

CHAPTER 4 PARKING

401—4.1(18) Purpose—definitions. The purpose of these rules is to provide citizens with the most convenient access to Iowa state offices on the capitol complex, to provide state employees the benefit of a parking space within a reasonable distance of their offices and to remove the hazards inherent in unregulated parking. The director adopts the following rules that will establish a system for parking vehicles within the capitol complex.

“*Capitol complex*” means an area within the city of Des Moines within which the Iowa state capitol building is located. This area includes all real estate owned by the state of Iowa adjacent to or within 2000 feet of the capitol building.

“*Capitol police*” means a peace officer of the capitol police division of the Iowa department of public safety.

“*Controlled lots*” means parking lots controlled by any of the following: parking gates, vehicle decals, signs, symbols, or markings.

“*Director*” means the director of the department of general services of the state of Iowa or the director’s designee.

“*Employee*” means any person employed by the state of Iowa and regularly assigned to work on the capitol complex, including legislators, judges, temporary workers and persons who are service contractors or private contractors with the state and their employees who regularly work within the capitol complex.

“*Habitual violator*” means any owner of a vehicle that accumulates six or more separate and distinct citations in any given six-month period regardless of whether payment is made in a timely manner.

“*Operator*” means any person who is in actual physical control of a vehicle.

“*Overflow lot*” means a lot designated by the department of general services as an overflow lot.

“*Overtime parking*” means parking in a space or lot longer than the posted time limit.

“*Owner*” means a person who is named on the legal title of a vehicle as the owner or, in the case of vehicles without title certificates, the person who is lawfully seized of the vehicle.

“*Parking coordinator*” means an employee, designated within each department, with the assigned duties of disseminating information and requesting parking decals and access cards from the department of general services, the house of representatives or the senate, as appropriate, for employee parking lot assignment and building access.

“*Parking decal*” means any identification device used for the purpose of identifying state employees’ vehicles in the capitol complex parking lots. This includes (1) parking decal(s) distributed by the department of general services upon request of the parking coordinator, (2) dash parking placards issued for the current year by the chief clerk of the house of representatives or the secretary of the senate for legislative employees, for the purpose of parking in lots 13 and 14 on the capitol complex, or (3) reserved hang tags distributed by the department of general services for use in the reserved spaces in the north row of lot 15.

“*Peace officer*” means a person defined as a peace officer in Iowa Code chapter 80.

“*Persons with disabilities*” means a person having a disability that limits or impairs the person’s ability to walk. A person shall be considered a person with a disability for purposes of this chapter under the following circumstances:

1. The person cannot walk 200 feet without stopping to rest.
2. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assisting device.

3. The person is restricted by lung disease to such an extent that the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.

4. The person uses portable oxygen.

5. The person has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

6. The person is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

"Persons with disabilities parking permit" means a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a persons with disabilities parking space, and includes the following:

1. A persons with disabilities registration plate issued to or for a person with a disability under Iowa Code section 321.34, subsection 7.

2. A persons with disabilities parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, or to an operator under section 321.34.

3. A persons with disabilities removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a persons with disabilities parking space.

"Persons with disabilities parking sign" means a sign which bears the international symbol of accessibility that meets the requirements under Iowa Code section 321L.6.

"Persons with disabilities parking space" means a parking space, including the access aisle, designated for use only by motor vehicles displaying a persons with disabilities parking permit that meets the requirements of Iowa Code sections 321L.5 and 321L.6.

"Ride sharing" means a group of not less than four state employees who arrive at and depart from work in one vehicle.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include any device moved by human power.

"Visitor" means a person who is not included in the definition of employee.

401—4.2(18) Parking space assignments.

4.2(1) Each parking space on the capitol complex will be assigned, on an individual or lot basis, by the director, except legislative lot 13, which shall be assigned by the chief clerk of the house of representatives or the secretary of the senate.

4.2(2) The assignment of spaces will be indicated and designated by traffic control devices including but not limited to signs, instructions, lines or symbols painted on curbs or on parking surfaces, or by curbs, barricades, blocks, and lights. A raised parking control gate or missing parking control gate does not constitute open parking.

4.2(3) Spaces or lots will be assigned to four classes of drivers: visitors with disabilities, visitors, employees and employees with disabilities.

401—4.3(18) Parking for persons with disabilities.

4.3(1) Spaces designated for visitors with disabilities shall be used only by visitors with disabilities, or by persons transporting visitors with disabilities. Such visitors are required to display a persons with disabilities windshield placard from the rearview mirror so as to be in view through the windshield from outside the vehicle, or have a persons with disabilities registration plate or a sticker affixed to the registration plate on the vehicle.

4.3(2) A visitor with disabilities or a person transporting a visitor with disabilities may use a space or lot assigned to visitors if the visitors with disabilities spaces near the building to be entered are occupied.

4.3(3) Spaces designated for employees with disabilities shall be used only by employees with disabilities, or persons who are transporting employees with disabilities, who display upon their vehicle a persons with disabilities identification device, or have a persons with disabilities registration plate or a sticker affixed to the registration plate on the vehicle.

401—4.4 Reserved.

401—4.5(18) Deliveries. Most buildings on the capitol complex have delivery entrances for vehicle use, and delivery vehicles shall use these entrances. Each of the restrictions and regulations contained in these rules, all traffic control devices and state laws shall apply to delivery vehicles. The director may, upon application showing information the director deems advisable, issue a sign, symbol or device to permit delivery vehicles to park in spaces or areas designated on such sign, symbol or device for such temporary periods as the director may determine.

401—4.6(18) Employee parking.

4.6(1) The director, chief clerk of the house of representatives or the secretary of the senate will distribute to each employee an access card to enter a controlled parking lot and a state parking decal to use a space within the parking lot. The parking decal will be coded and shall only be used in the assigned space or lot. Dash parking placards will be numbered and used only in lots 13 and 14. Vehicles with a parking decal shall not park in spaces reserved for visitors.

4.6(2) All employees, excluding those parking in legislative lot 13, who park any vehicle(s) except a bicycle on the capitol complex shall register the vehicle(s) with the department of general services, through the parking coordinator, chief clerk of the house of representatives or the secretary of the senate, and obtain a parking decal(s) and space or lot assignment within five days after commencing to park said vehicle on the capitol complex. No employee is exempt from this registration for any reason. Legislative employees will be required to display a dash parking placard, issued by the chief clerk of the house of representatives or the secretary of the senate, on their dash.

4.6(3) Employees who fail to obtain a parking decal and space or lot assignment shall not park on the capitol complex.

4.6(4) A parked vehicle may display no more than one state capitol complex parking decal on the same vehicle.

4.6(5) After July 1, 1995, all parking decals must be permanently affixed to the lower windshield on the driver's side within 48 hours of issuance. Dash parking placards shall be placed on the dashboard so they are visible through the windshield on the driver's side. On a motorcycle, such decal shall be placed upon the back side (nonreflecting) of the rearview mirror. The use of tape or adhesive other than that found on the decal to affix said parking decal is prohibited.

4.6(6) A lost parking decal may be replaced upon application to the parking coordinator, the department of general services or by notifying the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

4.6(7) Parking decals which become damaged or unidentifiable or which are on a vehicle being assigned to a different parking lot requiring a new parking decal must be replaced upon application to the parking coordinator, the chief clerk of the house of representatives or the secretary of the senate. If cards used for operating automatic parking gates are lost or damaged to the extent that they are no longer operational, they may be replaced upon paying the fee prescribed by the director. Vehicles which are being released for the purchase of a new vehicle must have the parking decal removed.

401—4.7(18) Temporary parking. If an employee is unable to park in an assigned parking space or lot, the employee must attempt to locate alternative parking in an overflow lot or on the street. An individual who is a visitor on the capitol complex, who drives a vehicle with a parking decal assigned to a specific lot, may park in a visitor's space provided the capitol police are immediately telephoned at (515)281-5608 and given the registration (license plate) number of the vehicle and where it is parked. All time limitations must be observed without exception.

401—4.8(18) Prohibited parking.

4.8(1) Vehicles shall not be parked in a manner that violates any of these rules or state law.

4.8(2) Vehicles shall not be parked in a manner that causes:

- a. Two spaces to be occupied.
- b. A street, parking lot lane or traffic lane to be blocked within a capitol complex parking lot.
- c. A building entrance to be blocked or obstructed.
- d. Access to fire hydrants or emergency equipment or vehicles to be blocked or obstructed.
- e. Another vehicle to be blocked in.
- f. Pedestrian walkways or sidewalks to be obstructed or blocked.
- g. The view of an intersection, crosswalk, traffic control sign or signal to be blocked or obstructed within a capitol complex parking lot.
- h. An area which is prohibited to vehicle parking to be occupied, such as an access aisle adjoining a persons with disabilities parking space.
- i. Overtime parking.

4.8(3) Vehicles shall not be parked in a space designated for use by visitors with disabilities or employees with disabilities unless the driver is a person with disabilities or is transporting a person with disabilities visitor.

4.8(4) Vehicles shall not be parked in a space or lot unless that space or lot is designated for use by or assigned to the driver. However, spaces or lots that are not otherwise designated (by sign or symbol that indicates a restricted or continuous reserved status such as legislator, emergency vehicle or persons with disabilities) may be used between 6 p.m. and 6 a.m. and during weekends and state government holidays.

4.8(5) Vehicles shall not be parked on curbs, upon grass or in any area not intended for vehicle parking.

4.8(6) Delivery vehicles shall not be parked in a manner or for a period of time that does not comply with the restrictions established for those vehicles by the director or with a traffic control device.

4.8(7) Vehicles for which there remain unpaid parking tickets for a period exceeding 30 calendar days shall not be allowed to park on the capitol complex.

4.8(8) If any vehicle is found stopped, standing or parked in any manner in violation of the provisions of these rules and the identity of the operator cannot be determined, the owner or operator or corporation in whose name said vehicle is registered shall be held responsible for said violation.

401—4.9(18) Waiver. As the purpose of these rules is to facilitate the system of parking, encourage compliance and reduce conflict, any rule contained herein, unless otherwise provided by law, may be suspended or waived by the director to aid law enforcement, to prevent undue hardship in any particular instance or to prevent surprise, unnecessary conflict or injustice. All suspensions and waivers shall be in writing. The director will change space and lot designations, excluding legislative lot 13, temporarily or permanently, as appropriate to maintain an integrated parking system.

401—4.10(18) Enforcement.

4.10(1) The capitol police will be primarily responsible for the enforcement of these rules.

4.10(2) The capitol police may in their discretion enforce these rules by:

a. Issuing oral or written orders or directions to an owner or operator.

b. Removing or causing to be removed a vehicle in accordance with subrule 4.10(7). A vehicle may be removed for nonpayment of all parking fines whether or not the vehicle is illegally parked at that time.

c. Commencing the procedure established by the director to impose a fine.

d. Arresting the owner or operator if a public offense is being committed.

e. Issuing a citation (summons to appear in court) if a public offense is being committed.

4.10(3) The director may rescind the privilege to park on the capitol complex for any vehicle for which parking tickets remain unpaid for a period exceeding 30 calendar days.

4.10(4) The director may rescind the privilege to park on the capitol complex for any vehicle that is a habitual violator.

4.10(5) Capitol police have the right to remove from the capitol complex the vehicle of a habitual violator.

4.10(6) If capitol police determine that a vehicle is to be removed, the capitol police shall have the vehicle removed by the use of state equipment or by a private contractor.

4.10(7) The director may contract with an individual or firm to provide services for removing (towing) vehicles found in violation of these rules or state law and to store such vehicles until claimed by the owner or disposed of as abandoned vehicles.

4.10(8) Capitol police, upon impounding a vehicle, shall give notice in person, by telephone or by ordinary mail to the owner of the vehicle. The notice shall state the specific violation claimed or other reason for which it was impounded, its location and the fee for the removal, storage and notice. The towing contractor shall release the vehicle to the owner upon notification by the department of general services that the owner or operator has paid all outstanding citations and the service fee has been paid to the towing contractor. The amount of this fee will be determined by the contract executed by the director and an individual or firm.

4.10(9) If an owner or operator returns to the vehicle prior to its removal, but after the towing contractor has been summoned, the capitol police may require that the vehicle not be taken from the capitol complex until the service vehicle arrives. Upon the service vehicle's arrival, the vehicle may be allowed to leave after the operator pays the service vehicle operator the cost of the service call and after the department of general services notifies the capitol police that all outstanding citations have been paid. The contractor shall issue a receipt for such payment to the owner or operator.

4.10(10) If the owner or operator wishes to contest the fees paid because of the removal or attempted removal of the vehicle, the owner or operator shall immediately notify the office of the director. Upon such notification, the owner or operator will be provided with written instructions that describe the procedure the director will use to conduct a hearing to consider the owner's or operator's evidence and arguments. Upon such notification, the fees paid by the owner or operator shall be considered a bond that will be held to ensure the appearance of the owner or operator at such hearing. The director or other person chosen by the director to act as the hearing officer may determine after the hearing that such bond will be returned, in whole or in part, to the owner or operator or may continue to be retained as fees. If the bond, or part thereof, is returned to the owner, the state shall pay said moneys and the towing contractor will be required to return a part or all of said moneys to the state and the state will reimburse both the owner or operator and towing contractor.

4.10(11) Operators entering a parking lot in a manner not consistent with usual parking lot access procedures shall be subject to a parking citation and possible charge for damages. Access to parking lots inconsistent with usual access procedures includes, but is not limited to: tailgating a car into a parking lot; opening a gate for unauthorized persons with operator's card; driving over the curb or around the gate; or lifting a parking gate by hand.

401—4.11(18) Fines. A fine of \$5 is hereby established for the violation of any of these rules, except persons with disabilities parking. Improper use of a persons with disabilities parking space is subject to a \$100 fine pursuant to Iowa Code section 321L.4(2). A violator may be notified of a violation by being served with a parking violation ticket which:

1. May be served personally to the operator or placed upon the vehicle parked in violation of a rule.
2. Advises the operator of the rule violated.
3. Instructs the operator that the operator is required to pay \$5, for each violation charged, to the department of general services within ten days by submitting the ticket or the ticket number and payment in cash, check or money order, preferably a check payable to the Department of General Services, Customer Service Center, Hoover Building, Level A, Des Moines, Iowa 50319.
4. Warns the operator that after 30 days the director may rescind the parking privilege of any vehicle or owner or operator having unpaid parking tickets. When the parking privilege is rescinded, the vehicle will not be allowed to park in any employee, visitor or overflow lot on the capitol complex until all fines are paid. The director may authorize capitol police to tow any vehicle found to be parked on the capitol complex for which parking privileges have been rescinded.
5. Warns the violator that failure to pay the fine may result in the director's proceeding against the violator in an Iowa district court.
6. Advises the operator how to obtain a hearing on the charges.

401—4.12(18) Ride sharing. Only those carpool/vanpools which have four or more people, including the driver, will be given preferred parking spaces. Each carpool/vanpool will be issued an identification device which must be hung from the rearview mirror of the vehicle. Only the access card of one member of the carpool/vanpool will be programmed to provide access to the assigned lot, and access to parking lots will be denied all other members of the carpool/vanpool.

These rules are intended to implement Iowa Code sections 18.4 and 18.11.

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