

ORDINANCE NO. 750

**AN ORDINANCE OF THE CITY OF SEDGWICK KANSAS ESTABLISHING
PARKING AND NO PARKING ZONES AND REPEALING ORDINANCE 671
AND ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK KANSAS:

SECTION 1. Designation of parking zones; no parking zones; time limitations thereon; persons with a disability parking.

- A. The governing body may by resolution designate any street area or public right-of-way as a no parking zone. Such resolution may disallow parking in all or any part of any no parking zone so designated, upon such terms and conditions, as the governing body shall deem reasonable to effectuate the purposes of the article.
- B. The governing body may by resolution designate any street area or off-street parking station as a parking zone and shall prescribe maximum time limitations on parking within any parking zone so designated. Such resolution may provide for unlimited parking in all or any part of any parking zone so designated, upon such terms and conditions, as the governing body shall deem reasonable to effectuate the purposes of the article.
- C. With respect to any area designated as a parking or no parking zone by resolution of the governing body, the city administrator:
 - 1. Shall cause appropriate signs to be erected, giving notice that either no parking is allowed or that parking spaces within such parking zone may be used for parking for a limited time only, and specifying such time limitation;
 - 2. May, notwithstanding any other provision of this article, designate certain parking spaces in any parking zone as "person with a disability parking space", and any parking space so designated shall be clearly identified and marked. Parking in any parking space designated and marked "person with a disability parking space" shall be subject to the following conditions:
 - a. Any vehicle occupying a person with a disability parking space shall either:
 - 1. Have properly displayed within such vehicle a person with a disability parking placard issued by the state, or
 - 2. Have displayed upon the rear of such vehicle a state license or registration plate indicating issuance to a person with a disability.
 - b. Time limitations upon parking, established by resolution for the parking zone in which any person with a disability parking space is located, shall apply to any vehicle parked in a "person with a disability parking space".
 - c. Time limitations upon parking in parking zones shall apply for any time period and day of the week set forth in the resolution and stated on the sign erected.
 - d. Notwithstanding any other provisions of this article, the city may provide for the loading and unloading of trucks, vans or other commercial vehicles.

SECTION 2. Definitions.

Legal holidays mean January 1st, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day and December 25th; provided, that if any such holiday shall be on a Sunday, the following day shall be considered and treated as a legal holiday.

Off-street parking station means any area, which is owned or operated by the city and designated as a public place for parking vehicles

Parking space means any space upon a public street or within an off-street parking station, which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the pavement.

Parking Zone means any street area or off-street parking station designated by resolution of the governing body for limited parking time only.

SECTION 3. Prohibited Acts.

It shall be unlawful for any person:

1. To cause, permit or allow any vehicle operated by such person to be parked in a no parking zone designated pursuant to this ordinance.
2. To cause, permit or allow any vehicle operated by such person to be parked beyond the period of legal parking time prescribed for any parking space in any parking zone designated pursuant to this ordinance.
3. To cause, permit or allow any vehicle operated by such person to be parked in such a manner that such vehicle is not entirely within the marked limits of the parking space occupied;
4. To cause, permit or allow any vehicle operated by such person to be backed into any parking space in an off-street parking station which has been designated as a parking zone pursuant to this ordinance; or
5. To circumvent or attempt to circumvent any parking time limitation imposed pursuant to this article by erasing or otherwise obliterating any mark applied to any vehicle by an agent of the city as a means of enforcing compliance with the provisions of this article.
6. With regard to the legal holidays referenced herein, a police officer, or other officer of the city duly appointed to enforce parking regulations, shall have discretion to issue warnings or waive such violations in light of the greater parking demands within the jurisdiction.

SECTION 4. Penalties for violation of ordinance, notice of violation, and towing authorized.

- A. Any person adjudged guilty of a violation of this ordinance, or any amendments thereto, shall be subject to punishment as provided herein. Any vehicle found to be parking in violation shall have attached to it by a police officer, or other officer of the city duly appointed to enforce parking regulations, a notice advising the owner or operator thereof that such vehicle has been parked in violation of a specific provision of this ordinance. A warning ticket maybe given not requiring payment of a fine. Each such owner or operator may, within ten (10) days of the time such original notice is attached to the vehicle, remit to the City Offices the applicable fine as set forth below by delivery of the same to the City Offices for and in full satisfaction of such violation. The applicable fine to be shown on such original notice shall be as follows:
- (1) The sum of \$25.00 as to a violation prescribed in this ordinance.
 - (2) A sum designated by the Judge of the Municipal Court of the city as to such offense in the judge's then adopted schedule of fines.
- B. If neither payment of the applicable fine under subsection (A) above, or a request to be placed upon the docket for Sedgwick Municipal Court have not been made within ten (10) days of the date such original notice was affixed to such vehicle, a second notice shall be sent to the registered owner of such vehicle of such violation. In the event such a request to be placed upon the docket for Sedgwick Municipal Court is made within the initial ten (10) days prescribed within the original notice, the Municipal Judge shall have discretion to waive all or a portion of the attendant fines and court costs. Such second notice shall advise that, in the event the payment required by subsection (A) above, plus the additional

sum of \$10.00, is not made within ten (10) days from the date of such second notice, a complaint will be filed and prosecution commenced in the municipal court, and a warrant of arrest may be issued. Upon issuance of a complaint all court costs shall be assessed and no waiver shall be granted.

- C. In addition to or in lieu of attaching to an unlawfully parked vehicle the notice required by subsection of this section, such vehicle may be impounded, towed to, and stored in the city impoundment lot or other place of safety. No vehicle so impounded shall be released to the owner or other authorized person until a reasonable charge, as fixed by the chief of police, for such towing and storage shall have been paid to the city.

SECTION 5. Effective Date. This ordinance shall take effect and be in force from and after its passage and once publication in the official City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY, this 17th day of March, 2008, for the City of Sedgwick, Kansas.


Donald K. DeHaven, Mayor

ATTEST:


Janise F. Enterkin, City Clerk

(seal)