

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 3, 2013


FROM:

ALDERMAN MARK KINION

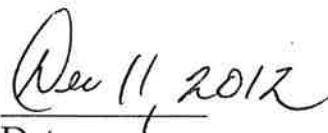
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §72.18 Residential Parking Permit Program For The Entertainment District Parking Zone (A) *Applicability* To Add The Block Of Ila Between Wilson And Vandeventer To This Zone


APPROVED FOR AGENDA:



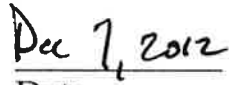
Mark Kinion
Alderman



Date

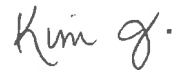


City Attorney
(as to form)



Date

12-12-12 A11:18 RCVD





Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney

DATE: December 7, 2012

RE: Placing one block of Ila within the Entertainment District Parking Zone

Alderman Mark Kinion asked me to draft an ordinance to add one block of Ila Street (between Wilson Avenue and Vandeventer) to the Residential Parking Permit Program for the Entertainment District Parking Zone. This block of Ila is narrower than the remainder of Ila and only wide enough to allow parking on one side. The block immediately to the South contains two sororities where members sometime use this block of Ila for parking. This block is also the closest to the U of A campus and to a U of A bus stop. These factors often result in serious parking problems for the residents of this block of Ila.

This section of Ila is only a block from the current Residential Parking Permit Program for the Entertainment District Parking Zone. Alderman Kinion believes that the City should extend the District Parking Zone to this single block of Ila to help alleviate the unique parking problems its residents have.

Attached is an ordinance that would extend the District Parking Zone to this single block of Ila Street.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §72.18 RESIDENTIAL PARKING PERMIT PROGRAM FOR THE ENTERTAINMENT DISTRICT PARKING ZONE (A) APPLICABILITY TO ADD THE BLOCK OF ILA BETWEEN WILSON AND VANDEVENTER TO THIS ZONE

WHEREAS, the block of Ila Street between Wilson and Vandeventer is so narrow that parking can only be allowed on one side; and

WHEREAS, the block immediately south is zoned RMF-40 and has two sororities fronting on Wilson, Maple and Vandeventer; and

WHEREAS, the closeness to these sororities, the University and a bus stop draws so many students that the homeowners on this street often cannot park near their homes (most which do not have off-street parking); and

WHEREAS, this one block section of Ila is only one block from the Entertainment District Parking Zone and needs the same residential parking protections as currently exist for the rest of the residences in the Entertainment District Parking Zone.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.18 **Residential Parking Permit Program For The Entertainment District Parking Zone** of the Fayetteville Code by adding the following at the end of the current (A) *Applicability* subsection:

“The block of Ila Street between Wilson Avenue and Vandeventer Avenue is added to and is hereby made a part of the North Zone of the Entertainment District Parking Zone.”

PASSED and APPROVED this 3rd day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

72.14 Parking Near Scene Of Fire

It shall be unlawful for any person to park any vehicle within any block where fire apparatus has stopped in answer to a fire alarm.

(Code 1965, §19-128; Ord. No. 1447, 6-7-65; Code 1991, §72.14)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Following fire apparatus, A.C.A. §27-51-902.

72.15 Parking Restrictions For Trucks, Tractors And Trailers

No person shall park a truck, tractor or trailer with a capacity of 3/4 ton or larger, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m., nor shall any person use any street for the purpose of repairing or reconditioning any such truck, trailer of any common carrier or any part thereof, except when much repairs shall be necessitated by an emergency.

(Code 1965, §19-130; Ord. No. 1447, 6-7-65; Code 1991, §72-15)

Cross reference(s)--Penalty, §72.99.

72.16 Parking Prohibited Within Fire Lanes at Northwest Arkansas Mall And Elsewhere

- (A) It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire lane at Northwest Arkansas Mall or elsewhere.
- (B) The police department shall not be required to patrol any fire lane at Northwest Arkansas Mall, but upon being called, police officers shall come to the scene of an alleged violation and shall issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer.

(Code 1965, §19-141; Ord. No. 2427, 3-14-78; Code 1991, §72.16)

Cross reference(s)--Penalty, §72.99.

72.17 Illegal Parking In Disability Parking Areas, Penalties

Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability as set forth in the Access to Parking for Persons with Disabilities Act (Act 907 of 1985 as amended, Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A), on which is not displayed a special license

plate, a special certificate, or an official designation of another state as authorized by the aforementioned Act, or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner or operator of the vehicle shall, upon conviction, be subject to a fine of not less than \$100.00, nor more than \$500.00 for each offense, plus applicable towing impoundment, and related fees, as well as court costs.

(Ord. No. 4120, §1, 9-1-98)

State law reference(s)--Penalties, A.C.A. §27-15-305; Parking privileges - Exceptions, A.C.A. §27-15-312.

Federal law reference(s)--Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A. Secs. 72.18—72.29. Reserved.

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

- (A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.
- (B) *Definitions:*

'Resident' means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

'Registered vehicle' means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

'Residential parking permit' means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident's vehicle in an authorized on-





Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Alderman Mark Kinion

FROM: Kit Williams, City Attorney



DATE: December 7, 2012

RE: Ila Street parking problems -- ordinance

Attached please find a draft ordinance to amend the *Applicability* section of the Residential Parking Permit Program for the Entertainment District Parking Zone to move one block of Ila Street into the District. Please review and let me know if any changes are needed.