

ARTICLE 516
Residential Parking Permit Areas

RPPA Fees

- | | |
|---|--|
| 516.01 Purpose. | 516.09 Responsibility of permit holder. |
| 516.02 Definitions. | 516.10 Renewal fee. |
| 516.03 Eligibility and designation procedures. | 516.11 Transfer fee. |
| 516.04 Residential parking permits; specific locations. | 516.12 Use of residential, visitor, business, and guest parking permits; violations. |
| 516.05 Posting of permit area signs. | 516.13 Revocation of permits. |
| 516.06 Enforcement of residential parking permit areas. | 516.14 Exemptions. |
| 516.07 Required identification. | 516.15 Withdrawal of residential permit area designation. |
| 516.08 Permit issuance, application and fee. | 516.16 Use of revenue generated. |

EDITOR'S NOTE: Resolution 85-1995, passed April 18, 1995, established residential parking permit fees.

CROSS REFERENCES

- Parking prohibited in specified places - see TRAF. 513.14
Double parking - see TRAF. 513.17
Parking inoperable or illegally registered vehicles - see TRAF. 513.25

516.01 PURPOSE.

Council finds and declares that the provisions of this article are enacted for the following reasons:

- (a) To address hazardous traffic conditions resulting from the use of streets within residential districts for vehicles parked by persons not residing within the Residential Districts;
- (b) To protect these Residential Districts from polluted air, excessive noise and refuse caused by the entry of such vehicles;
- (c) To preserve the character of these districts as Residential Districts;
- (d) To encourage the use of public transportation;
- (e) To promote efficiency in the maintenance of streets in these residential district in a clean and safe condition;
- (f) To promote clean and safe vehicular and pedestrian traffic in Residential Districts;
- (g) To preserve the value of the property in these Residential Districts; and
- (h) To promote traffic safety and the safety of children and other pedestrians in Residential Districts.

(Ord. 4-1995 §1. Passed 4-18-95.)

516.02 DEFINITIONS

(a) "Parking space" means an off-street space on a lot with an all-weather surface available for the parking of one motor vehicle and having an area of not less than 162 square feet, exclusive of passageways and driveways, and having direct access to a street.

(b) "Off-street" means beyond the right-of-way of a street or highway.

(c) "On-street" means curb parking on a street or highway.

(d) "Residential District" means a contiguous or nearly contiguous area containing public rights-of-way or parts thereof primarily abutted by residential property or residential and non-commercial property such as schools, parks, churches, hospitals, colleges, and nursing homes.

(e) "Residential parking permit area" means a residential district where on-street parking on public rights-of-way is restricted as set forth in this article during hours and days fixed by Council to not more than two consecutive hours unless the vehicle properly displays a parking permit authorized by this article.

(f) "Permanent resident" means a person who owns or leases real property within a residential area, and who maintains either a voting residence or bona fide occupancy, or both, at that address.

(g) "Temporary resident" means a person who owns or leases real property within a residential area and who maintains a bona fide residence in another community and who may attend an institution within the residing community and who resides less than twelve months within a calendar year.

(h) "Landlord" means a person who owns real property for lease within a residential area who maintains a bona fide residence elsewhere.

(i) "Commuter vehicle" means a motor vehicle parked in a residential area by an operator of a vehicle who is not a resident of that residential area.

(j) "Traffic Safety Committee" means a five member committee consisting of the Police Commissioner or designee, the Director of the Office of Economic Development or designee, the City Engineer or representative, the Highway Superintendent and the Electrical Bureau Superintendent. The purpose of this Committee is to review all traffic safety issues and petitions or applications for designation of residential permit parking areas.

(k) "Petition" means a written request including but not limited to signatures, names, addresses, and identification of the residential area proposed for designation as a residential parking permit area submitted to the City Clerk.

(l) "Majority" means at least fifty-one percent (51%) of the owner-occupied residential households within a proposed or existing residential parking permit area.

(m) "Owner-occupied residential household" means those homes owned by and lived in by a permanent resident. (Ord. 39-2005. Passed 9-20-05.)

516.03 ELIGIBILITY AND DESIGNATION PROCEDURES.

(a) Residential permit parking area designation and withdrawal criteria and procedures are as follows:

- (1) In order for Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential permit parking area, the Traffic Safety Officer or his designee shall:
 - A. Conduct, upon a petition signed by a majority of owner-occupied residential households in the district or portion thereof, not less than a one block street segment, or at the direction of the Police Commissioner a public hearing prior to such designation or prior to the withdrawal of such designation. Such public hearing shall be held only after due notice has been published two times, not less than seven nor more than thirty days prior to the hearing, in a newspaper of general circulation in the City. The notice shall clearly state the purpose, time and location of the public hearing, the exact location and boundaries of the proposed, or existing, residential parking permit area and the proposed parking permit fees to be charged. In addition to the published notice, a similar notification shall be prominently posted in the proposed or existing resident parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard and to submit a written statement for the record. The Police Commissioner or his designee, at his discretion, may impose a reasonable limitation upon the length of time that any interested person may be heard.
- (2) Within thirty days following the close of the public hearing the Traffic Safety Committee shall recommend by written report to Council, based on the record of the public hearing and the results of a needs assessment addressing the points listed in subsections (a)(2)A. and F. hereof, whether to designate the residential district or portion thereof under consideration as a residential parking permit area, with or without modification to original proposal, or whether to withdraw the designation of an existing residential parking permit area. The report shall also demonstrate that the Committee has taken into account the following:
 - A. The effect on the safety of the residents of the proposed or existing residential parking permit area from intensive vehicle parking by nonresidents;
 - B. The difficulty or inability of residents of the proposed or existing residential parking permit area to obtain adequate on-street parking in proximity to their residence;
 - C. The likelihood of alleviating, by use of the residential parking permit system established by this article, any problem of nonavailability of residential parking spaces;

- D. The desire of the residents in the proposed or existing residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the fees set forth in this article and identified by resolution;
 - E. The need for some parking spaces to be available in the proposed or existing residential parking permit area for use by the general public;
 - F. The identification of joint solutions and the desire of property owners and residents to implement joint solutions which diminish the use of on-street parking by both residents and businesses with adequate on-site parking facilities or ability to provide on-site parking facilities, other viable parking improvements, as well as, shared parking solutions; and
 - G. Any potential economic impact which would be felt by businesses located within the proposed residential parking permit area.
- (3) Following the receipt of the Committee's report, Council shall hold a public hearing and by resolution vote, as applicable:
- A. Whether to designate the Residential District or portion thereof under consideration as a residential parking permit area, and if the District be so designated, Council shall fix the hours when the limitation on curbside parking by nonparking permit holders shall be in effect.
 - B. Whether to withdraw the designation of an existing residential parking permit area.
- (4) If the decision of Council is to refuse to designate or to refuse to withdraw an existing designation of a Residential District or portion thereof as a residential parking permit area, no new petition involving the same area may be filed for at least one year following the effective date of Council's decision.

(b) Once a Residential District or portion thereof is designated a residential parking permit area such designation shall not be amended or withdrawn and no petition to do so shall be entertained for at least six months following the effective date of designation of the area as a residential parking permit area.

(c) The time periods set forth herein within which specified action is to be taken are permissive and may be extended by Council for good cause.

(d) The time periods which the parking permit program is effective in any given Residential District throughout the year is at the discretion of the Police Commissioner (that is, during summer months or other times the parking permit program may be temporarily suspended).

(e) Residential permit parking area designations and withdrawals are established through resolution by City Council upon completion of procedures identified in this section. (Ord. 39-2005. Passed 9-20-05.)

516.04 RESIDENTIAL PARKING PERMITS; SPECIFIC LOCATIONS.

(a) Eligibility for Permit. Where restricted parking has been resolved, and where the enforcement of such restricted parking would work a hardship upon the property owners or their family members and/or tenants in the restricted area, the City, upon proper application, will issue a permit authorizing the property owners or their family members and/or tenants to park on-street in proximity to their residence, place of business, or profession in excess of the prescribed restriction for that residential area without being subjected to the usual fine for such violation.

(b) Administrative Requirement. In order to administer the provisions of this section, the City will issue a proper permit to eligible recipients.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.05 POSTING OF PERMIT AREA SIGNS.

Upon Council's affirmative vote to designate a residential parking permit area pursuant to Section 516.03, parking signs shall be erected in the designated area by the City.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.06 ENFORCEMENT OF RESIDENTIAL PARRING PERMIT AREAS.

Regular police officers of the Police Department shall be empowered to enforce the provisions of this article and to issue citations and parking tickets for violations thereof. Uniformed employees of the Police Department who are not regular police officers and uniformed employees of the Parking Bureau shall be empowered upon authorization by the Police Commissioner or Chief of Police to issue citations and parking tickets for parking violations only.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.07 REQUIRED IDENTIFICATION.

(a) A permit shall be issued upon application and payment of the applicable fee, to the owner or the operator of a motor vehicle, who resides on or is a proprietor of the property immediately adjacent to the street, avenue or other location within the residential permit parking area, or in the event that an applicant can not appear in person, a permit may be issued in the name of the applicant upon information furnished by an adult individual who proves his or her person identification, the required identification for the applicant pursuant this section and a form letter issued by the City, signed by applicant, identifying his agent. A separate permit shall be required for each motor vehicle.

- (1) Permanent resident. The required identification for a permanent resident shall be current driver's license and vehicle registration showing the residential address or City of York tax bill or current sewer/refuse bill, or other such proof determined to be sufficient by the Police Commissioner.
- (2) Landlord. The required identification for a landlord shall be deed or current City tax or sewer/ refuse bill showing the residential address together with a current City rental license.
- (3) Proprietor. The required identification for a proprietor shall be deed or current lease showing the residential address, and current mercantile license together with current driver's license and registration.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.08 PERMIT ISSUANCE, APPLICATION, AND FEE.

- (a) The Police Commissioner shall establish a system of control and issuance of residential parking permits.
- (b) A residential parking permit shall be issued to the following:
- (1) Owner or operator of a motor vehicle who is a resident of a street which has been designated as a residential parking permit area;
 - (2) A proprietor, principal or manager of a business within the area designated as a residential parking permit area;
 - (3) A landlord of a property within the area designated as a residential permit area; or
 - (4) An owner or operator of an institution within the area designated as a residential permit area.
- (c) The application for the residential parking permit shall contain the following information:
- (1) The name and residential address of the owner of the vehicle;
 - (2) The name, residential address and driver's license number of the principal operator of the vehicle;
 - (3) The make, model and registration number of the vehicle;
 - (4) The signature of the applicant for the residential parking permit;
 - (5) Identification of applicant as described in Section 516.07 shall be furnished to the satisfaction of the Police Commissioner, if necessary.
- (d) An annual fee established by Council resolution shall be charged in accordance with this section of this article.
- (e) Upon the applicants' payment of the required residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this article controlling issuance, renewal or transfer of residential parking permits, the Police Commissioner or a designee shall issue the applicant a residential parking permit(s) as follows:
- (1) A permanent resident may be issued one permit for each vehicle for which he can produce the information as specified in this article not to exceed a total of three permits per household.
 - (2) A landlord may be issued two temporary resident permits per taxable parcel as identified by the York County Tax Assessment Office for the use of his tenants only.
 - (3) A proprietor may be issued three residential permits for commercial use and use by employees.
- (f) Such residential parking permit shall be securely affixed to the right nonreflecting side of the interior rearview mirror of the vehicle and shall display the numerical designation of the residential parking permit area.

(g) An applicant shall be issued for each eligible vehicle a residential parking permit under the following conditions:

- (1) The vehicle displays a valid State license plate and current inspection certificate, unless the vehicle is not required to have them; and
 - (2) No outstanding violations are registered against the vehicle and/or operator.
- (Ord. 39-2005. Passed 9-20-05.)

516.09 RESPONSIBILITY OF PERMIT HOLDER .

(a) Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed in accordance with Section 516.08(f).

(b) A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where, or at any time when, stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential parking permit regulation or restriction.

(c) No person other than the permit holder whose name appears on the permit, or a tenant thereof, shall use a residential parking permit or display it on any vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this section by the permit holder and by the person who so used or displayed the parking permit. In the case of a tenant or business, the name of the proprietor or landlord will appear.

(d) It shall constitute a violation of this section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in a application to the Police Commissioner or designee in order to obtain a residential parking permit. (Ord. 4-1995 §1. Passed 4-18-95.)

516.10 RENEWAL FEE.

(a) Upon payment of a renewal fee as established by Council resolution, submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this article controlling issuance, renewal or transfer of residential parking permits, on or before the expiration date of the existing residential parking permit, the holder of a residential parking permit shall receive a new permit.

(b) The expiration date to be displayed on the new residential parking permit shall be one year following the expiration date of the existing residential parking permit. (Ord. 4-1995 §1. Passed 4-18-95.)

516.11 TRANSFER FEE.

(a) Upon payment of a transfer fee as established by Council resolution, submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this article controlling issuance, renewal or transfer of residential parking permits, and surrender of his existing residential parking permit, the residential parking permit holder shall receive a new permit to be transferred to another qualifying vehicle.

(b) The transfer of the residential parking permit to another qualifying vehicle shall not affect its expiration date.

(c) The transfer of the residential parking permit is restricted to the address identified on the original permit requested to be transferred.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.12 USE OF RESIDENTIAL, VISITOR, BUSINESS, AND GUEST PARKING PERMITS; VIOLATIONS.

(a) The Police Commissioner or his designee may issue temporary permits for use by guests or visitors.

- (1) All visitor and guest parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the following:
 - A. The numerical designation of the residential parking permit area;
 - B. The name and address of the resident to whom the parking permit was issued; and
 - C. The expiration date of the parking permit.
- (2) A visitor and guest parking permit is valid for no longer than seven consecutive days (one week) not more than six times a calendar year unless specifically authorized by the Police Commissioner.

(b) A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times as the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation, other than the two-hour parking limit enforced in the residential parking permit area.

(c) Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

(d) A parking permit shall be valid only in the residential parking permit area for which it is issued.

(e) It shall be a violation of this article for the holder of a parking permit to fail to surrender it when directed to do so.

(f) It shall be a violation of this article for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this article when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

(g) It shall be a violation of this article for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this article. It shall also be a violation of this article for any person to display on any vehicle such a duplicate parking permit. (Ord. 39-2005. Passed 9-20-05.)

516.13 REVOCATION OF PERMITS.

The Police Commissioner or designee shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to the permit holder of the revocation, the permit holder shall surrender the permit to the Police Commissioner or designee. Failure to do so, when so requested, shall constitute a violation of this section. Violators are subject to a daily fine as established by Council resolution. (Ord. 4-1995 §1. Passed 4-18-95.)

516.14 EXEMPTIONS.

(a) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be exempted from the provisions of this article so long as the control by meters continues.

(b) Nonresidential properties which cover more than twenty-five percent (25%) of the lineal distance of a block front or fronts may qualify for exemptions or special conditions which allow additional numbers of permits to be issued.

(c) All exemptions or special conditions are reviewed and determined by the Police Commissioner. (Ord. 4-1995 §1. Passed 4-18-95.)

516.15 WITHDRAWAL OF RESIDENTIAL PERMIT AREA DESIGNATION.

(a) Following the Traffic Safety Committee's recommendation and Council's affirmative vote to withdraw the designation of an existing residential parking permit area, the Police Commissioner or designee shall mail to every residence within the existing residential parking permit area, a notice of the Council's withdrawal of the designation. Such notice shall specify the effective date of the withdrawal of the designation.

(b) The effective date of the withdrawal of the designation of an existing residential parking permit area shall be thirty days following the date of the Council's affirmative vote to withdraw the designation.

(c) Upon the effective date of the withdrawal of the designation, all signs pertaining to the residential parking permit shall be removed.
(Ord. 4-1995 §1. Passed 4-18-95.)

516.16 USE OF REVENUE GENERATED.

Any revenue generated from this program will be used to defray all costs associated with administering and enforcing this program.
(Ord. 4-1995 §1. Passed 4-18-95.)