

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF MASON CITY, IOWA, BY AMENDING TITLE 9 "MOTOR VEHICLES AND TRAFFIC", CHAPTER 1 "TRAFFIC DEFINITIONS", SECTION 1 DEFINITIONS; CHAPTER 10, "STOPPING, STANDING AND PARKING " SECTION 1 "STOPPING, STANDING OR PARKING PROHIBITED; NO SIGNS REQUIRED; SECTION 15 "FINES FOR PARKING VIOLATIONS"; AND CHAPTER 10, "STOPPING, STANDING AND PARKING" ARTICLE A. "ALTERNATE SIDE PARKING

BE IT ORDAINED by the City Council of the City of Mason City, Iowa:

Section 1: That the City Code of the City of Mason City, Iowa Title 9 "Motor Vehicles and Traffic" Chapter 1 "Traffic Definitions" Section 1 "Definitions" should be and the same is hereby amended as follows:

"TITLE 9

CHAPTER 1

9-1-1: DEFINITIONS:

DEFINITIONS: For the purposes of this title, the definitions detailed in section 321.1, Code of Iowa, and any revisions thereof are adopted in full by the City and incorporated as part of this title, to the extent the same are not in conflict with the following:

ALLEY: A street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

AUTHORIZED EMERGENCY VEHICLE: Vehicles of the Fire Department, police vehicles, ambulances, and emergency vehicles owned by the United States, this State, any subdivision of this State, or any Municipality of this State, and privately owned vehicles as are designated or authorized by the Director of Transportation under Iowa Code section 321.451.

BICYCLE: Any pedal-powered vehicle upon which the human operator sits.

BUSINESS DISTRICT: The territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

CROSSWALK: A marked or unmarked route, providing an accessible path to travel from one side of the street to the other. That portion of a street ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a street distinctly indicated for pedestrians crossing by pavement markings or signage.

DOUBLE PARKING: Parking on the roadway centerline side of any vehicle stopped or parked at the edge or curb, or in the absence of a curb at the edge of a street.

DRIVER OR OPERATOR: Every person who is in actual physical control of a vehicle upon a highway.

INTERSECTION: The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

MOTOR VEHICLE: Every vehicle which is self-propelled and not operated upon rails. The term "car" or "automobile" shall be synonymous with the term "motor vehicle".

MULTI-USE TRAIL: Any paved or smooth gravel or soil pathway dedicated for walking and bicycling that is separated from motor vehicle traffic.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight saving time, whichever shall be in current use in this City at the time.

OFFICIAL TRAFFIC CONTROL DEVICES: Any sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, multi-use trail or sidewalk by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

OVERSIZED VEHICLES: Vehicles that exceed seven (7) feet in height or eight (8) feet in width or twenty-five (25) feet in length.

PARK OR PARKING: An unoccupied vehicle, upon a parking lot, public right-of-way, street, or alley except when the operator is temporarily stopping for the purpose of and while actually engaged in receiving or discharging passengers, or loading or unloading merchandise, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle or in compliance with a duly authorized order from a peace officer.

PARKING LOT: Real estate purchased, leased or otherwise acquired for the use as a parking lot or other off street parking area for the parking of vehicles.

PARKWAY: A continuous area of public land comprising a way of approach or access for pedestrian or park vehicular passage, and which shall be improved with paths, drives, plantings or other recreational features in a parklike atmosphere.

PEDESTRIAN: Any person afoot, traveling by use of a mobility and ambulatory aid, or riding a bicycle.

PERSON: Every natural person, firm, 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, partnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purposes of sale or for renting, whether as agent, salesperson, or otherwise.

POLICE DEPARTMENT: Municipal agency responsible for enforcing State and local laws, detecting and preventing crime, and maintaining the peace within the City limits of Mason City.

POLICE OFFICER: Officers authorized to enforce laws or to make arrests.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

PUBLIC RIGHT-OF-WAY: The area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. The entire width between property lines open to public use as a matter or right for purposes of vehicular or pedestrian traffic including any unimproved portions thereof.

RAILROAD: A carrier of persons or property upon cars, operated upon stationary rails.

RAILROAD TRAIN: An engine or locomotive with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business, suburban, or school district where forty (40) percent or more of the property upon such highway for a distance of three hundred (300) feet is occupied by dwellings or by dwellings and buildings in use for business.

RIGHT-OF-WAY [ASSIGNMENT]: The permitting of vehicles and/or pedestrians to proceed in a lawful manner in preference to other vehicles or pedestrians by the display of a sign or signal indications.

ROADWAY: That portion of a street (paved or unpaved) designed or ordinarily used for vehicular travel. The entire width of an alley with no curb.

SAFETY OR DEADMAN THROTTLE: A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving tract.

SCHOOL DISTRICT: The territory contiguous to and including the highway for a distance of two hundred (200) feet in either direction from a school ground.

SIDEWALK: The improved portion of public right-of-way dedicated to pedestrian circulation.

SNOWMOBILE: Any self-propelled motor vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runners.

STANDING: The practice of a driver keeping a vehicle in a stationary position while continuing to occupy the vehicle.

STOP: Complete cessation of movement. When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

STREET OR HIGHWAY: The portion of a public right-of-way situated between the outside edges of the curbs, or in the absence of a curb, the outside edges of the roadway.

SUBURBAN DISTRICT: All other parts of the City not included in the business, school or residence districts.

THROUGH STREET: Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this title or such entrances are controlled by a peace officer or official traffic control device.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

TRAILER: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a highway. (Ord. 11-14, 9-20-2011)

Section 2: That the City Code of the City of Mason City, Iowa, Title 9, Chapter 10, "Stopping, Standing and Parking" Section 1 "Stopping, Standing Or Parking Prohibited; No Signs Required" should be and the same is hereby amended as follows:

"TITLE 9

CHAPTER 10

9-10-1: STOPPING, STANDING OR PARKING PROHIBITED; NO SIGNS REQUIRED:
Except as otherwise provided for in this section, no signs shall be required to make it illegal to stop, stand or park a vehicle contrary to the provisions of this section. No person shall stop, stand or park a vehicle in any of the following places:

A. On a sidewalk or multi-use trail or in such a manner as to obstruct any portion of thereof.

B. In front of a public or private driveway, ~~or~~ alley or approved access or entrance, or in such a manner as to obstruct any portion of thereof.

C. Within an intersection.

D. On a crosswalk or in such a manner as to obstruct any portion of a crosswalk.

E. Within ten (10) feet upon the approach to any flashing beacon, stop/yield sign or traffic control signal located at the side of a street.

F. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

G. On the roadway centerline side of any vehicle stopped or parked at the edge or curb, or in the absence of a curb at the edge of the street.

H. Upon any portion of a public right-of-way situated between the outside edge of the curb and the nearest adjacent property line, or in the absence of a curb any portion of a public right-of-way situated between the outside edge of the street and the nearest adjacent property line.

I. On any street in such manner that the vehicle is headed other than in the direction of traffic and/or parked farther than eighteen (18) inches from the face of the nearest curb or in the absence of a curb farther than eighteen (18) inches from the nearest edge of the street.

J. Upon any street unless a different parking time limit is required, for a period of time exceeding forty-eight (48) consecutive hours. Vehicles must be moved at least twenty (20) feet in distance during each forty-eight (48) hour time period in order to avoid penalty under this subsection.

K. On any street or alley in such manner or under such conditions as to leave available the lesser of fifteen (15) feet of the width of the roadway portion of any street or alley for free movement of vehicular traffic.

L. Upon any street for a period of time exceeding four (4) consecutive hours for any oversized vehicle, trailer not attached to a towing vehicle or any vehicle not registered as a passenger vehicle. The City Engineer or his designee, upon request, may permit parking of any of the above for a period of up to twenty-four (24) hours, provided all other provisions of this Code are complied with.

M. Within five (5) feet of a fire hydrant. (Ord. 12-17, 12-18-2012)

N. Upon any public right-of-way or street, a vehicle or trailer leaking motor oil, gasoline, antifreeze, brake fluid, power steering fluid, transmission fluid, or any other fluid.

O. Upon any public right-of-way or street, a vehicle not displaying current registration, or otherwise constituting an inoperable vehicle as set out in title. 8, chapter 5 of this Code. Vehicles in violation of this provision may be immediately towed.

Section 3: That the City Code of the City of Mason City, Iowa, Title 9, Chapter 10, "Stopping, Standing and Parking" Section 15 "Fines for Parking Violations" should be and the same is hereby amended as follows:

"TITLE 9

CHAPTER 10

9-10-15: FINES FOR PARKING VIOLATIONS: Except where otherwise provided, the fine for a violation of any parking regulation of this chapter shall be as follows:

Violation	Code Section	Paid Within 30 Days	Paid After 30 Days		
			Code Section	Paid Within 30 Days	Paid After 30 Days
Violation					
Failure to properly park in off street public parking space			9-7-1	\$20.00	\$30.00
Parking in City parking lot: in excess of posted sign limit, leased parking only, or parked more than 24 hours (if no sign)			9-7-2	\$20.00	\$30.00
Truck parking in off street public lot			9-7-3	\$20.00	\$30.00
Restricted parking:					
	On a sidewalk or multi-use trail or in such a manner as to obstruct any portion thereof		9-10-1A	\$20.00	\$30.00
	In front of a public or private driveway, alley or approved access or entrance or in such a manner as to obstruct any portion thereof		9-10-1B	\$20.00	\$30.00
	Within an intersection		9-10-1C	\$20.00	\$30.00
	On a crosswalk or in such a manner as to obstruct any portion of a crosswalk		9-10-1D	\$20.00	\$30.00
	Within 10 feet of upon the approach to any flashing beacon, stop/yield sign or traffic control signal located at the side of a street		9-10-1E	\$20.00	\$30.00

	Parking near street excavation/repair which obstructs traffic	9-10-1F	\$20.00	\$30.00
	Double parking.	9-10-1G	\$20.00	\$30.00
	Between curb and property line Upon any portion of a public right-of-way situated between the outside edge of the curb or edge of a street and the nearest adjacent property line	9-10-1H	\$20.00	\$30.00
	Headed wrong way or more than 18 inches	9-10-1I	\$20.00	\$30.00
	Overtime for 48 hour limit	9-10-1J	\$20.00	\$30.00
	Failure to preserve 15 feet roadway	9-10-1K	\$20.00	\$30.00
	4 hour limit for non-passenger vehicles	9-10-1L	\$20.00	\$30.00
	Parked within 5 feet of fire hydrant	9-10-1M	\$20.00	\$30.00
	Vehicle or trailer leaking motor oil, gasoline, antifreeze, brake fluid, power steering fluid, transmission fluid, or any other fluid.	9-10-1N	\$20.00	\$30.00
	Vehicle not displaying current registration, or otherwise constituting an inoperable vehicle as set out in title	9-10-1O	\$20.00	\$30.00
Restricted parking:				
	No parking signs	9-10-2	\$20.00	\$30.00
	During certain hours, or fail to display valid City issued parking permit	9-10-3	\$20.00	\$30.00
Overtime parking		9-10-4	\$20.00	\$30.00
Overtime/loading zone		9-10-5	\$20.00	\$30.00
Bus and taxi stops		9-10-6	\$20.00	\$30.00
Unlawful parking:			\$20.00	\$30.00
	For sale or repair	9-10-7	\$20.00	\$30.00
Improper parking:				
	Not within lined space	9-10-8	\$20.00	\$30.00
	Alternate side parking, snow removal	9-10A-3	\$20.00	\$30.00
	Prohibited act in residential parking permit district	9-10B-8	\$20.00	\$30.00
Persons with disabilities parking		9-10-17	\$200.00	\$200.00
Parking in fire lane		9-10-18	\$20.00	\$30.00

(Ord. 12-17, 12-18-2012; amd. 2017 Code; Ord. 21-16, 12-21-2021)

Section 4: That the City Code of the City of Mason City, Iowa, Title 9, Chapter 10, "Stopping, Standing and Parking" Article A. "Alternate Side Parking" should be and the same is hereby amended as follows:

"TITLE 9

CHAPTER 10

ARTICLE A. ALTERNATE SIDE PARKING

9-10A-1: APPLICATION OF ARTICLE:

The provisions of this article prohibiting the standing or parking of vehicles or unattended vehicles on certain designated streets or parts of streets shall apply from November 15 to March 31 of the following year unless suspended by the City Administrator. (Ord. 08-16, 11-4-2008)

9-10A-2: NOTIFICATION TO THE PUBLIC:

Alternate side parking shall be in effect from November 15 through March 31. The provisions of this article prohibiting parking on parts of streets and alleys shall become effective on November 15 of each year through March 31 of the year following. The City shall notify the general public of the November 15 effective date each year through public announcement. (Ord. 08-16, 11-4-2008)

9-10A-3: PARKING PROHIBITED UNDER CERTAIN CONDITIONS:

It shall be unlawful for any person to park, abandon, or leave unattended any vehicle on any street or alley in violation of the following provisions:

A. Parking shall be prohibited on the odd numbered side of the street after seven o'clock (7:00) P.M. on an odd numbered day until four o'clock (4:00) P.M. the following even numbered day.

B. Parking shall be prohibited on the even numbered side of the street after seven o'clock (7:00) P.M. on an even numbered day until four o'clock (4:00) P.M. the following odd numbered day.

C. The changeover period shall be between the hours of four o'clock (4:00) P.M. and seven o'clock (7:00) P.M. of each day.

D. Parking shall be allowed on both sides of the streets on each Saturday from four o'clock (4:00) P.M. to ten o'clock (10:00) P.M. and also on each Sunday from six o'clock (6:00) A.M. to one o'clock (1:00) P.M.

Exception: Parking shall be allowed on both sides of the street from four o'clock (4:00) P.M. to one o'clock (1:00) A.M. on Christmas Eve.

E. Parking shall be prohibited on all vehicle turnaround portions of the cul-de-sac.

F. During alternate side parking, signs prohibiting parking at all times on one (1) entire side of the street only shall not be enforced and alternate side parking regulations shall be in effect.

G. Nothing contained in this section shall be construed to permit parking on streets where parking is prohibited on both sides at all times or during specified hours nor permit parking in areas where parking is otherwise prohibited at all times except as permitted herein.

H. This article shall not apply to Highway 122 and U.S. Highway 65 south of Eighth Street south and north of Fifth Street north, nor to the business district. (Ord. 08-16, 11-4-2008)

I. For purposes of this article, the term "business district" is defined as that area bounded by and including all streets which lie between Georgia Avenue on the east, Adams Avenue on the west, Fourth Street south on the south and Fourth Street north on the north. Also, the 3 block section of 2nd Street NE that extends from North Georgia Avenue to North Massachusetts Avenue.

Exception: During normal business hours, parking shall be permitted within one hundred feet (100') of the main entrance of a commercial business location on the side adjacent to the business. (Ord. 09-02, 2-17-2009)

9-10A-4: SIGNS POSTED:

The provisions of this article shall be in full force and effect throughout the City when signs are posted on primary or secondary roads at or near their points of intersection with the corporate boundaries of the City stating:

Alternate side parking is in effect November 15 through March 31.

(Ord. 08-16, 11-4-2008)

9-10A-5: REMOVAL OF PARKED OR UNATTENDED VEHICLES:

Any vehicle parked or otherwise left unattended in violation of any of the provisions of this article is declared to be a nuisance per se and shall be subject to removal by the City by means of towing or otherwise. Any removal and resulting storage of such a vehicle shall be at the expense of the owner or operator thereof as set out in section 9-10-11 of this chapter. (Ord. 08-16, 11-4-2008)

9-10A-6: SUSPENSION OF ALTERNATE SIDE PARKING:

Alternate side parking shall be in effect from November 15 through March 31 of each year. Alternate side parking may be suspended or terminated by the City Administrator through a public announcement. (Ord. 08-16, 11-4-2008)

9-10A-7: PENALTY:

A. Any community services or police officer of the Mason City Police Department shall be authorized to issue notice of fines and or tow vehicles blocking traffic or parking in violation of this Code. The owner of the vehicle shall pay the costs of fines, towing and storage occasioned by the removal of the vehicle as provided herein.

B. If a notice of fine for an alternate side parking violation, in a form and manner prescribed by section 9-10-16 of this chapter, has been given in the manner prescribed in section 9-10-15 of

this chapter, and the fine is not paid as prescribed in such notice and as established by this Code, the bureau shall cause such violation to be filed against the registered owner thereof who shall be prima facie responsible for said violation. It shall be a misdemeanor for any person to permit or allow a motor vehicle to be parked in violation of the provisions of this Code. The penalty for each violation shall be twenty dollars (\$20.00). (Ord. 08-16, 11-4-2008). Fines not paid within 30 days will increase to thirty dollars (\$30).

9-10A-8: EXTENSION OF ALTERNATE SIDE PARKING:

The City Administrator, Operations Manager or designee may declare a snow emergency through public announcement between April 1 and November 14 of each year. Such public announcement of a snow emergency between April 1 and November 14 shall constitute notice to the general public and all the provisions of this article shall be in effect until terminated by public announcement. (Ord. 08-16, 11-4-2008)

9-10A-9: EMERGENCY SNOW ROUTES:

The following streets are hereby designated as emergency snow routes:

First Street Northwest between Monroe Avenue to Pierce Avenue.

Alternate side parking rules in section 9-10A-3 of this article shall not apply to streets designated emergency snow routes. Emergency snow routes shall be in effect when declared through public announcement by the City Administrator or designee until terminated by public announcement. Parking shall be prohibited on both sides of the street designated as emergency snow routes when emergency snow routes are in effect. (Ord. 09-02, 2-17-2009)

Section 5: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6: If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section thereof, or part thereof, not adjudged invalid or unconstitutional.

Section 7: This ordinance shall be in full force and effect upon its final passage, approval and publication as required by law.

PASSED AND APPROVED this 3rd day of October, 2023.

/s/Bill Schickel

Bill Schickel, Mayor

ATTEST:

/s/Aaron Burnett

Aaron Burnett, City Clerk

1st consideration: September 5, 2023

2nd consideration: September 19, 2023

3rd consideration: October 3, 2023