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DATE AMENDED _____

ADOPTION INTRODUCTION

CITY OF COVINGTON
ORDINANCE NUMBER 2013-02

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I. IN GENERAL AND CHAPTER 94 TRAFFIC AND VEHICLES, ARTICLE II. POLICE

WHEREAS, it is hereby determined and declared that in the city the free circulation of traffic of all kinds through the streets of the city is necessary to the health, safety and general welfare of the public; and

WHEREAS, that such congestion prevents the free flow of traffic in, through and from the city and impedes the rapid and effective fighting of fires and disposition of its police force and threatens irreparable loss in the values of urban property within the city which can no longer be readily reached by vehicular traffic; and

WHEREAS, that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking; and

WHEREAS, certain amendments have been suggested to the sections of the Code addressing parking restrictions; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 86 Streets, Sidewalks and Other Public Places, Article I. In General, shall be amended to read as follows:

Sec. 86-3. Obstruction of street.

(a) It shall be unlawful to obstruct a highway of commerce intentionally or in a criminally negligent manner by the placing of anything or performance of any act on any railway, railroad, navigable waterway, road, street, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult.

(b) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway, street or alley when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a

standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway. (See Sections 86-5 through 86-7 for details.)

(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a highway so that it is impossible to avoid stopping and temporarily leaving the vehicle in that position. However, the driver shall remove the vehicle as soon as possible, and until it is removed it is his responsibility to protect traffic.

(d) The driver of any vehicle left parked, attended or unattended, on any highway, between sunset and sunrise, shall display appropriate signal lights thereon, sufficient to warn approaching traffic of its presence.

(e) In the event of a motor vehicle accident, if the driver is not prevented by injury and the vehicle is not disabled by the accident, or the accident has not resulted in serious injury or death of any person, the driver shall remove the vehicle from the travel lane of the highway to the nearest safe shoulder. Compliance with the provisions of this subsection shall in no way be interpreted as a violation of requirements to remain at the scene of an accident as provided for in the Highway Regulatory Act or by R.S. 32:414.

(Code 1977, § 17-1; Ord. No. 2002-23, 8-6-2002)

Sec. 86-4. Obstruction of walk.

It shall be unlawful to willfully obstruct a free, convenient and normal use of any public sidewalk, street, alley, road or other passageway, or the entrance, corridor or passage of any public building, structure, watercraft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein.

Sec. 86-5. Stopping, standing or parking prohibited; general rules.

A vehicle is defined as any means of transport on land, especially on wheels (e.g., cars, buses, bicycles, etc.).

(a) The mandated first choice for parking a vehicle shall always be on private property or upon a private driveway where available. Use of public rights-of-way for parking personal vehicles shall be limited to rights-of-way fronting (including side or rear) property owned or occupied by the vehicle owner unless otherwise approved by the adjacent property owner(s).

(b) No person shall stop, stand or park a vehicle, or permit a vehicle registered in his name to be stopped, standing or parked, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device or parking-control device, or in conjunction with the parade parking ordinance in Section 86-40(g) and (h), in any of the following places:

(1) On a sidewalk;

(2) In front of or blocking 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-five (25) feet of a crosswalk or curb line at an intersection or the parking of any vehicle in such other manner as to obscure the view from any intersection of any vehicle approaching within one hundred (100) feet of the center of the intersection; however, that the foregoing shall not apply to any intersection controlled by automated traffic signals while such signals are in operation; nor

shall it apply to any vehicle properly parked in an officially designated, marked parking space;

(7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

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

(9) Within fifty (50) feet of the nearest rail of a railroad crossing, unless within a marked parking space;

(10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly posted;

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

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

(13) Upon any bridge or other elevated structure upon a highway;

(14) At any place where official signs prohibit such;

(15) On the driver's left-hand side of any two-way street or highway. It shall be unlawful to park a vehicle facing oncoming traffic in any space parallel and adjacent to a roadway;

(16) At any place where the curb has officially been painted red;

(17) Within any zone or officially marked place designated as a fire lane at all schools, hospitals, churches and other places of public assembly, as well as commercial and shopping facilities, and apartment complexes;

(18) Within a lane of traffic that is clearly marked by lines to identify it as a lane for the movement of traffic;

(19) Any place where parking will obscure or obstruct visibility of any traffic-control device;

(20) Upon the traveled portion of any roadway except to yield to other traffic, or as directed by a signal or sign, or as directed by a police officer;

(21) Alongside a neutral ground curb;

(22) Upon a neutral ground;

(23) Upon any area of property comprising parks, playgrounds, recreational areas or facilities owned or operated by the city that has not been specifically designated for parking and which interferes with the designed purpose thereof;

(24) Upon privately owned property without the prior authorization and consent of the owner thereof;

(25) No person shall stand or park any vehicle or permit any vehicle registered in his name to be standing or parked upon a street, highway or within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the street, highway or alleyway for free movement of vehicular traffic or blocking the driveway entrance to any abutting property; or

(26) No person, unless properly permitted, shall block any private driveway, state or local highway, or public right-of-way while in the course of participating or attending any sporting activity or special event (see Section 86-31 for definition) when such activity obstructs the flow of traffic or is a hazard to public safety.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 86-6. Parking of specified motor vehicles, including, but not limited to, motor homes, trailers, heavy equipment, semitrailers or truck tractors in residential zone prohibited.

No motor vehicle or trailer exceeding a total length of twenty-two (22) feet and/or 10,000 pounds gross vehicle weight, or any trailer coach, motor home, trailer (except as noted), semitrailer, truck tractor, heavy equipment or travel trailer, or part of such vehicle, shall be parked or stored upon the street adjacent to any lot zoned residential except:

(a) Commercial vehicles, as defined in the Zoning Code, when such vehicles are being expeditiously loaded or unloaded, or equipment on such vehicles is being used to perform the special operations for which it was designed, including, but not limited to, the construction, operations, removal or repair of utility or public utility property or facilities on public streets and rights-of-way.

(b) Motor coaches, trailer coaches, travel trailers or motor homes when parked for a period of less than forty-eight (48) hours.

For the purpose of this section, the term "gross vehicle weight" shall mean the weight of a vehicle without load plus its rated carrying capacity, as specified by the manufacturer of the vehicle. The terms "trailer" and "travel trailer" when used in this section, shall include any type of wheeled vehicle, regardless of the use for which it is designed, which is designed to be pulled by a motor vehicle. The terms "motor coaches," "motor homes" and "trailer coaches" when used in this section, are defined as any wheeled motor vehicle which is a single self-contained unit with motive powers, which is designated and generally used for occupancy by persons for residential purposes. The term "heavy equipment," when used in this section, is defined as specified in Section 4.113(4) of the Comprehensive Zoning Ordinance of 2010.

Sec. 86-7. Parking of buses prohibited.

No person shall stop, stand or park a bus on any street, lane or road shoulder except as permitted or exempted in this section. Permitted parking on public rights-of-way shall only be considered for permitting after all other options have been exhausted and parking elsewhere as an option has been ruled not practical by the City's Code Enforcement Officer.

(a) As used herein, the term "bus" shall refer to any "school bus" or any "church bus" required to be licensed as a "school bus."

(b) Where the owner or operator of a bus obtains a permit from the Code Enforcement Officer permitting such bus to be parked on a designated street, lane or road shoulder, any person operating that bus shall be permitted to park the bus in accordance with the conditions specified in the permit. A permit shall be issued pursuant to application being made by the owner or operator of the bus on such form as specified by the Code Enforcement Officer containing information as required on the form. Prior to issuing a permit, the Code Enforcement Officer shall consider the following factors in determining whether or not a permit shall be issued:

(1) No off-street parking is available within a two-block radius of the area requested in the application.

(2) The parking of the bus would not create a sight obstruction at an intersection.

(3) The parked bus would not create a roadside hazard.

(4) The width of the street identified in the application shall be sufficient to park the bus without encroaching on the normal travel lanes for traffic.

(5) On-street parking is normally permitted in the area specified in the application.
(6) Parking of a bus would not cause a detriment to the use or development of adjacent parking.
(7) A parked bus would not interfere with the normal street drainage pattern nor cause a drainage or maintenance problem.
(8) No parked bus shall block any driveway.
If the above standards are satisfied, the Code Enforcement Officer shall issue a permit which shall be displayed on the right rear windshield of the bus and the permit shall bear a number.
(c) A permit shall be valid only from July 1 the year it is issued until June 30 the next year. Any operator or owner desiring to extend the permit to any subsequent permit year shall between June 1 and June 30 of the permit year file an application for a renewal on such form as is established by the Code Enforcement Officer for that purpose.
(d) Nothing in this section shall be construed so as to prohibit such buses from stopping to discharge or take on passengers.

~~Sec. 86-5.~~ Sec. 86-8. Cost of street improvements.
When an individual desires to overlay or construct a street within a city right-of-way, such construction shall be on the following terms and conditions:
~~(1)~~ (a)Any person requesting to overlay a city street shall provide plans to the city for review and approval by the city engineer.
~~(2)~~ (b)All improvement costs shall be paid directly by the applicant.

Sec. 86-9. Violations; penalties.
(a) Any individual who violates any of the provisions of this article may be punished as provided in Section 1-8 of this Code.

~~Secs. 86-6--86-30.~~ Secs. 86-10--86-30. Reserved.

BE IT FURTHER ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 94 Traffic and Vehicles, Article II. Police, shall be amended to read as follows:

Sec. 94-31. Authority to direct traffic.
The marshal, chief of police or police department of the city shall have the full right, power and authority to direct and control the traffic, operation, use or parking of all motor vehicles on or along the public roads, streets or parking areas within the corporate limits of the city in accordance with state law, this chapter and Chapter 86, or in emergencies as the public convenience may require.

BE IT FURTHER ORDAINED that all other sections of Chapter 86 Streets, Sidewalks and Other Public Places and Chapter 94 Traffic and Vehicles, remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein

which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana.

MOVED FOR ADOPTION by Coner, seconded by Callahan, and this ordinance was submitted to a vote and resulted in the following:

YEAS: 6 **NAYS:** 1 (ROLLING)

ABSTAIN: 0 **ABSENT:** 0

PASSED AND ADOPTED this 5th day of February, 2013.

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor on this 7th day of February, 2013, at 9:07 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor on this 14th day of February, 2013.

MICHAEL B. COOPER
MAYOR

Received from the Mayor this 14th day of February, 2013, at 10:35 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL