

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 2.42.040 of the Lincoln Municipal Code to
2 provide that the Parking Services Division of the Urban Development Department shall be
3 responsible for managing and enforcing on-street and off-street parking of the City of Lincoln;
4 amending Chapter 10.02 of the Lincoln Municipal Code relating to definitions associated with
5 Vehicles and Traffic by creating new sections 10.02.252 and 10.02.254 to provide definitions for
6 “Parking Control Officer” and “Parking Services Enforcement Area”, respectively; amending
7 Section 10.06.010 of the Lincoln Municipal Code to provide that the Director of Public Works and
8 Utilities shall determine where public parking will be metered or otherwise regulated; amending
9 Section 10.06.040 of the Lincoln Municipal Code to establish a Parking Records Bureau within the
10 Urban Development Department; amending Section 10.06.070 of the Lincoln Municipal Code to
11 provide that Parking Control Officers shall have the power to issue citations for the specific parking
12 and registration violations set forth in Section 10.06.110(b) of the Lincoln Municipal Code;
13 amending Section 10.06.110 of the Lincoln Municipal Code to set forth the violations for which a
14 Parking Control Officer shall issue citations; amending Section 10.34.020 of the Lincoln Municipal
15 Code to provide that the Parking Services Division of the Urban Development Department shall be
16 responsible for installing parking meters; amending Section 10.34.100 of the Lincoln Municipal
17 Code to provide that the Parking Services Division of the Urban Development Department shall be
18 responsible for the collection of parking meter fees; amending Section 10.36.010 of the Lincoln
19 Municipal Code to provide that the Directors of Public Works and Utilities and Urban Development
20 shall make recommendations to the Mayor regarding the creation of off-street parking facilities;
21 amending Sections 10.36.030 and 10.36.040 of the Lincoln Municipal Code to provide that the
22 Director of Urban Development shall designate, locate, and take all steps necessary for the effective

1 operation of gated parking facilities; amending Section 10.36.100 of the Lincoln Municipal Code
2 to provide that the Director of Urban Development shall set the parking fees to be collected for off-
3 street parking facilities; amending Section 10.44.030 of the Lincoln Municipal Code to authorize
4 Parking Control Officers to contact the Police Department for impoundment of vehicles parked in
5 violation of any parking ordinance of the City; amending Section 10.44.040 provide that the Chief
6 of Police and the Director of Urban Development shall be accountable for any fees collected relating
7 to impounded vehicles; and repealing Sections 2.42.040, 10.06.040, 10.06.070, 10.06.110,
8 10.36.030, 10.36.040, 10.36.100, 10.44.030 and 10.44.040 of the Lincoln Municipal Code as
9 hitherto existing.

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

11 Section 1. That Section 2.42.040 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **2.42.040 Divisions.**

14 The functions and duties of the Urban Development Department shall include the following:

15 (a) The department shall be responsible for creating an analytical framework and a
16 process for establishing a city-wide development strategy in coordination with the divisions within
17 the department and all other city departments.

18 (b) The Community Development Division shall aid in the implementation of the
19 Comprehensive Plan; be responsible for community development and redevelopment, neighborhood
20 project planning, and community participation; aid, encourage, stimulate, and facilitate the
21 maintenance and development of an adequate supply of safe, sanitary housing for all citizens of the
22 City of Lincoln; encourage the rehabilitation of unsafe structures of all types which present a hazard
23 to the health and safety of the citizens of the City of Lincoln; encourage the preservation and
24 conservation of areas in the city that are deteriorating.

1 (c) The Real Estate and Relocation Assistance Division shall be responsible for acquiring
2 necessary interests in real property for the city and to provide the necessary relocation assistance
3 services to affected citizens.

4 (d) The Training Resource Center shall be a division of the Urban Development
5 Department and, in conjunction with the Lincoln Private Industry Council, Inc., shall be responsible
6 for planning, coordinating, and administering employment and training programs for economically
7 disadvantaged persons and dislocated workers within the designated service area as established
8 under the Job Training Partnership Act (PL 97-300).

9 (e) The Parking Services Division shall be responsible for managing and enforcing the
10 on-street and off-street parking of the City of Lincoln. The Director of Urban Development shall
11 have the authority to appoint or contract for Parking Control Officers with the duties described in
12 Section 10.06.070 of the Lincoln Municipal Code. The Director of Urban Development shall
13 determine the qualifications, both physical and educational, required for the performance of Parking
14 Control Officers.

15 Section 2. That Chapter 10.02 of the Lincoln Municipal Code be amended by adding
16 a new section numbered 10.02.252 to read as follows:

17 **10.02.252 Parking Control Officer**

18 Parking Control Officer shall mean any individual designated by the Director of Urban
19 Development, whether employed or under contract, working under the supervision of the Urban
20 Development Department and conducting the city's parking program for either on-street or off-street
21 enforcement within the Parking Services Enforcement Area.

22 Section 3. That Chapter 10.02 of the Lincoln Municipal Code be amended by adding
23 a new section numbered 10.02.254 to read as follows:

1 **10.02.254 Parking Services Enforcement Area.**

2 The Parking Services Enforcement Area shall include that portion of the city within the
3 following bounds: from the west line of 7th Street east along the south line of H Street to the east
4 line of 17th Street, then north along the east line of 17th Street to the south line of K Street, then east
5 on the south line of K Street to the east line of 21st Street, then north on the east line of 21st Street
6 to the north line of Q Street, then west on the north line of Q Street to the east line of 19th Street,
7 then north on the east line of 19th Street to the north line of R Street, then west on the north line of
8 R Street to the east line of 17th Street, then north on the east line of 17th Street to the north line of
9 X Street, then west on the north line of X Street to the west line of 16th Street, then south on the
10 west line of 16th Street to the north line of W Street, then west on the north line of W Street to the
11 west line of 14th Street, then south on the west line of 14th Street to the north line of R Street, then
12 west on the north line of R Street to the east line of Stadium Drive, then north on the east line of
13 Stadium Drive to the north line of the Salt Creek Roadway, then southwesterly along the north line
14 of the Salt Creek Roadway to the west line of Arena Drive, then south on Arena Drive to the south
15 line of N Street, then east on the south line of N Street to the west line of 7th Street, then south on
16 the west line of 7th Street to the south line of H Street.

17 Section 4. That Section 10.06.040 of the Lincoln Municipal Code be amended to
18 read as follows:

19 **10.06.040 Central Records Bureau.**

20 There is hereby established in the Police Department of the city a Central Records Bureau
21 to be under the supervision of the Chief of Police. The Central Records Bureau shall keep a record
22 of all violations of the traffic ordinances of the city and shall make such records available for use
23 and study by the Department of Public Works and Utilities.

24 The Parking Services Division shall provide information to the Central Records Bureau, in
25 a format determined by the Central Records Bureau, relating to all violations of the city ordinances

1 delegated for enforcement to the Parking Services Division. The Parking Services Division or its
2 designee shall be given access to the records kept by the Central Records Bureau for the
3 enforcement purposes of the Parking Services Division.

4 Section 5. That Section 10.06.070 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **10.06.070 Enumeration of Powers and Duties.**

7 (a) The Chief of Police or any police officer shall have the power of:

8 (a1) Peace officers for the purpose of enforcing the provisions of this title and for
9 the purpose of enforcing any other law regulating the operation of vehicles or the use of the streets,
10 alleys and public ways;

11 (b2) To make arrests upon view and without warrant for any violation committed
12 in their presence of any of the provisions of this title, or of any other law regulating the operation
13 of vehicles or the use of the streets, alleys and public ways or of the laws of the state and ordinances
14 of the city;

15 (c3) At all times to direct all traffic in conformity with law or in the event of a fire
16 or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may
17 require, notwithstanding the provisions of law;

18 (d4) When in uniform, or upon presentation of their police commission, and upon
19 reasonable suspicion to believe any motor vehicle is in violation of motor vehicle equipment or
20 safety requirements of the city to require the driver thereof to stop and exhibit his or her operator's
21 license and registration card issued for the vehicle and to submit to an inspection of such vehicle,
22 the registration plates and registration card thereon and to require the drivers of motor vehicles to
23 present such vehicles within five days for correction of any defects revealed by such motor vehicle
24 inspection;

25 (e5) To serve warrants relating to the enforcement of laws and of ordinances; and

1 (f6) To investigate traffic accidents for the purpose of carrying on a study of traffic
2 accidents and enforcing motor vehicle and street and highway safety laws and ordinances.

3 (b) (1) A Parking Control Officer shall have the power to issue citations for specific
4 parking and registration violations as indicated in Section 10.06.110(b).

5 (2) This subsection shall not be construed as granting Parking Control Officers
6 the power or authority of a peace officer or police officer.

7 Section 6. That Section 10.06.110 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **10.06.110 Issuing Citations.**

10 (a) It shall be the duty of any police officer to issue a citation which shall be processed
11 originally through the Violations Bureau upon finding:

12 (a1) Any motor vehicle in violation of a motor vehicle parking ordinance or of a
13 duly established parking regulation of the city;

14 (b2) Any motor vehicle stopped or parked in such a manner as to interfere with
15 the lawful use of the street;

16 (c3) Any motor vehicle stopped or parked in violation of Chapter 10.32 of this
17 title; or

18 (d4) Any motor vehicle parked on any street or other public property within the
19 city which is in violation of a city ordinance regarding the registration certificate or registration or
20 display of proper plates.

21 (b) It shall be the duty of any Parking Control Officer to issue a citation, within the
22 Parking Service Enforcement area, which shall be processed originally through the Violations
23 Bureau upon finding:

24 (1) Any motor vehicle stopped or parked in violation of any of the following
25 sections of the Lincoln Municipal Code: 10.08.030, 10.08.050, 10.32.010, 10.32.015, 10.32.020,

1 10.32.050, 10.32.070, 10.32.080, 10.32.090, 10.32.100, 10.32.110, 10.32.140, 10.32.150, 10.32.160,
2 10.32.170, 10.32.190, 10.32.200, 10.32.210, 10.32.220, 10.32.240, 10.32.250, 10.32.260, 10.32.280,
3 10.32.290, 10.32.300, 10.32.310, 10.32.320, 10.32.330, 10.32.350, 10.34.050, 10.34.060, 10.40.110,
4 and 10.44.030.

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

8 (3) The provisions of this subsection shall not be construed to restrict or prohibit
9 any Police officer or employee from also enforcing parking or registration violations in the City of
10 Lincoln.

11 Section 7. That Section 10.34.020 of the Lincoln Municipal Code be amended to
12 read as follows:

13 **10.34.020 Location and Placing of Meters.**

14 The Director of Public Works and Utilities shall, by rules and regulations, designate the
15 streets, public ways, or parking facilities, or portions thereof, upon which parking meters shall be
16 located and installed, and ~~shall install~~ the Parking Services Division of the Urban Development
17 Department shall be responsible for installing the parking meters in accordance therewith.

18 Section 8. That Section 10.34.100 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **10.34.100 Collection of Parking Meter Fees.**

21 (a) All of the money placed in each parking meter shall be collected, pursuant to written
22 procedures approved by the Finance Director, by ~~personnel of the Lincoln Police Department~~
23 ~~designated by the Chief of Police~~ the Parking Services Division of the Urban Development
24 Department, or its designee. The coin receptacle shall be securely locked into each meter at all times
25 except during the period of time actually necessary to remove money from the receptacle or to

1 inspect, adjust, or repair the meter, and the key shall be retained in the custody of the ~~Lincoln Police~~
2 ~~Department~~ Parking Services Division. Collection shall be effected by dumping the contents of the
3 coin receptacle of each parking meter, at the meter, into the locked money container of a collection
4 device or vehicle. All money collected from parking meters shall be delivered directly to a bank
5 designated by the City Treasurer, immediately after the completion of the particular collection tour.
6 The total amount so collected shall be deposited in said bank to the credit of the account of the City
7 Treasurer of the City of Lincoln. The deposit receipt for such deposit shall be delivered by the
8 employee or employees making the deposit to the City Treasurer within one working day of the
9 deposit.

10 (b) Notwithstanding any other provision of this title to the contrary, a collection device
11 or vehicle may be operated on the public streets or sidewalks when engaged in any activity
12 authorized by this section. The driver or operator of such collection device or vehicle shall operate
13 it with due regard for the safety of all persons.

14 Section 9. That Section 10.36.020 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **10.36.020 Creation of Off-street Parking Facilities.**

17 The Mayor, after traffic, engineering, and cost studies and recommendations by the Directors
18 of Public Works and Utilities and Urban Development, may designate for the development of off-
19 street parking for public access such areas within the city and owned by the city as may be necessary
20 to promote the purpose of relieving traffic congestion, and making provision for convenient parking
21 in order to facilitate the free flow of traffic, and to address growth and development.

22 Section 10. That Section 10.36.030 of the Lincoln Municipal Code be amended to
23 read as follows:

1 **10.36.030 Designation, Location, and Operation of Gated Parking Facility.**

2 The Director of ~~Public Works and Utilities~~ Urban Development shall, by rules and
3 regulations, designate the parking facilities or portions thereof which shall be gated, and shall locate
4 and install all necessary equipment and take all steps necessary for the effective operation of such
5 facilities.

6 Section 11. That Section 10.36.040 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **10.36.040 Payment of Parking Fees and Time Limits.**

9 For the purpose of relieving traffic congestion and making provision for convenient parking
10 in order to facilitate the free flow of traffic, there is hereby imposed a fee, as hereinafter provided,
11 upon each person parking a motor vehicle upon any gated parking facility as designated by the
12 Director of ~~Public Works and Utilities~~ Urban Development, ~~which shall be imposed during the hours~~
13 ~~as set by the rules and regulations of the Director of Public Works and Utilities after traffic~~
14 ~~engineering investigation.~~ The parking fee rates and any parking time limits shall be distinctly and
15 clearly indicated at all entrances to any gated parking facility. The operator of any vehicle upon
16 entering any gated parking facility so marked thereby agrees to pay the parking fee with regular
17 money of the United States before exiting the facility with said vehicle, except in those cases where
18 the fee for parking in a gated facility is fully paid at the entrance to that facility. A parking space
19 in any gated facility or other city-owned or operated parking facility may be occupied by a vehicle
20 during the parking time period as indicated at the entrance to that facility, and if no such time period
21 limitation is so indicted, the vehicle may be parked only for a time not to exceed the limitations of
22 Chapter 10.42 of this code, relating to abandoned vehicles.

23 Section 12. That Section 10.36.100 of the Lincoln Municipal Code be amended to
24 read as follows:

1 **10.36.100 Disposition of Fees.**

2 The Director of ~~Public Works and Utilities~~ Urban Development shall, after traffic, cost and
3 engineering studies, set the parking fees to be collected under this chapter at equitable and
4 reasonable rates to adequately provide for the relief of traffic congestion, and to provide convenient
5 parking in order to facilitate the free flow of traffic; provided, however, that the fees collected under
6 this chapter shall not exceed the reasonable cost to the city of providing, maintaining, repairing,
7 regulating, supervising, and policing city-owned and operated off-street parking facilities. All
8 monies received from the operation of said gated parking facility shall be deposited with the City
9 Treasurer, and, except to the extent that such monies have been pledged to the payment or securing
10 of parking revenue bonds, shall be placed by the City Treasurer to the credit of the Off-street
11 Parking Revolving Fund.

12 Section 13. That Section 10.44.030 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **10.44.030 Impounding Vehicles; Fee For Release.**

15 Whenever any vehicle is found by a police officer parked or left standing in the streets,
16 alleys, public ways or parking facilities, or other public places of the city or in violation of any
17 ordinances of the city or which is subject to impoundment pursuant to Chapter 10.06 or other
18 applicable ordinances of the city, the police officer may remove and convey the vehicle by means
19 of towing it or otherwise to the automobile pound, or such police officer may remove said vehicle
20 or order that said vehicle be towed to the location contracted for by the city for the placement of im-
21 pounded vehicles; and thereupon the vehicle shall not be discharged or removed from the
22 automobile pound, or such location as may have been contracted for by the city for the placement
23 of impounded vehicles, except upon payment by the owner, driver, or operator of such vehicle of
24 a towing and storage fee as established by resolution of the City Council if such vehicle is held in
25 the automobile pound of the City of Lincoln.

1 Whenever any vehicle is found by a Parking Control Officer parked in violation of any
2 parking ordinances of the city delegated for their enforcement or which is subject to impoundment
3 pursuant to Chapter 10.06 or other applicable ordinances of the city, the Parking Control Officer
4 may order that said vehicle be towed to the location contracted for by the city for the placement of
5 impounded vehicles; and thereupon the vehicle shall not be discharged or removed from the
6 automobile pound, or such location as may have been contracted for by the city for the placement
7 of impounded vehicles, except upon payment by the owner, driver, or operator of such vehicle of
8 a towing and storage fee as established by resolution of the City Council if such vehicle is held in
9 the automobile pound of the City of Lincoln.

10 In the case when such vehicle is towed or removed to a location contracted for by the city
11 for the placement of impounded vehicles, then the owner, driver, or operator shall pay such towing
12 fees and storage costs as may be established by a contract between the City of Lincoln and such
13 person, firm, or corporation operating such facility. When the owner, driver, or operator of the
14 vehicle so impounded claims such vehicle, it shall be the duty of the person in charge to inform the
15 owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was
16 impounded. If such person is found not guilty by the court upon such charges, the city shall refund
17 to such person the fees paid by such person.

18 Section 14. That Section 10.44.040 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **10.44.040 Account For Fees Collected.**

21 It shall be the duty of the Chief of Police and the Director of Urban Development to account
22 for any fees collected under the provisions of this chapter to the City Treasurer, who shall place the
23 same in the City Garage Fund. The Chief of Police and the Director of Urban Development shall
24 also keep a record of the name of the owner of each vehicle impounded, the number of the

1 registration plates thereon, the nature and circumstances of each violation involved, and the
2 disposition of each case.

3 Section 15. That Sections 2.42.040, 10.06.040, 10.06.070, 10.06.110, 10.36.030,
4 10.36.040, 10.36.100, 10.44.030 and 10.44.040 of the Lincoln Municipal Code as hitherto existing
5 be and the same are hereby repealed.

6 Section 16. That this ordinance shall take effect and be in force from and after
7 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
8 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2010: _____ Mayor
