

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., October 8, 1996.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Vice Mayor Larry D. Brookshier; Councilwoman Linda Kochendarfer; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilwoman Mary L. Flood.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on September 24, 1996, were approved as distributed.

Mayor Shelton spoke of the success of the recent Centerfest celebration held in downtown Bedford.

It was the concurrence of Council that beginning at this meeting it will waive, as a practice, the reading of resolutions unless a member of Council specifically requests that a resolution be read for its consideration. The Mayor indicated that this would allow for the business of Council to be expedited and move more quickly through the agenda.

Ms. Molly Thompson, Chairman of the City School Board reviewed with Council the highlights of goals of the City School Board for the current school year:

1. increase individual achievement by three percent annually for students who do not already score at or above the state average on standardized tests
2. top priority will be given to the Middle School facilities and the gym facility
3. support early intervention programs and supervised study programs for at-risk children
4. ensure that every child exits grade 3 with the ability to read at their individual ability level

Ms. Thompson reviewed the following concerns of the School Board:

1. The Board is strongly in favor of the placement of the dental unit at the Primary School.
2. access road to the D-Day Memorial - safety of the children at Bedford Elementary School and traffic concerns
3. space at Bedford Elementary School - additional 2nd grade classroom will be needed next year

Mr. John Boardman, member of the City School Board and member of the industrial community in the City, stated that the most important factor in the minds of anyone making a decision on the location of a new industry is the quality of the local schools.

Discussion ensued regarding the dental clinic at Bedford Primary School.

Ms. Thompson indicated that the City School Board supports the clinic for the dental program for the school children as well as the proposed free dental clinic evening program.

Councilwoman Kochendarfer stated that the proposal is to apply to the State of Virginia for recreational access funds for the access road to the D-Day Memorial.

Councilman Tharp asked that in future reports the City students be separated from the County students. The School Superintendent indicated that would be possible.

Mayor Shelton asked that the City be notified immediately if there is a need for more classroom space, as this was not done before this school year.

Further discussion ensued.

Mayor Shelton expressed his concern of the disparity in media coverage of incidents at Liberty High School in comparison with media coverage of incidents at the other high schools. The Mayor indicated that he will contact the Sheriff regarding this.

City Manager Gross stated that the Disability Services Board of Central Virginia, of which the City of Bedford is a participant, is in the process of making application to the Virginia Disability Services Board in Richmond for a grant to establish an Independent Living Center in the Lynchburg area. This Independent Living Center would be a satellite office of the Blue Ridge Independent Living Center in Roanoke. The City Manager reviewed the services which are provided by Independent Living Centers.

After discussion, Vice Mayor Brookshier moved that the resolution be adopted. The motion was seconded by Councilman Ballard, voted upon and carried by the following roll call vote:

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood absent

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Mayor Shelton aye

The resolution follows as adopted:

## **RESOLUTION TO SUPPORT**

### **SATELLITE CENTER FOR**

### **INDEPENDENT LIVING (CIL)**

**WHEREAS**, there are numerous persons with mental, physical and sensory disabilities living within the Central Virginia Disability Board Service Area, and

**WHEREAS**, there are not adequate, up-to-date resource or peer services available to them at this time, and

**WHEREAS**, the lack of these services within our geographic area contributes to individuals not being able to attain true affordable, independent living status, and

**WHEREAS**, the Blue Ridge Center for Independent Living is proposing to establish a Satellite CIL at Central Virginia Community College (CVCC) which will greatly assist in alleviating the above situation and

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Bedford does go on record publicly supporting and endorsing a Satellite CIL to be established in this region.

City Manager Gross stated that American Electric Power (AEP), the major supplier of wholesale power to the City of Bedford's Electric Department, has a proposed project for the construction of a 765 kV transmission line from Wyoming, West Virginia, to Cloverdale, Virginia, to provide for additional electric capacity to serve Appalachian's Central and Eastern regions. In December 1995 the State Corporation Commission issued an interim order and finding of a compelling need for transmission reinforcement. In June 1996 the U. S. Forest Service issued a Draft Environmental Impact Statement recommending a "No Action Alternative", which, if adopted, will mean that American Electric Power Company will be unable to cross Federal lands with the transmission line.

The City Manager indicated this will have serious impacts, not only on this project but future projects, as it will effectively create a barrier for electric facilities and other infrastructure elements. A request has been made by the Blue Ridge Power Agency asking all member municipalities to consider a resolution supporting the Cloverdale-Wyoming 765 kV transmission line. The Electric Committee recommends adoption of the proposed resolution.

Councilman Ballard moved that the resolution be adopted. The motion was seconded by Councilwoman Kochendarfer.

Discussion ensued with Carl Persing, Project Coordinator, commenting on the need for the proposed project and other aspects of the project.

The motion was then voted upon and carried by the following roll call vote:

Vice Mayor Brookshier aye

Councilwoman Flood absent

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Mayor Shelton aye

The resolution follows as adopted:

**A RESOLUTION EXPRESSING THE CITY'S  
SUPPORT FOR AMERICAN ELECTRIC POWER'S  
CLOVERDALE-WYOMING 765 kV  
TRANSMISSION LINE PROJECT**

**WHEREAS**, American Electric Power has proposed the construction of the Cloverdale-Wyoming 765 kV transmission line project to provide needed electric capacity to serve American Electric Power's Central and Eastern regions; and

**WHEREAS**, the City of Bedford, Virginia, which owns and operates its own electric system serving six thousand four hundred and forty-nine (6,449) customers in an area of approximately one hundred and twenty (120) square miles, purchases the majority of its wholesale electric needs over these American Electric Power Company transmission facilities; and

**WHEREAS**, American Electric Power provides retail electric service to a number of significant industrial customers within the City of Bedford; and

**WHEREAS**, the availability of reliable and reasonably priced electricity is essential to the social and economic well being of Bedford, as well as other areas served by American Electric Power; and

**WHEREAS**, the Virginia State Corporation Commission stated in its December 13, 1995 Interim Order that there is "...compelling need for additional electric capacity to serve Appalachian's Central and Eastern regions..."; and

**WHEREAS**, the recommendation in the U.S. Forest Service Draft Environmental Impact Statement of "No Action Alternative" appears to ignore the findings of the Virginia State Corporation Commission; and

**WHEREAS**, recognizing the extensive federal land holdings in southwest Virginia, the recommendation of the U.S. Forest Service, if adopted, would establish a precedent for any future East-West construction projects

and create a barrier for electric facilities and all other elements of American Electric Power's infrastructure; and

**WHEREAS**, such precedent and the resulting implications would have a negative impact on economic development in Bedford and other areas served by American Electric Power, if it cannot meet its customers' demands for electric service due to lack of transmission capacity; and

**WHEREAS**, the Draft Environmental Impact Statement by the U.S. Forest Service does not appear to have addressed the impacts of an inadequate and unreliable transmission system and the above referenced negative economic impacts;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford, Virginia that it does hereby express its support for American Electric Power's Cloverdale-Wyoming 765 kV Transmission Line Project.

**AND BE IT FURTHER RESOLVED** that the Deputy Clerk of Council, Dianne Flake be, and she hereby is, directed to forward a copy of this Resolution to the U.S. Forest Service.

City Manager Gross stated that the City of Bedford has determined its need to expand the current landfill with the proposed construction of Phase II. At the regular Council meeting of September 24, 1996, a presentation was made by Mr. Jack Stevenson, Virginia Resources Authority (VRA), regarding the possible financing of the project. The Solid Waste and Finance Committees recommend that the City submit an application to the VRA for a loan to finance the construction of Phase II.

Councilwoman Kochendarfer moved that the resolution be adopted. The motion was seconded

by Councilman Wandrei, voted upon and carried by the following roll call vote:

Councilwoman Flood absent

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Mayor Shelton aye

The resolution follows as adopted:

**RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION**

**TO VIRGINIA RESOURCES AUTHORITY FOR A LOAN**

**IN AN AMOUNT NOT TO EXCEED \$1,500,000 TO FINANCE**

**CONSTRUCTION OF PHASE II OF THE CITY LANDFILL**

**WHEREAS**, the Council of the City of Bedford, Virginia (the "City"), intends to issue its Bonds, as hereinafter defined, to finance the costs of construction of Phase II at the existing landfill located adjacent to the City's wastewater treatment facility on Orange Street in the City (the "Project"); and

**WHEREAS**, the City intends to pay costs of the Project prior to the issuance of the Bonds and to receive reimbursement for such expenditures from proceeds of the sale of the Bonds; and

**WHEREAS**, the City has determined that it will be in the best interest of the City to apply to the Virginia Resources Authority (the "Authority") for a loan in an amount not to exceed \$1,500,000 to finance the Project and to issue the Bonds to the Authority to evidence such loan;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:**

1. The City intends to finance the Project through the issuance of its general obligation Bonds in an amount not to exceed \$1,500,000 (the "Bonds"). The Bonds may also be secured by the revenues of the Project.
2. The City intends to receive reimbursement from proceeds of the sale of the Bonds for costs of the Project paid by the City prior to the issuance of the Bonds.
3. The City intends that the adoption of this Resolution be considered as "Official Intent" within the meaning of Treasury Regulations Section 1.103-18 promulgated under the Internal Revenue Code of 1986, as amended.

4. The City Manager is authorized and directed to prepare and submit an application to the Authority for a loan in an amount not to exceed \$1,500,000 to finance the costs of the Project. The City Manager is authorized to take such action as may be necessary or convenient to complete the application process.

5. The City Clerk is directed to make a copy of this Resolution continuously available for inspection by the general public during normal business hours at the City Clerk's office from the date of adoption hereof through the date of issuance of the Bonds.

The City Manager stated that Thompson + Litton, Engineers, Architects and Planners, have done the original Phase IA and Phase IB of the new landfill as well as the closure of the old landfill. A Memorandum of Understanding No. 13 to the Retainer Agreement between the City and Thompson + Litton has been prepared in the amount of \$116,960 for Phase II services at the new landfill.

Vice Mayor Brookshier moved that Council approve Memorandum of Understanding No. 13 to the Retainer Agreement between the City and Thompson + Litton and authorize the City Manager to sign the agreement. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried, six members voting aye, one member (Flood) absent.

City Manager Gross stated that Council received a copy of the Notice of Award of Bid to JM's Professional Construction, Ltd., who was the low bidder on the project for construction of Phase II of the City Landfill. Construction costs detailed in this contract total \$927,823.95.

On motion by Councilman Tharp, seconded by Councilman Wandrei, voted upon and carried, six members voting aye, one member (Flood) absent, Council awarded the contract for construction of Phase II of the landfill to JM's Professional Construction, Ltd., and authorized the City Manager to sign the Notice of Award and the contract.

The City Manager stated that Council had received a copy of an ordinance which updates and revises that part of the City Code dealing with parking. The new ordinance should help prevent instances of employees of downtown businesses using restricted parking lots and spaces for all-day parking. Mr. Gross indicated that the ordinance also clarifies sections of the code dealing with towing of vehicles and handling of parking tickets issued in error. Fines for parking violations will be increased to \$5.00 if paid within 48 hours and \$10.00 if paid within five days.

City Manager Gross reported that the proposed ordinance has been reviewed by the Streets and Public Safety committees and has been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried, six members voting aye, one member (Flood) absent, Council waived the reading of the proposed parking ordinance.

Vice Mayor Brookshier moved that Council adopt the ordinance to amend and reenact Chapter 13, Article II of the City Code. The motion was seconded by Councilman Wandrei, voted upon and carried by the following roll call vote:

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood absent

Councilwoman Kochendarfer aye

Mayor Shelton aye

The ordinance follows as adopted:

**ORDINANCE TO AMEND AND REENACT CHAPTER 13,  
ARTICLE II OF THE CITY CODE**

BE IT ORDAINED by the Council of the City of Bedford, Virginia:

Section 1.

Chapter 13, Article II of the City Code is amended and reenacted to read as follows:

**ARTICLE II. STOPPING STANDING AND PARKING**

**Sec. 13-24. Definitions.**

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Operator.* The word "operator" shall be taken to mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.

*Park; parking.* The word "park" or "parking" shall be taken to mean the standing of a vehicle, whether occupied or not, upon a street, parking lot or other area.

**Sec. 13-25. Parking prohibited in specified places.**

(a) No person shall park a vehicle or permit it to stand, except in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet from the intersection of curb lines or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways;
- (7) Within twenty (20) feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, within twenty (20) feet of the curb lines or, if none, then within fifteen (15) feet of the intersection of property lines;
- (8) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of any roadway;
- (9) Within fifteen (15) feet in either direction of the entrance to a fire station, or within fifteen (15) feet of the entrance to a building housing rescue squad equipment or ambulances, provided such building is plainly designated;
- (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic or force vehicles traveling in that direction to cross into the

opposite lane or over the center line into the oncoming traffic lane;

(11) On the roadway side of any vehicle parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;

(13) At any place where official signs prohibit parking or where the curbs are painted yellow;

(14) In any public alley. Here, public alley shall mean a public right-of-way through the middle of a block to give access to the rear of lots or buildings;

(15) At any place designated as handicapped parking. Vehicles parking in these places shall display a handicapped vehicle license plate, placard or other markings approved by the state;

(16) Within any area designated by the property owner or by the city as a fire lane on any public or private property and marked in accordance with the requirements of the city building official;

(17) Within streets, roadways, alleys, spaces or lots in violation of markings or official signs posted to regulate such parking;

(18) Within a street or roadway when such parking would obstruct or interfere with the orderly flow of traffic;

(19) Within fifty (50) feet of the nearest rail or railroad grade crossing;

(20) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;

(21) Parallel to the left edge of the street or roadway in such a manner that the front of the vehicle is facing opposite the direction of travel for the adjacent traffic lane;

(22) In a designated fire lane;

(23) In such a manner that more than one marked parking space is used unless the vehicle is too large for one space or is towing a trailer.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

#### **Sec. 13-26. Parking on Private Property**

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or lot area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

#### **Sec. 13-27. Leased parking spaces.**

The city manager may designate parking spaces within city-owned parking lots to be leased spaces. Such parking spaces shall be offered for lease to the public on a first-come, first served basis and shall not be leased for more than a term of one (1) year at a uniform monthly rental per parking space.

#### **Sec 13-28. All-night parking prohibited.**

(a) No person shall park any truck or motor vehicle of more than eighteen thousand (18,000) pounds gross weight, or any trailer or semitrailer, whether or not attached to a tractor, on any street from 6:00 p.m. to 6:00 a.m., except that this section shall not apply to trucks, trailers or semitrailers so parked while actually engaged in loading or unloading, or when the driver is in attendance with the truck.

(b) No person shall park a truck or motor vehicle used for the purpose of transporting any explosive or more than fifty (50) gallons of gasoline, kerosene, benzol, naphtha, or other volatile liquids on any street or alley from 6:00 p.m. to 6:00 a.m., regardless of whether such vehicle is loaded or empty.

(c) No person shall park a vehicle upon any roadway for the principal purpose of storing such vehicle for a continuous period of time longer than forty-eight (48) hours.

(d) It shall be unlawful for any person to allow any motor vehicle, house trailer, camping trailer, trailer designated for the transportation of any freight or goods or livestock, or any other trailer or apparatus of any kind whatsoever designated to be attached or pulled by a

motor vehicle, to remain in the same location on any street in the city for a longer period of time than forty-eight (48) hours.

**Sec 13-29. Parking for purpose of selling vehicle, merchandise, produce, etc., or for advertising purposes.**

(a) It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street or parkway for the purpose of selling or offering it for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the city indicating that such vehicle is offered for sale or for rent.

(b) It shall be unlawful to stop a vehicle at any time upon the highway for the purpose of advertising any article of any kind; or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself.

**Sec 13-30. Washing or greasing vehicle on highway or sidewalk prohibited.**

No person shall wash, polish or grease a vehicle upon a highway or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased upon a highway or sidewalk. Persons whose residences do not have off street parking may wash and polish their vehicles for non-commercial use on the streets where they lawfully park while at their legal and established residences.

**Sec 13-31. Parking vehicles without state license on streets, highways and public alleys.**

(a) It shall be unlawful to park any vehicle having no current state license or city license decal on any street, highway, public alley or city-owned parking lot.

(b) The chief of police is expressly authorized to void any ticket given for a violation of this section when it appears that the owner of the motor vehicle is a nonresident or that the vehicle is otherwise exempt from the licensing requirements of the state or city.

**Sec 13-32. Angle parking.**

Notwithstanding any of the provisions of this chapter, the city manager may, when in his discretion the public interest so requires, provide for angle parking on any street, highway, or portion thereof; provided, such streets or highways are marked so as to apprise an ordinarily observant person of the regulation.

**Sec 13-33. Backing up to curbs.**

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

### **Sec. 13-34. Loading zones.**

Where a loading and unloading zone has been set apart by the city manager in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such zones.

(1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles other than regular delivery trucks using such loading zones shall be identified by the owner's or company's name in letters three (3) inches high on both sides of the vehicle. Delivery vehicles shall not be left unattended for longer than fifteen (15) minutes in loading or unloading zones.

(2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space. For the purpose of this section bundles are defined as any item of sufficient weight that requires the use of two hands to carry or a quantity of items that requires multiple trips to load or unload. Passenger vehicles shall not be left unattended for longer than fifteen (15) minutes in loading or unloading zones.

### **Sec. 13-35. Manner of using bus stops and taxicab stands.**

Where a bus stop or taxicab stand has been set apart by the city manager, the following regulations shall apply as to the use thereof: No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

### **Sec. 13-36. Handicapped Parking.**

No vehicle other than those displaying disabled parking license plates or other state approved placards or markings issued under Section 46.2-731(B) or Section 46.2-739, Code of Virginia, shall park in any parking spaces on private or public property reserved for persons with disabilities that limit or impair their ability to walk. Any person convicted in court for a violation of this section shall be fined not to exceed that prescribed for a Class 4 misdemeanor under the Code of Virginia.

Law enforcement officers employed by the city shall have the authority to issue summonses or tickets for violations of this section on private property without the necessity of a warrant being obtained by the owner of the private parking area.

**Sec. 13-37. Parking tickets and penalty for overtime parking.**

(a) It shall be duty of the police department to enforce parking regulations and each police officer is charged with the duty of ticketing any vehicle found to be in violation. Each such officer shall attach to or place on each such vehicle's windshield a ticket giving notice to the owner thereof that such vehicle has been parked in violation. The ticket shall advise the violator of the applicable fine as set forth below, that he may pay the fine at the treasurer's office in person or by mail, and that failure to comply within five (5) days may result in filing a case in the applicable court.

(b) Vehicles remaining parked in violation of parking regulations, including all areas posting a time limit, shall be considered illegally parked each additional hour they remained parked in that particular location and shall receive successive tickets one hour after issuance of each prior ticket.

(c) With the exception of those issued for handicapped parking violations, when voluntarily paid within forty-eight (48) hours in accordance with the provisions below, the penalty for parking violations shall be five dollars (\$5.00). Tickets paid after forty-eight (48) hours but within five (5) days shall be ten dollars (\$10.00).

(d) The penalty for handicapped parking violations voluntarily paid within five (5) days shall be twenty-five dollars (\$25.00).

(e) Payment may be made at the treasurer's office in the municipal building between the hours of 8:30 a.m. and 5:00 p.m. except on Saturdays, Sundays, and holidays, or may be placed in the depository at the entrance to the police department in the rear of the municipal building at any time.

(f) If payment is not received in the treasurer's office within five (5) days of issuance, an additional five dollar (\$5.00) penalty will be added to each ticket and the office of the treasurer shall notify the violator by mail at the address shown for such violator on the records of the Virginia Department of Motor Vehicles advising the violator that he/she may pay the fine allotted for uncontested payment of parking tickets within five (5) days of receipt of such notice or receive a summons to appear in court. The notice to the violator required by the provisions of this section shall be contained in an envelope bearing the words "law enforcement notice" stamped or printed on the face thereof in type at least one-half (1/2) inch in height.

(g) If payment of a parking ticket is not received by the office of the city treasurer within five (5) days after receipt of a notification of violation by mail, the office of the treasurer shall notify the officer who issued the parking ticket that the violator has failed to pay such fine within such time. Upon such notification, after the mailing of such notice by the city treasurer and upon failure of the violator to pay the uncontested fine within five (5) days of receipt of such notice, the appropriate law enforcement officer may issue or cause to be issued a summons or warrant in the appropriate court.

(h) Any person convicted in court of violating the provisions of this article or any parking violations shall be punished by a fine of not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00).

(i) Upon his finding that an error has been made in the issuance of any parking ticket, the chief of police may void such ticket and notify the treasurer's office in writing of his action and reason for it. Under no circumstances shall a ticket be voided by the chief of police after a warrant or summons has been issued regarding such ticket.

**Sec. 13-38. Authority to remove vehicle.**

(a) Whenever a motor vehicle, trailer or semi-trailer involved in an accident is so located as to impede the orderly flow of traffic, the police may (i) at no cost to the owner or operator remove the motor vehicle, trailer or semi-trailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping.

(b) A motor vehicle, trailer or semi-trailer, or part of a motor vehicle, trailer or semi-trailer may be removed under the guidance of a law enforcement officer employed by the city to a storage area for safekeeping if:

1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
2. It is illegally parked and a reasonable effort has been made by a police officer to locate the owner or operator;
3. It is illegally parked and the owner or operator of the vehicle refused to move the vehicle or respond to a request to do so;
4. It is immobilized on a public street or highway by weather conditions or emergency situation;
5. It interferes with the free ingress, egress or movement on any premises, driveway, or parking area, without the permission of the owner of that property.

(c) As promptly as possible, each removal shall be reported to the Department of Motor Vehicles and to the owner. If the vehicle is removed to a storage area, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage. If the owner fails or refuses to pay the cost, or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle.

(d) During special events or occasions, construction or repair activities, emergencies, and the necessary movement of large or bulk items, the city manager or the chief of police may temporarily waive parking regulations as needed to facilitate these activities. Any waiver that would extend for more than two (two) consecutive days must be approved by city council.

Section 2.

This ordinance shall become effective upon publication one (1) time in a newspaper published in the city or upon posting at three (3) or more public places in the city for one (1) week.

Mayor Shelton adjourned the meeting at 8:48 p.m. until the regular meeting of November 12, 1996.