

## **ORDINANCE NO. 956**

### **AN ORDINANCE ESTABLISHING RESTRICTED PARKING FOR TRUCKS, TRAILERS AND OTHER VEHICLES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE RESTRICTED PARKING REQUIREMENTS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COTTONWOOD FALLS, KANSAS:**

**SECTION 1.** The City of Cottonwood Falls, Kansas (hereinafter referred to as the City) shall provide reserved overnight and weekend parking (also referred to herein as Restricted Parking) with and without electrical hookups, reserved solely for and restricted to trucks, trailers, or other vehicles weighing or capable of weighing over 30,000 pounds. Said restricted parking area shall be located at 226 Walnut Street, in the City.

**SECTION 2.** (a) The City shall issue to residents and nonresidents of the City who own or lease trucks, trailers, or other vehicles weighing or capable of weighing over 30,000 pounds, a permit for parking in the restricted parking area provided herein upon application made for the times set out Sections 1 and 2 hereof. The form of the application and the permit shall be developed by the City Clerk to gather sufficient information from the applicant to effect the provisions of this Ordinance.

(b) Persons who have continuously lived within the City's Limits for at least 30 days before applying for the permit (referred to herein as 'residents') shall pay a permit fee of \$1.00 for the permit and shall be authorized to park one truck, or park one truck and-or trailer in the restricted parking area, and may also park an alternate trailer on the premises in a way as will not obstruct the area for the City's other legitimate purposes; and said resident may plug the truck in to an electrical outlet nightly without further charge, during the times set out in paragraph (c) of this Section.

(c) All persons other than those described in paragraph (b) of this Section 2, including residents with a second truck, shall pay a permit fee of \$365.00 for such parking privilege, and for such fee, may also park an alternate trailer on the premises; and such person may also plug the truck an electrical outlet nightly from dusk to 3 hours after dawn, but not otherwise plugged in during daylight hours, nor any time the temperature is reasonably expected to remain above freezing. The ability to plug into the electricity shall be on a first come, first served basis.

**SECTION 3.** (a) No person may park in the restricted parking described herein without first obtaining the permit required above in Section 2; and no person may park a truck, trailer, vehicle or any other object in any manner that would block, prevent or impede another person (herein called blocking) to have access to the otherwise unused restricted parking areas or electrical outlets thereon. No person may plug in to an electrical outlet in the restricted parking area described in above Section 1 without a permit or even with a permit during times not authorized herein.

(b) No truck or trailer shall be parked in such a manner or location that will impede or restrict the City from using the lot for its own purposes during the City's normal hours and times of operation.

**SECTION 4.** (a) A person parking in the restricted parking without a permit shall be deemed guilty of a violation and shall be fined \$35.00 for a first violation, and \$75.00 for each subsequent violation.

(b) A person violating this ordinance by blocking, preventing or impeding another from parking or having access to electricity as described herein (called blocking) shall be deemed guilty of a violation and shall be fined \$50.00 for a first occurrence, and for a second or subsequent occurrence shall be fined not less than \$75.00 nor more than \$250.00 per occurrence.

(c) A person who plugs in and uses electricity in the restricted parking area without authority as described above in Sections 2 and 3 is guilty of theft.

(d) Parking without a permit, or blocking, or using electricity in the restricted parking area without authority shall be considered a new violation or occurrence each day within a 5-year period a person parks thereon without a permit, or blocks, or uses electricity without authority. For purposes of this ordinance, a day is calculated as being from sundown of one day to sundown of the next day.

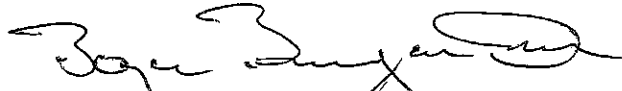
(e) Any law enforcement officer or enforcing officer who observes a truck, trailer, vehicle or other object in violation of this Ordinance by blocking, as defined herein, is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle or trailer found in the Restricted Parking area when:

- (1) Report has been made that such truck, trailer or other vehicle or object has been stolen or taken without the consent of its owner;
- (2) The person or persons in charge of such truck, trailer, vehicle or other object are unable or unavailable to provide for its custody or removal, or refuse to remove it upon reasonable request or demand of such officer; or
- (3) When the person driving or in control of such truck, trailer, or other vehicle or object is arrested for an alleged offense for which the officer is required by law to take the person arrested before the municipal judge without unnecessary delay. (K.S.A. 8-1570)


**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be construed in harmony with and not in replacement of any part of Ordinance No. 956 or of any part of the Standard Traffic Ordinance for Kansas Cities as heretofore adopted.

**SECTION 6.** This ordinance shall take effect from and after its passage and publication in the Official City Newspaper.

**PASSED, APPROVED, AND ADOPTED** this 2<sup>nd</sup> day of March, 2015.

  
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Boyce Baumgardner, Mayor

**ATTEST:**

  
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Tiffany R. Bohnen, City Clerk

