



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: Thursday, February 14, 2013
To: Jeff Mikorski, Interim City Manager*via email*
RE: Ordinance Amending Article 367 "Parking Districts"
City Council Second Reading – February 19, 2013
Minor revision addressing "One-day Visitor Permit" provision

In response to concerns expressed by members of City Council relating to the "One-day Visitor Permit" provisions included in the ordinance to amend Article 367 "Parking Districts" of the City of Morgantown Traffic Code, I respectfully submit the following minor revision for City Council's consideration.

Provision included in First Reading of the Ordinance:

One-day Visitor Permit
(1 to a maximum of 8 permits per occurrence)..... \$5.00 per occurrence

Minor Revision:

One-day Visitor Permit \$5.00 per
24-hour event period*

* Regardless of the number of One-day Visitor Permits issued; maximum number of One-Day Visitor Permits to be established in rules promulgated under this section.

I understand in consulting with City Attorney Stephen Fanok that a member of City Council can make a motion to include this minor revision during Council's consideration of the ordinance's second reading without requiring the ordinance to be considered again on first reading.

cc: Stephen Fanok, City Attorney (via email)
Tom Arnold, Parking Authority Director (via email)
Terry Hough, City Engineer (via email)

AN ORDINANCE AMENDING ARTICLE 367 "PARKING DISTRICTS" OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE PROMULGATION OF RULES RELATING TO THE ESTABLISHMENT OF PETITION, FEASIBILITY STUDY, AND ADMINISTRATIVE RECOMMENDATION PROCESSES; PARKING PERMIT TYPES; AND, PARKING PERMIT FEES.

The Morgantown City Council hereby ordains that Article 367 "Parking Districts" of the City of Morgantown Traffic Code is amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 367
Parking Districts

367.01 ESTABLISHED

There are hereby established designated parking districts within the City. Within such districts, qualified person may obtain permits to park their vehicles on the streets within the district for periods longer than permitted for those vehicles without such permits.

367.02 PURPOSES OF ARTICLE.

The purposes of this article are as follows:

- a) To reduce hazardous traffic conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons not residing within the area.
- b) To protect those districts from polluted air, excessive noise, and trash and refuse caused by the entry of such vehicles.
- c) To protect residents of those districts from unreasonable burdens in gaining access to their residences.
- d) To preserve the character of those districts as residential districts.
- e) To promote efficiency in the maintenance of those streets in a clean and safe condition.
- f) To preserve the value of the property in those districts.
- g) To promote the peace, good order, comfort, convenience, and welfare of the inhabitants of the City.

367.03 SELECTION OF DISTRICTS.

Council shall, from time to time as it deems necessary, identify, by specific and separate ordinances, areas of the City as designated parking districts. During its deliberations, Council shall consider, in addition to the achievement of the purposes defined above, the following criteria:

- a) The degree to which traffic congestion and demand for on-street parking is generated by drivers of vehicles who do not reside in the proposed district.
- b) The existence of structures or facilities in the immediate vicinity of the proposed designated parking district, the use of which generates significant increased traffic congestion and demand for on-street parking spaces within the proposed district.
- c) The existence of an on-street parking space shortage defined as utilization of in excess of seventy-five percent (75%) of the on-street parking spaces on a continuing basis.

367.04 PERMITS; RULES; FEES.

The City Manager, or his/her designee, which may include the Morgantown Parking Authority, is hereby authorized to issue parking permits to qualified residents of designated parking districts within the City. ~~The City Manager, or his/her designee, which may include the Morgantown Parking Authority, may also, on a case by case basis, issue parking permits to regular visitors of a designated parking district, who are not visiting residents of the district; provided that Council must approve each such issuance.~~

The City Manager shall promulgate rules governing the use of designated parking districts, including, but not limited to, rules governing the determination of eligibility of residents for receipt of ~~one or more~~ parking permits.

The rules shall make provisions for parking district petition processes, feasibility study procedures, and administrative recommendations.

The rules shall make provision for regular permits, as well as for the issuance of temporary permits for the guests and visitors of residents of the district and also for temporary permits to delivery or other business vehicles serving the residents of the district.

The rules shall make provisions for the distribution of parking permits per household, which may differ from one parking district to another; further provided that no more than two regular resident permits and one regular visitor permit, with the exception of one-day (24 hour) visitor permits, shall be issued to any one household within the district.

Prior to implementing any such rules, the City Manager shall reduce them to writing and present them to City Council for consideration and approval by Resolution.

The intent of the permit process is to provide on-street parking for residents, their guests and visitors to their household. Permits are not to be given by residents to individuals so that those individuals may park in the district when not specifically there for the sole purpose of visiting with the residence in question. Visitor permits of any type, with the exception of one-day (24 hour) visitor permits, may not be used for more than five (5) consecutive days for the same vehicle.

The City Clerk shall maintain a book that contains all ordinances, resolutions, and adopted rules and regulations pertaining to the designation and enforcement of parking districts within the City. Said book shall also contain any amendments to the foregoing documents. The City Clerk shall title this book "Parking Districts and Applicable Ordinances, Resolutions, and Rules."

The following shall be the costs for the issuance of permits issued under this article. The fees for permits issued under this article shall be established by ordinance setting the fee schedule for each designated parking district; provided, parking permit fees shall not be less than:

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|--|-----------------------|
| Regular permits, one resident and one visitor; | \$5.00/yr. |
| Additional Temporary visitor, guest or business vehicle permits; | no charge |
| First Resident Permit..... | \$5.00 per year |
| Each additional Resident Permit..... | \$10.00 per year |
| Visitor Permits (all types except One-day Visitor Permit) | \$5.00 per year |
| <u>One-day Visitor Permit</u> (1 to a maximum of 8 permits per occurrence)..... | \$5.00 per occurrence |

Permits issued under this article are valid only in the designated parking district for which the permit is issued.

367.05 APPLICABILITY OF OTHER PARKING RESTRICTIONS.

Nothing contained herein shall be construed as permitting the parking of any vehicle in any properly marked "no parking" or restricted parking area or in violation of any other City ordinance or law.

367.99 PENALTY.

Any vehicle violating the provisions of this article shall be subject to the penalties provided under Section 303.99 of the City's Traffic Code. Any occupant of a residence within a parking district who violates Section 367.04 by giving a parking permit, which has been issued to the residence, to another individual so that he or she may park their vehicle within the parking district when not there for the specific purpose of visiting the residence in question, shall be guilty of a misdemeanor and shall be fined \$50.00. Each such incident shall be deemed a separate offense of this article.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk