

**WATERTOWN CITY COUNCIL
WORK SESSION AGENDA
CITY HALL
23 SECOND STREET NORTHEAST
WATERTOWN, SOUTH DAKOTA**

Monday, April 17, 2017

5:30 PM

1. Call to Order
2. Update on the new Ice Facility Project
3. Update on the Outdoor Gun Range Facility Project
4. Update on Retail Strategies
5. Discussion on proposed Ordinance No. 17-18 amending Section 19.0403 requiring parallel and diagonal parking on certain downtown streets
6. Discussion on proposed Ordinance No. 17-21 amending Section 19.0401 and Repealing Section 19.0413 to clarify the definition of parallel parking
7. Future agenda items
8. Adjournment

Rochelle M. Ebbers, CPA
Finance Officer

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ADA Compliance: The City of Watertown fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and City Council

FROM: Justin Goetz, City Attorney

SESSION: April 17, 2017

RE: Proposed Ordinance 17-18, Amending Section 19.0403 (Parallel Parking Except Specified Areas) to Remove Required Parallel and Diagonal Parking in Downtown Area

Section 19.0403 currently serves four functions. First, it establishes that parallel parking is the single lawful form of on-street parking in the City of Watertown unless otherwise indicated. Second, it, along with Section 19.0401, establishes that parallel parking on the left-hand side of the street is illegal. Third, it defines what proper diagonal parking is. Fourth, it requires diagonal parking on most of the streets in Downtown, while requiring parallel parking on First Avenue South in Downtown.

Proposed Ordinance 17-18 only seeks to strike the language in Section 19.0403 that relates to the fourth item listed above. The rationale for this is as follows:

- 1) Building Services staff indicate that a number of business owners have sought exceptions to this parallel/diagonal parking requirement over the years, and nearly all of them have been granted.
- 2) At least two entire stretches of Downtown road appear to contravene Section 19.0403:
 - a. Second Street East from First Avenue South to Second Avenue South is supposed to be diagonal parking per ordinance, but is instead all parallel parking.
 - b. First Avenue South only has parallel parking for one block, from First Street to Broadway, but the other three blocks that should be parallel are diagonal.
- 3) On-street parking in these areas is managed by the parking spot markings placed by the City rather than citizens' knowledge of this obscure ordinance.
- 4) Any future changes in downtown parking orientation should, in theory, be reflected in Section 19.0403. This will require revising this ordinance every time a change is made, which becomes impractical to enforce if more individual business owners seek

exceptions, since it will be difficult to describe—with legal precision—the metes and bounds of different parking arrangements.

Instead, proper parking is dictated by the markings, or lack thereof, set down by City personnel. The authority to set these markings already exists elsewhere in ordinance and in statute—deriving from the City’s ability to install traffic control devices as provided in Section 19.0501 of the Revised Ordinances and SDCL 32-14-3.

Therefore, I recommend amending Section 19.0403 on the legal grounds of redundancy and confusion.

ORDINANCE NO. 17-18

AN ORDINANCE AMENDING SECTION 19.0403 REQUIRING PARALLEL AND DIAGONAL PARKING ON CERTAIN DOWNTOWN STREETS

BE IT ORDAINED by the City of Watertown that Section 19.0403 of the Revised Ordinances of the City of Watertown be amended as follows:

19.0403: PARALLEL PARKING EXCEPT SPECIFIED AREAS; DIAGONAL PARKING DEFINED

All vehicles, motor vehicles and other parking upon the streets ~~and avenues~~ of this City shall be parked parallel with the curb of such street except where parking spaces are otherwise marked by the City. ~~that such vehicles shall be parked at an angle of forty five (45) degrees upon the following described streets and avenues, to wit: Broadway Street from the south line of Third Avenue North to the north line of Third Avenue South; Maple Street from the south line of First Avenue North to the north line of Third Avenue South; Second Street East from the south line of First Avenue North to the north line of Second Avenue South; Third Street East from the south line of First Avenue North to the north line of Kemp Avenue. Such eCars so diagonally parked at an angle of forty five (45) degrees shall be parked with an intervening space between cars of not less than one (1) foot and all cars so parked shall be parked within six (6) inches of the curb line of said street. Also, vehicles shall be parked in tandem upon the following described streets and avenues, to wit: First Avenue South from the east line of First Street West to the west line of Third Street East. (E-323-3)~~

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance 17-18 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2017.

Rochelle M. Ebbers, CPA

First Reading:
Second Reading:
Published:
Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA

Steve Thorson
Mayor

REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and City Council
FROM: Justin Goetz, City Attorney
SESSION: April 17, 2017
RE: Proposed Ordinance 17-21, Amending Section 19.0401 (Parallel Parking Definition) and Repealing Section 19.0413 (Tandem Parking Definition) to Clarify the Definition of Parallel Parking

Amending Section 19.0401

The definition of parallel parking found in City ordinance contains two violations:

- (1) A requirement that the vehicle be parked with both wheels near the right-hand curb, and
- (2) A distance requirement, not permitting a vehicle to be parked “nearer than three feet of the front door or rear of any other vehicle.”

The second element does not make much sense as measured from the front of a rear-situated vehicle. Measuring the distance from a vehicle’s front door would indicate a double parking situation, which is not permitted per Revised Ordinance 19.0403. If it is not a double parking situation, unless the vehicle to the rear was a Smart Car, one could not violate this provision (park within three feet of the front door) even if one crashed into the front of the vehicle to its rear. This amendment would clarify that there must be at least a three foot separation between vehicles.

Repealing Section 19.0413

This provision should be removed for two reasons:

- 1) With the revisions to Section 19.0403, “tandem parking” is no longer a phrase used anywhere in the Revised Ordinances.
- 2) “Tandem parking,” as defined in ordinance, differs from the parallel parking definition only in that it requires an eight-foot distance between vehicles. That requirement would be difficult to meet even if one parks well within the parallel parking markings provided by the City on certain streets.

Accordingly, there appears to be no purpose to this provision, and its existence might only create confusion.

ORDINANCE NO. 17-21

AN ORDINANCE AMENDING SECTION 19.0401 AND REPEALING SECTION 19.0413 TO CLARIFY THE DEFINITION OF PARALLEL PARKING

BE IT ORDAINED by the City of Watertown that Section 19.0401 of the Revised Ordinances of the City of Watertown be amended as follows:

19.0401: PARALLEL PARKING DEFINITION

Parallel parking shall mean that all motor vehicles or other vehicles shall be drawn up parallel to the curb, gutter or sidewalk on the right hand side of the street, the hub of both wheels on the right hand side of the vehicle to be within one foot of the curb, gutter or sidewalk on and along the street upon which such vehicles are parked, and no vehicle shall be parked nearer than three (3) feet of the front ~~door~~ or rear of any other vehicle. (C-14)

BE IT FURTHER ORDAINED by the City of Watertown that Section 19.0413 of the Revised Ordinances of the City of Watertown be amended as follows:

19.0413: ~~TANDEM PARKING DEFINITION~~ REPEALED

~~Tandem parking shall mean that all motor vehicles or other vehicles shall be drawn up parallel to the curb, gutter or sidewalk, on the right hand side of the street, and the hub of both wheels on the right side of the vehicle shall be within one (1) foot of the curb, gutter or sidewalk, on and along the street upon which such vehicles are parked so that two vehicles may be parked with the front bumper of the rear vehicle immediately next to the rear bumper of the front vehicle and no vehicle shall be parked nearer than eight (8) feet from the front or rear of such vehicles so parked. (D-452-1)~~

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance 17-21 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2017.

Rochelle M. Ebbers, CPA

First Reading:
Second Reading:
Published:
Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA

Steve Thorson
Mayor