

LEWISTON CITY COUNCIL WORKSHOP AGENDA

Tuesday, June 12, 2012

City Council Chambers

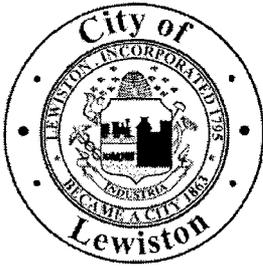
6:00 p.m. Workshop

Pledge of Allegiance to the Flag.

Moment of Silence.

WORK SESSION

Discussion of Proposal to Eliminate the Overnight Winter Parking Ban.



The Office of
Deputy City Administrator
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MEMORANDUM

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| TO: | Mayor and City Council |
| FROM: | Phil Nadeau, Deputy City Administrator |
| DATE: | May 8, 2012 |
| RE: | Downtown Neighborhood Action Committee Proposal to Eliminate the Overnight Winter Parking Ban |

1. BACKGROUND

In January 2012, the Downtown Neighborhood Action Committee (DNAC) submitted a draft proposal to eliminate the Overnight Winter Parking Ban that has been in place for several decades.

City staff has been working with the DNAC to develop and submit a proposal to the City Council that would preserve existing on street parking restrictions (such as the prohibition of parking on one side of the street from December 1 through March 31) while eliminating the city wide winter parking ban. Please note, however, that both Public Works and Police have concerns about changing the current system.

In short, staff has reviewed the following in preparation for a City Council workshop which will focus on what options are available to the Council if there is a desire to proceed with the ban's elimination.

2. OPTIONS

There are several perspectives on the current overnight winter parking ban including:

- Preserving the current system as it has proven to be predictable and a success from a road maintenance and law enforcement point-of-view;
- Adopt the "Portland" system which eliminates winter overnight bans in favor of emergency parking bans supported by the use of a city controlled temporary "central impound lot" with council approved regulation of towing and impound fees;
- Adopt the "Auburn" system which eliminates the winter overnight ban in favor of emergency parking bans that do not utilize a central impound lot but allows towing companies to bring vehicles to their individual lots with no regulation of towing or impound fees

3. VARIABLES

Should the Council decide to maintain the current overnight parking ban, no further action would be required on this issue. This matter has been debated by multiple Councils for 10 years and has resulted in no dramatic changes to the policy.

If the Council chooses to eliminate the overnight winter parking ban, several key variables come into play:

- A. The cost of operating a central parking lot and its value in accelerating the towing process by allowing for more cars to be towed over a shorter period of time;
- B. The liability incurred by towers if they are held responsible for damage that may occur either at the central lot or while they are moving cars to and from it;
- C. The availability of sufficient tow trucks to move as many as 150 or more cars a night in both Lewiston and Auburn if both cities are operating without overnight parking bans and how using or not using a central lot will impact tow truck availability-----all of which may impact snow plowing and law enforcement coordination of towing operations;
- D. How, when, and where residents go to pay fines and fees and pick up their vehicles

Any discussion of the overnight ban will inevitably touch upon how towing and impoundment fees are self-regulated in L-A. An informal group known as the "Androscoggin Towing & Safety Association" (ATSA) acts as the monitoring organization for all towing activity in both cities.

The ATSA has adopted a set of bylaws and rules which emphasize abiding by state law; truth in advertising; underscore the importance of working with local government; and require the inspection of vehicles. The ATSA has worked with PD to ensure adequate city coverage during snow storms and has responded to resident complaints from Administration and PD regarding overcharging.

4. COST

There will be no increase in expenses or reduction in revenues if the current overnight winter parking ban is preserved. If the ban is eliminated and vehicles are towed to private lots, there will be no increase in City expenses; however, revenue from parking tickets for violations of the ban will be lost. If a city operated central lot is established, certain expenses will increase for providing lot security and extended hours during which citizens can pay their fines and fees and recover their vehicles.

If a central lot is preferred by the City Council, several other issues must be addressed:

- Will the city operate the lot utilizing city staff or hire a private company to manage the towers coming into the lot, manage pickups and payments from residents, and issue payments due to the city and to the towers?
- **The estimated cost for utilizing city staff to cover central lot:**
 - 1 officer at all times to monitor lot (observing towing operations and to collect vouchers to authorize release of vehicles to residents) during the ban and until all vehicles are removed from the lot. Estimated cost (includes ten

- 24 hour snow bans plus hours for tow trucks to remove vehicles after closing lot) =\$13,770 annually
- 1 civilian staff at PD on Park St. to collect payments (5AM – 8AM & 4PM – 8PM weekdays; 6PM to 12:00AM Sat & Sun) = \$3,800 annually
 - Porta potty rental for the winter season: Est. 5 mos @ \$125 = \$625
 - TOTAL CITY ANNUAL COST ESTIMATE = \$18,375
 - REVENUE IMPACT (10 storms @ 75 cars per storm):
 - ✓ Impound fee @ \$35 = \$26,250
 - ✓ Ticket Fine @ \$70 = \$52,500
 - ✓ TOTAL EST. GROSS REVENUES: \$78,750
 - Less \$50,000 in lost revenue from current overnight parking violations.
 - Less \$18,375 in staff costs
 - ✓ ESTIMATED NET BUDGET IMPACT = Plus \$10,375.

DISCLAIMER: ADDITIONAL PLOWING COSTS WILL RESULT AS SOME ROADS WITH PARKED CARS WILL REQUIRE TWO OR MORE ADDITIONAL PASSES.

- **The estimated cost utilizing private lot coverage**

Under this option, the City would contract with a company to collect fees (credit cards and cash only—no checks) at the lot and manage all activity within the lot including towing operations and the release of vehicles to residents.

- Privatization would most likely result in the city turning over impound fees to the company (est. on 10 storms approx. \$26,000) and bidding would establish what other fees would be paid to the company—that could range from a fixed cost for services; a fee per storm; or some combination of the two.

5. POSSIBLE ORDINANCE AND POLICY CHANGES

In order to eliminate the winter overnight ban, several portions of our City Code and Policy manual would require some modification. These proposed amendments may be as follows (yellow highlight indicate changes—underline new language; strikeouts proposed deleted language):

A. **Sec. 1-8. Fees; ~~G~~ general penalty for violation of Code; continuing violations.**

(a) Every person who shall be guilty of violating any provision of this Code to which a particular penalty is not annexed shall forfeit and pay a sum, in accordance with the city's policy manual as approved by the city council, to be recovered for the use of the city on complaint or by other appropriate action before the district court.

(b) The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a

reasonable time, and for each ten days that the violation is permitted to continue a separate offense will accrue.

(c) The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation of this Code or any ordinance shall not preclude the city attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, removal, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

(d) All fees referenced in this Code shall be subject to the approval of the city council and recorded in the city's policy manual.

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B. Sec. 70-158. Parking time limited on streets; winter nighttime parking.

(a) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the period of time specified thereon between the hours prescribed thereon, upon any of the streets or parts of streets specified by the city council.

(b) ~~Parking vehicles upon any street in the city for more than one hour between the hours of 12:00 midnight and 6:00 a.m. each day during the period commencing December 1 of each year and ending March 31 of the following year is hereby prohibited, except in cases of emergency. Provided, however, that this section shall not apply to such streets as are specified by the city council.~~

~~(c) The foregoing provisions shall not apply to automobiles belonging to or used by the following; physicians, nurses, persons employed in night work and using such automobiles in their business or as a means of conveyance; taxicabs in their regular stands; municipal employees or officers of the city engaged in public business; persons attending a house or establishment where a deceased is being prepared or kept for burial; police or fire departments.~~

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C. Sec. 70-3. Emergency or temporary regulations.

Whenever the chief of police and public works director, or their designees, shall deem it advisable during an emergency, and only for such a period of time as is necessitated thereby for public safety or convenience, they shall have the power and authority to temporarily impose a ~~no~~ parking ban on any and all streets within the city. The chief of police shall notify the public through any means reasonably available, at least four hours prior to when the ban is to take effect. Notwithstanding the imposition of a fine, the chief of police may also cause any vehicle parked in violation of this section to be removed and stored at

the owner's expense. The chief of police, or the director of the department of public works or **their designees is are** empowered and authorized to temporarily close Lisbon Street, between Chestnut and Main Streets, to vehicular traffic for the purpose of removing snow therefrom. (Code 1982, § 26-3; Ord. No. 99-2, 3-4-99)

Any vehicle of any kind or description parked upon a public street of the city at any place or in any manner during any emergency parking ban declared in this chapter may be removed by, or under the direction of or at the request of, any police officer of the city to a designated temporary city impound lot or an authorized wrecker impound lot until all outstanding fines and applicable towing and storage fees established in the city policy manual are paid and until all the requirements of this chapter are met. Such police officer may use such force as may be necessary to enter the vehicle and cause the same to be placed in a condition to be moved and may summon a licensed tow operator pursuant to the provisions of article IV of this chapter for such purpose.

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D. Sec. 70-24. Same--Conditions for release of vehicle.

The **towed** vehicle shall not be released until:

(1) The individual requesting the release presents satisfactory evidence of his or her right to possession of the vehicle and signs a receipt therefor; and

(2) The chief of police or his or her authorized representative certifies that all fees, **finer** and charges described in this chapter, including **the any applicable** fees for towing and storage, have been paid; or

(3) Upon the certification by the chief of police or his or her authorized representative: (a) that such person is, by reason of poverty, upon satisfactory proof thereof, unable to pay accumulated waiver fees or fines; or (b) that such person has accepted service of summons initiating a court proceeding to determine his or her liability for the alleged violations.

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E. Sec. 70-25. Same--Procedures applicable to declared and non-declared emergency parking ban towing and impoundment.

Once the process of towing the vehicle has been initiated by a call to the towing contractor:

(1) If a wrecker is assigned to pick up a vehicle, and has performed a substantial step towards recovery of the vehicle, the wrecker service will have been considered to have performed a service and will be allowed to charge a fee not to exceed 50 percent of the normal towing fee. To effect an immediate release of the vehicle at that point the **applicable non-emergency and/or emergency parking ban** towing fee must be paid and also to the chief of police, in accordance with the provisions of subsection (3) below, an amount equal to all

outstanding parking ticket waiver fees or fines. Should the owner/representative fail to compensate the **city and/or** towing service at that time, the towing service shall continue to remove the vehicle from that location and transport it to the **applicable emergency parking ban or wrecker wrecker's** holding facility unless otherwise directed by the police department.

(2) Once the vehicle has actually been towed away for impoundment, then the vehicle owner or his or her designee must, to recover the vehicle, pay: (a) to the wrecker **or the city in the event of an emergency parking ban**, an amount equal to the towing charge and storage charges; and (b) to the chief of police, in accordance with the provisions of subsection (3) below, an amount equal to all outstanding parking ticket waiver fees or fines.

(3) Payment to the chief of police shall be made ~~to the front desk or the records division of the police department at offices of the police department to the city~~, and such payment shall be evidenced by a receipt issued by the ~~department city~~ to the person paying. No payment shall be made to or accepted by the patrol or other officer ~~supervising the towing process~~.

In all cases, the individual requesting the release must present satisfactory evidence of his or her right to possession of the vehicle and must sign a receipt therefor.

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F. NEW Sec. 70-178 Interference with snow removal.

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the city by plowing, loading, and hauling, and any person parking a vehicle in violation of a no parking sign placed on any street or way because of snow plowing, loading, or hauling operations shall be guilty of an offense. Notwithstanding the imposition of a fine, the chief of police or his or her designee may also cause any vehicle so parked to be removed from such street in accordance with the provisions of this chapter.

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7. NEW Sec. 70-179 Emergency parking ban wrecker registration and fees

All vehicles removed at the direction of the city during a declared citywide emergency parking ban shall be towed by wrecker services approved and registered with the chief of police. The list of registered wrecker companies shall be maintained by the chief or his/her designee and reviewed annually no later than September 1st. Notice of all approved wrecker services shall be publicly published (unclear what this requires) by the Chief no later than October 1st of each year. Any deletion or addition to the list must be publicly published (?) within 14 days of approval by the chief of police.

All approved wrecker companies shall sign an annual registration contract with the city which shall stipulate, at a minimum, the following:

1. That all vehicles towed during an emergency parking ban must be towed to a designated city impound lot unless otherwise directed by the police department.
2. That all vehicles towed to a designated city impound lot be charged the applicable towing fee approved in the city policy manual and that all such fees will be paid by the city to the wrecker service within 10 days of receipt of the fee by the city.
3. That fees associated with storage at the city impound lot are city revenues.
4. That the wrecker service shall be liable for the vehicle, any vehicle damage, and all personal contents within the vehicle during that time the vehicle is towed to and from the city impound lot.
5. That all vehicles remaining in the city impound lot following the closing of that lot must be removed by the wrecker service that initially towed the vehicle to the lot within 6 hours following the closure of the city impound lot.

All registered and city approved wrecker services providing emergency parking ban towing services shall comply with all administrative directives of the chief of police and those towing and impound conditions and fees approved in this chapter, in the city policy manual, and in the registration contract.

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8. NEW CITY POLICY - 90
Emergency Parking Ban Towing

All vehicles left on City streets following the declaration of a citywide emergency parking ban will be towed to the City's designated impound lot, unless otherwise directed by the police department, at the owner's expense. The designated impound lot shall be open throughout the parking ban and remain open until 12:00AM on the day following the end of the declared emergency (Example: Ban ends at 9AM on 1/1/12, the lot will close at 12:00AM on 1/2/13). Phil: This seems to require the towers to remove remaining vehicles between midnight and 6 a.m. Would this pose a problem for them?

Only cash, VISA, MasterCard, or Discover Card will be accepted, NO checks will be accepted.

Fees and fine associated with an emergency parking ban tow:

- Tow Fee \$70.00
- Impound Fee \$35.00
- Ticket Fee \$30.00

In addition to the fees and fine listed above, no vehicle shall be released until all unpaid tickets are paid in full unless the conditions stipulated in Section 70-24 of the City Code of Ordinances are met.

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PORTLAND PARKING BAN INFORMATION

The following information is provided for background only. This information is provided in the City of Portland web site:

winter operations

Parking Ban Not in effect

[Alternate Parking](#) | [Towing](#) | [Notification Services](#)

Additional information is available about parking bans and winter operations at:

Public Services Customer Service Center: 874-8493

Parking Ban Hotline: 879-0300

Parking Department: 874-8443

PW Web site: www.publicworks.portlandmaine.gov

Portland Public Services will be working around the clock to clear snow from the 320 miles of City streets. We encourage people to stay home and off the streets during the height of the storm to facilitate these efforts.

Other reminders from Portland MEDCU and Fire Department:

- Please keep your front walkways clear in the event emergency personnel need to get to your door. This also allows pedestrians and mail carriers to walk safely in your neighborhood.
- The City also has over 2000 fire hydrants and could use your help in shoveling them out. Fire personnel work to get to as many of these hydrants as possible but your assistance with this effort will help keep you and your neighbors safe in the event of a fire.
- Please check on your elderly neighbors during a storm who may need your help.
- One last reminder: people can sign up on our web site to receive an e-mail or page notification about a parking ban as well. Nearly 2000 subscribers have done this to date.

Please also note that Portland Public Services does have a TTY line available for the hearing impaired public:

874-8494

Parking Ban Information

[Is there a ban? / Alternate Parking](#) | [Towing](#) | [Notification Services](#)

[Sand Box Locations](#) | [Sidewalks Areas Cleared](#)

Winter is a topic that the Department of Public Services focuses on year-round. With over 570 lane miles of City streets to treat and plow, our crews work around the clock to provide the best travel possible throughout the City. We do ask for your cooperation in clearing your sidewalks and driveways.

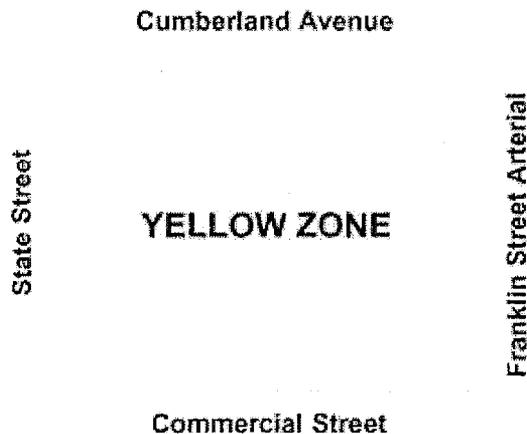
In order to accomplish this goal, there are times when the City does implement parking bans. This is done after careful consideration of the impact on residents and early enough in the day to properly notify the public.

TWO TYPES OF PARKING BANS:

1. **Citywide wide parking bans** begin at 6:00 p.m. when one is called and last through 6:00 a.m. the following morning (unless otherwise specified). Vehicles left on any City street are subject to towing at the owner's expense.

2. **A Yellow Zone parking ban** restricts parking from 10:00 p.m. - 6:00 a.m. (unless otherwise specified) within the downtown business district area. If your street lies within the square area created by the following streets (see map below) your car needs to be off the street that evening:

- Commercial Street on the South
- Cumberland Avenue on the North
- Franklin Street Arterial of the East
- State Street on the West



Sidewalks

Property owners are responsible for removing snow and ice from the sidewalk(s) abutting their home. City ordinance does require snow to be removed within 12 - 24 hours and ice within a 6 hour period. Questions regarding this issue can

| Alternate Parking Locations |
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| <p>There are ALTERNATE PARKING LOCATIONS available during a parking ban. Vehicles can be placed in these lots after 5:00 p.m. the day of a ban and must be removed by 6:00 a.m. the following morning.</p> <p>How we notify the public about parking bans:</p> <ul style="list-style-type: none"> • Announcements made on all local TV and radio stations. • Continuous updates on our Parking Ban Hotline (879-0300) • The Time and Temperature sign flashes "PARK BAN." • Electronic signs posted at key intersections throughout the City. • Posters displayed at several local grocery stores in the City. <ul style="list-style-type: none"> • <u>Electronic notification by e-mail.</u> |

be answered by calling the Public Services Sidewalk Hotline 874-8793. Doing your part helps keep these pedestrian routes safe for your family, friends, and neighbors!

Driveways

While plow crews try to minimize the amount of snow that gets plowed into driveways during a storm, it is the responsibility of the property owner to clear their driveway opening.

As a reminder, City ordinance does prohibit the shoveling or plowing of snow back onto the street.

Snow Bans

During winter months, the City of Portland implements City wide parking bans for snow plowing and or snow removal. Also when necessary, a limited parking ban in the YELLOW ZONE of the Portland Downtown District may go into effect for snow hauling.

Snow/Parking Bans go into effect at 10:00 PM and continue in effect until 6:00 AM the following morning.

However, under extreme conditions, the hours may be changed or extended.

All vehicles left on the street during a snow parking ban will be towed at the owner's expense. Only cash, VISA, MasterCard or Discover Card accepted. Sorry, No checks will be accepted. The snow impoundment lot can be reached at (207)774-3025.

For more information view our online section on snow ban towing and fees.

Snow Ban Towing

All vehicles left on City streets during the parking ban times will be towed at the owner's expense. All vehicles removed from the streets during a citywide parking ban are towed to the City's Impound Lot. This is located at the Ocean Gateway Marine Terminal next to the Maine State Pier at 40 Commercial Street - telephone number to the Snow Impound Lot is 774-3025. The Impound Lot is open throughout the parking ban and remains open until 7:00 p.m. the next day.

Only cash, VISA, MasterCard, or Discover Card will be accepted, NO checks will be accepted.

- Tow Fee \$70.00
- Impound Fee \$35.00
- Ticket Fee \$30.00

All unpaid tickets must be paid.

For information on retrieving your vehicle call the snow impoundment lot at (207) 774-3025, or the Parking Division Office 874-8443.

If your car is towed during a Yellow Zone parking ban, please call 874-8443 or 874-8575. Vehicles towed during these bans are brought to the towing company's individual impoundment lots.

To find out if a Snow Ban is in effect you can:

The City offers several convenient ways to make it easy for you to find out if a City snow ban is in effect.

1. Call the winter parking ban telephone number at (207) 879-0300
2. Listen to radio & television broadcasts
3. Visit www.portlandmaine.gov and view the City News section;
4. Look at the "Time and Temperature Sign" which will flash "Park Ban"
5. View several illuminated "Parking Ban In Effect" signs located at several intersections leading into the City
6. You may also sign up for automatic [E-mail or pager notification](#).
7. Become a Fan of Portland Cityline on Facebook, www.facebook.com or a follower of PortlandCitylin on Twitter, www.twitter.com

Where to Park During A Snow Ban

The City offers numerous free options for parking on the peninsula during a snow ban. All vehicle owners must remove their vehicles from these designated areas listed below by 7:00 AM the morning the ban is removed. The City may tow, at the owner's expense, any vehicle which has not been removed by the 7:00 am deadline.

1. Deering Oaks - on the Tennis Court Road only.
2. State Street gravel lot abutting Deering Oaks.
3. Fitzpatrick Stadium parking lot.
4. Hadlock Field parking lot.
5. All Portland Public School parking lots EXCEPT the Reiche School lot which abuts the school and playground.
6. Cutter Street lots (off the Eastern Prom)
7. Beach Street lot accessible from Commercial Street after 8:00 pm.
8. City lot at the corner of Park & Commercial Streets across the street from the IMT (International Marine Terminal).
9. On Peaks Island, snow ban parking is available at the Welch Street parking lot.
10. Most [Parking Garages](#) will be open for extended hours during snow bans at reduced rates.