:
18 First offense within a one-year period \$ 92.00
19 Second offense within a one-year period \$192.00
20 Third or subsequent offense within a one-year period \$292.00
- 21 (7) Failure to carry registration certificate as required by
22 Section 10.08.010 \$ 2.00
- 23 (8) Failure to have motor vehicle registered and displaying proper
24 plates (other than violations subject to the penalty set forth in
25 Section 10.08.050) \$ 92.00
- 26 (9) Parking a motor vehicle in violation of Section 10.32.070
27 relating to parking of trucks and other oversized vehicles on
28 streets adjacent to residentially zoned property \$ 32.00

29 In the event the payment for violation, as specified above, and waiver of arraignment
30 and right to a hearing and entry of a plea of guilty occurs within seven (7) days of service of the
31 complaint, the person charged in the complaint shall pay, in addition to the amount specified above,
32 the administrative costs of eight dollars and no cents (\$8.00); in the event such payment for violation

1 and waiver occurs after such seven-day period the person charged in the complaint shall pay, in
2 addition to the amount for the violation specified above, administrative costs of twenty-three dollars
3 and no cents (\$23.00); provided, however, that persons making such payments online shall be
4 entitled to deduct one dollar (\$1.00) from the administrative costs that would otherwise be payable
5 according to the terms of this section.

6 (b) (1) For a period of 14 calendar days from the issuance of a notice of parking violation,
7 a person may request an initial review of the notice by the Parking Services Division. The request
8 may be made by telephone, in writing, or in person. The review shall occur within seven days of
9 such request and there shall be no charge for this review. If, following the initial review, the Parking
10 Services Division is satisfied that the violation did not occur, that the registered owner was not
11 responsible for the violation, or that extenuating circumstances make dismissal of the citation
12 appropriate in the interest of justice, the Parking Services Division shall cancel the notice of parking
13 violation or notice of delinquent parking violation. The Parking Services Division shall mail the
14 results of the initial review to the person contesting the notice.

15 (2) If the person is dissatisfied with the results of the initial review, the person may,
16 no later than 14 calendar days following the initial review, request an administrative hearing of the
17 violation. The request may be made in writing or in person. The person requesting an administrative
18 hearing shall, at the time of making the appeal request, deposit the amount of the parking penalty
19 with the Parking Services Division. Notice of this procedure shall be provided to all persons
20 requesting an administrative hearing. An administrative hearing shall be held within 30 calendar
21 days following the receipt of a request for an administrative hearing.

22 (3) If a person has requested either the review in subsection (b)(1) or the appeal in
23 subsection (b)(2), the impoundment and immobilization provisions of this title shall be automatically
24 deferred until the completion of the review and/or appeal process.

25 (4) The administrative hearing process shall include the following:

26 (i) The person requesting a hearing may present any written statements or
27 documentary evidence relevant to the determination. All hearings shall be conducted within the
28 jurisdictional limits of the City of Lincoln.

29 (ii) If the person requesting a hearing is a minor under the age of 18, that person
30 shall be permitted to appear at a hearing or admit responsibility for the parking violation without the
31 necessity of the appointment of a guardian. The Parking Services Division may proceed against the
32 minor in the same manner as against an adult.

33 (iii) The administrative hearing shall be conducted in accordance with written
34 procedures established by the Parking Services Division and approved by the Director of Urban
35 Development.

36 (iv) The Director of Urban Development may delegate conducting the
37 administrative hearings to another city employee or to a company contracting with the City to
38 provide parking services. If the hearing is delegated to someone other than the Director of Urban

1 Development, such delegatee shall make written findings and conclusions and a recommendation
2 to the Director of Urban Development for the final determination of the matter.

3 (v) The officer or person who issues a notice of parking violation shall not be
4 required to participate in the administrative hearing. The Parking Services Division shall not be
5 required to produce any evidence other than the notice of parking violation or copy thereof and
6 information received from the Department of Motor Vehicles identifying the registered owner of the
7 vehicle. The documentation in proper form shall be prima facie evidence of the violation.

8 (vi) The Director of Urban Development shall make a final and binding
9 determination; within fifteen days following the administrative hearing. Such determination shall
10 then be sent by first-class mail to the person requesting the appeal.

11 (c) Any person aggrieved by the decision of the Director of Urban Development in
12 Subsection (b) may appeal such decision to district court through the provisions established in
13 Nebraska Revised Statutes § 15-1201 et seq.

14 Section 3. That Section 10.40.120 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **10.40.120 Penalty.**

17 The penalties for violating provisions of this chapter are found in Sections 10.06.120 and
18 ~~10.06.130.~~

19 Section 4. That Section 10.41.110 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **10.41.110 Prohibition of Parking in Snow Removal District.**

22 The Mayor may order a parking prohibition on all streets designated as part of any Snow
23 Removal District on the basis of falling snow, sleet, freezing rain, or official forecast by the National
24 Weather Service of snow, sleet, freezing rain, or other weather conditions making it necessary that
25 parking on streets designated as part of any Snow Removal District be prohibited for removal of
26 snow or other purposes. The parking prohibition shall remain in effect until terminated by the
27 Mayor. It shall be unlawful for any person to park or allow to remain parked any vehicle within a

1 Snow Removal District during a declared parking prohibition affecting the streets in Snow Removal
2 Districts. The penalty for violating this section is found in Section 10.06.120. Notice of Prohibition
3 of Parking hereunder shall be in the same manner and pursuant to Chapter 10.40 of the Lincoln
4 Municipal Code.

5 Section 5. That Sections 10.06.110, 10.06.120, 10.40.120, and 10.41.110 of the Lincoln
6 Municipal Code as hitherto existing be and the same are hereby repealed.

7 Section 6. That this ordinance shall take effect and be in force from and after passage
8 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
9 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2014:

Mayor