

ORDINANCE NO. 7616

AN ORDINANCE AMENDING CHAPTER 31, ARTICLE III, DIVISION 5 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN ESTABLISHING REGULATIONS, PARKING FEES, AND PENALTIES FOR VIOLATIONS OF PARKING WITHIN THE AGGIEVILLE PARKING GARAGE AND ESTABLISHING THE PARKING SERVICES MANAGER'S AUTHORITY.

WHEREAS, parking in the Aggieville district is limited and the City desires to provide public parking in an efficient and economically responsible manner; and,

WHEREAS, the governing body of the City of Manhattan approved the construction of the Aggieville Parking Garage for the purpose of providing more parking to the Aggieville district, and,

WHEREAS, the governing body recognizes the need to adopt rules and regulations and to require payment for parking within the Aggieville Parking Garage.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1. That Chapter 31, Article III, Division 5 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

DIVISION 5 – AGGIEVILLE PARKING GARAGE

Section 2. That Section 31-101 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-101. - Purpose.

The intent and purpose of this division of Chapter 31 is to set fees and rules and regulations for the Aggieville Parking Garage to facilitate its safe, convenient, and efficient use.

Section 3. That Section 31-102 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-102. - Definitions.

Words used in this division shall have the following meanings:

Aggieville Parking Garage or garage means the City-owned parking garage located at 1318 Laramie Street, City of Manhattan, Kansas.

Oversized Vehicle means any vehicle, or combination of vehicle, which exceeds 18 feet in length or eight feet in width or eight feet in height, exclusive of projecting lights or factory-installed mirrors.

Section 4. That Section 31-103 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-103. - Parking Fees.

The governing body shall adopt a resolution establishing fee rates for parking on or within the garage and/or authorize the parking services manager to establish such fees in a manner proscribed in the resolution.

Section 5. That Section 31-104 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-104. - Parking Services Manager's Authority.

- (a) The management and control of the garage shall at all times be directly under the control of the parking services manager, who shall be appointed by the city manager. The parking services manager shall manage and control the garage in accordance with the policies established by the city manager and the governing body, the ordinances of the City, and other applicable rules and regulations.
- (b) The parking services manager is authorized to promulgate reasonable rules and regulations related to the garage to ensure a safe, clean, and efficient garage.
- (c) The parking services manager and designees are granted the authority, with good and lawful cause, to order any person not to enter, to leave, or not to return to the garage.

Section 6. That Section 31-105 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-105. - Prohibited Behavior.

- (a) It is unlawful for any person while on or within the garage to:
 - (1) Camp, set up any structures, or deposit, leave, or abandon any personal property within the garage.
 - (2) Leave unaccompanied animals within a vehicle or tethered to a vehicle or elsewhere within the garage. The parking services manager or designee has the authority to request animal control to remove any animal if an animal is found unaccompanied within the garage.
 - (3) Solicit, sell, or attempt to sell any product or services.
 - (4) Wash, grease, or repair a vehicle in the garage, except for repairs necessitated by emergency.
- (b) Any person removed from the garage must also remove their vehicle from the garage and will not be refunded for any unused time paid for through the garage parking payment system.
- (c) Any person convicted of a violation described in subsection (a) shall be subject to penalties as described in City Code Section 1-7.

Section 7. That Section 31-106 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-106. - Driving Within the Garage.

- (a) Persons operating vehicles within the garage shall do so in strict compliance with posted signage and in no case at a speed in excess of ten (10) miles per hour.
- (b) Notwithstanding subsection (a), it is unlawful for any person to drive a vehicle at a speed that is not prudent under the conditions of the garage.
- (c) Any person convicted of a violation of this section shall be subject to penalties as described in City Code Section 1-7.

Section 8. That Section 31-107 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-107. - Oversized Vehicles And Other Objects Prohibited.

Unless authorized by the parking services manager, it is unlawful for any person to cause, allow, permit, or suffer any of the following registered in the name of, or owned or operated by, such person to be stopped, stood or parked on or within the garage:

- (a) Any oversized vehicle, including but not limited to, buses, campers, recreation vehicles, large passenger vans, or any other vehicle that will not fit within one parking stall.
- (b) Trailers, boats, or equipment not contained on or within a vehicle, whether pulled behind a vehicle or detached from a vehicle, including but not limited to horse trailers, cement mixers, traffic signs, or other similar objects.

Section 9. That Section 31-108 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-108. - Registration of Vehicle in Parking Payment System Required.

- (a) It is unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of, or owned or operated by, such person to be stopped, stood, or parked on or within the garage without registering the vehicle through the garage parking payment system regardless of whether payment is required at the time of parking.
- (b) Notwithstanding subsection (a), persons parking under the following circumstances shall not be required to register with the garage parking payment system:
 - (1) When a vehicle is being parked by or used for transportation of a person with a disability when such vehicle bears a permanent or temporary special license plate, placard or decal issued pursuant to K.S.A. 8-161 or K.S.A. 8-1,125.
 - (2) Any person parking while authorized to do so under any permit or reserved parking agreements approved by the parking services manager.

Section 10. That Section 31-109 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-109. - Overtime Parking.

When payment is required to park in the garage pursuant to the fee resolution adopted pursuant to Section 31-103, it is unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of, or owned or operated by, such person to be stopped, stood, or parked within the garage without paying for such time.

Section 11. That Section 31-110 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-110. - Improper Parking.

It is unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of, or owned or operated by, such person to be stopped, stood, or parked in the garage:

- (a) In any location other than within a single designated parking stall at the angle indicated by markings.
- (b) With no license plate.
- (c) With the vehicle license plate facing away from the drive aisle in each level.
- (d) With the vehicle license plate blocked or in such condition it is unreadable.
- (e) In violation of any sign posted under the authority of the parking services manager.
- (f) Unoccupied with the engine running.

Section 12. That Section 31-111 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-111. - Abandoned Vehicles.

- (a) It is unlawful for any person to abandon a vehicle within the garage.
- (b) Except as otherwise set forth in this section, a vehicle shall be presumed to be abandoned and may be considered and treated as abandoned if the vehicle:
 - (1) Has been stopped, stood, or parked, and left unattended continuously in the garage for a period in excess of 24 hours while in violation of any section of this division or other applicable ordinances, rules, and regulations of the City.
 - (2) Has been stopped, stood, or parked in the garage continuously within the garage for a period in excess of 48 hours, in violation of Section 31-37.
- (c) A vehicle shall not be considered abandoned if the vehicle has been designated as not abandoned by the parking services manager.
- (d) Any abandoned vehicle is considered impeding garage operations and can be removed pursuant to Section 31-113(d).

Section 13. That Section 31-112 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-112. - Enforcement.

- (a) Ordinances, rules, and regulations established under this division may be enforced by a designated city officer or a law enforcement officer.
- (b) City parking enforcement vehicles, other City-owned vehicles, authorized emergency vehicles, and other vehicles approved by the parking services manager are not subject to the rules and regulations established under this Division or any other City ordinance regarding parking while within the garage.

Section 14. That Section 31-113 of Chapter 31 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Sec. 31-113. - Penalties; Authority and Procedure to Remove and Impound Vehicles.

The following shall apply to violations of Section 31-107 through Section 31-111:

- (a) Whenever any vehicle is found stopped, stood, or parked within the garage in violation, the city officer or law enforcement officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation. In any prosecution charging the violation, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who stopped, stood, or parked such vehicle at the point where, and for the time during which, the violation occurred.
- (b) Each pay rate period a violation exists shall constitute a separate offense.
- (c) Any person who violates the provisions of sections 31-107 through 31-111, as adopted and amended by the city, shall, upon conviction thereof, be fined \$15.00. If a violator of any provision of sections 31-107 through 31-111, does not appear in court in response to a citation affixed to such vehicle within five (5) business days following the issuance of the citation, an administrative processing fee of \$10.00 shall become due and payable accompanying the citation and the clerk of the court shall send to the owner of the vehicle to which the citation was affixed a letter informing the owner of the violation and administrative fee, and warning the owner that an additional administrative processing fee of \$25.00 shall be applied to the citation if the violator does not appear in court on or before the date stated in the letter and a warrant for their arrest shall be issued. If a violator of sections 31-107 through 31-111, does not appear in court in response to a citation affixed to such motor vehicle within ten (10) days following the issuance of the letter informing the owner of the violation and administrative fees, an additional administrative processing fee of \$25.00 shall become due and payable accompanying the citation. As provided in K.S.A. 8-2118, payment of the fine and any administrative processing fee shall be deemed an appearance before the court, waiver of right to trial and plea of no contest. A fine established by this section may be paid by depositing an envelope that contains information identifying the citation and

violator, payment of the total fine and any other documentation required by the court in any box marked for such purposes established by the City upon public property within the City. However, payment of any fine and administrative processing fee established by this section must be made directly to the clerk of the court after the initial administrative processing fee of \$10.00 shall become due and payable accompanying the citation pursuant to this section.

- (d) After issuing a citation for a violation, the Riley County Police Department or city officer may request for a wrecker or towing service to remove from the garage the vehicle for which the citation was issued. The removal, recovery, release, transportation, protection, storage and safekeeping of a vehicle, including the personal property contained therein, that is requested to be removed by a wrecker or towing service pursuant to this section shall only be accomplished pursuant to and in accordance with the provisions of K.S.A. 8-1103 et seq. Provided that, nothing herein shall limit the authority of the Riley County Police Department, parking services manager, or city officer to authorize a tow in accordance with K.S.A. 8-1103 if an emergency exists or the vehicle is impeding garage operations or poses an immediate threat to the health, safety or welfare of the public.

Section 15. That sections 31-114 to 31-120 of Chapter 31 of the Code of Ordinances, of the City of Manhattan, Kansas, are hereby amended to read as follows:

Sec. 31-114. – Sec. 31-120. - Reserved.

Section 16. This ordinance shall be published once in the official City newspaper and shall take effect on January 2, 2023.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS,
THIS 1ST DAY OF NOVEMBER, 2022.**

Linda Morse, Mayor

ATTEST:

Brenda K. Wolf, CMC, City Clerk