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REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: [X] MAYOR [X] COUNCIL AUTHORITY: [ ] DATE: May 12, 2017

Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT: ORDINANCE # 23845

DEPARTMENT: ASSET MANAGEMENT CONTACT NAME: JOHN REEL

ADDRESS: 490 W 23 ST TELEPHONE: 918-596-9815

SUBJECT: CHANGE THE ORDINANCE REGARDING METERED PARKING

ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE BA or CT #:

AMENDMENT OF ORD#: TRO TITLE: 37 TRO SUBTITLE: PLANNING DISTRICT:

ZONING #: SSID: PUD #: PROP/NON-PROP: COUNCIL DISTRICT:

SUMMARY:

AN ORDINANCE AMENDING TITLE 37 TULSA REVISED ORDINANCES, TITLED "TULSA REVISED TRAFFIC CODE," CHAPTER 1, TITLED "WORDS AND PHRASES", SECTION 100 TITLED "WORDS AND PHRASES DEFINED" TO ADD DEFINITIONS FOR "DIGITAL PAYMENT", "PARKING METER", AND "PAY BY TAG"; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY.

Approved By
City Council On
JAN 24 2018

[redacted]

APPROVED BY MAYOR
CITY OF TULSA
JAN 29 2018

BUDGET: **FINANCE DIRECTOR APPROVAL:**

FUNDING SOURCE: N/A

REQUEST FOR ACTION: ***All department items requiring Council approval must be submitted through the Mayor's Office.***

Request Mayor and City Council Chair approve and sign attached Ordinance

DEPARTMENT HEAD APPROVAL: (SWINEY) DATE: 5-12-17

CITY ATTORNEY APPROVAL: 7.17.2017

BOARD APPROVAL:

MAYORAL APPROVAL: NOV 09 2017

OTHER:

FOR CITY COUNCIL OFFICE USE ONLY: 17-868-1

COMMITTEE: VCD COMMITTEE DATE(S): 11/29/17 12/6/17 DATE RECEIVED: 11/13/17

HEARING DATE: SECOND AGENDA DATE: 12/6/17 12/13/17 FIRST AGENDA DATE: 11/29/17 12/6/17 APPROVED:

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis):

01-29-2018	2	01	01			

CITY OF TULSA
LEGAL DEPARTMENT

2017 MAY 15 P 12:53

RECEIVED

ORDINANCE

Dept: ASSET MANAGEMENT

BA, CT or MT #:

Subject:

CHANGE THE ORDINANCE REGARDING METERED PARKING

Ordinance Type:

AMENDING PREVIOUS ORDINANCE

Num of Ord Amen -ded

Zone Num

Planning District

SSID #:

PUD #:

TRO TITLE: 3 7

TRO Subtitle

Prop/ Non-Prop.

'----- For City Clerk's Office Use Only * Data For Scanning * Please Do Not Alter -----

(Published in the Tulsa World,

February 3, 2017.)

ORDINANCE NO. 23845

AN ORDINANCE AMENDING TITLE 37 TULSA REVISED ORDINANCES, TITLED "TULSA REVISED TRAFFIC CODE," CHAPTER 1, TITLED "WORDS AND PHRASES", SECTION 100 TITLED "WORDS AND PHRASES DEFINED" TO ADD DEFINITIONS FOR "DIGITAL PAYMENT", "PARKING METER", AND "PAY BY TAG"; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Tulsa Revised Ordinances Title 37, Chapter , Section 100, "Meter hoods" be and the same is hereby amended to read as follows:

TITLE 37- TULSA REVISED TRAFFIC CODE

CHAPTER 1. - WORDS AND PHRASES

Section 100. - Words and phrases defined.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter:

All-weather material shall mean a hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration normal weather conditions. Approved all weather surfaces include concrete, asphalt and other surfaces meeting City of Tulsa engineering standards.

Alley or alleyway shall mean any public or private passageway or street, as herein defined, having no legal or official name other than alley and open to traffic.

Arterial street shall mean any United States or state of Oklahoma numbered route, controlled-access highway or other major radial or circumferential street or highway designated by the City of Tulsa within its jurisdiction as part of an arterial system of streets or highways.

Authorized emergency vehicle shall mean such Fire Department vehicles, police vehicles and ambulances as are owned publicly or by a trust for public purposes, and such other publicly or privately owned vehicles as are designated by the Mayor.

Bicycle shall mean every device propelled by human power upon which any person or persons may ride, propelled solely by human power through a belt, chain or gears, and having two (2) or more wheels. Bicycle shall also include tricycles, quadcycles or similar human-powered devices, electric-assisted bicycles and motorized bicycles as defined by the laws of the state of Oklahoma.

Bus shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business district shall mean the territory contiguous to and including a street or highway when fifty percent (50%) or more of the frontage on either side of the street or highway for a distance of three hundred (300) feet or more is occupied by buildings designed for and in use for business.

Cancellation of driver's license shall mean the annulment or termination by formal action of any department of public safety or like agency of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license.

City shall mean the City of Tulsa, Oklahoma.

Commercial vehicle shall mean every vehicle designed primarily for the transportation of persons or property for hire and which has a commercial tag attached or has the business trade name or the business Federal Identification Number displayed on both sides of the vehicle in letters at least two (2) inches high in a color that contrasts with the vehicle's body color, even though the vehicle displays a passenger tag.

Controlled-access highway shall mean every highway, street or roadway with respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk shall mean:

A.

That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edge of the traversable roadway; and

B.

Any portion of a roadway at an intersection or elsewhere distinctively indicated for a pedestrian crossing by lines or other markings on the surface.

Curb shall mean the edge of a traversable roadway marked or understood as such.

Curb side shall mean the side of a vehicle next to the curb.

Day shall mean one-half (½) hour before sunrise until one-half (½) hour after sunset.

Digital Payment shall mean Payment of a parking meter, parking district, or parking facility fee through an online application or by using a mobile device.

Double park shall mean the standing of a vehicle, whether occupied or not, upon a roadway where the wheels on the side next to the curb are more than eighteen (18) inches from the curb.

Driver shall mean every person who drives or is in actual physical control of a vehicle.

Dynamic braking device (commonly referred to as engine brakes, compression brakes, C brakes, Pac Brakes, Tek Brakes, Jake Brakes or Jacobs brakes) shall mean a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

Electric personal assistive mobility device shall mean a self-balancing, two (2) nontandem-wheeled device, designed to transport only one (1) person, having an electric propulsion system with an average of seven hundred fifty (750) watts (one (1) h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

Explosive shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and/or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonation of any part of the compound or mixture which may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Fire lane shall mean any street or part of a street upon which parking is either restricted or prohibited for the purpose of facilitating the use or passage of equipment of the Fire Department.

Gross weight shall mean the weight of a vehicle without load plus the weight of any load thereon.

Heavy truck shall mean a truck rated or licensed to carry a load of one (1) ton or more.

Highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

House trailer shall mean:

A.

A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

B.

A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in Paragraph 1, but which is used instead permanently or temporarily for the advertising, sale, display or promotion of merchandise or services or for any other commercial purpose except for the transportation of property for hire or the transportation of property for distribution by a private carrier.

Identifying number shall mean the numbers and letters, if any, on a vehicle designated by the Oklahoma Tax Commission for the purpose of identifying the vehicle.

Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one (1) another at, or approximately at, right angles, or the area within which vehicles travel upon different highways joining at any other angle which may conflict, whether or not one (1) such street or highway crosses the other; and

A.

Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection; but

B.

The junction of any alley with a street or highway shall not constitute an intersection.

Intoxicating beverage shall mean all beverages containing more than three and two-tenths percent (3.2%) alcohol by weight and all mixed beverage coolers as defined in 37 O.S.2001, § 506, as amended, regardless of percent of alcoholic content.

Laned roadway shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular travel.

Legal holidays shall mean New Year's Day, Martin Luther King's Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Eve and Christmas Day.

License to operate a motor vehicle shall mean any operator's, commercial chauffeur's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of the state of Oklahoma, including:

A.

Any temporary license or instruction permit;

B.

The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license; and

C.

Any nonresident operating privilege as defined by the Oklahoma Statutes.

Limit lines shall mean boundaries of parking areas, loading zones, safety or danger zones, crosswalks and lines marked for the purpose of excluding traffic and parking.

Loading zone shall mean the area or space officially set apart within a street, roadway or alley for the purpose of loading and/or unloading vehicles which is so marked by signs as to be plainly visible at all times while set apart as a loading zone.

Low-point beer shall mean and include beverages containing more than one-half of one percent (½ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

May , as used in this title, is permissive and not mandatory.

Mobility aid shall mean a class of three- or four-wheeled-devices designed for and used by persons with mobility impairments, usable indoors, which do not exceed thirty (30) inches in width and forty-eight (48) inches in length, measured two (2) inches above the ground and do not weigh more than six hundred (600) pounds when occupied.

Motor vehicle shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails; provided, however, the definition of "motor vehicle" herein shall not include implements of husbandry, electric personal assistive mobility devices and motorized wheelchairs as defined by the laws of the state of Oklahoma, or vehicles moved solely by human or animal power.

Motor vehicle escort agency shall mean any person, firm, corporation, partnership or other recognized form of business entity engaged in furnishing motor vehicle escorts or which employs one (1) or more persons as employees, clerks, assistants or motor vehicle escort guides for such purpose.

Motor vehicle escort guide shall mean any person who personally escorts or guides any funeral cortege or any overwidth, overlength, overheight, motor vehicle including mobile homes and other buildings as defined in the Building Code of the City of Tulsa.

Motorcycle shall mean every motor vehicle having a saddle for the use of a rider and designed to travel on no more than three (3) wheels.

Motorized scooter shall mean any vehicle having:

A.

Not more than three (3) wheels in contact with the ground;

B.

Handlebars and a foot support or seat for the use of the operator; and

C.

A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

1.

If the power source is a combustion engine, has a piston or rotor displacement of thirty-five (35) cubic centimeters or less regardless of the number of chambers in the power source;

2.

If the power source is electric, has a power output of not more than one thousand (1,000) watts.

Multi-space parking meter shall mean a parking meter that controls multiple parking spaces.

Night shall mean one-half (½) hour after sunset until one-half (½) hour before sunrise.

Official police officer's badge shall mean a badge of the size, type and design approved for the use of regular police officers.

Official time standard shall mean standard time or daylight saving time, as may be in current use in the City of Tulsa.

Official traffic-control devices shall mean all signs, signals, parking meters, parking meter hoods, barricades, markings and devices not inconsistent with this code which are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

One-way traffic shall mean traffic restricted to movement in one (1) direction.

Open intersection shall mean an intersection without any traffic-control device to regulate the flow of traffic entering the intersection.

Operator shall mean every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Overlength, overheight, overwidth motor vehicle shall mean any motor vehicle that is required by the laws of the state of Oklahoma due to size or configuration to have a permit attached thereto before moving upon the roadways of the state of Oklahoma.

Owner shall mean:

A.

A person who holds the legal title to a vehicle;

B.

A conditional vendee or lessee, in the event the vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession; or

C.

A mortgagor of a vehicle vested with an immediate right of possession of the vehicle.

Parked shall mean the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking Meter shall mean a device or pay station that has been installed by or on the authority of the City of Tulsa, which shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, credit cards, debit cards, digital payment or other forms of payment, based upon the capabilities of the meters installed.

Passenger shall mean an occupant in or upon any vehicle other than the driver.

Passenger curb loading zone shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Passenger vehicle shall mean every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

Pay By Tag shall mean a parking system whereas the person parking their vehicle and upon utilizing the proper form of payment, will enter their parked vehicles license plate number or tag number into the parking system. This system will allow the user to move their vehicle within the Parking Districts until their allotted time expires.

Pedestrian shall mean any person on foot or using a wheelchair, mobility aid or an electric personal assistive mobility device.

Pedestrian overpass shall mean a structure constructed to traverse a public roadway, ditch, railroad or other obstacle to the free movement of pedestrians and intended primarily for their use.

Person shall mean every natural person, firm, partnership, association, corporation or other recognized business entity.

Police officer shall mean every sheriff, policeman, highway patrolman and any other officer who is authorized to direct or regulate traffic or make arrests for violations of the traffic laws of the state of Oklahoma or ordinances of the City of Tulsa.

Private road or driveway shall mean every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not open to the use of the public for purposes of vehicular travel.

Public parking lot shall mean any parking lot or right-of-way dedicated to public use or owned by the state of Oklahoma or a political subdivision thereof available for public use.

Railroad shall mean a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train shall mean a steam engine or electric or other motor with or without cars coupled thereto,

operating upon rails, other than street cars.

Registration shall mean the registration certificate or certificates and/or registration plates issued under the laws of the state of Oklahoma pertaining to the registration of vehicles.

Residential districts shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings not used for business.

Revocation of driver's license shall mean the termination by formal action by any department of public safety or like agency of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by such department of public safety after the expiration of the period of revocation.

Rickshaw shall mean every device propelled by human power upon which any person or persons may ride, propelled solely by human power not through a belt, chain or gears, and having two (2) or more wheels, excluding devices specifically designed to carry infants or small children under forty (40) pounds in weight.

Right-of-way shall mean the privilege of the immediate and prior use of the roadway before other traffic, and the term "ROW" as used in descriptions of areas and districts in this title shall mean the land over which that right exists.

Roadway shall mean that portion of a highway, exclusive of the shoulder, which is improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone shall mean the area or space officially set apart within a street for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; provided, however, that this definition of school bus shall not be intended to include buses normally used in the City transit which may be used part time for transportation of school children during some portion of the day.

Semitrailer shall mean every vehicle with or without motor power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle. It shall be so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Shall , when used in this title, is always mandatory and never permissive.

Shoulder shall mean that portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses.

Sidewalk shall mean that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

Single-space parking meter shall mean a parking meter that controls a single parking space.

Slow signs shall mean signs bearing upon their face the word "slow."

Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than momentarily, while actually engaged in receiving or discharging passengers.

State shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Stop shall mean:

A.

When required, a complete cessation of movement; and

B.

When prohibited, any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street shall mean the whole width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Suspension of driver's license shall mean the temporary withdrawal by formal action of any department of public safety or like agency of a person's driver's license or privilege to operate a motor vehicle on the public highways.

Taxicab shall mean and include any motor vehicle for hire designed to carry seven (7) persons or less, operated upon any street or highway, accepting or soliciting passengers for transportation; but this classification shall not include motor vehicles of seven (7) passenger capacity or less operated by the owner of the vehicle where the cost of operation is shared by the passengers on a "share the expense plan," nor shall this classification include motor vehicles of seven (7) passenger capacity or less transporting students to or from the school system when such motor vehicle is so transporting under contract with a public, private or parochial school board or governing body.

Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this title.

Traffic shall mean pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street or roadway for purposes of travel.

Traffic division shall mean officers of the Police Department of the City of Tulsa, authorized to enforce this Traffic Code.

Traffic lane shall mean the portion of the traveled way for the movement of a single line of vehicles.

Traffic side shall mean the street side of the vehicle as distinguished from the curb side.

Trailer shall mean every vehicle with or without motor power, other than a pole trailer, designed for carrying persons or property and for being driven by a motor vehicle and is so constructed that no part of its weight rests upon the towing vehicle; provided, however, the definition of a trailer herein shall not include implements of husbandry as defined in 47 O.S.Supp.1999, § 1-125.

Truck shall mean every motor vehicle designed, used or maintained primarily for the transportation of property.

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Truck-tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

U-turn shall mean to turn a vehicle around so as to proceed in the opposite direction.

Vehicle shall mean every device in, upon or about which any person or property is or may be transported or drawn upon a street or roadway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided that "vehicle" as used in this title shall not include implements of husbandry, mobility aids or electric personal assistive mobility devices.

Yield signs shall mean signs bearing upon their face the word "yield."

(Ord. Nos. 14569, 19825, 20523, 20564; Ord. No. 21982, § 1, 12-18-2008; Ord. No. 22395, § 1, 3-24-2011; Ord. No. 23019, § 1, 1-16-2014; Ord. No. 23037, § 1, 2-6-2014)

Section 2. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: JAN 24 2018.
Date

Chair of the Council

ADOPTED as an emergency measure: _____.
Date

N/A
Chair of the Council

MDS

FILED
CITY OF TULSA
STATE OF OKLAHOMA

2018 JAN 25 AM 11 43

MICHAEL P. KIER
CITY CLERK

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

G. T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: JAN 2 9 2018,
Date

at _____.
Time

_____
Mayor

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney