

*Emailed to Aldermen 8/27/13*

*Added at Agenda Session  
8/27/13*

**AGENDA REQUEST**

**FOR: COUNCIL MEETING OF September 3, 2013**

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**FROM:  
CITY COUNCIL MEMBER ALAN LONG  
CITY ATTORNEY KIT WILLIAMS**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

An Ordinance to amend § 72.70 **Application** of the **Parking Regulations** Chapter of the Fayetteville Code to extend the application of nonconsensual towing regulations for private pay to park lots to the Downtown Business District Parking Zone

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**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
City Council Member Alan Long

*Aug 27, 2013*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney Kit Williams

*August 27, 2013*  
\_\_\_\_\_  
Date



**Kit Williams**  
*City Attorney*

**Jason B. Kelley**  
*Assistant City Attorney*

**TO: Mayor Jordan**  
**City Council**

**FROM: Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

**DATE: August 26, 2013**

**RE: Extending towing regulations to all pay to park lots within the  
Downtown Business District Parking Zone**

The Fayetteville City Council Ordinance Review Committee and City Staff have recommended that the new Wheel Clamp regulation ordinance be applied not only in the Entertainment District Parking Zone but also to the Downtown Business Development Parking Zone in an effort to reduce complaints generated by a pay to park lot in the Downtown Business District Parking Zone. I have, thus, amended the proposed Wheel Clamp regulation ordinance.

Because of the extension of the Wheel Clamp regulation ordinance, the towing regulation ordinance for private pay to park lots should also be extended to the Downtown Business District Parking Zone so we do not encourage nonconsensual towing at unregulated (and formerly exorbitant rates) for a private pay to park lot whose wheel clamp removal fees will be reduced from \$100.00 to \$40.00. Accordingly, I have drafted and Chairman Alan Long of the Ordinance Review Committee has agreed to sponsor an amendment to § 72.70 **Application** of the **Parking Regulation** Chapter of the Fayetteville Code to extend the nonconsensual towing regulations for pay to park lots to match the new Wheel Clamp regulations.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND § 72.70 APPLICATION OF THE PARKING REGULATIONS CHAPTER OF THE FAYETTEVILLE CODE TO EXTEND THE APPLICATION OF NONCONSENSUAL TOWING REGULATIONS FOR PRIVATE PAY TO PARK LOTS TO THE DOWNTOWN BUSINESS DISTRICT PARKING ZONE**

**WHEREAS**, the Wheel Clamp regulations for private pay to park lots should be applicable in both the Entertainment District Parking Zone and the Downtown Business District Parking Zone; and

**WHEREAS**, the nonconsensual towing regulations and its sign requirement should be extended to the Downtown Business District Parking Zone for private pay to park lots.

**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 § 72.70 **Application** of the **Parking Regulations** Chapter of the Fayetteville Code by placing all existing wording in subsection (A) and enacting subsection (B) as shown below:

*“(B) Private pay to park lots within the Downtown Business District Parking Zone. Owners/managers of private pay to park lots within the Downtown Business District Parking Zone shall follow and obey all requirements set forth in §§ 72.71, 72.72, and 72.73 of the **Parking Regulations** Chapter. These regulations do not apply to removal of vehicles from publically owned or leased property, to police initiated tows, nor to other than private pay to park lots.*

**PASSED and APPROVED** this 3<sup>rd</sup> day of September, 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Current law

FAYETTEVILLE CODE OF ORDINANCES  
TITLE VII TRAFFIC CODE

**72.70 Application**

issued to park in any valid paid parking space in the District, without the requirement of paying any pay station or meter.

- (2) The annual parking pass shall not be valid for parking in any public gated lots which require payment upon exit.
- (3) The annual parking pass shall not be valid for parking in any residential parking zone.
- (4) The annual parking pass shall not guarantee a parking space to a vehicle with an annual parking pass.
- (5) The annual parking pass shall not be valid for any parking space marked as "No Parking".
- (6) The annual parking pass shall be visible from the exterior of the vehicle while it is parked in the District, and it shall display an identifying number.

(A)

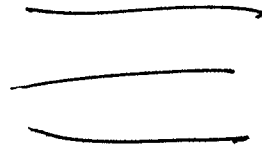
These nonconsensual towing regulations shall apply within the Entertainment District Parking Zone shown on Exhibit A for the nonconsensual towing of a vehicle subject to registration under the laws of Arkansas if it is found abandoned, parked without the consent of the property owner or the owners' agent, parked in violation of the time period or location agreed to by the owner or owner's agent, or for whatever reason the owner or owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.

(Ord. 5322, 6-1-10)

(B) Issuance, Transfer & Costs

ADD →

(B)



- (1) An annual parking pass, valid from August 1<sup>st</sup> through July 31<sup>st</sup> the following year and issued pursuant to this section, shall cost \$600.00. The total cost shall be reduced if purchased after August 1<sup>st</sup> but before June 1<sup>st</sup> the following year by an amount equal to the total annual cost divided by the total number of days remaining before the next August 1<sup>st</sup>. Any annual parking pass purchased on or after June 1<sup>st</sup> shall only become valid on the following August 1<sup>st</sup>.
- (2) An annual parking pass is vehicle specific in that it shall be tied to only one vehicle license plate number, and not to any particular person.
- (3) An annual parking pass may be transferred to another vehicle upon payment of a \$25.00 processing fee.
- (4) No refunds shall be issued for any annual parking pass.

(Ord. 5371, 12-7-10)

**72.60-72.69 Reserved**

**ARTICLE IV  
NONCONSENSUAL TOWING  
REGULATIONS**