



Legislation Text

File #: 67676, Version: 1

Fiscal Note

The proposed ordinance would allow for the placement and use of privately operated storage lockers in City parking facilities. This ordinance amendment will allow a process for the placement of such lockers and gives the Parking Division Manager flexibility to enter in agreements for such uses. No City appropriation required.

Title

Amending Subsection 8.14(2)(d)3. and creating Subsection 8.14(2)(k) of the Madison General Ordinances to Allow the Placement of Storage Lockers in City Parking Facilities, and Amending other provisions of Section 8.14 to correct existing errors and oversights.

Body

DRAFTER'S ANALYSIS: This ordinance amendment will allow a process for the placement and use of privately operated storage lockers in City parking facilities. Under existing ordinances (MGO Sec. 28.151), these storage lockers, operated by a religious institution or non-profit organization, are subject to various regulations and must be covered by an agreement between the operator and the property owner. In addition to giving the Parking Division Manager greater flexibility to enter into agreements to allow these sort of uses in the City's parking facilities, by amending Subsection (2)(d)3. and creating Subsection (2)(k) this ordinance amendment would update the City's current parking facility regulations to ensure that a user of such a facility is not deemed a trespasser. This ordinance also makes other minor changes to the ordinance, including making it clear that a person using a City-provided restroom facility or using the parking facility under a temporary land use permit is not deemed a trespasser, updating some erroneous cross references and correcting several titling errors.

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

1. Paragraph 4. entitled "Exit From Facility Causing Damage to Public Property" of Subdivision (c) entitled "Rates" of Subsection (2) entitled "Operation" of Section 8.14 entitled "Municipal Parking Facilities" is amended as follows:

"4. Exit From Facility Causing Damage to Public Property. No person shall cause damage to city property in connection with a violation under ~~p~~Paragraph 2. or 3. of this sectionSubdivision."

2. Paragraph 5. entitled "Applicability" of Subdivision (c) entitled "Rates" of Subsection (2) entitled "Operation" of Section 8.14 entitled "Municipal Parking Facilities" is amended as follows:

"5. Applicability. The registered owner is presumed to be the operator of any vehicle found parked or operating in violation of this ~~subsectionSubdivision~~. Except for prohibitions under ~~p~~Paragraph 4., the prohibitions in this ~~subsectionSubdivision~~ shall not apply to operators or owners of vehicles who display a permit sticker or carry a card issued by the Parking Utility, or have otherwise received special authorization from the Parking Utility."

3. Paragraph 3. of Subdivision (d) entitled "Trespassing on Municipal Parking Facilities" of Subsection (2) entitled "Operation" of Section 8.14 entitled "Municipal Parking Facilities" is amended as follows:

- “3. ~~Sub~~Paragraphs 1. and 2. above shall not apply:
- a. During special events authorized and approved by the Common Council.
 - b. To operators and users of an authorized storage locker as provided for under Subdivision (k), for a period of time reasonably necessary to maintain or use the storage locker.
 - c. To persons authorized by the Parking Manager in accordance with an approved temporary land use permit issued under Section 8.10.
 - d. To persons using restroom or sanitation facilities within the parking facility that are provided by the City for public use.”

4. Subparagraph c. of Paragraph 4. of Subdivision (d) entitled “Trespassing on Municipal Parking Facilities” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

- “c. For the purposes of this ~~section~~Paragraph, the registered owner is presumed to be the operator of any vehicle found parked or operating in violation of Sec. 8.14(2)(d)4.a.”

5. Paragraph 6. of Subdivision (d) entitled “Trespassing on Municipal Parking Facilities” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

- “6. The provisions of ~~Subsections (2)(d)4.a. Paragraphs 4. and 5.~~ Paragraphs 4. and 5. may only be enforced at parking facilities where signs have been conspicuously posted at all entrances to such facilities informing motorists of these prohibitions of these subsections.”

6. Subdivision (e) entitled “Trailers” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

- “(e) Trailers. It shall be unlawful to park, stop or leave standing, any type of trailer or mobile home, whether attached to a motor vehicle or detached, in any parking facility owned and operated by the City of Madison and no person shall operate a motor vehicle with a trailer or mobile home attached in any such parking facility. This ~~subsection~~ Subdivision shall not apply when vehicular access to and from the parking facility is controlled by an attendant during pre-paid special events or other special parking circumstances, in which case access to the facility and manner of parking shall be controlled by the attendant.”

7. Subdivision (g) entitled “Possession and Consumption of Intoxicants Prohibited” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

- “(g) Possession and Consumption of Intoxicants Prohibited.
- 1. No person shall consume a fermented malt beverage or intoxicating liquor upon the premises of an automobile parking facility except at the time and in the area specified in Subparagraph (d)3. b-a. above.
 - 2. No person shall knowingly transport or have under ~~his or her~~ their control upon the premises of an automobile parking facility a fermented malt beverage or intoxicating liquor unless said intoxicating liquor container has not previously been opened and displays an unbroken U.S. Department of Revenue seal or unless the said fermented malt beverage container has not

previously been opened except at the time and in the area specified in Subparagraph (d)3.b.a. above.”

8. Subdivision (h) entitled “Pre-Payment Receipt Display” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

“(h) Pre-Payment Receipt Display. When pre-payment is made by any method authorized under this Sub section that produces a receipt or ticket dispensed to a parking patron, the receipt or ticket shall be displayed face-up, on the driver’s side of the dashboard in such a manner that the entire receipt may be visible from the outside of the vehicle.”

9. Subdivision (i) entitled “Tampering or Misuse of Receipt/Stamp Prohibited” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

“(i) Tampering or Misuse of Receipt/Stamp Prohibited. It shall be unlawful for any person to tamper with or in any fashion alter or modify a pre-payment receipt or to display a receipt(s) or part(s) of receipt(s) in such a fashion as to make it appear that the lawful payment has been made for the time the vehicle has been parked but no such lawful payment has been made. It shall also be unlawful to tamper with, produce, use or present for payment any stamp or other symbol purporting to represent prepayment for parking unless said stamp or symbol has been authorized by the City of Madison Transportation Commission. Any person violating this ~~subsection (2)(i)~~ Subdivision shall be subject to a forfeiture of not less than \$100 nor more than \$200 for each violation.”

10. Subdivision (k) entitled “Storage Lockers” of Subsection (2) entitled “Operation” of Section 8.14 entitled “Municipal Parking Facilities” is created as follows:

“(k) Storage Lockers. The Parking Division Manager may authorize the placement of storage lockers (personal), as that term is defined in Section 28.151, within designated areas of the City’s parking facilities. Any such storage locker must meet the requirements of Section 28.151, and the Parking Division Manager is authorized to enter into agreements, on behalf of the City, in a form and manner acceptable to the City Attorney, giving an operator permission to install and operate lockers in the parking facilities.”

11. Subsection (3) entitled “Penalty” of Section 8.14 entitled “Municipal Parking Facilities” is amended as follows:

“(3) Penalty.

- (a) Except as provided below, any person violating the provisions of ~~Subsections~~ Subdivision (2)(b) of this ordinance shall be subject to a forfeiture of not less than five dollars (\$5) nor more than fifty dollars (\$50);.
- (b) Any person violating the provisions of Subsection Paragraph (2)(c)1. of this ordinance in any municipal parking facility ~~or (2)(c)1. of this ordinance in the Brayton Lot~~ shall be subject to a forfeiture of not less than eight dollars (\$8) nor more than fifty dollars (\$50);.
- (c) Any person violating ~~Subsections~~ Paragraphs (2)(c)2. or 3. of this ordinance shall be subject to a forfeiture of not less than five dollars (\$5) nor more than one hundred and fifty dollars (\$150).
- (d) Any person violating the provisions of ~~Subsection~~ Subdivision (2)(j) of this ordinance shall be subject to a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

- (e) Except as provided in (g) below, any person violating the provisions of ~~Subsection~~ Subdivision (2)(d) of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
- (f) Any person violating any of the other ~~subsections~~ provisions of this ordinance shall be subject to a fine of not less than five dollars (\$5) nor more than one hundred and fifty dollars (\$150).
- (g) In the event any vehicle is towed for a violation of this section, the total forfeiture shall be not less than fifty-five dollars (\$55) nor more than five-hundred and fifty dollars (\$550).
- (h) Any person violating ~~Sec. 8.14(2)(c)4.~~ Paragraph (2)(c)4. of this ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500)."