



## STAFF REPORT

DATE: February 5, 2019

### **CONSENT**

**AGENDA ITEM:** Fee for Violating Winter Parking Ordinance

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

On October 3, 2017 the city council adopted ordinance 08-189, establishing winter parking regulations such as no parking on city streets from 2am to 7am, November 1 to March 31 or any time there is more than 2 inches of snow accumulated on the road. As discussed at the time, staff mainly gave out warnings to violators since this was a new ordinance and folks may need time to adapt. However, after more than a year of warnings we are finding that people are still not abiding by the ordinance. This has resulted in snow plow operators having to back up when they cannot get through a street with cars parked on it. At times then public works has to come back a second time in order to clear the road of snow.

### **ISSUE BEFORE COUNCIL:**

What fee should council set for violating the winter parking ordinance?

### **PROPOSAL:**

Currently, a violation of the ordinance falls under sec. 10.99 of the city code which would result in people having to attend court and getting charged with a misdemeanor. The city prosecutor is recommending we change it to a petty misdemeanor and set a fee for violation. City Attorney Sonsalla drafted the ordinance in your packet. After review of other communities' fee for winter parking violations, staff is recommending adoption of a \$45 fine. If this fee had been in place at the start of the 2018/2019 season, an estimated 50 tickets would have been processed.

### **FISCAL IMPACT:**

TBD

### **OPTIONS:**

- 1) Adopt Ordinance No. 08-221
- 2) Amend and then Adopt Ordinance No 08-221
- 3) Do not adopt a different provision for violation of the winter parking ordinance

### **RECOMMENDATION:**

***"Motion to approve Ordinance No. 08-221"***

### **ATTACHMENTS:**

- Ordinance No 08-221

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-221**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING CHAPTER 72 REGARDING WINTER PARKING AND AMENDING THE  
CITY'S 2019 FEE SCHEDULE**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title VII, Chapter 72, Parking Regulations, Section 72.03 by adding the underlined language as follows:

**§ 72.03 WINTER PARKING.**

(A) It shall be unlawful for any person to stop, stand or park any vehicle or trailer or permit the same to stand on or any street or alley within the city between the hours of 2:00 a.m. and 7:00 a.m. from November 1 until March 31 of the following year.

(B) Parking is also restricted at any time that snow accumulation equals or exceeds 2" or more until the street is cleared of snow.

(C) The winter parking ordinance does not apply to private streets (marked with a blue street sign), only to public roadways.

(D) Violation of this Section of the City Code shall constitute a petty misdemeanor and shall be punishable by payment of a fine as set forth in the City's fee schedule.

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends the City's 2019 Fee Schedule to include the following fee:

<b>APPLICATION/FEE/PERMIT TYPE</b>	<b>2019 FEE</b>
Fine for Violation of Winter Parking Regulations	\$45.00

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 4. Adoption Date.** This Ordinance 08-\_\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2019, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2019.