

WINNEBAGO COUNTY ORDINANCE NO. 23

TITLE: An Ordinance to control and limit parking in the Courthouse parking lot to official business only and establishing enforcement procedures.

Section 1. No Parking Zones. No one shall stop, stand or park a vehicle in the Courthouse parking lot located West of the Courthouse between "I" and "J" streets in Forest City, Winnebago County, Iowa.

Section 2. Exceptions. Nothing in this Ordinance shall be deemed to apply to a vehicle parked for official Courthouse use or County business or in compliance with the direction of a peace officer or traffic control device.

Section 3. Handicapped Parking. The following uses of a handicapped parking space constitutes improper use of a handicapped parking permit which is a violation of this Ordinance:

- a. Use by a motor vehicle not displaying a handicapped parking permit.
- b. Use by a motor vehicle displaying a handicapped parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a non-operator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly and the persons being so transported in a vehicle displaying a removal placard in accordance with Section 321L.2(1b) of the Code of Iowa.)
- c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

Section 4. Parking Signs Required. It shall be the duty of the County Sheriff to erect or cause to be erected appropriate signs giving notice of this Ordinance and no such regulations are effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restriction stated on such signs.

Section 5. Unattended Vehicle. When a vehicle is parked in violation of this

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Ordinance, and the driver is not present, the notice of fine as herein provided shall be attached to the vehicle in a conspicuous place.

Section 6. Presumption in Reference to Illegal Parking. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

- a. Described Vehicle. The particular vehicle described in the notice of fine or citation was parked in violation of this Ordinance, and
- b. Registered Owner. The defendant named in the information was the registered owner at the time in question.

Section 7. Impounding Vehicles. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle parked contrary to this Ordinance under the circumstances hereinafter enumerated:

- a. After Hours. When any vehicle is parked and left unattended between the hours of 5:00 P.M. and 6:00 A.M. unless it is for official County business
- b. Snow Removal. When any vehicle is parked and left unattended after 6:00 A.M. when snow is falling and for a period of forty-eight (48) hours after cessation of a snowfall unless the snow has been removed or plowed from the Courthouse parking lot.
- c. Illegally Parked Vehicle. When any vehicle is left unattended and is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
- d. Third or Subsequent Violation. When a vehicle has had two or more violations of this Ordinance.
- e. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for violation of any of the provisions hereof shall be required to pay the reasonable cost of towing and storage.

Section 8. Penalty. Violations of parking restrictions imposed by this Ordinance may be charged upon a simple notice of fine. The fine shall be paid at the office of the Winnebago County Auditor. The simple notice of fine shall be in the amount of twenty-five dollars (\$25.00) for all violations except handicapped parking violations which shall be one hundred dollars (\$100.00). Failure to pay the simple notice of a fine within thirty (30) days shall be grounds for the filing of a complaint in District Court in accordance with Section 331.307, Code of Iowa.

Section 9. Effective Date. This Ordinance shall become effective after its approval and publication as provided by law and become part of the Winnebago County Code of Ordinances.

Passed by the Winnebago County Board of Supervisors on the 15th day of July, 2003, and the 22nd day of July, 2003.

WINNEBAGO COUNTY BOARD OF SUPERVISORS

Gorden A. Anderson
Gorden A. Anderson, Chairman

ATTEST:

Robert D. Paulson
Robert D. Paulson
Winnebago County Auditor