



City of Omaha
Jean Stothert, Mayor

MAY 07 2019

Public Works Department

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Robert G. Stubbe, P.E.
Public Works Director

Honorable President

And Members of the City Council,

The attached ordinance is proposed by the Parking and Mobility Division of the Public Works Department. The ordinance would clarify and update numerous on-street parking rules. This would include the establishment of a schedule of fines for all of the various parking offenses. The ordinance also would establish a program for the immobilization of parked vehicles which are subject to three or more outstanding parking citations.

Your favorable consideration of this ordinance is requested.

Respectfully submitted,

Referred to City Council for Consideration:

 4-30-19

Date
Robert Stubbe
Public Works Director

 4/30/19

Date
Mayor's Office

ORDINANCE NO. _____

1 AN ORDINANCE to amend portions of chapter 36 of the Omaha Municipal Code entitled
2 "Traffic;" to amend and clarify parking rules; to provide for temporary on-street parking to
3 facilitate valet parking; to provide for the immobilization of parked vehicles owned by
4 repeat and unresolved parking offenders; to amend and update provisions regarding the
5 traffic violations bureau; to adopt a schedule of fines for parking offenses; to repeal
6 Omaha Municipal Code sections 36-170, 36-190, 36-192, 36-193, 36-194, 36-195, 36-
7 196, 36-197, 36-198, 36-212, 36-232, 36-234, 36-235, 36-281, 36-282, 36-283, 36-284,
8 36-285, 36-286, and 36-287 as heretofore existing; and to provide the effective date
9 thereof.

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

11 Section 1. Section 36-170 of the Omaha Municipal Code is hereby amended to read as follows:

12 **Sec. 36-170. – Unlicensed and unregistered vehicles.**

13 All vehicles parked upon the public streets without current annual license plates
14 and registration are hereby declared to be a public nuisance as provided for in section
15 36-231 et seq. of this Code, unless authorized under state law by a valid in transit sticker
16 or proof of ownership, within 30 days of transfer.
17
18

19 Section 2. Section 36-190 of the Omaha Municipal Code is hereby amended to read as follows:

20 **Sec. 36-190. - Permit required.**

21 It shall be unlawful for any person to use any space on the surface of any street,
22 within the corporate limits of the city, for a truck loading zone, a passenger loading
23 zone, a freight loading zone, a parking limit zone, or a taxicab stand, or a temporary
24 parking space to facilitate parking via valet elsewhere, thereby rendering the street or
25 sidewalk space so used unavailable for the parking of vehicles or the movement of
26 vehicles or pedestrians, without first obtaining a permit in accordance with the terms
27 and conditions hereinafter stated.
28
29
30

31 Section 3. Section 36-192 of the Omaha Municipal Code is hereby amended to read as follows:

32 **Sec. 36-192. - Application for permit.**

33 Applications for permits required by the provisions of this division shall be made to the
34 city traffic engineer city parking and mobility division. The application form shall be

1 provided by the parking and mobility division, and shall request such information as is
2 deemed relevant to the requested permit.

3 Section 4. Section 36-193 of the Omaha Municipal Code is hereby amended to read as follows:
4

5 **Sec. 36-193. - Permit fee.**
6

7 (a) For the purpose of defraying the cost to the city for regulating, supervising,
8 marking, policing and maintaining the use or privilege provided for by this division,
9 there is hereby imposed an annual fee in the amount indicated for a permit to be
10 issued under the provisions of this division:

11
12 (1) Within a metered parking district, per front foot so used: \$25.00 for a parallel
13 stall and \$50.00 for an angled or perpendicular stall.

14
15 (2) Outside a metered parking district, per front foot so used: \$15.00 for a parallel
16 stall and \$25.00 for an angled or perpendicular stall.

17
18 (b) Notwithstanding the above, for short term or single event valets, a parking meter
19 hood shall be used to designate a temporary parking space to facilitate parking via
20 valet elsewhere. Such hoods shall be charged on a per day rate. For two, three
21 and four hour meters that rate shall be \$15.00 per meter. For a ten hour meter,
22 that rate shall be \$8.00 per day.

23
24 (bc) Such fee shall be paid to the city before any permit shall be issued under this
25 division.

26
27 (cd) The permit fee shall not be charged where the lot, tract or parcel of land served by
28 the zone to be permitted is a public school, denominational school, church,
29 charitable institution or public building, or for taxicab stands located outside the
30 congested traffic district or metered parking district.

31
32 Section 5. Section 36-194 of the Omaha Municipal Code is hereby amended to read as follows:
33

34 The application for the issuance of a permit under this division shall not be construed to
35 vest any rights thereto in the applicant, or limit the right of the city, by and through its ~~city~~
36 ~~traffic engineer~~ parking and mobility division, to refuse the applicant. The city, by and
37 through its ~~city traffic engineer~~ parking and mobility division, reserves the right to refuse
38 an application when the issuance of such permit would create a traffic hazard or not be
39 beneficial to the public welfare.
40

41 Section 6. Section 36-195 of the Omaha Municipal Code is hereby amended to read as follows:
42

43 **Sec. 36-195. - Eligibility for permit.**
44

45 No permit other than a valet permit shall be issued under the provisions of this
46 division except to public conveyance concerns which wish to use such space for

1 loading and unloading passengers, or to the leaseholders, tenants or record owners of
2 the land adjacent to the space sought to be used for the purposes herein stated.

3
4 Section 7. Section 36-196 of the Omaha Municipal Code is hereby amended to read as follows:

5
6 **Sec. 36-196. - Renewal of permit.**
7

8 Permits issued under the provisions of this division may be renewed upon proof
9 of the payment of the annual permit fee, if applicable, unless such permit has been
10 revoked, canceled or suspended.

11
12 Section 8. Section 36-197 of the Omaha Municipal Code is hereby amended to read as follows:

13
14 **Sec. 36-197. – Cancellation of permit; restoration of street.**
15

16 The city reserves the right, by and through its ~~city traffic engineer~~ parking and
17 mobility division, to cancel any permit issued under the provisions of this division at any
18 time. When any permit has been canceled, surrendered or terminated, the permit holder
19 shall be responsible for the costs necessary to replace the street, including the curbing
20 or sidewalk, in the same condition it was prior to the issuance of such permit.

21
22 Section 9. Section 36-198 of the Omaha Municipal Code is hereby amended to read as follows:

23
24 **Sec. 36-198. - Permit holder's right not greater than public's.**
25

26 Compliance with the provisions of this division shall not give the person
27 complying therewith any greater, different or additional rights or privileges than are
28 provided by the ordinances of the city, or rules and regulations thereunder, relating to
29 truck loading zones, passenger loading zones, freight loading zones, parking limit
30 zones, parking, or taxicab stands. Such zones, as defined and enumerated herein,
31 shall not be used by the permit holder for parking unattended motor vehicles, unless
32 the space is authorized for valet parking. Such zones are available only for the
33 purposes stated herein and only for the reasonable time required to accomplish such
34 purposes.
35

36 Section 10. That Omaha Municipal Code chapter 36, article VI, division 2 is amended by
37 adding a new section 36-205, reading as follows:

38 **Sec. 36-205. - Indemnity and insurance.**
39

40 (a) As a condition of receiving and operating under a permit under this division, the
41 permittee agrees that he, she or it shall indemnify, defend, and hold harmless the
42 city from any and all damages, claims, or liability arising out of the permittee's
43 operations under the permit or the violation of any applicable local, state or federal
44 rules or laws. The application may include the applicant's agreement to so
45 indemnify, defend, and hold harmless the city.

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(b) Every applicant for a valet permit under this division shall provide proof of, and maintain in effect, commercial general liability insurance in the amount of at least \$500,000 per occurrence and at least \$1,000,000 general aggregate limit.

Section 11. That Omaha Municipal Code section 36-212 is hereby amended to read as follows:

Sec. 36-212. - Fees imposed.

For the purpose of defraying the cost to the city of regulating, supervising and policing the exercise of the privilege of parking vehicles in, along or upon the streets and in the off-street parking areas designated as parking meter areas, there is hereby imposed a fee. Such fee shall be in such amount as shall be indicated on a particular parking meter provided for the parking space which the operator of a vehicle has entered. The sum total of such fees collected under this division shall not exceed the reasonable costs incurred by the city.

Section 12. Section 36-232 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 36-232. - Summary removal authorized.

~~Authorized personnel of the city are hereby empowered to determine if a vehicle is endangering public health, welfare, and/or safety or is parked in violation of any applicable provision of this Code, state law or city ordinance, rule or regulation. The city employee may order such vehicle removed as provided in this chapter if such vehicle is found~~ remove or authorize the removal of a vehicle from city property or right of way under any of the following circumstances:

- ~~(a) To endanger the public health, welfare, and/or safety, or~~
 - ~~(b) To have any overdue tickets or warrants pending, or~~
 - ~~(c) To have been operated within the city without proof of liability insurance as provided by state law, or~~
 - ~~(d) If such vehicle is declared to be a public nuisance pursuant to section 36-170 of this Code proscribing the parking of vehicles without current annual license plates (including current in transit decals issued by a licensed motor vehicle dealer).~~
- (a) When a vehicle endangers the public health, welfare, or safety;

1 **(b) When a vehicle upon city property or right of way is stationary, and the person or**
2 **persons in charge of the vehicle are incapacitated to such extent as to be unable**
3 **to provide for its custody or removal;**

4
5 **(c) When an unattended vehicle is unlawfully parked so as to constitute a hazard or**
6 **obstruction to the normal movement of vehicular or pedestrian traffic;**

7
8 **(d) When an unattended vehicle is parked unlawfully in an area designated as a tow**
9 **zone by the city;**

10
11 **(e) When a vehicle is in violation of any provision of this Code or of state law**
12 **authorizing towing or removal for that violation; or**

13
14 **(f) When towing or removal is necessary as an incident to an arrest.**

15
16 Section 13. Section 36-234 of the Omaha Municipal Code is hereby amended to read as
17 follows:

18 **Sec. 36-234. - Towing of vehicles authorized.**

19
20 Whenever any vehicle is found ~~coming under the provisions of this division to be~~
21 subject to towing under this Code, the same shall may be removed by a police officer
22 or other authorized city personnel and taken by him or her, or others acting under his
23 their supervision and direction, to a garage or lot designated by the chief of police for
24 such purpose.

25
26 Section 14. Section 36-235 of the Omaha Municipal Code is hereby amended to read as
27 follows:

28 **Sec. 36-235. - Payment of costs of removal and storage; proof of licensing and**
29 **registration.**

30
31 A vehicle towed into a garage or lot under the provisions of this division shall not
32 be released therefrom except upon payment by the owner to the person in charge of
33 such garage or lot the cost of towing and daily storage, any immobilization fees, and
34 any other administrative costs incurred by the city. A receipt for such fee costs and
35 fees shall be issued to the owner of such vehicle. To insure that the vehicle is released
36 to the proper owner, a vehicle towed into a garage or lot without current license plates
37 and current registration shall not be released therefrom except upon proof of proper
38 licensing and registration of the vehicle as required by state statute or city ordinance.
39 No vehicle shall be released without proof of liability insurance as required by law so
40 as to be legally operated in the State of Nebraska.

41
42 In addition to any other remedy available at law, any person who believes that an
43 impounded vehicle should be released without proper licensing and registration may

1 petition the manager of the vehicle impound lot facility for a hearing to determine if the
2 vehicle would not require licensing and registration under state statute or city
3 ordinance. If it is determined that the vehicle would not require licensing and
4 registration, no costs or fees shall be required for any period after such petition for
5 hearing was filed.
6

7 With respect to a recovered stolen vehicle, the manager of the city vehicle
8 impound lot facility or his or her designee shall waive the required payment of the
9 impound lot administrative fee and the daily storage fees for the first three days after
10 notice is sent to the owner of the vehicle notifying the owner that the vehicle is
11 available to be reclaimed.
12

13 Section 15. That Omaha Municipal Code chapter 36, article VI is amended to add a new
14 division 5 entitled "Immobilization of Parked Vehicles," consisting of new sections 36-241
15 through 36-248, reading as follows:

16 **DIVISION 5. IMMOBILIZATION OF PARKED VEHICLES.**

17
18 **Sec. 36-241. - Findings and purpose.**

19 The city council makes the following findings:

20 The parking and mobility division of the public works department is tasked with
21 managing on-street parking within the city. Well managed parking is vital for the
22 continued quality of life, customer satisfaction, and economic development of the
23 downtown area and other areas where demand for parking is high or there are
24 congested parking conditions.
25

26 Motorists who visit such areas to shop, visit a business or government agency, or enjoy
27 restaurant or other entertainment offerings find on-street parking to be essential. Proper
28 enforcement of parking regulations ensures availability of this essential parking by
29 creating turnover of parking spaces. Enforcement encompasses not only the issuance of
30 citations for parking violations, but also the collection of related fines, to encourage
31 maximum compliance with regulations and parking availability. Although parking
32 citations are issued and related fines are assessed, it is found that motorists frequently
33 violate parking regulations and neglect or fail to pay related fines. Motor vehicles with
34 three or more unresolved parking citations are found and declared to be public
35 nuisances. Accordingly, it is found that the immobilization of parked vehicles of vehicles
36 with histories of such multiple unresolved parking violations is an essential tool to
37 encourage compliance, for the benefit of motorists and the public welfare.
38

39 The purpose of this division is to establish a program of immobilization of such repeat
40 parking offenders, to encourage compliance with parking regulations.
41

42
43
44 **Section 36-242. - Definitions.**

1
2 For the purposes of this division, the following terms shall have the following meanings:

3
4 “Business day” shall mean business hours on those days from Monday through Friday,
5 inclusive, except for holidays on which city offices are closed.

6
7 “Business hours” shall mean 8:00 a.m. through 5:00 p.m. on business days.

8
9 “Eligible vehicle” shall mean any vehicle on the city’s immobilization list and thereby
10 subject to immobilization.

11
12 “Immobilize” shall mean the act of placing on a vehicle a wheel lock or boot, windshield
13 block, or other device, designed to prevent operation of the vehicle.

14
15 “Parking and mobility division” shall mean the parking and mobility division of the city
16 public works department.

17
18 “Registered owner” shall mean the owner of a given vehicle, according to the current
19 records of the department of motor vehicles of the state in which the vehicle is
20 registered.

21
22 “Right-of-way” shall mean a strip of land dedicated to the public for use as a public
23 street, highway, alley, sidewalk, or similar public uses.

24
25 “Unresolved parking citation” shall mean a parking citation issued within the city for
26 which (1) any related fines have not been paid, (2) the fines have remained unpaid for at
27 least 30 days since the citation was issued, and (3) the citation has not been
28 successfully appealed by the owner or dismissed by the city prosecutor.

29
30 **Section 36-243. - Authorization.**

31
32 The parking and mobility division is hereby authorized to direct and supervise a program
33 of vehicle immobilization for the purpose of enforcing the on-street parking rules of the
34 city. The program of vehicle immobilization shall provide for immobilizing any eligible
35 vehicle parked on city property or right-of-way, by placement of an immobilization device
36 in such a manner as to prevent the eligible vehicle’s operation. If the eligible vehicle is
37 subject to immediate towing under any other section of this code, the vehicle may be
38 immediately towed or relocated, in lieu of immobilization. As part of the immobilization
39 program, the parking and mobility division may also establish a procedure for a self-
40 release immobilization device, which may be removed by the registered owner, or his or
41 her designee, in compliance with this division.

42
43 **Section 36-244. - Notice of impending immobilization.**

44
45 When a vehicle has been subject to three or more unresolved parking citations after the
46 effective date of this ordinance, the parking and mobility division shall send to the
47 registered owner of said vehicle a notice of impending immobilization. The notice shall

1 be sent by regular U.S. mail to the address of the registered owner of that vehicle,
2 according to the records of the department of motor vehicles of the state in which it is
3 registered. The notice shall state the following:

4
5 (a) Name and address of the registered owner;

6
7 (b) State registration number of the vehicle to be placed on the immobilization list;

8
9 (c) Case numbers or other identifying numbers of all unresolved parking citations for
10 the vehicle to be placed on the immobilization list;

11
12 (d) A statement that the failure of the registered owner, or his or her designee, to pay
13 all fines related to the unresolved parking citations within 21 days from the date of
14 the notice shall result in the subject vehicle being placed on the city's immobilization
15 list;

16
17 (e) A statement that the registered owner may challenge the validity of the notice of
18 impending vehicle immobilization by making a written request, within 21 days of the
19 date of the notice, to the parking and mobility division, for a live hearing before the
20 parking and mobility division to submit evidence which would disprove eligibility for
21 the immobilization list.

22
23 **Section 36-245. - Immobilization.**

24
25 (a) If a registered owner receives a notice of impending immobilization and fails to pay
26 all fines related to the unresolved parking citations within 21 days of the notice and
27 fails to successfully appeal such notice, then the vehicle subject to the unresolved
28 parking citations shall be an eligible vehicle for immobilization and shall be included
29 on the city's immobilization list.

30
31 (b) The city may immobilize an eligible vehicle on the city's immobilization list that is
32 parked on city property or right-of-way.

33
34 (c) Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in
35 a conspicuous space. The notice shall state the following:

36
37 (1) State that the vehicle is immobilized because of unresolved parking citations,
38 and that any attempt to move the vehicle or remove the immobilization device
39 is unlawful and may result in damage.

40
41 (2) State that the unauthorized removal of or damage to the immobilizing device is
42 a violation of section 36-247 of this Code.

43
44 (3) Provide information specifying how release of the immobilizing device may be
45 accomplished, including a phone number of the parking and mobility division or
46 its designee.

1 (4) State that the registered owner may, by the end of the next following business
2 day, file a written request with the parking and mobility division for an
3 immobilization appeal hearing.

4
5 (5) State that if the immobilization fee and the fines related to the unresolved
6 parking citations are not paid and the immobilizing device has not been
7 released by the end of the next following business day, and there has been no
8 appeal requested under this section, then the city may tow and impound the
9 vehicle.

10
11 (6) Provide information specifying how the registered owner may claim the vehicle,
12 if towed and impounded.

13
14 (d) The city may tow and impound an immobilized vehicle, if the immobilization fees
15 and fines related to the unresolved parking citations for that vehicle are not paid and
16 there has been no appeal requested under this section, by the end of the next
17 following business day after immobilization.

18
19 (e) To secure the release of an immobilization device, the registered owner of an
20 immobilized vehicle shall, by the end of the next following business day after
21 placement of the immobilization device, make full payment of all fines related to
22 unresolved parking citations, plus an immobilization release fee of \$50.00. Such
23 fines and fees shall be paid to the city cashier in person, by telephone with a valid
24 credit card, or online as may be provided by the parking and mobility division or city
25 cashier. The parking and mobility division shall facilitate the release of
26 immobilization devices on non-business days and during non-business hours, if full
27 payment of fines and fees are submitted and confirmed by telephone or online or
28 written receipt.

29
30 **Section 36-246. - Appeals.**

31
32 (a) A registered owner who is subject to or receives a notice of impending
33 immobilization may appeal such notice to the parking and mobility division, by
34 making a written request for appeal to the office of the parking and mobility division
35 within 21 days from the date of the notice. The hearing will be held by an official of
36 the parking and mobility division within two business days of the request. The
37 parking and mobility division shall notify the registered owner of the date, time, and
38 place of the appeal hearing. At the hearing, the registered owner may submit
39 evidence which would disprove eligibility for the immobilization list. Evidence which
40 would disprove eligibility for the immobilization list shall be based on the grounds
41 that:

42
43 (1) All fines and fees related to the unresolved parking citations cited in the notice
44 have been paid in full; or

45
46 (2) The subject vehicle has not accumulated three or more unresolved parking
47 citations as cited in the notice.

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(b) The registered owner of an immobilized vehicle may appeal such immobilization to the parking and mobility division by making a written request for appeal to the office of the parking and mobility division by the end of the next following business day after placement of the immobilization device. The hearing shall be held by an official of the parking and mobility division within two business days of the request. The parking and mobility division shall notify the registered owner notice of the date, time, and place of the appeal hearing. At the appeal hearing, the registered owner may present evidence disproving eligibility for immobilization. Evidence which would disprove eligibility for immobilization shall be based on the following grounds:

- (1) The grounds stated in subsection (a) of this section; or
- (2) Other grounds relevant to immobilization under this division.

(c) Following a hearing, the parking and mobility division official may deny the appeal, or sustain the appeal and grant the registered owner relief, including release of the immobilization device and waiver of immobilization fees.

(d) A registered owner may appeal from the decision of a parking and mobility division official under this section, by appealing to the city's administrative appeals board, in the manner provided by section 2-185 of this Code.

Section 36-247. - Violations.

- (a) It shall be unlawful for any person to remove, disable or damage any immobilization device affixed to a vehicle, or to relocate or tow any vehicle to which an immobilization device is affixed, without the approval of the parking and mobility division.
- (b) The parking and mobility division may allow the registered owner of the vehicle to remove an immobilization device with self-release capability if the owner deposits with the parking and mobility division the dollar value of the device, as stated by the parking and mobility division. The said deposit shall be returned to the owner if the device is returned to the city without damage. The cost of any damage shall be retained and deducted from the deposit to be returned.

Section 36-248. - Severability.

The sections, paragraphs, sentences, clauses and phrases of this division are severable, and if any section, paragraph, sentence, clause or phrase of this division shall be declared invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance.

1 Section 16. That Omaha Municipal Code chapter 36, article VIII consisting of sections 36-281
2 through 36-287 are hereby amended and a new section 36-288 is added, all reading as follows:

3 **Sec. 36-281. - Establishment.**
4

5 For the purposes hereinafter provided, the parking and mobility division of the
6 public works department there is hereby established as the nonmoving traffic
7 violations bureau for the city, which shall function as a part of the office of the mayor,
8 under the direction of the mayor or his lawful designee.

9
10 **Sec. 36-282. - Duties.**
11

12 The ~~traffic violations bureau~~ parking and mobility division of the public works
13 department shall collect and account for all moneys paid in accordance with the
14 provisions of this article, issue receipts therefor, and keep records of all payments,
15 showing the name and time and date of payment. It shall be the duty of the ~~director of~~
16 the traffic violations bureau parking and mobility division to credit to the city such
17 amounts as shall be collected for the payment of administrative costs.

18
19 **Sec. 36-283. - Waiver of appearance; guilty plea when acceptable.**
20

21 Whenever any person is alleged to have violated any of the provisions of article
22 VI of this chapter or any of the offenses listed in Table 36-288 sections 36-151 through
23 36-190 and sections 36-200 through and including 36-224, he or she may, under such
24 conditions as are herein prescribed herein or on the notice of violation, ~~appear at the~~
25 ~~traffic violations bureau~~ execute a waiver of appearance, enter a plea of guilty, and
26 make payment of such administrative fees and penalty as shall not in the aggregate
27 exceed the sum set by resolution of the city council set by Table 36-288. Payment may
28 be made in person to the city cashier, and may also be made by mail or electronically,
29 under the terms specified by the parking and mobility division.

30
31 **Sec. 36-284. - Notice of violation.**
32

33 ~~At the time of~~ Upon the commission of an alleged violation coming under the
34 provisions of this article, ~~the accused shall be served with a printed notice of the~~
35 ~~violation shall be provided to the owner or driver of the offending vehicle, or shall be~~
36 ~~affixed on a conspicuous place on the offending vehicle. The notice shall require~~
37 ~~requiring them~~ the owner to make such appearance on or before the date specified
38 thereof, provide for payment under such terms specified by the parking and mobility
39 division, or allow the owner to contest the notice. The notice shall state the
40 following and it shall apprise them:

41
42 (a) The violation or violations charged as defined in this Code;
43

44 (b) The amount of the fine for each violation, as stated by Table 36-288;
45

1 (c) The procedures that can be used to voluntarily waive the right to a hearing, plead
2 guilty, and pay the fine pursuant to Table 36-288;

3
4 (d) The procedure that can be used to appeal from the notice of violation; and

5
6 (e) The consequences for failure to resolve the notice of violation through payment of
7 the fine or successful appeal, which may include immobilization or towing of the
8 vehicle.

9
10
11 ~~(a) That upon their neglect, refusal or failure to do so, a complaint shall be issued for~~
12 ~~their arrest;~~

13
14 ~~(b) That they must appear at the traffic violations bureau during the hours shown on~~
15 ~~the notice;~~

16
17 ~~(c) Of the violation or violations charged as defined by the ordinance;~~

18
19 ~~(d) Of the form of waiver which they shall be required to execute and present to the~~
20 ~~traffic violations bureau in order to avail themselves of the benefits provided by~~
21 ~~this article.~~

22
23 **Sec. 36-285. - Hours.**

24
25 ~~The director of the traffic violations bureau~~ city cashier shall fix the days and the
26 hours during which the ~~office of the traffic violations bureau~~ such office shall be open
27 to the public for the transaction of business coming under the provisions of this article.

28
29 **Sec. 36-286. - Issuance of warrant and complaint.**

30
31 Whenever any person refuses, neglects or fails to comply with any of the
32 provisions of this article, a complaint charging such violation ~~will~~ may be filed with the
33 county court. ~~In addition, unless full payment or an administrative challenge to the~~
34 ~~notice of violation is made within 30 days of the issuance of the notice of violation, any~~
35 ~~payment made after such 30 days shall result in an additional administrative fee of~~
36 ~~\$20.00, to be paid in addition to any applicable parking fee.~~

37
38 **Sec. 36-287. - Administrative fee, definition, establishment.**

39
40 For each violation ticket paid to the ~~traffic violations bureau~~ city, an administrative
41 fee in the amount set by section 36-288 ~~by resolution of the city council~~ shall be
42 deducted from the payment as provided in section 36-283 and shall be deposited in
43 the parking revenue fund of the city.

44
45 The administrative fee shall represent the actual cost to the city for the operation
46 of ~~both the traffic violations bureau and the parking control technician operations~~ the
47 parking and mobility division and parking functions of the city. ~~and~~ The fee shall be
48 computed on the budget allocations of both such division and functions, including the

1 wages and fringe benefits of operating personnel and parking control technicians,
2 operating expenses, including the cost of printing tickets and forms, postage, office
3 supplies, office equipment, including maintenance and repair, necessary overhead,
4 including heating and air conditioning, lights, rents, maintenance, telephone expense,
5 contracted services, and data processing expenses. The term "parking control
6 technician," as used in this chapter, shall include parking meter checkers and city
7 employees designated and authorized by the public works department for parking
8 enforcement activities.
9

10 **Sec. 36-288. Enforcement and penalty.**

11
12 (a) Prosecution of a violation of any provision of this chapter or of any parking violation
13 shall be handled by the office of the city prosecutor.

14 (b) The violation of any offense listed in the attached Table 36-288 shall be punished
15 by a fine as listed for such offense in such Table 36-288. For each such fine, \$9.00
16 of such fine shall constitute an administrative fee to defray the city's costs
17 associated with parking enforcement, subject to any adjustments under this section.
18 The remainder of such fine shall constitute a penalty.

19 (c) The total amount of a fine for an offense listed in Table 36-288 shall be reduced by
20 \$6.00 if paid within 48 hours of the time of citation. The total amount of a fine for an
21 offense listed in Table 36-288 shall be increased by \$20 if not paid within 30 days of
22 the date of the citation. Such increases and decreases shall have the effect of
23 increasing or decreasing the administrative fee component of the fines.

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

TABLE 36-288

| | FINE |
|--|-----------|
| Expired Meter | \$ 16.00 |
| Prohibited by Sign | \$ 16.00 |
| Prohibited by sign - No Parking anytime | \$ 16.00 |
| Park Time Limited - Sign | \$ 16.00 |
| Extending Parking Time meter | \$ 16.00 |
| Prohibited Place | \$ 16.00 |
| Blocking Sidewalk | \$ 16.00 |
| Parked in Two Stalls | \$ 16.00 |
| Freight Loading Zone | \$ 16.00 |
| Parking on/over curb | \$ 16.00 |
| Over Foot From Curb | \$ 16.00 |
| Parked within three (3) feet of driveway | \$ 16.00 |
| Parking in Alley/less than 10 feet available | \$ 16.00 |
| Non-Emergency Repair | \$ 16.00 |
| Obstructing Traffic Parked | \$ 32.00 |
| Vehicles Lined up in Street | \$ 32.00 |
| Dead Storage on Street | \$ 16.00 |
| Stop Park Adjacent to School | \$ 16.00 |
| Parked on Narrow Street | \$ 16.00 |
| Park Near Hazardous Place | \$ 16.00 |
| Park Restriction | \$ 16.00 |
| Park Emergency Snow Route | \$ 48.00 |
| Used Vehicle for Advertising | \$ 32.00 |
| Passenger Loading Zone | \$ 16.00 |
| Truck Loading Zone | \$ 16.00 |
| Taxi Parking Only | \$ 16.00 |
| Parking in Bus Stop | \$ 32.00 |
| Slug/Deposit in Meter | \$ 32.00 |
| Facing Wrong Direction | \$ 16.00 |
| Expired Plates | \$ 100.00 |
| Street Sweeping | \$ 16.00 |
| Fire Hydrant within 15 Feet | \$ 32.00 |
| Compact Vehicle Only | \$ 16.00 |
| Back in Parking Only | \$ 16.00 |
| Parked within 30 Feet From Stop Sign | \$ 16.00 |
| Not Parked Parallel | \$ 16.00 |
| Blocking HDCP Ramp | \$ 48.00 |
| No Plate No in Transit | \$ 100.00 |
| Government Parking Only | \$ 16.00 |
| Park 30 Feet From Intersection | \$ 16.00 |
| Blocking crosswalk | \$ 16.00 |
| Trailer Parked On Street - Not attached to vehicle | \$ 16.00 |
| Parked within 15 feet of Fire Station Driveway | \$ 32.00 |
| Angle Parking By Sign | \$ 16.00 |
| Parked on one way road | \$ 16.00 |
| Stop park congested street | \$ 16.00 |
| Stop park railroad track | \$ 32.00 |
| Sell from vehicle on street | \$ 32.00 |
| Snow removal zone general | \$ 48.00 |

ORDINANCE NO. _____

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| | |
|---------------------------------------|----------|
| Loading zone no permit | \$ 16.00 |
| Failure to process coin | \$ 16.00 |
| Food Truck - No Permit | \$ 48.00 |
| Food Truck- Not parked Parallel | \$ 16.00 |
| Food Truck- Generator on Right of Way | \$ 16.00 |
| Oversized vehicle parked on street | \$ 16.00 |

1

2 Section 17. Sections 36-170, 36-190, 36-192, 36-193, 36-194, 36-195, 36-196, 36-197, 36-198,
3 36-212, 36-232, 36-234, 36-235, 36-281, 36-282, 36-283, 36-284, 36-285, 36-286, and 36-287
4 of the Omaha Municipal Code as heretofore existing are hereby repealed.

5 Section 18. This ordinance shall be in full force and take effect 15 days from and after the date
6 of its passage.

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

PASSED _____

MAYOR OF THE CITY OF OMAHA DATE

ATTEST:

CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

 4-30-19

DEPUTY CITY ATTORNEY DATE