

**City of Carson City
Agenda Report**

Date Submitted: February 3, 2012

Agenda Date Requested: February 16, 2012

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works Department

Subject Title: For Possible Action: To introduce, on first reading, Bill No. _____, an ordinance amending the Carson City Municipal Code Title 10 Vehicles and Traffic, Chapter 10.24 Stopping, Standing and Parking (Sharp).

Staff Summary: The proposed revisions are necessary to provide relief and/or reduced infraction for persons who possess a valid handicapped parking placard but failed to display it while parked (CCMC 10.24.145.10), to establish a bail requirement for disputing an infraction (CCMC 10.24.380.1b), and other housekeeping measures.

Type of Action Requested:

☐ Resolution

☒ Ordinance

☐ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending the Carson City Municipal Code Title 10 Vehicles and Traffic, Chapter 10.24 Stopping, Standing and Parking.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Municipal Code Title 10 Vehicles and Traffic, Chapter 10.24 Stopping, Standing and Parking

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

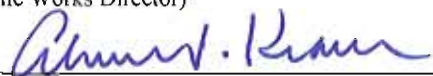
Alternatives: 1. Refer back to staff for further review.
2. Do not introduce the ordinance (leave the code requirements the same as they are now)

Supporting Material: 1. Ordinance

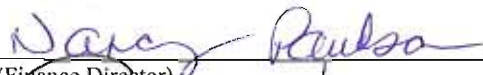
Prepared By: Jeff Sharp, City Engineer 

Reviewed By: 
(Public Works Director)

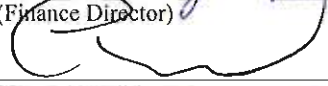
Date: 2-7-12


(Treasurer)

Date: 2-7-12


(Finance Director)

Date: 2/7/12


(City Manager)

Date: 2/7/12


(District Attorney)

Date: 2/7/12

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

BILL NO. ____

ORDINANCE NO. 2012- ____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE
TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.24 STOPPING,
STANDING AND PARKING.

Fiscal effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 10 Vehicles and Traffic Chapter 10.24 Stopping, Standing and Parking is hereby amended as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted).

CHAPTER 10.24 STOPPING, STANDING AND PARKING.

Sections:

- 10.24.010 - Stopping, standing or parking outside of business or residence districts.
- 10.24.020 - Removal of vehicles.
- 10.24.030 - Stopping, standing or parking prohibited in specified places.
- 10.24.040 - Prohibited parking in front of theaters, hotels, other buildings.
- 10.24.050 - Parallel, angle parking—Parking on highways under jurisdiction of Department of Highways.
- 10.24.060 - Obedience to angle parking traffic control devices.
- 10.24.070 - Parking in alleys.
- 10.24.080 - All-night parking prohibited.
- 10.24.090 - Parking for certain purposes prohibited.
- 10.24.100 - Parking adjacent to schools.
- 10.24.110 - Parking prohibited on narrow highways.
- 10.24.120 - Standing or parking on one-way streets.
- 10.24.130 - Standing or parking on one-way roadways.
- 10.24.140 - Stopping, standing or parking near hazardous or congested places.
- 10.24.145 - Parking space designated for handicapped: Signs; required plates, stickers or placards for parking; prohibited acts; penalty.
- 10.24.147 - Resident parking only.
- 10.24.150 - General parking regulations.
- 10.24.160 - Standing in passenger curbside loading zone.
- 10.24.170 - Standing in freight curbside loading zone.

10.24.180 - Standing in restricted parking zone.
10.24.190 - Stopping, standing and parking of buses and taxicabs.
10.24.200 - Restricted use of bus and taxicab stands.
10.24.210 - Regulation of stopping, standing or parking by board.
10.24.300 - Declaration of controlled parking zone.
10.24.305 - Placing of time limit signs.
10.24.310 - Revenues—Designated use.
10.24.315 - Parking space and zone markings.
~~10.24.320 - Collection.~~
10.24.325 - Prohibited acts.
10.24.330 - Chapter not applicable to certain governmental vehicles.
10.24.335 - Hearing officer.
10.24.340 - Infractions.
10.24.345 - Notice of infraction.
10.24.350 - Notice of infraction—Contents.
10.24.355 - Notice of infraction—Issuance and filing.
10.24.360 - Notice of infraction—Service.
10.24.365 - Schedule of civil fines and penalties and use of collection agency.
10.24.370 - Liability.
10.24.375 - Presumption that registered owner parked vehicle.
10.24.380 - Notice of infraction—Response.
10.24.385 - Twenty-day notice of violation.
10.24.390 - Final notice of violation.
10.24.400 - Special or temporary parking permits or special license plates for physically handicapped person, disabled veteran or ex-prisoner of war—Uses and limitations.
10.24.500 - Service parking permits.
10.24.600 - Client parking zones and permits.
10.24.650 - Client parking enforcement procedures.

10.24.010 - Stopping, standing or parking outside of business or residence districts.

1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway.

2. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

10.24.020 - Removal of vehicles.

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, such officer may move such vehicle, or require the driver or person in charge of the vehicle to move it to a position off the paved or improved or main-traveled part of such highway.
2. Members of the Carson City sheriff's office or City employees of the ~~department of public works~~, designated by the director of the department of public works are hereby authorized to remove or cause to be removed a vehicle from a street or highway to the nearest garage tow yard or other place of safety, or to a garage secure area maintained by the Carson City sheriff's office or otherwise maintained or designated by contract or otherwise by Carson City under any of the circumstances hereinafter enumerated:
 - a. When any vehicle is left unattended upon any bridge, viaduct or causeway, ~~or in any tube or tunnel~~ where such vehicle constitutes an obstruction to traffic;
 - b. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
 - c. When any vehicle is illegally parked in a parking space or location for over twenty-four (24) hours and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
3. Whenever a person removes a vehicle from a street as authorized in this section and knows or is able to ascertain from the registration records in the vehicle or by other reasonable means the name and address of the owner thereof, the person who removes the vehicle shall promptly give or cause to be given notice in writing, and by telephone if possible, to the registered owner that the vehicle has been removed. In the event that

any such vehicle is stored in a public ~~garage~~ **tow yard**, a copy of such notice shall be given to the proprietor of such ~~garage~~ **tow yard**.

4. Whenever a person removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the person shall immediately send or cause to be sent written report of such removal by mail to the ~~state department whose duty it is to register motor vehicles~~ **Nevada Department of Motor Vehicles**, and shall file a copy of such notice with the proprietor of any public ~~garage~~ **tow yard** in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the ~~garage or~~ place where the vehicle is stored.

(Ord. 1996-7 § 1, 1996: Ord. 1992-33 § 2, 1992).

10.24.030 - Stopping, standing or parking prohibited in specified places.

1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:
 - a. On a sidewalk;
 - b. In front of a public or private driveway;
 - c. Within an intersection;
 - d. Within fifteen feet (15') of a fire hydrant;
 - e. On a crosswalk;
 - f. Within twenty feet (20') of a crosswalk at an intersection;
 - g. Within thirty feet (30') upon the approach to any official traffic control signal located at the side of a highway;
 - h. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone;

- i. Within fifty feet (50') of the nearest rail of a railroad;
 - j. Within twenty feet (20') of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within seventy-five feet (75') of such entrance;
 - k. Alongside or opposite any highway excavation or obstruction when such stopping, standing or parking would obstruct traffic;
 - l. On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;
 - m. Upon any bridge or other elevated structure ~~or within a highway tunnel~~;
 - n. Within five feet (5') of a public or private driveway; and
 - o. At any place where official traffic control devices prohibit stopping, standing or parking
 - p. In front of any area designated "Parking For Residents Only" or "Non-Resident Parking Prohibited."
2. A person shall not move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.
 3. The board may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on such devices.

(Amended by Ord. 1973-25 § 1, 1973).

10.24.040 - Prohibited parking in front of theaters, hotels, other buildings.

A person shall not park a vehicle at any time on any of the following parts of highways, sidewalks or sidewalk areas, where official traffic-control devices are erected giving notice thereof:

1. In front of a theater entrance;

2. In front of the entrance or exit of a hotel;
3. In front of the entrance to any building where any such **official traffic-control** device has been erected ~~by the board~~.

10.24.050 - Parallel, angle parking—Parking on highways under jurisdiction of Department of Highways.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a highway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches (18") of the right-hand curb.
2. The board may permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches (18") of the left-hand curb of a one (1)-way highway.
3. The board may permit angle parking on any highway. ~~except that angle parking shall not be permitted on any highway constructed and maintained by the Department of Highways under the authority granted by Chapter 408 of NRS unless the Department~~ **For highways maintained by the Nevada Department of Transportation (NDOT), angle parking will only be permitted when NDOT** has determined that such highway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

10.24.060 - Obedience to angle parking traffic control devices.

Upon those highways which have official traffic control devices permitting angle parking, a person shall not stop, stand or park a vehicle other than at the angle to the curb or edge of the highway indicated by such devices.

10.24.070 - Parking in alleys.

1. Unless otherwise provided by this title, a person shall not:
 - a. Stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of goods.
 - b. Stop, stand or park a vehicle in any other alley in such a manner, or under such conditions as to leave available less than ten feet (10') of the width of the alley for the free movement of vehicular traffic.

2. A person shall not stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

10.24.080 - All-night parking prohibited.

1. A person, except physicians or other persons on emergency calls, shall not park a vehicle on any highway which has an official traffic control device prohibiting all-night parking for a period of time longer than thirty (30) minutes between the hours of two a.m. and five a.m. of any day.
2. A person shall not park and occupy or sleep in, on or about a vehicle on any highway or public street in Carson City between the hours of ten p.m. and five a.m. of any day.
3. Subsection 1 of this section shall not apply to occupied motorhomes parked adjacent to and with the permission of residential property owners in residential districts in Carson City for periods less than seventy-two (72) hours.

(Ord. 1985-32 § 1, 1985).

10.24.090 - Parking for certain purposes prohibited.

No person shall park a vehicle upon any highway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
3. Soliciting business.
4. Selling merchandise from such vehicle except in a duly established market place, or one so authorized or licensed by the board.
5. Storage of operational motorized and nonmotorized vehicles for more than one hundred sixty-eight (168) hours.
6. Storage of inoperative motorized and nonmotorized vehicles or abandonment for more than twenty-four (24) hours.

7. Overnight parking or storage of motorized or non-motorized commercial vehicles in residential or office use districts except:

- a. A commercial panel truck, pick-up truck or van may be parked overnight adjacent to the driver's residence if it is his personal means of transportation to and from his place of employment.
- b. A commercial vehicle may be parked overnight adjacent to a construction project in which it is being used.

(Ord. 1985-3 § 2, 1985: Ord. 1981-35 § 1, 1981).

10.24.100 - Parking adjacent to schools.

When official traffic control devices are erected giving notice thereof, a person shall not park a vehicle upon either side of any highway adjacent to any school.

10.24.110 - Parking prohibited on narrow highways.

When official traffic control devices are erected prohibiting parking upon a narrow highway, a person shall not park a vehicle upon any such highway.

10.24.120 - Standing or parking on one-way streets.

When official traffic control devices are erected giving notice thereof, a person shall not stand or park a vehicle upon the left-hand side of a one-way street.

10.24.130 - Standing or parking on one-way roadways.

If a laned roadway is restricted to 1 direction, a person shall not stand or park a vehicle upon the left-hand side of such one-way roadway unless official traffic control devices are erected permitting such standing or parking.

10.24.140 - Stopping, standing or parking near hazardous or congested places.

When official traffic control devices are erected at hazardous or congested places, a person shall not stop, stand or park a vehicle in any such designated place.

10.24.145 - Parking space designated for handicapped: Signs; required plates, stickers or placards for parking; prohibited acts; penalty.

- 1. Any parking space designated for the handicapped must be indicated by a sign:

- a. Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only," or "reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for the handicapped.
 - b. Stating "Minimum fine of \$250.00 for use by others" or equivalent words; and
 - c. The bottom of which must be not less than 4 feet above the ground.
2. In addition to the requirements of subsection 1, a parking space designated for the handicapped which:
 - a. Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and
 - b. Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.
3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:
 - a. Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;
 - b. Stating "Minimum fine of \$250.00 for violation" or similar words indicating that the minimum fine for parking in such a space is \$250.00; and
 - c. The bottom of which must not be less than 4 feet above the ground.
4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having

control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for the handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless he is eligible to do so and the vehicle displays:

- a. Special license plates issued pursuant to NRS 482.384;
- b. A special or temporary parking placard issued pursuant to NRS 482.384;
- c. A special or temporary parking sticker issued pursuant to NRS 482.384;
- d. Special license plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or
- e. Special license plates for a disabled veteran issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for the handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

- a. He is eligible to do so;
- b. The vehicle displays the special license plates or placard set forth in subsection 5; and
- c. The vehicle is equipped with a side-loading wheelchair lift.

A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. ° A person shall not park in a space which:

- a. Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and
 - b. Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3, whether on public or privately owned property.
- 8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for the handicapped unless he is a person with a permanent disability, disability of moderate duration or temporary disability, a disabled veteran, or the driver of vehicle in which any such person is a passenger.
- 9. A person who violates any of the provisions of subsections 5 to 8, inclusive, is guilty of a misdemeanor and shall be punished:
 - a. Upon the first offense, by a fine of \$250.00;
 - b. Upon the second offense, by a fine of \$250.00 and not less than 8 hours, but not more than 50 hours, of community service;
 - c. Upon the third or subsequent offense, by a fine of not less than \$500.00, but not more than \$1,000.00 and not less than 25 hours, but not more than 100 hours, of community service.
- 10. A person who has received a notice of infraction under this paragraph who then supplies a valid placard belonging to the person who received the infraction shall, on the first such occasion, have the fine set aside. Subsequent infractions by a person with a valid placard shall have the fine reduced to \$10.00.**

(Ord. 2007-6 § 2, 2007: Ord. 1998-18 § 1, 1998: Ord. 1996-7 § 2, 1996: Ord. 1992-33 § 3, 1992: Ord. 1985-30 § 1, 1985: Ord. 1982-17 § 1, 1982: Ord. 1980-20 § 1, 1980).

10.24.147 - Resident parking only.

- 1. The Carson City Traffic Control Division **Public Works Department**, upon receipt of a written request for "Resident Parking Only," will conduct a preliminary study and will forward a report of the findings, together with a recommendation to the City Manager within 45 days of receipt of the request, ~~who~~ **City Manager** shall either approve, modify, or deny the request within 10 days.

2. If the request is granted, the applicant shall pay the cost of signing the area in the amount of \$60.00 **100.00**. All resident parking zones shall have a painted curb to accompany the signage.
3. Disabled residents issued a parking permit or license plate by the Nevada State Department of Motor Vehicles and Public Safety pursuant to NRS 482.384 or NRS 482.377 may be given special considerations if existing off-street parking cannot be accessed by the resident or other circumstances warrant.
4. If 2 off-street parking spaces are provided, no "Resident Parking Only" spaces will be considered.
5. If 1 off-street space or less is provided, "Resident Parking Only" zones may be considered, if the ~~Traffic Control Division~~ **Public Works Department** determines that a "Resident Parking Only" zone is in the best interest of the area residents and fulfills the requirements of the other parameters of this section.
6. Controlled parking/access streets will not be considered for "Resident Parking Only" zones.
7. The ~~Traffic Control Division~~ **Public Works Department** will review existing and future "Resident Parking Only" locations every 5 years, at which time, a new study will be performed to determine requisite compliance.
8. The ~~Traffic Control Division~~ **Public Works Department** reserves the right to discontinue any and all "Resident Parking Only" zone permits, if it is determined that any of the following conditions exist:
 - a. The applicant has vacated the residence;
 - b. The zone no longer qualifies under any and all subsections 1 through 8;
 - c. The continued use of the zone is determined to be unsafe or the street classification changes by study.
9. The board of supervisors may waive any or all of the signing fee for any applicant upon a finding of special circumstances.
(Ord. 2006-9 § 1, 2006: Ord. 1988-2 § 1, 1988: Ord. 1986-51 § 1, 1986).

10.24.150 - General parking regulations.

1. Vehicles shall be parked only in parking spaces.
2. The board may from time to time designate, by motion, certain areas in which parking shall be reserved for public conveyances or for loading zones, and no vehicle, other than those designated in such motion, shall park or stand in any such space or zone at any time. Such spaces or zones shall be designated by appropriate painted stripes along the curbs, or by signs.
3. No person shall stop, stand or park any vehicle within 15 feet of any fire hydrant to be used by the fire department.
4. No vehicle shall be stopped or parked so as to be on or overlap any parking line marked on any street in Carson City for the purpose of designating a parking space.
5. The director of public works may designate City employees of the ~~department of public works~~, who shall be charged with enforcing the provisions of this chapter in the same manner as provided by Section 10.33.120.
6. Except as otherwise provided, bail for any violation of this Chapter shall be \$25.00.
(Ord. 1987-10 § 6, 1987: amended by Ord. 1975-7 § 1, 1975).

10.24.160 - Standing in passenger curb loading zone.

A person shall not stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective.

10.24.170 - Standing in freight curb loading zone.

1. A person shall not stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

2. The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

10.24.180 - Standing in restricted parking zone.

A person shall not stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which such parking zone is restricted.

10.24.190 - Stopping, standing and parking of buses and taxicabs.

The operator of a bus or taxicab shall not stop, stand or park upon any highway in any business district at any place other than a bus stop or taxicab stand, respectively, except that this provision does not prohibit the driver of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

10.24.200 - Restricted use of bus and taxicab stands.

1. A person shall not stop, stand or park a vehicle other than a bus in a bus stop, or a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop there and for the purpose of and while actually engaged in expeditiously loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.
2. As stated in subsection 1 herein, the Carson City board of supervisors may allow taxicab companies and companies operating buses the privilege of exclusively using for their business purposes public parking places. The person, firm, or corporation requesting or using such exclusive space shall pay annually a fee of one hundred fifty dollars (\$150.00) therefor for each such space. Such payment shall be made on or before the anniversary date of person's, firm's, or corporation's business license. The payment shall be a condition precedent to the issuance or renewal of a business license. The Carson City clerk shall note on the business license the location of each such taxicab or bus

stand, parking place, or space and the fact of payment. The Carson City board of supervisors may revoke the privilege herein granted at its pleasure; provided, however, that it shall cause to be refunded on a pro rata basis any portion of the fee for the ensuing year or any portion thereof.

(Amended by Ord. 1977-4 § 1, 1977).

10.24.210 - Regulation of stopping, standing or parking by board.

1. The board may erect official traffic control devices regulating the stopping, standing or parking of vehicles on any highway under its jurisdiction.
2. Whenever devices are erected giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle for longer than the time designated by any such sign

10.24.300 - Declaration of controlled parking zone.

The streets, alleys, highways and publicly owned or operating parking lots or portions thereof, as identified by resolution adopted by the board, are hereby defined and established as controlled parking zones within which the parking of vehicles is controlled and regulated with the aid of time limit signs.

(Ord. 1992-33 § 4, 1992).

10.24.305 - Placing of time limit signs.

1. In controlled parking zones, the board shall cause time limit signs to be installed in such numbers and at such locations as in its judgment may be necessary for the regulation, control and inspection of the parking of vehicles therein, including the reservation of loading zones for commercial vehicles.
2. The board shall by resolution fix the time limitations for legal parking in such zones and the hours during the day when the time limitations shall be effective, in compliance with the provisions of this title, and shall indicate the time limitations by causing the same to be designated on the appropriate signs posted in said zone.

(Ord. 1992-33 § 5, 1992).

10.24.310 - Revenues—Designated use.

All revenues, including fines and fees (including fees for permits) collected from enforcement of this chapter must be deposited with the city

treasurer and credited to the traffic/transportation fund, which is devoted exclusively to the following purposes:

1. For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities;
2. For the installation and maintenance of traffic control devices and signals;
3. For the painting and marking of streets and curbs required for the direction of traffic and parking of motor vehicles;
4. To be pledged as security for the payment of principal and of interest on off-street parking revenue bonds; or
5. For the regulation, control and inspection of parking and traffic upon the public streets.

(Ord. 1992-33 § 6, 1992).

10.24.315 - Parking space and zone markings.

The director of public works shall have markings painted or placed upon the curb or upon the street or highway for the purpose of designating parking spaces within the parking zones established pursuant to Section 10.24.305. Each vehicle must be parked within the lines or markings established by this section.

(Ord. 1992-33 § 7, 1992).

~~10.24.320 - Collection.~~

~~It is the duty of the director of the department of public works to designate some employee or employees of the department of public works, who shall be bonded, to make regular collections of the money deposited for parking fines in designated drop-off points or collection boxes. All that money must be deposited with the Carson City treasurer and placed in a separate fund designated the traffic/transportation fund.~~

~~(Ord. 1992-33 § 8, 1992).~~

10.24.325 - Prohibited acts.

It is a violation of the provisions of this chapter for any person:

1. To cause, allow or permit any vehicle registered in the name of or operated by such person to be parked in a space regulated by a time limit sign, for a period exceeding the time limit designated on the sign;
2. To park any vehicle across any line or marking of a parking space or in such a position that the vehicle is not entirely within the area designated by such lines or markings;
3. To deface, injure, tamper with, destroy, remove or impair the usefulness of any parking sign or tire mark installed or made under the provisions of this chapter;
4. To park any vehicle in any space regulated by a time limit sign with a service parking permit which has expired or has been revoked.

(Ord. 1996-7 § 3, 1996: Ord. 1992-33 § 9, 1992).

10.24.330 - Chapter not applicable to certain governmental vehicles.

The provisions of this chapter are not applicable to vehicles owned or operated by the state of Nevada or any of its agencies or any political subdivision thereof or any county or its agencies or political subdivisions; provided, however, that the operators of such vehicles must be attending to official business on an occasional basis only.

(Ord. 1992-33 § 10, 1992).

10.24.335 - Hearing officer.

~~The senior justice of the peace~~ **Public Works Director** of Carson City shall appoint an administrative hearing officer ("hearing officer") to hold hearings and make findings on alleged parking violations as required by this chapter. The hearing officer serves in that capacity at the compensation established by the board of supervisors, if any.

(Ord. 1996-7 § 4, 1996: Ord. 1992-33 § 11, 1992).

10.24.340 - Infractions.

It is a civil infraction, for which the registered owner of a vehicle is liable, for such vehicle to be parked or found parked in violation of any of the provisions of this chapter. Whenever any vehicle is found in violation of the provisions of this chapter, a notice of infraction must be issued.

(Ord. 1992-33 § 12, 1992).

10.24.345 - Notice of infraction.

1. The director of the department of public works shall provide forms for notices of infraction for notifying alleged violators to either pay the fine or make arrangements to appear before the hearing officer to answer to charges of violating the parking laws and regulations of Carson City. The notice of infraction forms must include serially numbered sets of notices of infraction in duplicate in the form prescribed and approved by the director of the department of public works and containing the information required by this chapter.
2. The director of the department of public works is responsible for the issuance of books of notices of infraction forms for parking infractions to the employees charged with the duty of enforcing the parking regulations, and shall maintain a record of every book so issued and shall require a written receipt for each book.

(Ord. 1996-7 § 5, 1996: Ord. 1992-33 § 13, 1992).

10.24.350 - Notice of infraction—Contents.

The notice of infraction must be on the form which is prescribed by the public works department and must contain the following information:

1. The state and license number of the vehicle parked in violation of the provisions of this title;
2. The location at which the violation occurred;
3. The date and time of the violation;
4. The notation of the person who issued the notice of infraction;
5. The section of this code which has been violated;
6. Information which advises of the manner and the time within which the notice of infraction must be answered; and
7. Any other reasonable information which is prescribed by the public works department.

(Ord. 1992-33 § 14, 1992).

10.24.355 - Notice of infraction—Issuance and filing.

The notice of infraction may be issued by the sheriff, deputy sheriff or by any person who is authorized by the director of the public works department. The original notice of infraction, or a facsimile thereof, must be filed with and retained by the ~~Carson City public works department~~ **City** and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by the law and is prima facie evidence of the facts which are alleged therein. A duplicate of the notice of infraction must be placed in a conspicuous place on the vehicle found in violation of this chapter.

(Ord. 1992-33 § 15, 1992).

10.24.360 - Notice of infraction—Service.

1. The notice of infraction is served upon the owner of the vehicle by affixing the notice to the vehicle in a conspicuous place. Service of the notice of infraction by affixation has the same force and effect, and is subject as the same penalties for the disregard thereof, as if the notice of infraction was personally served upon the owner of the vehicle. In lieu of the service of affixation, the notice of infraction may be personally served upon the owner of the vehicle.
2. For the purpose of this chapter, an operator of a vehicle who is not the registered owner thereof but who uses or operates the vehicle with the permission of the owner, express or implied, is deemed to be the agent of the owner to receive a notice of infraction, whether it is personally served on the operator or served by affixation, and service in either manner is also deemed to be lawful service upon the owner.

(Ord. 1992-33 § 16, 1992).

10.24.365 - Schedule of civil fines and penalties and use of collection agency.

1. The civil fines and penalties imposed for violations of this chapter are as follows:
 - a. For parking a vehicle in an area posted with a parking time limit for a period longer than the prescribed time, the fine is fifteen dollars (\$15.00). If the fine is not paid within thirty (30) days from the date of issuance of notice of infraction, a penalty of fifteen dollars (\$15.00) is added.
 - b. For any other violation of the provisions of this chapter, except as otherwise noted, fines are twenty-five dollars (\$25.00). If this fine

is not paid within thirty (30) days from date of issuance of infraction, a penalty of twenty-five dollars (\$25.00) is added.

2. If any fines or penalties are due and are not paid within forty-five (45) days from the date of issuance of the notice of infraction, a fifteen dollar (\$15.00) service charge is added and the total debt may be referred to a city-designated credit agency for collection.
3. No combination of fines or penalties imposed by this chapter by a single notice of infraction may exceed that amount allowed in NRS 244.3575, as amended.
(Ord. 1996-7 § 6, 1996: Ord. 1992-33 § 17, 1992).

10.24.370 - Liability.

The fines, penalties and charges imposed under this chapter constitute legal debts to Carson City. The operator of a vehicle is liable for those debts which are imposed pursuant to this chapter. The registered owner of the vehicle, even if he or she is not the operator thereof, is also liable for those debts. A registered owner who pays any civil fine pursuant to this chapter has the right to recover from the operator of the vehicle the civil fines so paid, and has a cause of action in any court which has appropriate jurisdiction against the operator of the vehicle for the amount so paid.

(Ord. 1992-33 § 18, 1992).

10.24.375 - Presumption that registered owner parked vehicle.

Upon the alleged violation of any provision of this chapter, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the person named in the notice of infraction was at the time of the alleged violation the registered owner of such vehicle, constitute a prima facie presumption that the registered owner of such vehicle was the person who placed or parked the vehicle at the point or location where, and at the time during which, such alleged violation occurred.

(Ord. 1992-33 § 19, 1992).

10.24.380 - Notice of infraction—Response.

1. A person responding to a notice of infraction shall:
 - a. Admit the commission of the infraction and pay the appropriate fine; or

- b. Deny liability for the infraction and schedule through the public works department a hearing before the hearing officer. **A bail in the amount of the fine shall be deposited. This bail is subject to full or partial forfeiture should the hearing officer rule that the infraction is justified. Hearing request must be made within 30 days of the infraction.**
2. The burden to prove any defense is upon the person raising such defense.
3. If the hearing officer finds that the infraction has not occurred or an infraction has been committed but one, or more, of the defenses set forth below is applicable, the hearing officer may dismiss the notice of infraction and release the registered owner and operator from liability thereunder. Such defenses include, but are not limited to:
 - a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the state of Nevada;
 - b. Compliance with the subject ordinances would have presented an imminent and irrefutable injury to persons or property;
 - c. The registered owner of the subject vehicle can show that the vehicle was parked in violation of this chapter without the implied or expressed permission of the registered owner.
4. If the hearing officer finds that the infraction has been committed, but the subject vehicle was mechanically incapable of being moved from such location for a period less than six (6) hours, the hearing officer may reduce the civil fine associated therewith.
5. If the hearing officer finds that an infraction has been committed and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the city, allow the timely or periodic payment of the applicable penalty.
6. A party against whom the hearing officer has entered a finding of liability and assessment of fine or penalties, whether by default or otherwise may, upon posting payment of the assessed fine and accumulated penalties to the public works department, appeal to the Carson City justice court within ten (10) days from the date of entry of the finding and assessment. Appeal must be made by filing with the Carson City justice court a written notice ("notice of appeal") containing the appellant's

name, current address, phone number, citation number, and a statement that the appellant appeals the finding and assessment. A copy of the notice of appeal must be filed with the hearing officer within ten (10) days.

7. Upon receipt of timely notice of appeal, the hearing officer shall forward the notice, together with a copy of the citation and a copy of the hearing officer's finding and assessment, to the justice court, and a copy of the same to be the office of the Carson City district attorney.
8. An appeal is a civil action, except that no formal complaint need be filed nor summons issued. The filing of the notice of appeal constitutes a submission by the appellant to the jurisdiction of the Carson City justice court and to all notices and orders issued by said court during appeal, and to final judgment of said court on resolution of the appeal.
(Ord. 1992-33 § 20, 1992).

10.24.385 - Twenty-day notice of violation.

If a fine is not paid within twenty (20) days after the date of service of the notice of infraction, ~~the public works department shall mail~~ a twenty (20)-day notice of violation **shall be sent** by first class mail to the registered owner of the vehicle to which such in-fraction was issued. Such notice must be substantially in the following form:

TWENTY DAY NOTICE OF VIOLATION

Parking Notice of Infraction No. _____ was issued on ;date;rule; to a vehicle registered to you, bearing License No. _____ for the violation of ;date;rule;. At the time of the infraction, a parking Notice of Infraction envelope was placed on the vehicle in a conspicuous place.

The initial fine of \$ _____ must be paid by ;date;rule; (insert date ~~30 days after Notice of Infraction~~ **10 days after the date of this letter**) to avoid further proceedings or costs. Payment may be placed in the enclosed envelope and delivered or mailed to the above address.

If you feel this Notice of Infraction was issued in error, you must first post the fine in the amount of \$ _____ by (insert date ~~30 days after Notice of Infraction~~ **10 days after the date of this letter**) and request a hearing before the Hearing Officer. Failure to pay the fine within the designated time will result in a penalty of (\$15.00) (\$25.00) being added to the fine. In addition, by ;date;rule; (insert date ~~45 days after Notice of Infraction~~ **25 days after the date of this letter**), all unpaid or unresolved violations will be charged an additional Fifteen

Dollar (\$15) service charge and may be referred to a city designated agency for collection.(CCMC 10.24.365).
(Ord. 1992-33 § 21, 1992).

10.24.390 - Final notice of violation.

If a fine is not paid within thirty (30) days after the date of service of the notice of infraction, ~~the public works department shall mail~~ a final notice of violation **shall be sent** by first class mail to the registered owner of the vehicle to which such infraction was issued. Such notice must be substantially in the following form:

FINAL NOTICE OF VIOLATION

Parking Notice of Infraction No. _____ was issued on _____;date_____rule; to a vehicle registered to you, bearing License No. _____ for the violation of _____;date_____rule;. At the time of the infraction, a parking Notice of Infraction envelope was placed on the vehicle in a conspicuous place.

The initial fine of \$ _____ was not paid and after the thirtieth (30th) day a penalty of (\$15.00) (\$25.00) was added. To avoid further proceedings or costs payment may be placed in the enclosed envelope and delivered or mailed to the above address.

If you feel this Notice of Infraction was issued in error, you must first post the fine and penalties in the amount of \$ _____ by _____;date_____rule;(~~insert date 45 days after Notice of Infraction~~ **15 days after this letter**) and request a hearing before the Hearing Officer. Failure to pay the fine and penalties within the designated time will result in an additional Fifteen Dollar (\$15) service charge and the total debt may be referred to a city-designated credit agency for collection (CCMC 10.24.365).

(Ord. 1992-33 § 22, 1992).

10.24.400 - Special or temporary parking permits or special license plates for physically handicapped person, disabled veteran or ex-prisoner of war—Uses and limitations.

1. Except as provided in subsection 2, an owner or operator of a motor vehicle displaying a special parking permit, a temporary parking permit, special plates for a physically handicapped person, issued pursuant to NRS 482.384 or 482.3845, or special plates for a disabled veteran or ex-prisoner of war, issued pursuant to NRS 482.377, may park the motor vehicle for not more than four hours at any one time in a controlled parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a physically

handicapped person, a disabled veteran or a person transporting a physically handicapped person or disabled veteran.

2. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for off-highway parking without paying the required fee for the time during which such vehicle is so parked.

(Ord. 1992-33 § 23, 1992).

10.24.500 - Service parking permits.

The director of public works is authorized to issue a permit for service parking. Service parking is use of parking space while rendering service in cleaning, painting, adjusting or making minor repairs or replacements in or to buildings or building equipment or to public utilities in the vicinity of the service parking space. **Service parking permits may also be issued for the use of parking in controlled spaces while in the process of making deliveries or pickups.** The following conditions apply to the issuance of service parking permits:

1. Application shall be made to the director of public works on a form provided by the director. The applicant shall set forth the applicant's business and the necessity for such permit.
2. If it appears that a necessity exists, the director of public works shall issue such permit upon the payment of the fees.
3. Upon entering any space available, the permittee shall place the parking permit on the driver's side of the dashboard in clear view of a parking enforcement officer.
4. The permit must not be used during hours when parking or stopping in a parking space is prohibited.
5. The parking permit must be used in service vehicles only.
6. The director of public works, or the board may revoke any permit if the permit is used for any purpose other than that authorized herein or for any violation of the terms and conditions of this chapter.
7. Upon revocation of a permit, the permittee shall immediately return the permit to the public works department. All fees paid for the permit are forfeited upon revocation.

8. All service parking permits are valid on the day they are issued (unless revoked) and automatically expire on December 31st of the year they are issued. From December first to December 31st of each year, permits may be issued which are effective on January 1st of the following year.
9. The fee for a permit is one hundred dollars (\$100.00) per whole year. The fee for a permit issued after January 31st of any year is eight dollars and thirty-five cents (\$8.35) per month or any portion of a month. Replacement permit may be obtained upon payment of a ten dollar (\$10.00) fee for each permit replaced.

(Ord. 1992-33 § 24, 1992).

10.24.600 - Client parking zones and permits.

The director of public works is authorized to issue a permit to a business for client parking zones, which term means use of an authorized public parking space while conducting business at the business that is the recipient of the permit. The following conditions apply to the issuance of client parking permits:

1. Application shall be made to the director of public works on a form provided by the director. The application must contain a statement of the applicant's business necessity for the permit and the number of zones requested.
2. If, in the public works director's opinion, it appears that a necessity exists and no detrimental effect is placed upon the public, the director of public works shall issue such permit upon payment of the fees prescribed.
3. The director of public works or the board of supervisors may revoke any permit if the client parking zone is used for any purpose other than that authorized herein or for any violation of the terms and conditions of this chapter or the permit.
4. All client parking permits are valid on the day they are issued (unless revoked) and automatically expire on December 31st of the year they are issued. From December 1st to December 31st of each year, client parking permits may be issued which are effective on January 1st of the following year.

5. The fee for a client parking permit is three hundred dollars (\$300.00) per whole year. The fee for a permit issued after January 31st of any year is twenty-five dollars (\$25.00) per month or any portion of a month. Replacement permits may be obtained upon payment of a ten dollar (\$10.00) fee for each permit replaced. The permittee shall also pay, at the time of issuance of the permit, the cost of both labor and materials for required sign placement.

(Ord. 1996-7 § 7, 1996: Ord. 1992-33 § 25, 1992).

10.24.650 - Client parking enforcement procedures.

1. Parking enforcement personnel shall patrol client parking zones in the course of their regularly scheduled patrol. If a parking enforcement officer observes a vehicle parked in a client parking zone in violation of this chapter, a notice of infraction shall be issued in accordance with this chapter. The designated zone fine is twenty-five dollars (\$25.00).
2. If the public works department receives notification that a vehicle is parked in a designated zone in violation of this chapter, a parking enforcement officer shall be dispatched at the earliest time possible to investigate and, where appropriate, issue a notice of infraction.

(Ord. 1992-33 § 26, 1992).

SECTION II:

That no other provisions of Title 10 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2012.

PROPOSED BY Supervisor _____

PASSED _____, 2012.

VOTE: AYES: _____

NAYS: _____

ABSENT:

ROBERT CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2012.