

ORDINANCE NO. 43425

AN ORDINANCE to amend Omaha Municipal Code 36-156, 36-175, 36-193, 36-215, 36-220, 36-221, 36-232, and 36-281; to repeal Sections 36-156, 36-175, 36-193, 36-215, 36-216, 36-220, 36-221, 36-232, 36-281, and 36-288 as heretofore existing; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Omaha Municipal Code Sec. 36-156 is hereby amended to read as follows:

Sec. 36-156. Stopping, standing or parking prohibited in specified places.

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal:

- (a) Within an intersection;
- (b) On a crosswalk;
- (c) Between a safety zone and the adjacent curb or within 15 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
- (d) Within 30 feet from the intersection of curblines or, if none, then within 30 feet of the intersection of property lines, except at alleys, unless a different length is indicated by official signs or markings;
- (e) Within 15 feet of the driveway entrance to any fire station;
- (f) Within 15 feet of a fire hydrant on the streets where parallel parking is allowed and within 15 feet of a fire hydrant on streets where diagonal parking is allowed, except that, when the permission of the city traffic engineer is given, taxicabs may park in fire hydrant zones designated by him when the driver remains at the wheel;
- (g) In front of a private driveway, or within three feet of the point where a private driveway meets the street;
- (h) On a sidewalk ~~except when a permit or lease is granted for the use of such area;~~
- (i) Alongside of or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct traffic;
- (j) On the roadway side of any vehicle stopped or parked at the curb or edge of a street, commonly known as double parking;
- (k) At any place where official traffic signs prohibit parking, stopping or standing;

Section 2. That Omaha Municipal Code Sec. 36-175 is hereby amended to read as follows:

Sec. 36-175. Free parking for handicapped persons.

The holder of any current permit issued pursuant to R.R.S. 1943, § 18-1738, or current license issued pursuant to R.R.S. 1943, § 60-311.14, shall be entitled to free parking in areas designated as being reserved for handicapped persons as well as free parking on city-owned metered parking stalls for the base duration of that parking stall, and while abiding all other provisions of this chapter.

Section 3. That Omaha Municipal Code Sec. 36-193 is hereby amended to read as follows:

Sec. 36-193. Permit fees.

- (a) Standard Loading Zone Permit. For the purpose of defraying the cost to the city for regulating, supervising, marking, policing and maintaining the use or privilege provided for by this division, there is hereby imposed an annual fee in the amount indicated for a standard permit to be issued under the provisions of this division:

(1) Within a metered parking district, per front foot so used: \$25.00 for a parallel stall and \$50.00 for an angled or perpendicular stall.

(2) Outside a metered parking district, per front foot so used: \$15.00 for a parallel stall and \$25.00 for an angled or perpendicular stall.

- (b) Smart Loading Zone Rates and Penalties. For the purpose of defraying the cost to the city for regulating, supervising, marking, policing and maintaining the use or privilege provided for by this division, there is hereby imposed the following parking rates for use of a Smart Loading Zone contemplated under the provisions of this division:

Minutes	Rate per minute	Total maximum cost
0—5 minutes	\$0.07	\$0.35
5-15 minutes	\$0.14	\$1.75
15-30 minutes	\$0.21	\$4.90
30-60 minutes	\$0.28	\$13.30

(1) Whoever violates or fails to comply with any provision of Section 36-193(b) shall be subject to paying the fee for use of the smart loading zone plus the cost of processing the bill for such non-permitted use.

- (c) Hospitality Loading Zone Permit and Rates. For the purpose of defraying the cost to the city for regulating, supervising, marking, policing and maintaining the use or privilege provided for by this division, there is hereby imposed an annual permit fee in the amount indicated for a hospitality permit to be issued under the provisions of this division:

(1) Within a metered parking district, per front foot so used: \$25.00 for a parallel stall and \$50.00 for an angled or perpendicular stall.

(2) Outside a metered parking district, per front foot so used: \$15.00 for a parallel stall and \$25.00 for an angled or perpendicular stall.

Furthermore, a right-of-way use fee in the amount of \$0.50 per vehicle will be imposed to defray the cost to the city for maintaining the infrastructure associated with these zones.

- (d) Notwithstanding the above, for short term or single event valets, a parking meter hood shall be used to designate a temporary parking space to facilitate parking via valet elsewhere. Such hoods shall be charged on a per day rate. For valet events in the 2+ zone the rate shall be \$29 per space, for 3+ zone the rate shall be \$15.50 per space, and for the E+ zone the rate shall be

~~\$10.00 \$6.00 per space. two-, three- and four-hour meters that rate shall be \$15.00 per meter. For a ten-hour meter, that rate shall be \$8.00 per day.~~

- (e) Such fee shall be paid to the city before any permit shall be issued under this division.
- (f) The permit fee shall not be charged where the lot, tract or parcel of land served by the zone to be permitted is a public school, denominational school, church, charitable institution or public building, or for taxicab stands located outside the congested traffic district or metered parking district.

Section 4. That Omaha Municipal Code Sec. 36-215 is hereby amended to read as follows:

Sec. 36-215. Overtime parking.

If any vehicle shall remain parked in any parking space beyond the parking time limit as indicated on such meter for the particular amount paid, ~~the parking meter shall display a sign or signal showing that such parking is illegal; and in that event~~ such vehicle shall be considered as parked overtime and in violation of this division. It shall be unlawful for any person to permit a vehicle owned or operated by him or her to remain parked overtime.

Section 5. That Omaha Municipal Code Sec. 36-216 is hereby deleted as follows:

~~Sec. 36-216. Extending parking time.~~

~~It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin, or to otherwise make payment, for the purpose of extending the parking time beyond that fixed by the ordinances of the city, rules and regulations thereunder, for parking in the particular space alongside of which the parking meter is placed.~~

Section 6. That Omaha Municipal Code Sec. 36-220 is hereby amended to read as follows:

Sec. 36-220. Parking meter checker enforcement personnel—Duties generally.

~~Each Parking meter checker~~ Parking enforcement personnel of the city and designated employees of the public works department are hereby authorized and it shall be their duty to issue written notices, as provided in this Code, whenever any vehicle is found unlawfully parked on any public street in the city, or is found unlawfully parked in any loading or freight zone, or in any no-parking zone designated by appropriate signs or markings, or unlawfully parked in any limited public off-street parking area designated in accordance with section 36-168, or whenever any vehicles are found so unlawfully parked within the area of any parking meter zone. Only employees assigned to classifications consistent with the duties herein shall be assigned the authority to issue the notices provided for in this section. Every ~~parking meter checker~~ enforcement personnel and designated employees of the public works department are further authorized and it shall be their duty to issue written notice, as provided in this Code, whenever any vehicle is found in violation of this Code. The term "~~parking meter checker~~ enforcement personnel," as used in this chapter, may include (1) private parties, and their employees, with whom the city contracts for such purpose, and (2) employees and agents of the Omaha Douglas Public Building Commission, authorized by the city for such purpose.

Section 7. That Omaha Municipal Code Sec. 36-221 is hereby amended to read as follows:

Sec. 36-221. Same—Limitation of duties.

Division 3 of article VI of this chapter shall not be construed as granting or establishing in parking ~~meter-checkers~~ enforcement personnel or assigned public works department employees the powers or authority of a peace officer, and such parking ~~meter-checkers~~ enforcement personnel or assigned public works department employees shall be strictly limited to the exercise and performance of the duties provided for in this division.

Section 8. That Omaha Municipal Code Sec. 36-232 is hereby amended to read as follows:

Sec. 36-232. Summary removal authorized.

Authorized personnel of the city are hereby empowered to remove or authorize the removal of a vehicle from city property or right of way under any of the following circumstances:

- (a) When a vehicle endangers the public health, welfare, or safety;
- (b) When a vehicle upon city property or right of way is stationary, and the person or persons in charge of the vehicle are incapacitated to such extent as to be unable to provide for its custody or removal;
- (c) When an unattended vehicle is unlawfully parked so as to constitute a hazard or obstruction to the normal movement of vehicular or pedestrian traffic;
- (d) When an unattended vehicle is parked unlawfully in an area designated as a tow zone by the city;
- ~~(d)~~(e) When an unattended vehicle with no license plate and no observable Vehicle Identification Number (VIN) is unlawfully parked in the right of way;
- ~~(e)~~(f) When a vehicle is in violation of any provision of this Code or of state law authorizing towing or removal for that violation; or
- ~~(f)~~(g) When towing or removal is necessary as an incident to an arrest.

Section 9. That Omaha Municipal Code Sec. 36-281 is hereby amended to read as follows:

Sec. 36-281. Establishment.

For the purposes hereinafter provided, the parking and mobility division of the public works department is hereby established a as the nonmoving traffic violations bureau for the city.

Section 10. That Omaha Municipal Code Sec. 36-288 is hereby amended to read as follows:

Sec. 36-288. Enforcement and penalty.

(a) Prosecution of a violation of any provision of this chapter or of any parking violation shall be handled by the office of the city prosecutor.

(b) The violation of any offense listed in the attached Table 36-288 shall be punished by a fine as listed for such offense in such Table 36-288. For each such fine, starting in 2023 \$9.00 of such fine shall constitute an administrative fee to defray the city's costs associated with parking enforcement, subject to any adjustments under this section. Beginning on January 1, 2024, the administrative fee will be recalculated as described in Section 36-287 prior to the beginning of the calendar year. The annual administrative fee will be published on the website of the parking and mobility division and in other materials prepared by that division. The remainder of such fine shall constitute a penalty.

(c) The total amount of a fine for an offense listed in Table 36-288, except those fines involving expired meters, shall be reduced by \$6.00 if paid within 48 hours of the time of citation. For

expired meters, if the user of an offending vehicle pays for their parking session by paying the maximum daily rate for parking in the zone in which they parked within 24 hours of the time of citation, then all obligations pursuant to the citation will have been satisfied and the citation will be held for naught. The total amount of a fine for an offense listed in Table 36-288 shall be increased by \$20.00 if not paid within 30 days of the date of the citation. Such increases and decreases shall have the effect of increasing or decreasing the administrative fee component of the fines.

(d) The city may conduct studies on a periodic basis to consider adjustments to the fines provided under this section.

TABLE 36-288 (All references to "admin fee" are for the administrative fee calculated pursuant to Omaha Municipal Code §36-288(b))

	Fine plus admin. Fee
Expired Meter	\$16.00
Expired Meter – 2+ Zone	\$31.00 plus admin fee
Expired Meter – 3+ Zone	17.00 plus admin fee
Expired Meter – Economy Zone	7.00 plus admin fee
Expired Meter – Event Zone	41.00 plus admin fee
Prohibited by Sign	16.00 7.00 plus admin fee
Prohibited by Sign—No Parking Anytime	16.00 7.00 plus admin fee
Park Time Limited—Sign	16.00 7.00 plus admin fee
Extending Parking Time Meter	16.00
Prohibited Place	16.00 7.00 plus admin fee
Blocking Sidewalk	16.00 7.00 plus admin fee
Parked in Two Stalls	16.00 7.00 plus admin fee
Freight Loading Zone	16.00 7.00 plus admin fee
Parking On/Over curb	16.00 7.00 plus admin fee
Over Foot From Curb	16.00 7.00 plus admin fee
Parked Within Three Feet of Driveway	16.00 7.00 plus admin fee
Parking in Alley/Less Than Ten Feet Available	16.00 7.00 plus admin fee
Non-Emergency Repair	16.00 7.00 plus admin fee
Obstructing Traffic Parked	32.00 23.00 plus admin fee
Vehicles Lined Up in Street	32.00 23.00 plus admin fee
Dead Storage on Street	16.00 7.00 plus admin fee
Stop Park Adjacent to School	16.00 7.00 plus admin fee

Parked on Narrow Street	16.00 <u>7.00</u> plus admin fee
Park Near Hazardous Place	16.00 <u>7.00</u> plus admin fee
Park Restriction	16.00 <u>7.00</u> plus admin fee
Park Emergency Snow Route	48.00 <u>39.00</u> plus admin fee
Used Vehicle for Advertising	32.00 <u>23.00</u> plus admin fee
Passenger Loading Zone	16.00 <u>7.00</u> plus admin fee
Truck Loading Zone	16.00 <u>7.00</u> plus admin fee
Taxi Parking Only	16.00 <u>7.00</u> plus admin fee
Parking in Bus Stop	32.00 <u>23.00</u> plus admin fee
Slug/Deposit in Meter	32.00 <u>23.00</u> plus admin fee
Facing Wrong Direction	16.00 <u>7.00</u> plus admin fee
Expired Plates	100.00 <u>91.00</u> plus admin fee
Street Sweeping	16.00 <u>7.00</u> plus admin fee
Fire Hydrant Within 15 Feet	32.00 <u>23.00</u> plus admin fee
Compact Vehicle Only	16.00 <u>7.00</u> plus admin fee
Back in Parking Only	16.00 <u>7.00</u> plus admin fee
Parked Within 30 Feet From Stop Sign	16.00 <u>7.00</u> plus admin fee
Not Parked Parallel	16.00 <u>7.00</u> plus admin fee
Blocking HDCP Ramp	48.00 <u>39.00</u> plus admin fee
No Plate Not in Transit	100.00 <u>91.00</u> plus admin fee
Government Parking Only	16.00 <u>7.00</u> plus admin fee
Park 30 Feet From Intersection	16.00 <u>7.00</u> plus admin fee
Blocking Crosswalk	16.00 <u>7.00</u> plus admin fee
Trailer Parked on Street—Not Attached to Vehicle	16.00 <u>7.00</u> plus admin fee
Parked Within 15 Feet of Fire Station Driveway	32.00 <u>23.00</u> plus

	<u>admin fee</u>
Angle Parking by Sign	16.00 <u>7.00</u> plus admin fee
Parked on One-Way Road	16.00 <u>7.00</u> plus admin fee
Stop Park Congested Street	16.00 <u>7.00</u> plus admin fee
Stop Park Railroad Track	32.00 <u>23.00</u> plus admin fee
Sell From Vehicle on Street	32.00 <u>23.00</u> plus admin fee
Snow Removal Zone General	48.00 <u>39.00</u> plus admin fee
Loading Zone No Permit	16.00 <u>7.00</u> plus admin fee
Failure to Process Coin	16.00 <u>7.00</u> plus admin fee
Food Truck—No Permit	48.00 <u>39.00</u> plus admin fee
Food Truck—Not Parked Parallel	16.00 <u>7.00</u> plus admin fee
Food Truck—Generator on Right-of-Way	16.00 <u>7.00</u> plus admin fee
Oversized Vehicle Parked on Street	16.00 <u>7.00</u> plus admin fee
Stop Park in Bicycle Lane	32.00 <u>23.00</u> plus admin fee

Section 11. That Omaha Municipal Code Sections 36-156, 36-175, 36-193, 36-215, 36-216, 36-220, 36-221, 36-232, 36-281, 36-288 as heretofore existing are hereby repealed.

Section 12. That this Ordinance shall be in full force and take effect 15 days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Peter Martinez

APPROVED BY:

Jim Stewart 5/23/23
MAYOR OF THE CITY OF OMAHA DATE

PASSED MAY 23 2023 U-D

ATTEST:

Kimberly Hoising 5/23/23
CITY CLERK OF THE CITY OF OMAHA DATE
DEPUTY

APPROVED AS TO FORM:

[Signature] 4/26/23
DEPUTY CITY ATTORNEY DATE