



## Legislation Text

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**File #:** 12413, **Version:** 2

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### **Fiscal Note**

Currently, City Ordinances require that vehicles parked on many City streets be located during the late night/early morning hours on alternate sides of the street during the period of November 15 to March 15, subject to a parking violation and a \$20 fine. The downtown area is exempt from the Alternate Side Parking requirements, except during a declared Snow Emergency. A recently enacted City Ordinance increases the fine for alternate side parking violations from \$20 to \$60 during a declared Snow Emergency. This Ordinance will eliminate the current requirements that require parking on alternate sides of the street from November 15 to March 15, and instead expands the Snow Emergency zone from downtown to Citywide, requiring alternate side parking throughout the City only during a declared Snow Emergency.

If enacted, the Ordinance will impact City General Fund revenues and the operations of several City agencies, as follows:

General Fund Revenues: Over the past five years, the City has issued, on average, 24,000 parking tickets annually to violators of the alternate side parking requirements. As such, it is anticipated that City General Fund revenues will decrease by approximately \$400,000 to \$500,000 annually due to the loss of alternate side parking ticket fines.

### Potential Impacts on City Agency Operations:

a) Streets Division: Currently, during a declared Snow Emergency, the Streets Division initially concentrates resources to Snow Emergency Zones (currently, the downtown area) in order to complete plowing operations in six hours (corresponding to the parking restriction hours of 1:00 a.m. to 7:00 a.m.). A Citywide plowing operation is completed, on average, in 9.3 hours, according to the agency.

Under this Ordinance, the Streets agency has indicated that a Snow Emergency declaration applied Citywide in lieu of the current Alternate Side Parking program would require either that additional resources be provided such that the Division might complete a Citywide plowing operation within the six hour parking restrictions as provided under a Snow Emergency, or an extension of the Snow Emergency declaration from the current 48 hours to 72 hours, in order to ensure access to City streets by the Streets Division plow crews.

The Streets Division has estimated that the cost of additional resources to enable a six-hour initial Citywide plowing operation rather than the current average 9.3 hour operation is approximately \$200,000 annually, assuming an average of 5 such plowing operations.

In addition, in order to fully complete the required plowing operations of the City's outlying streets within the current 48 hours of a Snow Emergency, additional crews will need to be deployed, at an estimated annual cost of approximately \$21,000 (again assuming an average of 5 Snow Emergencies in any given year).

If no additional human resources or equipment are available, the agency has indicated the likelihood of extending the current Snow Emergency period of 48 hours to 72 hours to enable the Street crews access to streets Citywide. The estimated cost for such an extension is approximately \$40,000 annually. Such an extension would also delay the clearing of bus stops, cross walks, bike paths, and vision hazards.

In addition, the Streets agency estimates a public education/marketing campaign to ensure City residents are

informed of the parking and Snow Emergency changes would cost approximately \$28,000 for costs to print and mail public information materials (this in addition to e-mail notifications).

b) Traffic Engineering:

Traffic Engineering has estimated that perhaps 100 signs will need to be refabricated, and other signage removed. Total estimated cost is \$25,000, assuming \$250 per sign. Funding is not included in the 2009 budget.

c) Parking Utility:

A recent change has expanded the times when, during a Snow Emergency, vehicles may be parked in City parking ramps free of charge. Formerly, this access was available during the hours of 1:00 a.m. to 7:00 a.m.; currently, access is provided from 9:00 p.m. to 7:00 a.m., an expansion of four hours. The Parking Utility has estimated that the free parking access results in a revenue loss of \$5,000 to \$15,000 for each Snow Emergency. If the elimination of the Alternate Side Parking provisions results in the need for additional Snow Emergency declarations, the Parking Utility anticipates additional parking revenue losses of \$5,000 to \$15,000 for each additional Snow Emergency.

d) Police Department:

Currently, in order to enforce Alternate Side Parking requirements, the Madison Police Department (MPD) employs several hourly Alternate Side Parking Enforcement Officers (ASPEOs) from November 15<sup>th</sup> to March 15<sup>th</sup> to assist MPD's permanent Parking Enforcement Officer (PEO) staff. The estimated annual cost for the hourly ASPEOs is \$91,000, including salary and benefits. If the Alternate Side Parking requirements were repealed, the hourly ASPEOs would no longer be required, thus resulting in an annual expense reduction of \$91,000.

However, provisions of this Ordinance would require that, upon a declared Snow Emergency, MPD would need to increase the number of its permanent PEO staff deployed to enforce Snow Emergency provisions, resulting in increased overtime expenses. MPD estimates that, on average, during a Snow Emergency under current provisions, the department requires 5 permanent PEOs in addition to its ASPEO resources in order to perform ticketing and towing operations. Under this Ordinance, MPD would require an increase in the number of PEOs deployed in a Snow Emergency, from the current 5 to perhaps 13 to 16. MPD estimates that for each day of each Snow Emergency, additional overtime expense, including salary and benefits, would be approximately \$2,300 to \$3,200. Assuming 5 Snow Emergencies are declared in any given year, and assuming each Snow Emergency is for a two-day period, the average annual additional PEO expense ranges approximately from \$23,000 to \$32,000. (If a third day is required, then overtime expenses for PEOs for each Snow Emergency will increase by \$11,500 to \$16,000 annually.)

Finally, MPD as well as several other City agencies have expressed concerns about potential public safety impacts associated with this Ordinance, whereby citizens not conditioned by the current alternate side parking requirements might tend to leave their vehicles on the street even in a Snow Emergency, thus inhibiting the removal of snow and resulting in the narrowing of roadway access by emergency vehicles.

Summary of Potential Fiscal Effects (annualized, assuming 5 Snow Emergencies per year):

AGENCY	LOW RANGE	HIGH RANGE
General Fund Revenues (decrease)	\$400,000	\$500,000
Streets	89,000	249,000

Traffic Engineering	25,000	25,000
MPD: ASPEO Expense (reduction)	(91,000)	(91,000)
MPD: PEO Expense (increase)	<u>23,000</u>	<u>48,000</u>
TOTAL	\$446,000	\$731,000

(In addition to the figures above, for each Snow Emergency declaration, the Parking Utility anticipates lost revenues of \$5,000 to \$15,000.)

The figures above suggest average annual City costs of \$446,000 to \$731,000 in combined revenue losses and expense increases associated with this Ordinance. It bears emphasizing that the projected City agency expenses are dependent on the number and duration of declared Snow Emergencies and citizen compliance, but the revenue loss projections of \$400,000 to \$500,000 are certain, given the Ordinance's elimination of a major category of parking ticket violation and its associated fine revenue.

#### Title

SUBSTITUTE - Amending Section 12.1335 of the Madison General Ordinances to strike alternate side parking regulations from November 15 through March 15 and subsection (2) "snow emergency zone"; amending Sec. 12.1335(4) of the Madison General Ordinances to create alternate side parking regulations during a declared snow emergency; repealing Secs. 12.1335(4)(c) and 12.1335(6) of the Madison General Ordinances and amending Sec. 1.08(3)(a) of the Madison General Ordinances to eliminate the bail deposit for Alternate Side Parking from November 15-March 15.

#### Body

DRAFTER'S ANALYSIS: This ordinance repeals the violation of alternate side parking from November 15-March 15 and provides for alternate side parking regulations and enforcement only during a declared snow emergency. This amendment significantly changes our snow emergency parking by eliminating winter alternate side parking regulations in the absence of a declared snow emergency. Wis. Stat. § 349.13(1e)(c)2. provides: "Parking regulations that prohibit, limit or restrict the parking of vehicles for any period longer than 24 consecutive hours, during any hours between 12 midnight and 7 a.m., or any portion thereof or during a snow emergency as determined by a municipality, shall be effective in the municipality upon a two-thirds vote of its respective governing body..." The City Attorney's Office has traditionally interpreted amendments to MGO 12.1335 which consist of bail deposit changes or minor content change as not requiring a two-thirds vote as provided in Wis. Stat. § 349.13(1e)(c)2. In this instance, the City Attorney's Office also does not interpret this amendment to require a two-thirds vote, as the amendment makes winter overnight parking regulations less restrictive than under current ordinances. Nonetheless, in light of the two-thirds requirement in the state law, if the amendment is not adopted by a two-thirds vote, it is potentially subject to challenge. These amendments are to be effective June 1, 2009.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.1335 entitled "Alternate-Side Parking And Snow Emergency Parking" is amended to read as follows:

#### **"12.1335 ALTERNATE-SIDE PARKING AND SNOW EMERGENCY PARKING.**

- (1) Alternate-side parking. From the dates of November 15 to March 15, During a declared snow emergency under sub. (4), between the hours of 1:00 a.m. and 7:00 a.m. all vehicles will be parked only on the even-numbered side of the street on even-numbered calendar days, and only on the odd side of the street on odd-numbered calendar days; unless otherwise posted or exempted in this ordinance. No person shall park, stop, or leave standing any vehicle in violation of this subsection unless otherwise excepted in sub. (5).

A street which is divided by a boulevard, median strip, or other separation between the traveled portions of the roadway shall be considered to be one street for the purposes of this ordinance. A street which is a circle or court and is numbered with all odd or all even house numbers shall not be exempt from this ordinance unless specifically listed under the exceptions

- in Subsection (5).
- (2) ~~“Snow Emergency Zone.” Alternate-side parking as defined in Subsection (1) shall not apply to the area within the city bounded by the Yahara River, Lake Mendota, Park Street, Regent Street, Proudfit Street, and Lake Monona unless a snow emergency has been declared under this section. Reserved for Future Use.~~
- (3) Signage. The Traffic Engineer shall erect appropriate signs designating the restrictions as required under sec. 349.13 of the Wisconsin Statutes.
- (4) Snow Emergency Parking. The Street Superintendent, or designee, may declare a snow emergency whenever it becomes necessary to clear the streets of snow and ice to effectuate the movement of vehicles. Factors which constitute a snow emergency include, but are not limited to, the accumulation of snow or ice on any street or area which hinders the safe movement of traffic or impedes the ability of emergency vehicles and public transportation vehicles to travel safely and expeditiously over such streets or areas.
- (a) Media declaration. The Street Superintendent, or designee, shall declare the beginning of a snow emergency and the application of emergency snow parking regulations by appropriate public media.
- (b) Duration. A snow emergency declared under this subsection shall remain in effect for 48 hours unless specifically extended by the Street Superintendent or designee through a second media declaration under Subsection (4)(a). or unless cancelled under Subsection (54)(dc).
- (c) ~~Parking Restrictions During Snow Emergency. Upon the declaration of a snow emergency under this subsection, the alternate-side parking restrictions under Subsection (1) shall apply to the entire city, including the area within the city bounded by the Yahara River, Lake Mendota, Park Street, Regent Street, Proudfit Street, and Lake Monona and no person shall park, stop or leave standing any vehicle in violation of Subsection (1) for the duration of the snow emergency, unless otherwise excepted in Subsection (5). The declaration of a snow emergency is not limited to the dates of November 15 to March 15 as listed in Subsection (1).~~
- (dc) Cancellation of Snow Emergency. The Mayor, or designee, after consultation with the Street Superintendent, or designee, may suspend the provisions of this subsection, whereupon Subsections (1), (3), and (5) shall be in effect in their entirety.
- (d) Any person violating Subsection (1) or (4)(c) of this ordinance is subject to towing and fees for towing pursuant to Section 12.1331, MGO.
- (5) Exceptions. The following streets or portions of streets shall be excepted from the provisions of this ordinance:
- (a) Blocks of streets which prohibit parking at all times on one side of said block or street and which permit parking of any status on the other side of said block or street. “Block” shall mean that portion of a street between two intersecting streets. For purposes of this section, an intersecting street includes both a street which fully intersects the street in question, and a street which begins or terminates at the street in question.
- (b) Jenifer Street between Williamson Street and South Baldwin Street.
- (c) The following portions of streets, commonly known as “circles” or “courts”:  
2-22 Appomattox Court, 5-9 Ashland Court, 3-11 Beaumont Circle, 1-21 Black Oak Circle, 1-29 Blue Ridge Court, 4-22 Bonner Circle, 6-26 Brompton Circle, 1-21 Burningwood Court, 2-10 Calumet Circle, 6-18 Cathy Court, 1-13 Cobblestone Court, 2-10 Denton Circle, 2-22 Dorfmeister Court, 3-11 Downer Circle, 1-17 Dumont Circle, 2-30 Eldon Court, 3-9 Elgar Circle, 2-22 Ellie Circle, 1-11 Fremont Circle, 1-9 Gale Court, 6-14 Georgiana Circle, 3-11 Gina Court, 6-18 Glacier Court, 5-35 Hiawatha Circle, 1-21 Hoff Court, 1-25 Homestead Court, 3-9 Jay Circle, 3-11 Judy Circle, 5-21 Kewaunee Court, 6-14 Knollwood Court, 1-17 Leah Court, 3-11 Leland Circle, 6-22 Magnolia Circle, 4020 Mandan Circle, 9-25 Menomonie Court, 5-7 Oconto Court, 10-22 Pelham Court, 1-25 Piedmont Court, 1-29 Pilgrim Circle, 8-22 Quinn Circle, 1-11 Robin Circle, 317-332

Seth Circle, 2109-2121 Sheridan Circle, 6-18 Starr Court, 2-22 Sumter Court, 1-9 Susan Circle, 5-25 Walworth Court, 5-7 Waupaca Court, 7-15 Waushara Circle, 2-22 Wood Circle, 5-21 Wood Crest Court, 1-29 Woodvale Circle, 6-10 Wyldewood Circle, and 6-10 Yellowstone Court.

(6) Violations.

- (a) ~~Any person violating Subsection (1) when there is no snow emergency is in violation of this section.~~
- (b) ~~Any person violating Subsection (1) or (4)(c) during a snow emergency is in violation of this section.~~

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending the following:

<del>"Alternate side parking (Nov 15-Mar 15).</del>	<del>12.1335(1)</del>	<del>\$20</del>
<del>"Alternate side parking (sSnow eEmergency Parking).</del>	<del>12.1335(4)(c)(1)</del>	<del>\$3060"</del>

3. This ordinance shall be effective June 1, 2009.