

3
NB

City Council Agenda Items
and
Contracts, Leases or Agreements

7/2/2013
~~6/4/2013~~

City Council Meeting Date
Agenda Items Only

Sharon Waters
Submitted By Parking Management Utilities
Division Department

Action Required:

Approval of Amendments to Chapter 72 Parking Regulations to Clarify and Correct Inconsistencies Within the Code.

<u>Cost of this request</u>	\$ -	<u>Parking Management</u>
	Category / Project Budget	Program Category / Project Name
<u>Account Number</u>	\$ -	<u>Parking Management</u>
	Funds Used to Date	Program / Project Category Name
<u>Project Number</u>	\$ -	<u>Parking Fund</u>
	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature] 14 MAY 13 Previous Ordinance or Resolution # _____
Department Director Date

[Signature] May 22, 13 Original Contract Date: _____
City Attorney Date

Original Contract Number: _____

Paul A. Babin 6-12-2013
Finance and Internal Services Director Date

[Signature] 6/13/13
Chief of Staff Date

[Signature] 6/17/13
Mayor Date

Received in City Clerk's Office
05-13-13 P03:25 RCVC
Kim J.

Received in Mayor's Office
ENTERED 5/22/13
ENTERED 6/11/13

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
David Jurgens, Utilities Director

From: Sharon Waters, Parking & Telecommunications Manager *SW*

Date: May 13, 2013

Subject: Approval of Amendments to Chapter 72 Parking Regulations to Clarify and Correct Inconsistencies Within the Code

RECOMMENDATION

Staff recommends approval of various Ordinance amendments to Chapter 72 Parking Regulations. There are a few inconsistencies with the Code that need to be clarified and corrected.

BACKGROUND

With the implementation of the paid parking program in the Entertainment District, along with other programs such as the Residential Parking Program, the addition of Ila Street in the Entertainment District, etc., there are some minor changes that need to be made to the Code to ensure it is clear and accurate. We have also updated the Map(s) to reflect these parking program changes as well.

DISCUSSION

Here is a summary of the main changes/corrections to the ordinances:

- Limits a vehicle from being parked on a city street to fourteen consecutive days.
- Requires any vehicle parked on a city street to have a current license plate properly affixed.
- Changes the weight of a vehicle from $\frac{3}{4}$ ton to over one ton that is limited to park on a city street between the hours of 12:00 midnight and 6:00 a.m.
- Prohibits the use of city streets for the purpose of repairing or reconditioning any vehicle or trailer.
- Recognizes the ordinance changes enacted in December 2010 that includes N. School Avenue as a part of the mixed-use parking area.
- Recognizes the ordinance changes enacted in December 2010 that allows free parking until 2:00 p.m. in the Entertainment District Parking Zone.
- Changes the duration of time allowed for loading/unloading zones from 30 minutes to 15 minutes.
- Requires vehicles loading/unloading to have emergency flashers turned on while parked in loading zone.
- Adds the definition of the Downtown Business District Parking Zone.
- Recognizes the ordinance changes enacted in December 2010 that requires payment of meter fees starting at 2:00 p.m every day in the Entertainment District Parking Zone.
- Replaces all references to "*Outside the Entertainment District Parking Zone*" with "*Within the Downtown Business District Parking Zone.*"
- Clearly specifies the penalty/fine for violation of each section of Chapter 72.
- Adds the authority for the Parking Manager to reduce the amount of fine assessed for good cause shown.

BUDGET IMPACT

There are no changes to current operational policies. Therefore, there is no budget impact.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF CHAPTER 72
PARKING REGULATIONS OF THE CODE OF FAYETTEVILLE TO
CLARIFY PARKING DISTRICTS, ENFORCEMENT TIMES AND FINES

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 repeals § 72.15 in its entirety and enacts a replacement § 72.15 as follows:

“Parking Restrictions On City Streets In General and For Large Trucks, Tractors and Trailers and Non Emergency Repairs.

- (A) *All Vehicles.* No person shall park a vehicle at the same location on a city street for longer than fourteen consecutive days, nor park any vehicle requiring a license plate without its valid and current license plate properly affixed thereto.
- (B) *Large vehicles.* No person shall park a truck, tractor or trailer with a capacity of over one ton, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m.
- (C) *Nonemergency repairs.* No person shall use any street for the purpose of repairing or reconditioning any vehicle or trailer, except when such repairs shall be necessitated by an emergency.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.16 in its entirety and enacts a replacement § 72.16 as follows:

“Parking Prohibited Within Fire Lanes.

It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire lane. 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 may issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer."

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.18 (B) *Definitions* by deleting "of the Transportation Department of the City of Fayetteville" from the definition of "*Residential parking permit*" after "Parking Division".

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals §72.18 (F) in its entirety and enacts a replacement §72.18(F) as follows:

"Mixed use on-street parking on Spring Street and School Avenue. On street parking spaces on Spring Street from Block Avenue to West Avenue and on School Avenue from Center Street to Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge."

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals §72.18(G) in its entirety and enacts a replacement §72.18(G) as follows:

"Free public use of paid on-street parking. From 2:00 AM until 2:00 PM every day, all on-street paid parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public."

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby amends §72.31 **Restricted Use of Passenger and Freight Curb Loading Zones (B)** by changing the minute limitation period from 30 to 15 minutes and enacting a final sentence as follows: "During the entire time that a driver is parked and loading or unloading materials, the driver must turn on the vehicle's emergency flashers."

Section 7. That the City Council of the City of Fayetteville, Arkansas hereby enacts a new definition into §72.50 **Definitions** as follows:

"Downtown Business District Parking Zone. The area depicted on the map and described on Exhibit B attached to this enacting ordinance."

Section 8. That the City Council of the City of Fayetteville, Arkansas hereby amends §72.57 (E) *Regulated hours for parking meters* by repealing it in its entirety and enacting a replacement §72.57(E) as follows:

“(E) *Regulated hours for parking meters.*

- (1) Within the Entertainment District Parking Zone between the hours of 2:00 PM until 2:00 AM every day, the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment as required in §72.58(H).
- (2) Within the Downtown Business District Parking Zone between the hours of 8:00 AM until 6:00 PM from Monday through Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter sufficient money as required in §72.58(G).”

Section 9. That the City Council of the City of Fayetteville, Arkansas hereby amends §72.58 **Off-Street Parking Facilities; Rules and Rates** (A) & (D) by inserting: “within the Downtown Business District Parking Zone” at the end of the first sentence of (A) and at the end of the title of (D).

Section 10. That the City Council of the City of Fayetteville, Arkansas hereby amends §72.58 (G) by repealing its title and subsection (5) and enacting a new title as follows: “*City parking lots and parking meters within the Downtown Business District Parking Zone,*” and by repealing the reference to “outside the Entertainment District Parking Zone” from the first sentence of (G).

Section 11. That the City Council of the City of Fayetteville, Arkansas hereby removes the current Exhibit A from this Chapter and enacts the attached Exhibit A and Exhibit B to be placed at the end of this Chapter.

Section 12. That the City Council of the City of Fayetteville, Arkansas hereby amends §72.99 **Penalties** by adding §§72.04, 72.06, 72.08, 72.10, 72.12 and 72.13 to subsection (B); and by enacting a new subsection (C) {and moving the current (C) to (D)} as follows:

“(C) The penalty for each violation of §§72.03, 72.09, 72.11, 72.15, 72.18, 72.30, 72.31, 72.32 and 72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.”

Section 13 . That the City Council of the City of Fayetteville, Arkansas hereby further amends §72.99 **Penalties** by enacting a new subsection (E) as follows:

“(E) The Parking Manager may reduce the amount of fine assessed for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor’s Office.

PASSED and **APPROVED** this 2nd day of July, 2013.

APPROVED:

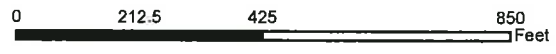
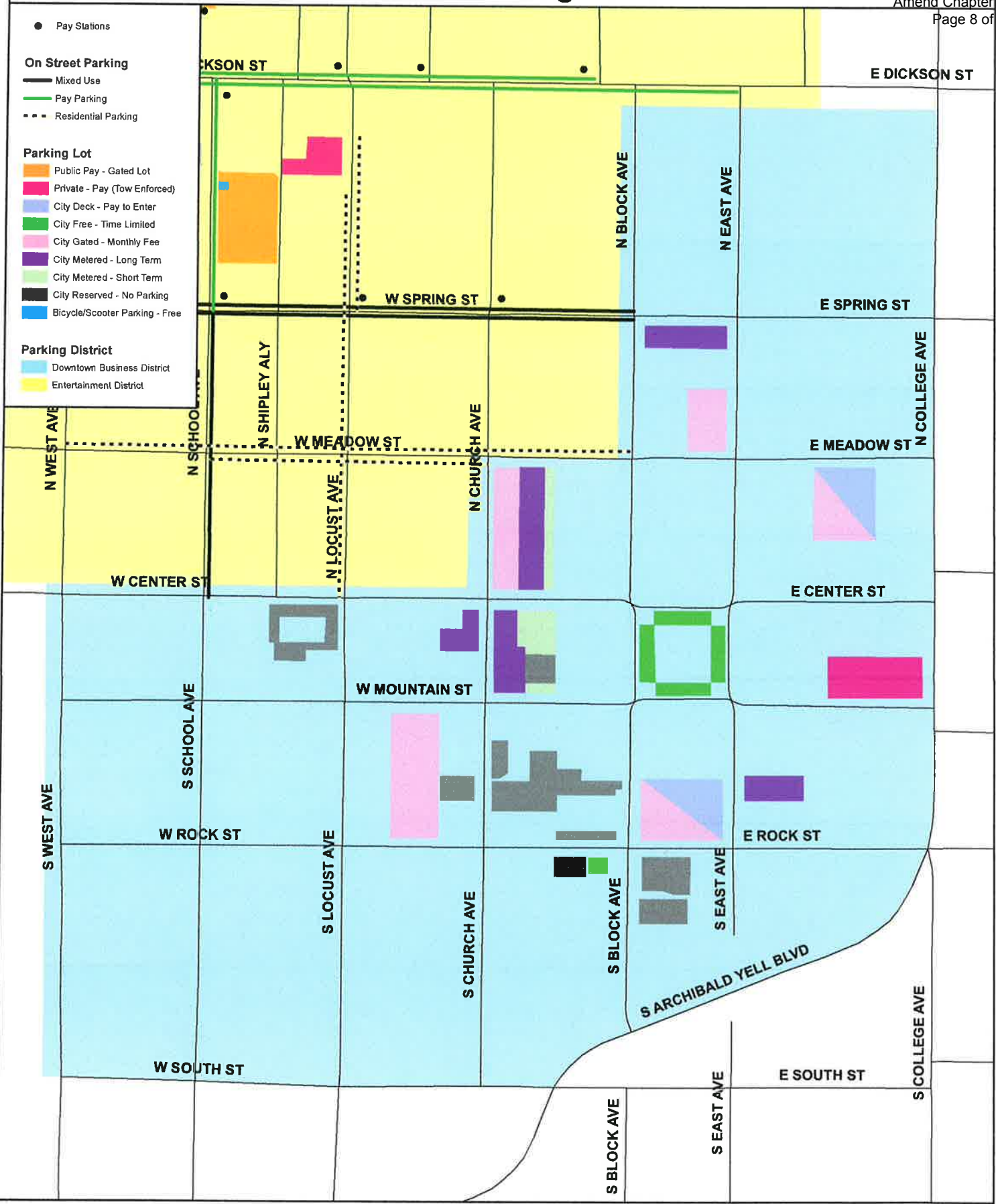
ATTEST:

By: _____
LIONELD JORDAN, MAYOR

By: _____
SONDRA E. SMITH, City Clerk

Downtown Business District Parking Zone

- Pay Stations
- On Street Parking**
 - Mixed Use
 - Pay Parking
 - Residential Parking
- Parking Lot**
 - Public Pay - Gated Lot
 - Private - Pay (Tow Enforced)
 - City Deck - Pay to Enter
 - City Free - Time Limited
 - City Gated - Monthly Fee
 - City Metered - Long Term
 - City Metered - Short Term
 - City Reserved - No Parking
 - Bicycle/Scooter Parking - Free
- Parking District**
 - Downtown Business District
 - Entertainment District



FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE
CD72:3
CHAPTER 72 PARKING REGULATIONS

**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 such repairs shall be necessitated by an emergency.

NEW:

**72.15 Parking Restrictions On City Streets
In General and For Large Trucks,
Tractors And Trailers and Non Emergency
Repairs.**

- (A) *All vehicles.* No person shall park a vehicle at the same location on a city street for longer than fourteen consecutive days, nor park any vehicle requiring a license plate without its valid and current license plate properly affixed thereto.
- (B) *Large vehicles.* No person shall park a truck, tractor or trailer with a capacity of **over one ton**, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m.
- (C) *Nonemergency repairs.* No person shall use any street for the purpose of repairing or reconditioning any **vehicle or trailer**, except when such repairs shall be necessitated by an emergency.

**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~~ **may** issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer.

Black Font represents the current ordinance.

~~Strike through~~ represents the deletion of words or phrases.

Red Font represents changes to the current ordinance.

Blue Font represents notes or comments about the ordinance.

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

(B) Definitions:

'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 onstreet parking zone pursuant to the terms of this section.

(F) *Mixed use on-street parking on Spring Street and School Avenue:* ~~Fifty-nine~~ On-street parking spaces on Spring Street ~~from Block Avenue to West Avenue and on School Avenue from Center Street to Spring Street~~ shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.

(G) *Free public use of paid on-street parking:* From 2:00 a.m. ~~until 2:00 p.m. every day, and until 10:00 a.m. Monday through Saturday and until 2:00 p.m. on Sunday,~~ all on-street *paid* parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

72.31 Restricted Use Of Passenger And Freight Curb Loading Zones

(B) 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 pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed ~~30~~ 15 minutes. *During the entire time that a driver is parked and loading or unloading materials, the driver must turn on the vehicle's emergency flashers.*

72.50 Definitions

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

NEW:

'Downtown Business District Parking Zone': The area depicted on the map and described on Exhibit B attached to this enacting ordinance.

72.57 Parking Meter Zones

(E) *Regulated hours for parking meters.*

(1) Within the Entertainment District Parking Zone between the hours of ~~10 a.m.~~ 2:00 p.m. until 2:00 a.m. ~~Monday — Saturday and 1:00 p.m. until 2:00 a.m. on Sunday~~ every day, the owner or driver

of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment as required in §72.58(H), in the parking meter.

(2) ~~Outside the Entertainment District Parking Zone~~ Within the Downtown Business District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. Monday – Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter sufficient money as required in §72.58(G) in the parking meter.

72.58 Off-Street Parking Facilities; Rules And Rates

(A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute parking meter facilities within the Downtown Business District Parking Zone:

(D) *Installation, location, mechanical requirements, and maintenance of meters within the Downtown Business District Parking Zone.* In the parking meter facilities established by this article, the mayor shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, from the front line of the parking space as indicated, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

(G) ~~Gated parking lots, parking decks and parking meters outside the Entertainment Parking District Zone.~~ City parking lots and parking meters within the Downtown Business District Parking Zone.

For all the parking lots identified in subsection (A) and all parking meters outside the Entertainment Parking District Zone. The following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking lots:

(5) ~~City Parking Deck at Meadow Street — \$45.00 per month for first and second levels, \$30.00 per month for third level, plus single day usage fee of not more than \$4.00 if space is available.~~

NOTE: The most current ordinance for this is already stated in subsection (I) of this section as follows:

- (I) *Rates for parking in city parking garages.*
- (1) City parking garage on Meadow Street:
 - (a) First level (covered), \$50.00 per space/per month, or not more than \$4.00 per visit if entry not restricted.
 - (b) Second level (covered), \$50.00 per space/per month
 - (c) Third level (not covered), \$30.00 per space/per month, or not more than \$3.00 per visit if entry not restricted.

72.99 Penalties

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in '10.99.

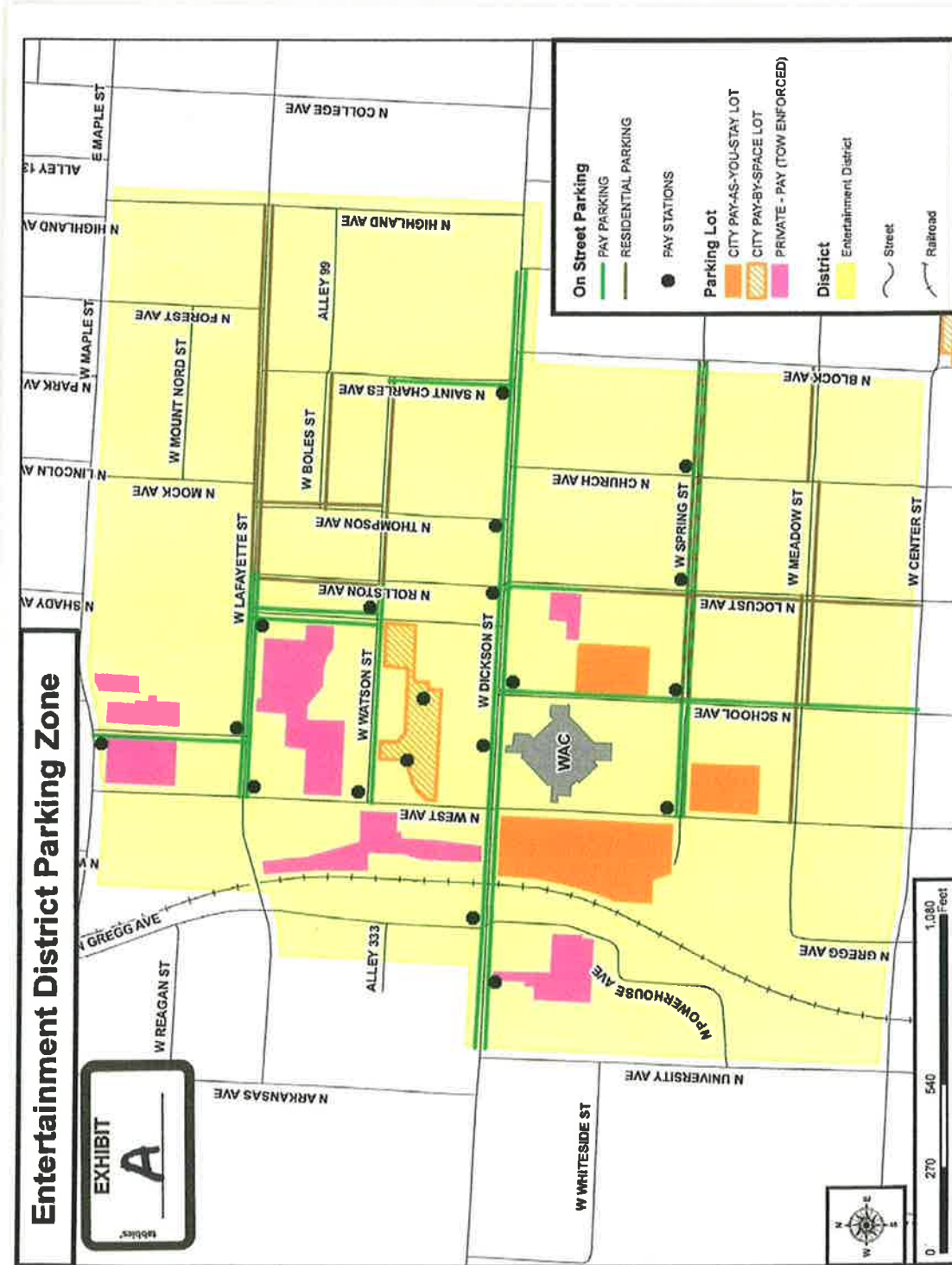
(B) The penalty for each violation of §§72.04, §§72.06, §§72.08, §§72.10, §§72.12, §§72.13, 72.57 or 72.58(J) shall be \$15.00, if paid before the issuance of a summons, citation or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57 or 72.58(J) shall be \$40.00.

(C) The penalty for each violation of §§72.03, §§72.09, §§72.11, §§72.15, §§72.18, §§72.30, §§72.31, §§72.32 and §§72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.

~~(G)~~ (D) Parking citations for overtime parking may not be written for the same vehicle in the same space more than once every four (4) hour period and not more than three (3) times per day.

(E) The Parking Manager may reduce the amount of fine assessed for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor's Office.

Current (Old) Map – Exhibit A



The new updated map – Exhibit A includes:

- Ila Street in the Residential Parking Zone North
- N. School Ave. as a mixed-use parking area
- Removal of St. Charles Ave. as paid parking and making this a free parking area

The new map – Exhibit B includes:

- The addition of the Map of the Downtown Business District Parking Zone

