

ORDINANCE NO. A-57

AN ORDINANCE AUTHORIZING THE INSTALLATION AND MAINTENANCE OF PARKING METERS IN DESIGNATED AREAS OF THE CITY OF CONWAY, ARKANSAS; PROVIDING FOR THE OPERATION THEREOF AND THE CHARGES THEREFOR; ESTABLISHING PARKING TIME LIMITS; REGULATING THE MANNER OF PARKING; PROVIDING FOR LOADING ZONES AND FOR PARKING PERMITS; PROHIBITING CERTAIN ACTS; PROVIDING FOR THE ISSUANCE OF CITATION TAGS AND THE IMPOUNDMENT OF VEHICLES; CREATING A PARKING METER FUND AND PROVIDING FOR EXPENDITURES THEREFROM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

PARKING METERS - DEFINITIONS

SEC. 1. The terms used in this ordinance shall be interpreted as herein defined:

(a) PARKING METER. The words "parking meter", whenever used in this ordinance shall mean and include any mechanical device or meter not inconsistent with this ordinance, placed or erected for the regulation of parking by authority of this ordinance.

(b) PARKING METER SPACE. The words "parking meter space," as used herein, shall mean the space alongside or on the street side of the curb, or curb line in the absence of a curb, in which a vehicle shall be properly parked, which shall be indicated clearly by painted lines or otherwise, and adjacent to which a parking meter is installed within four feet of the front line of said space.

LOCATION OF PARKING METERS - LOADING ZONES  
FUNERAL PRIVILEGES

SEC. 2. The parts of streets in the City of Conway hereafter specified, are declared to constitute parking meter zones, to-wit:

- (a) Front Street, between Prairie Street and Mill Street;
- (b) Oak Street, between Locust Avenue and Harkrider Street;
- (c) Parkway, between Prairie Street and Prince Street;
- (d) Locust Avenue, between Main Street and Prince Street;
- (e) Main Street, between Locust Avenue and Harkrider Street;
- (f) Chestnut Street, between Main Street and Van Ronkle Street;
- (g) Court Street, between Main Street and Merriman Street;
- (h) Van Ronkle Street, between Spencer Street and Oak Street;
- (i) North Street, between Locust Avenue and Spencer Street;
- (j) Smith Street, between Front Street and Spencer Street;
- (k) Caldwell Street, between Faulkner Street and Locust Avenue;
- (l) Spencer Street, between North Street and Smith Street;

From the areas above defined, there shall be excluded such areas as are within street or alley or other driveway or walkway intersections, or within areas which have been or may be lawfully designated as bus stops, fire hydrants, theater loading zones, loading zones, or such areas which may be designated as unnecessary for the installation of parking meters, by ordinance or resolution of the City Council.

The Mayor and Chief of Police of the City of Conway are hereby authorized and directed to install parking meters along the curb lines of any of the streets in said areas and on any property which now or hereafter may belong to the City of Conway and which may be found by the City Council to not be required for other corporate purposes. (Provided that any business house within said areas may apply to the

City Council for a loading zone permit, in the manner and for the purposes hereinafter designated and set out in Sec. 13 of this Ordinance, and the City Council may in its discretion authorize a space to be reserved at all times for such purpose, or may authorize the placing of a hood over the meters in such designated zone and the maintenance of temporary "No Parking" signs in the parking area or areas designated as a loading zone during those hours in which the use of such area as a loading zone is authorized and it shall be unlawful for any person, other than a bona fide deliverer of merchandise or equipment or customer of such establishment to park any vehicle whatever in such loading zone during the hours specified in such permit. Provided further that the Chief of Police when requested to do so, during the time any funeral may be held from any funeral home or church located in or adjacent to the congested area above described, and for a period not exceeding two hours prior to the holding of such funeral, is authorized to place hoods on all meters on one or both sides of that block of the street on which such funeral home or church is located and forbid the parking of vehicles within that area set aside by him for funeral purposes, except the vehicles of those persons actually in attendance at such funeral and during such period of time no person actually attending such funeral shall be required to pay any of the charges herein enumerated for parking their vehicle in the metered areas affected by such police action.

#### INSTALLATION OF PARKING METERS

SEC. 3. The ~~Public~~ Public Works Department shall mark off spaces for parking in the locations ordered metered by the City Council as provided in Section and shall keep the same plainly marked; such spaces shall be of a size to adequately accommodate one automobile so as to permit free ingress and egress from such automobile, and so as to permit an automobile to freely come into and leave such space at all times. One parking meter shall be installed for each such marked space not more than two feet from the curb or curb line nor more than four feet from the front line of the parking space as indicated by the marked area. Each of such meters shall be set to operate upon the deposit therein of one to ten cents in coins for a period of time prescribed as parking time limits in Section ~~and~~ 5 unless otherwise provided. Each of such meters shall be so arranged so as to show or display a signal which shall clearly indicate whether the time limit during which parking in that space is permitted has expires.

#### OPERATION OF PARKING METERS

SEC. 4. Except in a period of emergency determined by an officer of the fire department or the police department, or except in compliance with the direction of a police officer or traffic control signal, when any vehicle shall be parked in a space regulated by a parking meter between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M. on Mondays to Saturdays, inclusive, (no charge shall be made for parking in meter spaces on Sundays), the owner, operator or driver of such vehicle shall, upon entering said parking space, immediately deposit one to ten cents in coins in the parking meter regulating such space and placed in front or alongside thereof (unless otherwise provided herein).

#### PARKING TIME LIMITS

SEC. 5. Any vehicle parking or standing in any designated parking meter space shall be parked within the lines marked on the street or curb and may occupy said space during the parking limit for the time herein provided. Parking or standing a vehicle in a parking meter shall be lawful:

for 12 minutes upon deposit of 1¢ in coin;  
for 24 minutes upon deposit of 2¢ in coin;  
for 36 minutes upon deposit of 3¢ in coin;  
for 48 minutes upon deposit of 4¢ in coin;  
for 60 minutes upon deposit of 5¢ in coin:  
for 2 hours upon deposit of one dime or two nickles, or  
upon deposit of one nickle and five pennies, or upon  
deposit of 10 pennies.

Failure to deposit such proper coins or coin, shall constitute a violation of this ordinance. Upon the expiration of the legal parking time, it shall be the duty of the owner or driver of the vehicle forthwith to remove the vehicle from the parking space, or to extend the time by insertion of additional coins, and it shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name or under his direction or control to be parked or standing overtime, or remain therein beyond the parking time limit prescribed by this ordinance, without extending the time by inserting additional coins.

#### PRESUMPTION OF UNLAWFUL PARKING

SEC. 6. The fact that the timing device on any parking meter is not in operation shall be presumptive evidence as to a parked vehicle when found in the parking space regulated by such parking meter that the owner or operator thereof failed to deposit, or caused to be deposited, the required coin or coins in said meter, and the mechanical indication by such meter of a "violation" shall be presumptive evidence of unlawful parking.

#### UNLAWFUL FOR VEHICLE TO REMAIN PARKED AFTER TIME EXPIRATION

SEC. 7. It shall be unlawful for any person to permit a vehicle under his or her control to remain or be placed in any parking space alongside of or next to which any parking meter is placed while said parking meter is displaying a signal showing that the time for which the privilege to park in such space has been granted, has expired, unless he shall make the deposit required in Section 5.

#### REGULATING MANNER OF PARKING

SEC. 8. Vehicles shall at all times be parked wholly within the parking meter spaces as marked and where the parking meters are placed in front of parking meter spaces, the front portion of the vehicle shall be as near as possible to the parking meter controlling said spaces, and where the parking meters are placed alongside of said parking meter spaces, the front fender or front wheel of said vehicle shall be as near as possible to the parking meter controlling said spaces, which spaces shall be kept clearly marked at all times, and it shall be unlawful to park vehicles in a way that the same shall not be wholly within the area designated by the lines for parking for such spaces.

#### CHARGE FOR REGULATION OF PARKING - PURPOSE OF

SEC. 9. The one-cent, five-cent or ten-cent coins required to be deposited, as provided herein, are for the purpose of regulating parking and to cover a portion of the cost of such necessary regulation for the convenience and protection of the public.

## "DOUBLE PARKING" FORBIDDEN

SEC. 10. Hereafter it shall be unlawful for any person to park or leave any vehicle, whether unattended or attended standing in the street to the rear of or beside any vehicle parked or standing in any authorized parking area on any street in the City of Conway whether inside or outside of the congested zone as above defined; it being the intent hereof to make unlawful and punishable as herein provided the practice of "double parking" on any street of the City of Conway at any time except by express authority of the Chief of Police or other police officer of the City first obtained in case of emergency.

## UNLAWFUL TO "SLUG", DAMAGE OR TAMPER WITH METERS

SEC. 11. It shall be unlawful for any person to deface, injure, tamper with, wilfully break, destroy or impair the usefulness of, or open without lawful authority, any parking meter installed in said parking meter zones. It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, devise or substitute for a one-cent coin, a five-cent coin or a ten-cent coin of the United States of America, or to otherwise manipulate said parking meter in such a manner as to evade the payment of the charges provided for parking in such parking meter spaces.

## SPECIAL TRAFFIC ZONES - NOTHING HEREIN TO FORBID ESTABLISHMENT OF

SEC. 12. Nothing in this ordinance shall be construed as prohibiting the City Council of the City of Conway from providing bus stops, loading zones, or traffic zones of a similar nature within the Parking Meter Zones above referred to.

## LOADING ZONES

SEC. 13. (a) The obtaining and maintenance of a loading zone within the City of Conway is hereby declared to be a privilege. Hereafter any business house within said areas may apply to the City Council for a loading zone permit in the manner hereinafter specified and the City Council may in its discretion authorize not to exceed two parking meter spaces to be reserved at all times during which parking meters are in operation for the purpose of loading and unloading merchandise and equipment and for the purpose of permitting customers of such business house to park therein for not more than fifteen minutes while transacting business in such establishment.

(b) Any business house desiring to obtain such permit shall file written application therefor with the Clerk-Treasurer of the City upon such form as may now or hereafter be prescribed, together with the license fee therefor as hereinafter set forth, and the Clerk-Treasurer shall present the application to the City Council at its next meeting.

(c) For the privilege of maintaining a loading zone or zones within the City of Conway any business house shall pay to said City a license fee of \$5.00 per month for each such zone. Said license fee shall be paid quarterly in advance, beginning as of the effective date of this ordinance.

(d) Upon approval of such application and payment of the aforesaid license fee the Clerk-Treasurer shall issue the permit or permits for loading zone and the holder of such permit shall, at its sole expense, procure and install an approved sign designating the space to be a loading zone. The City shall remove the parking meter from the designated space and shall paint the curb thereof yellow.

## PARKING PERMITS

SEC. 14. On or after March 1, 1971, for the privilege of parking any motor vehicle in those parking meter spaces within said City which have been heretofore or may hereafter be designated by the City by painting or otherwise coloring in a yellow color the post upon which the parking meter for such parking meter space is situated, any person may pay to the City a license fee for each motor vehicle of \$5.00 per month. Said license fee for the month of March, 1971, shall be paid

on or before March 1, 1971, but such license fee shall thereafter be paid quarterly in advance, beginning as of April 1, 1971. Upon payment of said license fee a permit shall be issued showing the payment thereof, which shall at all times be securely affixed to the lower left portion of the rear windshield of the vehicle for which issued, and the operator of the vehicle on which said fee has been paid shall at all times be entitled to park said motor vehicle only in those parking meter spaces within the City which are marked as hereinabove designated without being required to pay any of the fees now provided for parking motor vehicles. It shall be unlawful for any permit so issued to be transferred to or placed or used upon any vehicle other than that for which issued unless application for such transfer shall have been first duly made. In the event the purchaser of any then valid permit shall desire to transfer the same to any other motor vehicle owned by him he shall surrender the said permit previously issued and a new permit shall be issued for the vehicle then designated by him. Such replacement permit shall be issued without additional cost and shall be valid for the remainder of the quarter or other period for which the permit so surrendered was issued.

#### PENALTIES

SEC. 15. (a) Any person, firm or corporation who shall violate or permit, suffer or allow anyone under his, their or its direction or control to violate Sections 4, 5 or 7 of this Ordinance, or aid, abet or assist in the violation of any of the provisions of said Sections, shall upon conviction thereof be fined not less than 50¢ nor more than \$10.00, for each offense, as follows: The minimum fine shall be 50¢ if such sum, together with the citation tag issued under the provisions of Sec. 16, or any other Section, of this Ordinance, for any violation of said Sections 4, 5 or 7, is deposited in the "Curb Cop" receptacles provided therefor or is paid at the Conway Police Department on the date the citation tag is issued; If the sum of 50¢, together with the citation tag issued for any such violation, is not paid or deposited as aforesaid on the date such violation occurs, the minimum fine shall be \$1.00 if such sum, together with such citation tag, is paid or deposited in the manner aforesaid on or before 5 calendar days after the date on which such violation occurs; If the sum of \$1.00, together with the citation tag issued for such violation, is not so paid or deposited on or before 5 calendar days after the date on which such violation occurs, the City will issue a warrant of arrest for the owner, operator or driver of the vehicle so parked as to cause a violation of Sections 4, 5 or 7 of this Ordinance, and in such event the minimum fine for any such violation shall be \$5.00.

(b) Any person, firm or corporation who shall violate or suffer or permit anyone under his, their or its direction or control to violate Sections 8 or 10 of this Ordinance shall, upon conviction thereof, be fined in any sum not less than \$1.00 nor more than \$10.00.

(c) Any person, firm or corporation who shall violate, or shall permit, suffer or allow anyone under his, their or its direction or control to violate, or shall aid, abet or assist in the violation of, Section 11 of this Ordinance shall, upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00 for each offense.

(d) Any person, firm or corporation who shall violate any of the provisions of Section 13 of this Ordinance, or shall aid, abet or assist in the violation thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum not exceeding \$25.00.

(e) Any person, firm or corporation violating any of the provisions of Section 14 of this Ordinance, or shall aid, assist or abet in the violation thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum not exceeding \$15.00 and, in addition thereto, may be required by the Court and/or the City Council of the City of Conway to surrender all such valid permits held by him, them or it, in the event the person, firm or corporation violating the

provisions of said Section 14 shall be the purchaser of such permit. Should any such permit be ordered to be surrendered, all sums paid for such permits shall be forfeited.

#### CITATION TAGS

SEC. 16 (a) The Chief of Police is hereby authorized and directed to supply police officers with citation tags for the purpose of giving notice to persons violating any provisions of this ordinance. Such notice may be given by delivering such tags to the violator or by affixing such tags to the vehicle. Such citation, tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

(b) PROCEDURE FOR TAGGING VEHICLES. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the provisions or restrictions imposed by these sections, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a notice in writing on a form provided by the City for the operator or owner to answer to the charge against him within the time and at the place specified in the notice, and set forth in Sec. ~~Fifteen~~ (15) of this Ordinance.

(c) PROCEDURE FOR IMPOUNDMENT OF VEHICLES. Any police officer may impound any motor vehicle parked at a place where parking is prohibited by this ordinance or which has been parked for more than one hour in excess of the time allowed for parking in any place, or which has been involved in two or more violations of these sections, for which citation tags have been issued and not presented as required herein. Any person desiring to redeem such impounded vehicle shall first pay such fine or fines as may be assessed by the judge of the Municipal Court for the violation or violations for which such motor vehicle was impounded.

#### REVENUES OF PARKING METERS - APPLICATION OF

SEC. 17. For the purposes of this ordinance the gross revenues derived by the City from the use of parking meter;; shall be considered to include the gross funds collected directly from parking meters, together with fines, (not including costs) assessed and paid on account of violations of provisions of these sections. The gross revenues derived by the City of Conway from the use of parking meters installed or to be installed and maintained pursuant to the provisions of these sections shall be applied as follows:

All revenues derived by the City for the use of parking meters shall be applied first to the payment of expenses incurred by the City in the procurement, installation, maintenance, and operation of such parking meters, and in the preparation and publication of this ordinance. All remaining portions of such gross revenues shall be available for appropriation and use by the City of Conway for the purchase of right-of-way for the construction of public streets, alleys, boulevards and drainage, or for the construction of, widening, straightening, paving, resurfacing or otherwise improving streets, alleys, boulevards and drainage.

#### PARKING METER FUND

SEC. 18. All monies taken directly from parking meters together with all fines assessed and paid on account of violations of provisions of this ordinance, when and as collected, shall be promptly deposited in a separate fund to be maintained in a bank authorized to receive deposits or funds of the City of Conway, under the style of PARKING METER FUND OF THE CITY OF CONWAY, or a synonymous appellation. Withdrawal of monies from said special fund may be made only for the purposes authorized by the provisions of these sections, in the manner provided by other ordinances of the City of Conway governing the disbursement of funds of the City. The Clerk-Treasurer shall at all times

maintain a separate and complete account of monies deposited in, and withdrawn from, said special PARKING METER FUND OF THE CITY OF CONWAY.

POLICEMAN - EMPLOYMENT OF ADDITIONAL

SEC. 19. With the advise and assistance of the Police and Traffic Committee of the Council, the Mayor is hereby authorized, for and in behalf of the City of Conway, to employ a police officer, in addition to the number of police officers now authorized, whose duties shall relate primarily to the enforcement of these sections. Such police officer, performing his duties under the direction of the Police and Traffic Commission, shall have the general duties and authority applicable to other members of the police force of the City of Conway, and in addition thereto shall have such specific duties and authority as the Police and Traffic Committee, under the direction of the Mayor, may prescribe, including, but not limited to:

- (a) The duty to maintain in good operating condition all parking meters which have been installed and are in use in the City of Conway;
- (b) To collect, at such times and in such manner as the Mayor may direct:, all monies deposited in Parking Meters;
- (c) Promptly upon collection thereof to pay and deliver such monies to the Clerk-Treasurer of the City of Conway or to deposit such monies to the Parking Meter Fund of the City if so directed; and
- (d) To discharge the duties of a Traffic Officer in enforcing the provisions of these sections.

The salary of such police officer, shall be deemed a part of the cost of maintaining and operating parking meters in the City of Conway, and shall be paid out of the revenues derived by the City of Conway from the use of parking meters. The compensation to be paid such police officer shall be in such amount as nay from time to time be fixed by the City Council upon recommendation of the Police and Traffic Committee and the approval of the Mayor.

SAVING CLAUSE

SEC. 20. If any section, provision, paragraph, clause, sentence, word or other part of this ordinance shall be adjudged unconstitutional or invalid, such adjudication shall not affect the: validity of this ordinance as a whole, or any section, provision or any other part or portion thereof which is not adjudged unconstitutional or invalid.

REPEALING CLAUSE

SEC. 21. All ordinances or parts of ordinances in conflict herewith, and particularly Ordinances No. A-275, adopted April 22, 1952, Ordinance No. A-277, adopted July 8, 1952, ~~Ordinance No. A-327, adopted April 1958~~, Ordinance No. A-386, adopted July 10, 1962, and Ordinance No. A-387, adopted July 10, 1962, are hereby repealed.

EMERGENCY CLAUSE

SEC. 22. This ordinance, being necessary for the immediate protection of the public and for the preservation of the peace an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after its passage and publication.

PASSED: February 23, 1971.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: [Signature]  
Clerk-Treasurer