

ORDINANCE NO. 80

AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREETS AND HIGHWAYS OF THE CITY OF CLINTON, ARKANSAS; CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT OF COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:

SECTION 1. Definitions. For the purpose of this ordinance:

(A) The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

(B) The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the City of Clinton, Arkansas, and established for the use of vehicles.

(C) The word "operator" shall mean and include any individual who shall operate a vehicle as the owner thereof, or a the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.

(D) The word "person" shall mean and include any individual, firm, co-partnership, association or corporation.

(E) The word "park" or "parking" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passenger, loading or unloading merchandise or obedience to traffic regulations, signs

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or signals or an involuntary stopping of the vehicle by reason of causes beyond control of the operator of the vehicle.

(F) The words "parking meter" shall mean and include any mechanical device or meter not inconsistent with this ordinance placed or erected for the regulation of parking by authority of this ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, at the expiration of such period shall indicate illegal or overtime parking.

(G) The words "parking meter space" shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

SECTION 2. Parking meter zones. Parking meter zones shall mean streets or portions of streets; avenues, roadways, drives, lanes, alleys or any other parking areas lying within the corporate limits of the City of Clinton, Arkansas, as may be deemed necessary for proper and convenient parking of vehicles by the Mayor and Chief of Police.

SECTION 3. Designation of Parking Spaces. The Chief of Police is hereby directed and authorized to mark of individual parking spaces in the parking zones designed and described in Section 2 of the ordinance and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

SECTION 4. Installation of Parking Meters. In said parking meter zones the Mayor shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to

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the parking spaces provided in Section 3 of this ordinance. Each device shall be so set as to display a signal showing legal parking upon deposit of the appropriate coin or coins in lawful money of the United States of America, for the period of time prescribed by this ordinance. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided.

SECTION 5. Operation of Parking Meters. Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the direction of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required for such parking meter and as is designated by proper direction on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this ordinance. Upon deposit of such coin (and the setting of the time mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in

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the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this ordinance.

SECTION 6. Parking Time Limits:

(A) Parking or standing vehicles in a designated space in a parking meter zone shall be lawful as set out below:

In twelve (12) minute parking zone, the meter charge shall be one (1) cent for twelve (12) minutes.

In one (1) hour parking zones the meter charge shall be five (5) cents an hour or one (1) cent for twelve (12) minutes.

In two (2) hour parking zones the meter charge shall be five (5) cents for each hour and one (1) cent for each twelve (12) minutes.

(B) Said parking meters shall be operated in said parking meter zones; week days between the hours of eight (8) o'clock a.m. and five (5) o'clock p.m.; except holidays designated by the City Council.

SECTION 7. Metered Parking. On those sections of the streets where parking meters are installed, parking is permitted as set out in paragraph (B) Section 6 of this ordinance for intervals of time as indicated on the face of the meters, except where parking is otherwise prohibited by signs installed in conjunction with said meters; and it shall be unlawful for a vehicle to be parked in a metered space when the violation flag of the meter for that space in the "violation" position, except on Sundays; and it shall be unlawful for a vehicle to be parked in a metered space where parking is otherwise prohibited and signs are installed upon the parking meter posts to indicate such otherwise prohibited parking.

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SECTION 8. Advertising Prohibited. No person, firm or corporation shall be permitted to use a parking meter as a medium of advertising in any manner except by express permission of the City Council.

SECTION 9. Violations. It shall be unlawful and a violation of the provisions of this ordinance of any person:

(A) To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described.

(B) To permit any vehicle to remain or be placed in any parking meter space while said meter is displaying a signal indicating the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.

(C) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.

(D) To deface, injure, tamper with, open or wilfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this ordinance.

(E) To deposit or cause to be deposited in any parking meter any slugs, device, or metal substance, or other substitute for lawful coins.

SECTION 10. That there is hereby provided a penalty of fifty (50) cents for violation of overtime parking in the City of Clinton, Arkansas in parking meter areas. That a combination ticket and envelope shall be provided for the issuance of a violation for the convenience of the motorists who shall place same in the penalty boxes attached to the parking meters for the payment of such violations. That the penalty charge for overtime parking in the metered areas of fifty (50) cents shall be paid by placing said sum in the penalty envelope and depositing same in the penalty box or by paying at the Clinton,

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Arkansas City Hall. Provided, however, that should the penalty not be placed in the penalty box or paid to the Clinton, Arkansas City Hall within twenty-four (24) hours of the violation; or by mailing, bearing a postmark the same date as the violation, the penalty shall be one (1) dollar. Provided, however, that should the one (1) dollar penalty not be paid within five (5) days, a warrant will be issued and a penalty of five (5) dollars will be assessed.

SECTION 11. Penalty. Any person who shall violate or fail to comply with any of the provisions of Section 9, Paragraph (D) and/or (E) of this ordinance, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days, or both fine and imprisonment.

SECTION 12. For the purpose of this ordinance, the gross revenues derived by the City from the use of parking meters shall be considered to include the gross funds collected direct from monies deposited in the parking meters. The gross revenues derived by the City of Clinton, Arkansas from the use of parking meters to be installed and maintained pursuant to the provisions of this ordinance shall be applied as follows:

(A) One-half of the gross revenues derived from the use of such parking meters shall be paid to the Parking Meter Company according to the Agreement entered into by the City of _____, Arkansas with the Parking Meter Company until the full stated price for the parking meters has been paid.

(B) All the remaining revenues derived by the City from the use of parking meters shall be first applied to the payment of expenses incurred by the City in the procurement, installation, maintenance and operation of such parking meters, and in the preparation and publication of this ordinance. If and when any part of said gross revenues derived from the use of parking meters shall be remaining, such excess shall be available

and appropriated and used by the City of Clinton, Arkansas.

SECTION 13. All monies taken directly from the parking meters, together with all fines assessed and paid on account of violations of the provisions of this ordinance, shall be promptly paid and delivered when and as collected to the City Collector of the City of Clinton, Arkansas, and shall be promptly deposited in a separate fund to be maintained in a bank authorized to receive deposits of the funds of the City of Clinton, Arkansas, under the title of "Parking Meter Fund of the City of _____, Arkansas" or a synonymous appellation. Withdrawal of monies from said special fund may be made only for the purposes authorized by the provisions of this ordinance, in the manner provided by other ordinances governing the disbursement of funds of the City, and shall at all times be maintained a separate and complete account of monies deposited in and withdrawals from said such special parking meter fund of the City of Clinton, Arkansas.

SECTION 14. That the Mayor is hereby authorized, subject to the approval of the City Council, to employ a person whose duties shall relate primarily, but not limited to, (1) the duty to maintain in good operating condition all parking meters which have been installed and are in use in the City of Clinton, Arkansas; (2) to collect at such times and in such manner as may be directed, all monies deposited in parking meters; (3) promptly upon such collections thereof, to pay and deliver such monies to the City Collector.

That the salary of such employee shall be determined by the City Council payable semi-monthly, and shall be deemed a part of the costs of maintaining and operating parking meters in the City of Clinton, Arkansas, and shall be paid out of revenues derived by such City from the use of parking meters, subject to the prior provision of this ordinance.

SECTION 15 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED: December 7, 1967

APPROVED: CHARLES BRADLEY, Mayor

ATTEST: VIVIAN SIMPSON, City Clerk