Ord. #5610

Ordinance amending the pilot residential permit parking program to remove pilot provisions and make the program permanent.

Whereas, in 2015 a pilot permit parking program was implemented for Memphis with a one year sunset provision; and

Whereas, administration and city council wishes to continue the program.

Now therefore be it ordained by the Memphis City Council that Section 11-40-29 of the Memphis Code of Ordinances, be amended to continue the program and allow for a process for additional residential districts with excess parking demand to sign up for the program.

Be it further ordained that the ordinance should read as follows:

Sec. 11-40-29. - Pilot permit parking program near Overton Square for one-year period.

A. Definitions. For the purpose of this section, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

Nonresident vehicle shall mean a motor vehicle parked in a residential area which is not owned, leased or otherwise controlled by:

a. A resident who lives in the area designated as a permit parking district.

b. A guest visiting residents living in the area designated as a permit parking district.

Resident means person who lives in a dwelling unit located in a permit parking district.

Absentee landlord means an owner of residential property who does not live on the property. Such property shall be located in a permit parking district.

Guest means a person who is visiting in a dwelling located in a permit parking district.

Permit parking district means a residential area with streets and boundaries designated by a city council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this section.

B. Designation of permit parking district. Permit parking districts may be designated or dissolved, by the City Engineer.

The City Engineer shall consider for designation as permit parking districts those areas satisfying the criteria established in this section for said districts.

If the City Engineer determines that the criteria, rules and procedures required in this section have been met, it may establish permit parking districts with appropriate boundaries and parking restrictions. Motor vehicles displaying a valid parking permit may be parked exempt from the parking restrictions established pursuant to the authority of this section in the permit parking district for which the permit is issued.

C. Designation process and criteria. The city engineer shall prepare rules and procedures for the designation of permit parking districts setting forth the petition process (requiring approval by 75 percent of property owners), the hearing and notification processes, reporting requirements, criteria for designation of a permit parking district and for the implementation and administration of this section.

#D1.

D. Issuance of permits. Parking permits for permit parking districts shall be issued by the city engineer.

1. Each annual parking permit shall be designated to state or reflect thereon the particular permit parking district, the license number of the vehicle for which the permit is issued and the date on which the permit shall expire.

2. No more than two annual parking permits shall be issued to any one dwelling unit.

3. Parking permits may be issued only to residents of the permit parking district.

4. Year-long visitor permits shall be issued as provided in subsection (I).

5. Applicants for any parking permits are required to clear all unpaid parking citations prior to the issuance of new permits or renewals for annual or visitor permits.

E. Posting of permit parking area. Upon designation of a permit parking district, the city engineer shall cause appropriate signs to be erected in the district, indicating prominently thereon the parking limitation, period of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom. Parking restriction signs may be posted on school and church frontages located within the district.

F. Permit parking exemption.

1. A motor vehicle on which is displayed a valid annual or visitor parking permit, as provided for herein, shall be permitted to be parked on any block within the permit parking district for which it is issued without being limited by parking restrictions established pursuant to this section. Except as provided below, all other motor vehicles parked within a permit parking district shall be subject to the parking restrictions adopted as provided in this section as well as the penalties provided for herein.

2. A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated permit parking district.

3. The following vehicles shall be exempt from parking restrictions established pursuant to this section:

a. A motor vehicle, identified as owned by or operated under contract to a utility, whether privately, municipally or publicly owned and when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated permit parking district.

b. A motor vehicle when identified as owned by or operated under contract to a governmental agency, when used in the course of official government business.

c. Vehicles parked directly adjacent to a property which has a primarily commercial use.

G. Exemption of commercial vehicles. No person shall without a permit therefore park or leave standing any commercial vehicle or trailer in a permit parking district in excess of the parking restrictions authorized pursuant to this section, except:

1. While loading or unloading property; or

2. When such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked.

H. Application for and duration of permit. Except as otherwise provided, each parking permit shall be valid for a period not to exceed one year. Permits may be renewed annually upon reapplication in the manner required by the city engineer. Each application for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a permit parking district, the license number(s) of the motor vehicle(s) for which application is made, and such other information as may be deemed relevant by the city engineer. Permits may be issued only for vehicles registered in the City of Memphis.

I. Annual permit fees. The fee for an annual parking permit shall be $50.00. The fee for an annual parking permit shall be prorated by the month for the unexpired period of the district, but in no case less than $15.00. Upon the permittee's change of place of residence, change of vehicle or damaged permit, the permittee shall surrender the permit to the city engineer before a replacement permit can be issued. If the permit is lost or stolen, the city engineer shall be notified immediately. The city engineer shall collect a fee of $15.00 for replacement of lost, stolen or transferred permits and the replacement permit shall expire on the same day as the original permit. In the event a permittee moves from one of the permit parking districts to another permit parking district, the city engineer shall collect a fee of $15.00 for the transfer of the permit. The permits so transferred shall expire on the same day as do all permits in the new district. No refund shall be made for any unused portion of the permit's duration.

J. Rules and regulations. The city engineer shall have authority to promulgate and administer rules to implement and enforce the program and to implement the issuance of permit parking districts and the collection of fees for these permits.

K. Penalty provisions.

1. Unless exempted pursuant to this section, no person shall stand or park a motor vehicle in violation of any parking restrictions established pursuant to this section.

2. No person shall falsely represent himself or herself as eligible for a parking permit or furnish false information in an application for a parking permit to the city engineer.

3. No permit issued pursuant to this section shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise.

4. No person shall copy, produce or create a facsimile or counterfeit parking permit; nor shall any person use or display a facsimile or counterfeit permit parking district permit.

5. The permit or permits of any person who after a hearing has been found by the city engineer to have violated any of the provisions of this section shall be revoked by the city engineer and no new permit shall be issued to that person or household for a period of one year. Such person upon written notification of such revocation, shall surrender the permit or permits to the department within 15 days. Use of a revoked parking permit shall be subject to the penalty provisions of subsection (K)(1).

L. Visitor permits. Any resident eligible for an annual parking permit and whose residence has frontage or side frontage on a block posted within the permit parking district may apply to the city engineer for an annual visitor parking permit for the use of visitors to the person's residence. The owners of a residence under construction and absentee landlords may purchase a maximum of four visitor permits for their personal use or for the use of construction service personnel. The city engineer shall collect a fee of $25.00 for each visitor permit issued. No more than four visitor permits shall be issued for any one dwelling at any one time. These permits shall be valid only on the block or blocks for which they are issued and for a period not to exceed one year. Visitor permits can be replaced at a prorated cost when lost or stolen if the applicant submits written documentation of actual loss to the city engineer.

M. Budget neutral program provisions. Fees will be revisited each year by the city engineer and a recommendation for fee adjustment brought before city council that will allow for the permit parking program to be self-supporting and continue to operate without a shortfall.

N. Restricted to Residential Districts with excessive parking demand. Section 11-40-29shall only be in effect for neighborhoods that have a demonstrated need for permit parking according to the City Engineer. Additional neighborhoods may be added to this ordinance by city council resolution upon recommendation by the City Engineer. No eligible street shall be subject to permit parking until they have been designated as such in accordance with subsection (B). Areas eligible to be designated as permit parking districts include:

1. The streets bound between Cox Street on the east, Diana Street on the west, Union Avenue on the south, and Jefferson Avenue on the north. The section of Lee Place North of this area is also included. Cooper Street and Madison west of Cooper shall be excluded.

(Ord. No. 5550, 8-5-2014)

THE FOREGOING ORDINANCE
#5610 PASSED
1st Reading 01-19-2016
2nd Reading 02-02-2016
3rd Reading 02-16-2016
Approved
Chairman of Council
Date Signed: 1 MARCH 2016
Approved:
Mayor, City of Memphis
Date Signed: 3-2-16

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes
Comptroller