

ORDINANCE NO. 10076

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING CHAPTER 17, ARTICLE 3 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, AND ENACTING IN ITS PLACE CHAPTER 17, ARTICLE 3, PERTAINING TO PARKING.

WHEREAS, the Governing Body of the City of Lawrence, Kansas, wishes to transform the City's parking enforcement process, creating administrative procedures for parking violations and updating terminology; and

WHEREAS, the parking adjudication plan is anticipated to improve parking operations, alleviate current challenges with the parking violation appeals, and streamline the process for customers.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Existing Chapter 17, Article 3 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by enacting Chapter 17, Article 3, which reads as follows:

ARTICLE 3. PARKING

17-301

DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **Administrative Hearing Examiner** shall mean a person appointed by the City Manager or City Manager's designee to conduct administrative hearings and determine whether parking violations occurred and whether extenuating circumstances exist that justify dismissal of any parking violation notice.
- (b) **Appeal** shall mean a written challenge by a person who received a parking violation notice, contesting its merits, to:
 - (1) The Parking Services Manager or the Parking Services Manager's designee, for a first-tier Appeal;
 - (2) The Administrative Hearing Examiner, for a second-tier Appeal; and
 - (3) The Municipal Judge, for a third-tier Appeal.
- (c) **Chief of Police** shall mean the person employed by the City whose job title is Chief of the Police Department.
- (d) **City** shall mean the City of Lawrence, Kansas.

- (e) **City Manager** shall mean the person employed by the City whose job title is City Manager.
- (f) **Delinquent Parking Violation** shall mean a parking violation that has received late fees and has remained unpaid for over 60 days.
- (g) **Designated Area** shall mean an area, marked space, metered area, or facility established by the Governing Body where parking is restricted or subject to assessment of a parking fee or time limits during certain times and days.
- (h) **Exceeding Parking Boundaries** shall mean a violation that occurs when a vehicle is parked across any line or marking of a parking space, or in a manner such that the vehicle is not entirely within the marked boundaries of a parking space, within a Designated Area.
- (i) **Fire Department** shall mean the Lawrence-Douglas County Fire and Medical Department.
- (j) **Municipal Judge** shall mean the person employed by the City whose job title is Municipal Judge.
- (k) **Off-street Parking** shall mean a violation that occurs when a vehicle that remains parked in a space within a Designated Area over the allowed time limit or beyond the time for which valid payment of the assessed parking fee was made for that space by the registered owner, lessee or operator of the vehicle.
- (l) **Overtime Parking** shall mean a violation that occurs when a vehicle that remains parked in a space within a Designated Area beyond the time for which valid payment of the assessed parking fee was made for that space by the registered owner, lessee or operator of the vehicle.
- (m) **Parking Services** shall mean the City's Parking Department.
- (n) **Parking Services Manager** shall mean the person employed by the City whose job title is Parking Services Manager.
- (o) **Permit** shall mean a physical, digital e-permit, or authorization issued or purchased from the City that is linked to a vehicle's license plate that authorizes the vehicle to be parked, without making payment, in any long-term metered space, parking lot, parking garage, or long-term zone, in a Designated Area.
- (p) **Police Department** shall mean the Lawrence, Kansas, Police Department.
- (q) **Police Officer** shall mean an officer of the Police Department.
- (r) **Unpaid Parking** shall mean a violation that occurs when a vehicle is parked in a space within a Designated Area without the registered owner, lessee or operator of the vehicle having made valid payment of the assessed fee for parking in that space.

- (s) **Unpaid Parking Violation** shall mean a parking violation that has not been paid.

17-302

PARKING IN DESIGNATED AREAS.

- (a) The Governing Body is authorized to establish Designated Areas in the City within which parking is restricted or subject to the assessment of parking fees to be paid through parking meters or by other means, as indicated in such locations. Designated Areas will be specified on the "Parking Maps" available on the City's website. Minor changes to the days and times when parking in Designated Areas is restricted or subject to the assessment of parking fees can be made by the City Manager or City Manager's designee, upon updating the meters or signage in the Designated Areas, and the Parking Maps on the City's website.
- (b) Except for Fire Department and Police Department vehicles, it shall be a violation of this Article for any person to park a vehicle in a Designated Area except during the times allowed and upon valid payment of the assessed fee for parking in the space, as indicated on meters or signage in the Designated Area.
- (c) At all times Vehicles must not obstruct traffic flow, block emergency access, or impede pedestrian walkways outside of Designated Areas

17-303

PARKING VIOLATIONS.

- (a) Except in a period of emergency, as determined by 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 is parked within a Designated Area, the registered owner of that vehicle shall be responsible for ensuring valid payment of the assessed parking fee is immediately made for the space occupied. Failure to ensure valid payment is made for parking in a space in a Designated Area shall constitute an Unpaid Parking violation by the registered owner or lessee of the vehicle.
- (b) Upon valid payment of the assessed parking fee being made for a space within a Designated Area, the vehicle may continue to be parked in the space for the length of time authorized, in accordance with the corresponding meter or signage in the Designated Area. Allowing the vehicle to remain parked in the space beyond the time for which valid payment of the assessed parking fee was made shall constitute an Overtime Parking violation by the registered owner or lessee of the vehicle.
- (c) Whenever a vehicle is parked in a space within a Designated Area, the registered owner or lessee of the vehicle shall ensure it is not parked across any line or marking of the parking space, or in a manner such that the vehicle is not entirely within the marked boundaries of the parking space. Parking a vehicle across any line or marking of the parking space or in a manner that the vehicle is not entirely within the marked boundaries of the parking space shall constitute an Exceeding Parking Boundaries violation by the registered owner or lessee of the vehicle.

- (d) If a person fails to pay the \$10.00 assessment within fourteen (14) days of the assessment becoming due, the violation shall be punished by an additional fine of \$15.00. If violations remains unpaid at (42) days, a secondary late fine of \$15.00 will be added, and violation will become delinquent.

17-304

TAMPERING WITH PARKING METERS, SPACES, OR SIGNAGE.

It shall be a violation of this Article for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter, space or signage in a Designated Area.

17-305

USE OF SLUGS OR SUBSTITUTE COINS.

It shall be a violation of this Article for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

17-306

DUTIES OF PARKING SERVICES; FINES AND PENALTIES.

- (a) It shall be the duty of Parking Services employees or others, as designated by the Parking Services Manager, to issue parking violation notices within Designated Areas indicating:
 - (1) The location of the space and, if applicable, corresponding parking meter number where a vehicle was found parked in violation of this Article;
 - (2) The issuing state and plate number of the license tag on a vehicle found parked in violation of this Article;
 - (3) The date, time and manner in which a vehicle was found parked in violation of this Article;
 - (4) Any additional information necessary for a thorough understanding of the circumstances attending such violation;
 - (5) The applicable fine for the parking violation;
 - (6) The monetary penalty that will be assessed, in addition, if the applicable fine is not timely paid and no Appeal is timely made on the parking violation notice; and
 - (7) Information about how a registered owner or lessee of a vehicle found parked in violation of this Article may contest the parking violation notice, and the time limitations for making an Appeal.

17-307

VEHICLES PARKED WITHIN MARKED SPACES.

It shall be a violation of this Article 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.

17-308

PARKING IN THE 1100 BLOCKS OF MISSISSIPPI STREET AND INDIANA STREET.

- (a) It shall be a violation of this Article for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to park overtime, exceeding the posted two-hour limit, in the 1100 blocks of Mississippi Street and Indiana Street without concurrently depositing in the appropriate parking meter the parking fee of \$1.50 per hour. Violators of this subsection shall be prosecuted and adjudicated pursuant to Section 17-304 and 17-305 of this Article, except that:
 - (1) The penalty for any violation of Sections 17-305 and 17-306 in the 1100 Blocks of Mississippi Street and Indiana Street shall be an assessment in the amount of \$10.00 except that:
 - (2) If a person fails to pay the \$10.00 assessment within fourteen (21) days of the assessment becoming due, the violation shall be punished by an additional fine of \$15.00, If violations remains unpaid at (42) days, an additional fine of \$15.00 will be added, and violation will become delinquent.
- (b) The provisions of Section 17-304 shall apply to this Section to the extent that they are not inconsistent with the preceding Subsection.

17-309

APPEALS OF PARKING VIOLATIONS.

- (a) The Parking Services Manager, or the Parking Services Manager's designee, shall:
 - (1) Adopt a standard form for use in issuing parking violation notices;
 - (2) Collect payments of monetary fines for parking violations;
 - (3) Establish procedures for the prompt, fair and efficient administrative adjudication of Appeals contesting parking violations on their merit; and
 - (4) Adopt practices, protocols and procedures for first-tier Appeals, including all Appeal forms and business processes to be utilized in adjudicating such Appeals.
- (b) Violations of Sections 17-303, 17-304, 17-305, or 17-308 shall be punishable by a monetary fine and no criminal penalties shall be imposed for such violations.
- (c) Parking fees and fines for violations of Sections 17-303, 17-304, 17-305, and 17-308 shall be established by the Governing Body and posted on the City's website.

17-310

PARKING VIOLATION APPEAL PROCESS.

- (a) Any person to whom a parking violation notice is issued pursuant to Section 17-303, 17-304, 17-305, or 17-308 shall, within 21 days of the notice date:

- (1) Pay to the City in full the fine indicated on the notice; or
 - (2) Submit an Appeal contesting the parking violation on the merits, through a designated online Appeal portal or other accepted appeal method.
- (b) If an Appeal is submitted pursuant to subsection (a)(2), and the Parking Services Manager or the Parking Services Manager's designee is satisfied that no violation of Section 17-303, 17-304, 17-305, or 17-308 occurred, or that extenuating circumstances justify dismissal of the parking violation notice in the interests of justice, the Parking Services Manager or the Parking Services Manager's designee shall notify the person who made the Appeal that their Appeal was granted, the parking violation has been dismissed, and there is no fine to be paid.
- (c) If an Appeal is submitted pursuant to subsection (a)(2) and the Parking Services Manager or the Parking Services Manager's designee determines a violation of Sections 17-303, 17-304, 17-305, or 17-308 occurred, and no extenuating circumstances justify dismissal of the parking violation, the Parking Services Manager or the Parking Services Manager's designee shall notify the person who made the Appeal that their first-tier Appeal was denied, but the person may make a second-tier Appeal if they have additional information to present in contesting the violation on the merits. Within 21 days of the City notifying the person their first-tier Appeal was denied, the person must pay the fine in full or complete waiver form, but still may make a second-tier Appeal, either through a designated online Appeal portal or other accepted appeal method.
- (d) Any second-tier Appeal received by the Parking Services office shall be referred to the Administrative Hearing Examiner. The Administrative Hearing Examiner shall conduct a fair and impartial review of information provided by the person to contest the parking violation on the merits, and may offer the person a chance to appear before the Administrative Hearing Examiner. Upon concluding review of the Appeal, the Administrative Hearing Examiner shall either grant or deny the person's Appeal. The City shall notify the person in writing of the Administrative Hearing Examiner's decision on the second-tier Appeal. If their Appeal was granted, the notification will indicate the parking violation has been dismissed, and the fine refunded. If their Appeal was denied, within 21 days of the City notifying the person, they may make a third-tier Appeal by written request to Parking Services, for referral to the Municipal Judge.
- (e) A third-tier Appeal shall be reviewed by the Municipal Judge, whose decision to grant or deny the Appeal shall conclude City appeal process. Final right to appeal Municipal Court findings to the District Court (K.S.A 22-3609). The City shall notify the person in writing of the Municipal Judge's decision. If their Appeal was granted, the notification will indicate the parking violation has been dismissed, and the fine refunded. If their Appeal was denied, and the fine previously was paid, the case is closed. In the event the fine was not previously paid, it must be paid within 21 days to avoid late fees.

17-311

USES AND PURPOSES OF PARKING FEES, FINES AND PENALTIES.

The parking fees assessed in Designated Areas, fines assessed for violations of this Article, and penalties imposed when fines are not timely paid and no timely Appeal of a parking violation notice has been made and is still pending, shall be for the following uses and purposes:

- (a) To provide for the proper regulation and control of traffic upon public streets, including employment of Parking Services employees and law enforcement officers;
- (b) To acquire and maintain off-street parking locations and facilities in the City as authorized by law;
- (c) To cover the cost of supervising and regulating the parking of vehicles in Designated Areas; and
- (d) To cover the cost of purchasing, leasing, acquiring, installing, operating, maintaining, supervising and regulating the Designated Areas.

17-312

IMMOBILIZATION OF VEHICLES WITH UNPAID FINES AND PENALTIES

- (a) Parking Services employees are hereby authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that has three or more Delinquent Parking Violations issued by the City.
- (b) When a vehicle has accrued three or more Delinquent Parking Violations, the registered owner or lessee shall be sent a final warning that the vehicle is subject to immobilization. All such notices will be sent by U.S. mail to the registered owner's or lessee's last known address, and shall be deemed served as of the date of deposit in the U.S. mail.
- (c) If a vehicle subject to immobilization cannot be fitted with a boot because of the vehicle's size or shape, then the vehicle may be impounded in accordance with the procedures for impoundment set forth in Section 17-201 and 17-209.

17-313

UNAUTHORIZED TAMPERING WITH OR REMOVAL OF IMMOBILIZER.

- (a) It shall be unlawful for any person to move or attempt to move any vehicle that has a boot attached to it by Parking Services, except as authorized by Parking Services or a Police Officer.
- (b) It shall be unlawful for any person to tamper with, remove or attempt to remove from a vehicle a boot attached to it by Parking Services.
- (c) Any person violating this section may be punished by:
 - (1) A fine of not more than \$499.00; and
 - (2) Imprisonment in jail for not more than 179 days; and

- (3) Restitution in the amount of the replacement cost of any boot damaged through the unlawful movement of or attempt to move the vehicle to which the boot was attached, or through unlawful removal of or attempt to remove the boot from the vehicle.

17-314

PROCEDURES FOR REMOVAL OF BOOT FROM VEHICLE.

- (a) When Parking Services immobilizes a vehicle, a notice shall be affixed to the vehicle, advising the registered owner or lessee of the procedures for having the boot removed. Such notice shall include:
 - (1) Instructions not to move or attempt to move the vehicle while it is immobilized by the boot, and not to tamper with, attempt to remove or remove the boot, without City authorization;
 - (2) The date and time when the boot was attached to the vehicle;
 - (3) The state registration number, if known, and make of the vehicle;
 - (4) A link to the parking violation portal, which includes the amount owed;
 - (5) The contact number and business hours of the City office where information regarding boot processes and procedures and for contesting the immobilization can be obtained; and
 - (6) A warning that if the vehicle remains immobilized for 48 hours, it will be subject to impoundment, in accordance with Section 17-201.
- (b) The registered owner or lessee may secure removal of the boot by paying the City all unpaid parking fines and penalties, as well as the boot removal charge, within 48 hours of the vehicle being immobilized. Paying the unpaid parking fines, penalties and boot removal charge within 48 hours does not preclude the registered owner or lessee from subsequently contesting the immobilization by submitting an Appeal.
- (c) Once the boot is removed, the person removing it shall ensure that it is delivered, undamaged, to a designated drop location.
- (d) After the City has received payment of all unpaid parking fines, penalties and the boot removal charge, the registered owner or lessee may contest the immobilization by submitting an Appeal along with an affidavit, signed by the registered owner or lessee and notarized, if the person denies that there were three or more unpaid parking fines against the license plate on the vehicle at the time it was immobilized. The Appeal and affidavit may be submitted through a designated online Appeal portal or in person, in the Parking Services office.
- (e) Any Appeal must be submitted within five business days of the date the boot was attached to the vehicle. Failure to submit a timely Appeal shall bar any contest regarding the immobilization and the fines, penalties and boot removal charge paid to secure removal of the boot.

- (f) The notice affixed to the vehicle or a copy thereof shall be prima facie evidence of the correctness of the facts specified therein.
- (g) The only issue for determination on the Appeal is whether there were three or more unpaid parking violations outstanding against the license plate on the vehicle at the time of immobilization.
- (h) The Parking Services Manager or Parking Services Manager's designee will determine whether there is proof by a preponderance of the evidence that immobilization of the vehicle was warranted.
- (i) Following review of the registered owner or lessee's Appeal of the immobilization, the Parking Services Manager or Parking Services Manager's designee shall determine whether the immobilization was warranted and shall notify the person, in writing, of the determination.

17-315

IMPOUNDMENT OF VEHICLES

- (a) If a vehicle immobilized pursuant to Section 17-310 remains immobilized after 48 hours from when notice of immobilization was affixed to the vehicle, it is subject to impoundment in accordance with Section 17-201.
- (b) When a vehicle is subject to immobilization pursuant to Section 17-310, but that vehicle previously was immobilized, and in the previous instance the vehicle was moved with the boot attached, or the boot was tampered with or removed from the vehicle, the vehicle is subject to impoundment, in accordance with Section 17-201.
- (c) The owner of a vehicle may appeal the decision to impound it pursuant to Section 17-204.1 of the Code of the City of Lawrence, Kansas.
- (d) Once a vehicle has been impounded, the registered owner, lessee or lienholder may regain possession by paying all charges associated with the impoundment, including but not limited to the removal fee, parking fines, towing fees, and storage charges;
 - (1) Personal property found in the vehicle may be released at any time to the owner of such property upon presentation of proof of ownership or right to possession of such personal property.
 - (2) Disposition of vehicles which remain unclaimed by the registered owner or lienholder of record for a period of 30 days or more shall be done in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2) and amendments thereto.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall take effect and be in force from and after its adoption and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 17th day of December, 2024.

APPROVED:



Michael Dever
Mayor

ATTEST:



Sherri Riedemann
City Clerk



APPROVED AS TO FORM:



Toni R. Wheeler
City Attorney