

**CITY OF MUSCATINE
ORDINANCE 2024-0463**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 9 OF THE CITY CODE OF
MUSCATINE, IOWA - PARKING METERS AND RATES**

WHEREAS, the City Council for the City of Muscatine, Iowa, has established the use of parking meters in order to set and enforce time limits for parking in each metered space in the downtown parking zone; and

WHEREAS, the City's parking meters currently only accept coin payments; and

WHEREAS, the City Council is adding the mPay2Park Parking App as an option for parking customers to use to pay for metered spaces; and

WHEREAS, the City Code currently only provides for coin payments and City Code language revisions are needed to add the Parking App option.

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows:

SECTION 1: **AMENDMENT** “7-9-1 Definitions” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-9-1 Definitions

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- A. "Operator" shall mean any individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of a vehicle.
- B. "Park or Parking" shall mean the standing of a vehicle, whether occupied or not, upon a street other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise in non-handicap designated parking spaces, or in obedience to traffic regulations, signs, or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- C. "Parking Meter" shall mean any mechanical device or meter not inconsistent with this Chapter placed or erected for the regulation of parking by authority of this Chapter. Each parking meter installed shall indicate by proper legend the legal parking time limit established by the Council. ~~and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal~~

~~or overtime parking.~~

- D. "Parking Meter Space" shall mean any space within the downtown parking zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the streets adjacent to or adjoining the parking meters.
- E. "Parking Zone" shall mean any restricted street upon which parking meters are installed and in operation or parking time restrictions are established by resolution of City Council and designated by signage.
- F. "Street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place established for the use of vehicles.
- G. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- H. "Leased or Reserved Parking Space" shall mean any space within a parking zone which is duly designated as such for the parking of a single vehicle within an area designated by lines painted or otherwise durably marked on the curb or on the surface of the street or parking lot.

SECTION 2: AMENDMENT “7-9-3 Installation And Construction; Control And Maintenance Of Meters” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

7-9-3 Installation And Construction; Control And Maintenance Of Meters

The City Administrator, or his or her designate, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces in the parking zones established by Section 7-9-4 of the City Code, such installation to be placed not more than two feet (2') from the curb nor more than four feet (4') from the front line of the parking spaces as indicated, and the City Administrator, or his or her designate, shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, or other approved forms of payment, for the period of time prescribed by resolution of Council. ~~Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by proper visible signal that the lawful parking period has expired, and in such cases, the right of such vehicle to occupy such space shall cease and the operator, owner, possessor, or manager thereof shall be subject to the penalties hereinafter provided.~~

SECTION 3: AMENDMENT “7-9-5 Coin Operation Of Meters” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

7-9-5 Coin ~~Operation~~ and Other Approved Forms of Payment for the Operation Of Meters

Except in a period of emergency determined by an officer of the Fire Department or Police Department, or in compliance with the directions of a Police Officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside of or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in that meter such proper coin or coins of the United States of America, or to make other approved forms of payment as is required for that parking meter and is designated by proper directions on the meter. Failure to deposit such proper coin, ~~or coins,~~ or to make other approved forms of payment shall constitute a violation of this Chapter. Upon the deposit of such coin, ~~or coins,~~ or other approved forms of payment, ~~and the setting of the timing mechanism in operation when so required,~~ the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin, ~~or coins,~~ or other approved forms of payment so long as his or her occupancy of such space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter or other electronic device shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time and such parking shall be deemed a violation of this Chapter.

SECTION 4: AMENDMENT “7-9-6 On-Street Meter Rates And On Street Parking Restrictions” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

7-9-6 On-Street Meter Rates ~~And~~ and On Street Parking Restrictions

Parking or standing a vehicle in a designated parking meter space in an on-street parking zone shall be lawful upon the deposit of coins of the United States of America or making other approved forms of payment as established by resolution adopted from time to time by the City Council.

A vehicle may be parked only once in an on-street parking stall in the downtown parking zone for any time period up to the maximum parking time limit as indicated on the parking meter or by appropriate signs, after which the vehicle shall be moved from that parking stall. A vehicle moved from the parking stall may not be parked in that same parking stall during the next consecutive eight (8) hour period even though the vehicle was parked for less than the maximum parking time limit.

SECTION 5: **AMENDMENT** “7-9-8 Hours Meters And Lots To Be Operated” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-9-8 Hours Meters And Lots To Be Operated

- A. Parking meters shall be operated in the parking zones established by Section 7-9-4 of the City Code, every day, except Saturdays, Sundays and holidays, between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M.
- B. As used in this Section, the term “holiday” shall mean the days which are declared to be legal holidays for City employees under Title 1-15-8, of the City Code. When the holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on Sunday, the holiday will be observed on Monday.
- C. The Council may, by resolution from time to time determine the length of time that parking is permissible at both an individual parking space for which a meter is installed ~~upon the deposit of such coin or coins of United States of America in the parking meter~~ as herein provided; and the unmetered parking spaces with time limits.
- D. Vehicles shall not be parked in designated parking spaces in Lot #2, Lot #4, Lot #8, and on Second Street, which are not parking meter spaces beyond the length of time provided by resolution according to Section 7-9-8(C) and vehicles shall not be parked in more than one such parking space in either Lot #2, Lot #4, or Lot #8 during any consecutive twenty four (24) hour period.
- E. The Council may, by resolution from time to time establish the rate and hours of operation for leased or reserved parking spaces.

SECTION 6: **AMENDMENT** “7-9-9 Parking Meter Violations; Expired Meter, Overtime Parking” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-9-9 Parking Meter Violations; Expired Meter, Overtime Parking

- A. **Evidence.** Parking is prohibited in any parking space on a street or in a municipal parking lot 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 of America or other forms of approved payment is made as herein provided. Any vehicle parking in violation shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal on the parking meter of the same or in other parking devices shows no parking permitted unless a deposit of a proper coin or other forms of approved payments is made as herein provided shall be deemed prima face

evidence of the unlawful parking of such motor vehicle by its operator or owner.

- B. Overtime Parking, Extending Time.** It shall be unlawful and a violation of the provisions of this Chapter for any person to 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 parking space as described in this Chapter or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking zone.
- C. Expired Meter.** It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space adjacent to any parking meter ~~while such meter~~ or other parking device, is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- D. Separate Offenses.** Each consecutive hour during one calendar day that a vehicle remains illegally parked as above provided 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.
- E. To Park Within Marked Lines.** It shall be unlawful for any person to park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- F. Tampering with Meters.** It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Chapter.

SECTION 7: AMENDMENT “7-9-11 Parking Meter Funds” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-9-11 Parking Meter Funds

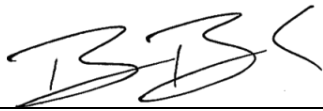
The coins deposited in parking meters and funds collected through other forms of payment are required and shall be used to defray the expense of proper regulation of traffic upon the public streets; to provide for the cost of supervision, regulation, and control of the parking of vehicles in parking zones; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters and other parking and traffic control devices. Any of such funds remaining thereafter may be used either to purchase, lease, or otherwise acquire parking lots or other off-street parking areas for the parking of vehicles; or such remaining funds may be used for the retirement of revenue bonds issued for the purpose of acquiring, improving, maintaining, or operating parking lots or other off-street parking areas for the parking of vehicles, in the event the revenue from such parking lots or other off-street parking areas for the parking of vehicles is insufficient to pay the cost of retiring such bonds and for any other lawful purpose permitted by the Code of Iowa. If the parking enterprise has a surplus in its fund, then this surplus may be transferred to any other city fund,

by resolution of the City Council.

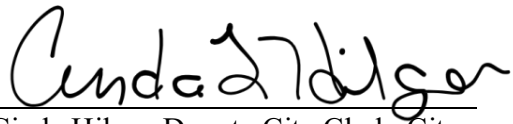
PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
NOVEMBER 21, 2024.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Cinda Hilger, Deputy City Clerk, City
of Muscatine

