

ORDINANCE NO. 179

AN ORDINANCE AMENDING CHAPTER 70, SECTION 70.02 OF THE WAHPETON CITY CODE CONCERNING PARKING VIOLATION ENFORCEMENT.

WHEREAS, many non-residents visit the City of Wahpeton to take advantage of boating, swimming, camping, and biking opportunities; and,

WHEREAS, parking space is limited on many residential streets in the city of Wahpeton; and,

WHEREAS, improper vehicle parking, or parking vehicles where prohibited denies or limits access to residents and can impede emergency vehicles and the delivery of emergency services; and,

WHEREAS, the Wahpeton City Council has determined that significant fines should be imposed for violations of city of Wahpeton Parking Regulations, in order to discourage such violations:

NOW, THEREFORE, BE IT ORDAINED by the Wahpeton City Council as follows:

Section 1. Section 70.02 of the Wahpeton City Code is hereby repealed and there is hereby adopted the following replacement provision:

"70.02 PARKING VIOLATION ENFORCEMENT.

- A. **Officer's Discretion-Notice of Violation.** In the discretion of a law enforcement officer, if conditions warrant, the officer may issue a "Notice of Violation" in regard to violations of any provisions of Chapter 69 of the Wahpeton City Code, "Parking Regulations", except Section 69.08 (Persons with Disabilities Parking).
- B. **Civil Penalty.** The penalty for a "Notice of Violation" under this section is the amount of two hundred dollars (\$200.00). Payment of the civil penalty shall be accomplished by mailing payment to the city of Wahpeton, 1201 Dakota Drive, Milford, IA 51351-7240. If a "Notice of Violation" is issued and the civil penalty is not paid within thirty (30) days of the date of violation, or if the driver denies the violation, the issuing officer shall cancel the "Notice of Violation" and shall issue a citation

to be processed through the court system in the normal procedure.

- C. **Records.** The city of Wahpeton shall develop a form of "Notice of Violation" to be issued pursuant to this section, shall maintain complete and adequate records as to "Notices of Violation" issued, civil penalties paid, and of "Notices of Violation" which are unpaid or denied.
- D. **Fine.** If a "Notice of Violation" is not paid or contested and a court citation is issued, upon conviction, the fine shall be two hundred dollars (\$200.00) plus applicable surcharges and court costs."

Section 2. All ordinances or parts of ordinances in conflict with the provisions of the Wahpeton City Code are hereby repealed.


Section 3. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall be in effect on the first day of the month occurring after its final passage, approval, publication, or posting as required by law.

Passed by the Council the 12th day of October, 2020, and approved this 12th day of October, 2020.


Phillip Johnson, Mayor

Attest:


Bonnie Tielbur, City Clerk/Administrator

I hereby certify that the foregoing was published as Ordinance No. 179 in the Dickinson County News on the 28th day of October, 2020.