

Ordinance 2019-36

SHORT TITLE:

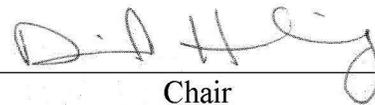
An ordinance amending Provo City Code Chapter 9.80 to update language and amend procedures regarding permit parking areas. (19-002)

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

| DISTRICT | NAME           | FOR | AGAINST | OTHER   |
|----------|----------------|-----|---------|---------|
| CW 1     | DAVID SEWELL   |     |         | Excused |
| CW 2     | GEORGE STEWART | √   |         |         |
| CD 1     | GARY WINTERTON | √   |         |         |
| CD 2     | GEORGE HANDLEY | √   |         |         |
| CD 3     | DAVID KNECHT   | √   |         |         |
| CD 4     | KAY VAN BUREN  | √   |         |         |
| CD 5     | DAVID HARDING  | √   |         |         |
| TOTALS   |                | 6   | 0       |         |

This ordinance was passed by the Municipal Council of Provo City, on the 27<sup>th</sup> day of August 2019, on a roll call vote as described above. Signed this 11th day of September 2019.

  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 11th day of September 2019.

  
Mayor

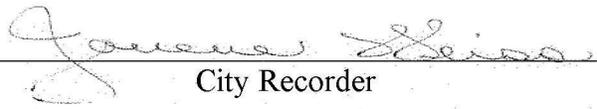
Ordinance 2019-36

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 18th day of September 2019, with a short summary being published on the 1<sup>st</sup> day of September 2019, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2019-36.



  
\_\_\_\_\_  
City Recorder



41 D. This ordinance shall take effect immediately after it has been posted or published in  
42 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah  
43 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

44

45 END OF ORDINANCE.

## EXHIBIT A

### Chapter 9.80 PERMIT PARKING AREAS

Sections:

**9.80.10 Purpose.**

**9.80.020 Legislative Findings.**

**9.80.030 Scope.**

**9.80.040 Definitions.**

**9.80.050 Designation of Permit Parking Areas - Parking Restrictions.**

**9.80.060 Designation Criteria.**

**9.80.070 Designation Process.**

**9.80.080 Modification or Removal of Permit Parking Area Designation.**

**9.80.090 Posting of Permit Parking Area.**

**9.80.100 Permit Fees.**

**9.80.110 Penalty Provisions.**

**9.80.120 Revocation of Permit.**

**9.80.130 Limit on Available Number of Permits.**

**9.80.140 Permit Eligibility - Issuance and Display.**

**9.80.150 Nontransferability.**

**9.80.160 Temporary Permits.**

**9.80.170 Expiration.**

**9.80.180 Handicapped Parking.**

**9.80.190 Other Parking Regulations.**

**9.80.010. Purpose**

This Chapter is enacted to establish a regulatory framework to address serious adverse effects caused in certain areas of the City by motor vehicle congestion, particularly the parking of motor vehicles on the streets where on- and off-site parking is inadequate to meet the demand for parking. As set forth in more specific detail in Section 9.80.020 of this Chapter, parking by nonresidents of such areas threatens the health, safety, and welfare of all the residents of the City. In order to protect and promote the integrity of these areas, parking regulations are needed to restrict unlimited parking therein by nonresidents, while also providing the opportunity for residents to park near their homes. For the reasons set forth in this Chapter, a system of preferential resident parking is enacted.

**9.80.020. Legislative Findings.**

(1) The Municipal Council finds that continued vitality of the City depends on the preservation of safe and attractive neighborhoods. Demand for parking in certain areas of the City regularly exceeds available on- and off-street parking spaces and undermines neighborhood viability. A system allowing preferential resident on-street parking in various areas of the City will promote the stability of such neighborhoods and thus promote the general public welfare.

(2) The following specific legislative findings of the Municipal Council in support of preferential resident on-street parking are set forth as illustrations of the need for the enactment

of such parking regulations. They are intended as illustrations only and do not provide the sole basis supporting their adoption.

- (a) The safety, health and welfare of the residents of the City can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other areas.
- (b) A majority of City residents possess automobiles and as a result are daily faced with the need to store these automobiles at or near their residences.
- (c) Certain neighborhoods in the City are often burdened by the presence of motor vehicles owned by nonresidents which compete for on-street parking spaces, congest City streets, and detract from neighborhood values. The presence of nonresident vehicle parking often disrupts the delivery of basic essential services, such as trash collection and mail delivery, by blocking access.
- (d) There further exist certain parking “attractors” within the City, i.e., hospitals, schools, industrial and educational facilities, employment centers, [UTA transit](#) stops and stations, and locations convenient for commuter parking, which further aggravate resident parking problems.
- (e) Unnecessary vehicle miles, noise, pollution, and strains on relationships between residents and nonresidents caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods by causing the deterioration of air quality, safety, tranquility, aesthetics and other values normally available in a residential environment.
- (f) If allowed to continue unchecked, the adverse effects of excessive parking demand on [specific](#) City residents will contribute to a further decline of living conditions, a reduction in the attractiveness of residing in such areas, and consequent injury to the general public welfare.
- (g) A system of preferential on-street parking as provided in this Chapter will increase pedestrian and traffic safety by reducing traffic congestion; improve traffic circulation, promote the health and welfare of all City residents by reducing unnecessary motor vehicle travel, noise and pollution; promote improvements in air quality, the convenience and attractiveness of residential areas, and the increased use of public mass transit facilities available now and in the future; and encourage the use of car pools. The public welfare will also be served by insuring a more stable and valuable property tax base in order to generate revenues necessary to provide essential public services.

#### **9.80.030. Scope.**

The provisions of this Chapter shall apply to any permit parking area established under the authority of this Chapter. The provisions of this Chapter are not intended to regulate parking on private property. If a provision of this Chapter conflicts with a provision of a chapter enacting a specific permit parking area, such as [Provo City Code](#) Chapters [9.83](#) and 9.88, [Provo City Code](#), the provision of the specific enacting chapter shall control within that permit parking area.

#### **9.080.040. Definitions.**

In the construction of this Chapter, and any chapter enacted under the authority of this Chapter to create a specific permit parking area, the following words and phrases shall be defined as set forth in this section:

**“Authorized vehicle”** means a motor vehicle which:

(a) ~~displays~~ **has been issued** a valid parking permit ~~issued~~ pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or

(b) is authorized by the regulations of a permit parking area to park within such area without a permit.

**“Dwelling”** ~~shall have the same meaning as in Chapter 14.06, except as specified otherwise in the ordinance establishing a specific permit parking area~~ ~~means a building or portion thereof designed and used for residential occupancy, including one-family, two-family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.~~

**“Motor vehicle”** means an automobile, truck, motorcycle or other motor driven or self-propelled form of transportation intended primarily for use and operation on a public street.

**“Parking permit”** means a permit issued by the City ~~affixed to or displayed by a~~ ~~that, through the reading of vehicle license plates, shows a~~ qualifying motor vehicle **is authorized** pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the permit is used.

**“Permit parking area”** means a contiguous or nearly contiguous area where the Municipal Council has imposed parking limitations as provided in this Chapter, and any chapter adopted under the authority of this Chapter, for a specific permit parking area.

**“Unauthorized vehicle”** means a motor vehicle which:

(a) ~~does not display~~ **has not been issued** a valid parking permit ~~issued~~ pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or

(b) is not authorized by the regulations of a permit parking area to park within such an area without a permit. (Enacted 2002-45, Am 2007-39, Am 2007-40, Am 2017-08)

#### **9.80.050. Designation of Permit Parking Areas – Parking Restrictions.**

(1) The Municipal Council in its discretion may by ordinance:

(a) designate permit parking areas pursuant to the requirements of this Chapter; and

(b) prohibit or restrict parking on any public street as the Council may deem necessary to address parking problems, protect public safety and promote public welfare.

(2) The boundaries of any permit parking area shall be shown on an Official Permit Parking Area Map adopted by the Municipal Council.

**9.80.060. Designation Criteria.**

(1) An area shall be eligible for permit parking if an investigation establishes the area is impacted by:

(a) nonresident vehicles for any extended period during the day or night, on weekends, or during holidays; or

(b) continuous use of on-street parking due to inadequate on-site parking.

(2) In determining whether to designate a permit parking area, the Planning Commission and Municipal Council shall consider:

(a) the desire and need of residents for permit parking and their willingness to bear administrative costs in connection therewith;

(b) the extent to which:

(i) legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

(ii) during the period proposed for parking restriction, motor vehicles within the permit parking in the area during the period proposed for parking restriction are nonresident vehicles rather than resident vehicles; and

(iii) motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces; and

(c) any other factor which contributes to the need for a permit parking area.

**9.80.070. Designation Process.**

(1) Each permit parking area shall be established by ordinance consistent with the provisions of this Chapter.

(2) A proposal to designate a permit parking area, or amend an area, may be initiated by a Municipal Council member, the Mayor, or a resident of the area where a permit parking program is proposed any Provo City resident who resides in the area specified in the application and shall include at least the following information.

~~(a) a brief description of the current parking circumstances in the area; and~~

~~(b) a conceptual description of the proposed permit program which includes at least the following information:~~

~~(i) a map identifying the boundaries of the permit parking area, which shall be logical in configuration and be in increments of block faces;~~

~~(ii) desired parking time restrictions;~~

~~(iii) time restriction exemptions, if any; and~~

~~(iv) any other aspect the initiator wishes to propose; and~~

~~(c) if proposed by a resident, a petition which shows the names of residents in the proposed permit parking area who favor the proposal. The petition shall be on a form approved by the City Permit Parking Coordinator and shall include at least the following information:~~

~~(i) a statement at the top of each page summarizing the proposal; and~~

~~(ii) the name and address of each person signing the petition.~~

(3) Any person initiating such a proposal shall submit a Provo City Code amendment request, which shall include an application on the approved form identifying the intended boundaries for the proposed permit parking program, or amendment, and shall include at least the following:

(a) a statement of the reason(s) and justification(s) for the implementation, or amendment, of a permit parking program;

(b) a statement setting forth the manner in which the proposed permit parking program would further promote the objectives set forth in this chapter;

(4) If the process is initiated by a Provo City resident, other than elected officials of the City, they shall also submit the following before the application shall be considered complete:

(a) a petition on a form approved by the City Parking Coordinator that includes at least the following information:

(i) a map clearly identifying the property addresses within the proposed permit parking area;

(ii) a separate list containing the name, address, and signature of each resident within the proposed permit parking area boundaries who is in support of the proposal;

(iii) a statement at the top of the first page summarizing the proposal;

(iv) the desired parking time restrictions and restriction exemptions, if any;

(v) any other aspect the applicant wishes to propose; and

(b) The filing fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council, or a fee waiver as set forth in Provo City Code 2.29.060.

(35) Following receipt of a complete application for a proposed permit parking program, the Municipal Council shall hold a public hearing ~~meeting, which may be a Work Session,~~ to ~~determine~~consider the level of public interest in the proposed program and may thereafter vote to direct that a study of the proposed permit parking area be undertaken and managed by the City Parking Coordinator. The application filing fee shall be refunded if the Council does not direct that a study be undertaken.

(46) Within one hundred twenty (120) days after directing that a study of the proposed permit parking area be undertaken, the City Parking Coordinator shall review the application and submit a report to the ~~Planning Commission,~~ Mayor, and Municipal Council which:

(a) verifies and quantifies petition signatures, if applicable;

(b) ~~analyzes~~provides analysis from relevant City Staff and other entities as appropriate, such as the Transportation and Mobility Advisory Committee, Planning Commission, etc., on the proposed permit parking area in light of designation criteria set forth in Provo City Code Section 9.80.060, ~~Provo City Code~~; and

(c) at a minimum, makes recommendations regarding the following:

(i) permit parking area boundaries,

(ii) parking time restrictions on public streets,

(iii) time restriction exemptions, if any,

(iv) permit cost (based on the total cost to administer program, and including a detail sheet showing number of residences and cost per vehicle in the proposed permit parking area),

(v) permit design/type,

(vi) planned enforcement method, and

(vii) timeline for implementing the program.

(57) Within ninety (90) days after receiving such report, ~~the Planning Commission shall consider the proposal and make a recommendation to the Municipal Council, unless the Municipal Council by motion indicates that the proposal has been denied and will not be considered further. After receiving any recommendation from the Planning Commission,~~ the Municipal Council shall hold a public hearing to consider a resolution of intent to create a permit parking area. The Municipal Council may adopt, reject, or adopt with modifications the terms and conditions of the proposed permit parking area. If the Municipal Council adopts a resolution of intent which sets forth the details of the program to be considered, the Parking Coordinator shall mail a copy of the resolution ~~shall thereafter be mailed~~ to:

(a) each address of record within the proposed permit parking area through a mailing sent to “postal patron”; and

(b) each property owner of record within the area as shown in Utah County land records.

(68) Within ninety (90) days after adopting a resolution of intent, the Municipal Council shall conduct a public hearing on the proposal. The City Recorder, in cooperation with Council staff, shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation in the City. The first publication shall be not less than ten (10) days prior to the date of such hearing. The notice of the public hearing shall be conspicuously posted in the proposed permit parking area. The notice shall clearly state:

(a) the purpose of the hearing,

(b) the location and boundaries proposed as a permit parking area,

(c) the proposed parking time restrictions and exemptions, and any prohibition or time limitation under which permit parking will be exempt therefrom and, if applicable,

(d) the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to ordinary rules of order.

(79) Following the public hearing, the Municipal Council may enact an ordinance which establishes the permit fee, the boundaries of a permit parking area, and any time or other restrictions imposed on the area. In order to establish a permit parking area, the Council shall find that the designation will contribute to the health, safety, and general welfare of persons residing in the area designated. In making such finding, the Council shall consider resident support for permit parking, existing parking conditions, expected effectiveness of a permit parking area in improving parking conditions, fee considerations, and the location and size of the permit parking area.

(810) A permit parking program shall balance affected interests, as determined by the Municipal Council, including public safety, neighborhood concerns, and the welfare of the general public. A particular permit parking program shall specify the permit area and the duration of parking restrictions applicable within the permit parking area. Such restrictions may be different than those in a request to establish a permit parking area.

(911) Following adoption of an ordinance establishing a permit parking area, a summary of the ordinance and its effective date shall be mailed by the City Parking Coordinator to:

(a) each address of record within the proposed permit parking area through a mailing sent to “postal patron”; and

(b) each property owner of record within the areas as shown in Utah County land records.

#### **9.80.080. Modification or Removal of Permit Parking Area Designation.**

After holding a public hearing the Municipal Council may by ordinance modify or remove a designated permit parking area or any associated program requirement in any manner consistent with this Chapter.

### **9.80.090. Posting of Permit Parking Area.**

Upon the adoption by the Municipal Council of an ordinance designating a permit parking area, the Mayor shall cause appropriate signs to be erected in the area indicating prominently thereon the area prohibition or time limitation, period of the day for its application, and conditions, if any, when permit parking rules apply.

### **9.80.100. Permit Fees.**

Fees will be assessed for (1) each application to designate, or amend, a permit parking area and (2) each vehicle permit issued within the designated permit parking area. Permit fees shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

### **9.80.110. Penalty Provisions.**

(1) No person may park a motor vehicle in violation of a permit parking area ordinance.

(2) It shall be unlawful for a person to falsely claim eligibility for a parking permit or to furnish false information in an application under this Chapter~~therefor~~.

~~(3) It shall be unlawful for a person holding a valid parking area permit to allow the use or display of such permit on a motor vehicle in a manner not permitted by this Chapter or any ordinance adopted under the authority of this Chapter for the specific permit parking area where the permit is used. Such conduct shall constitute an unlawful act and violation of this Chapter both by the person holding the parking permit and the person who so uses or displays the permit on an unauthorized vehicle.~~

~~(4) It shall be unlawful and a violation of this Chapter for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful and a violation of this Chapter for a person to transfer the beneficial ownership of or a continuous right to use a visitor parking permit or to knowingly use or display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a permit parking area.~~

~~(5) Violation of a parking area permit requirement shall be a civil infraction and shall be enforced as provided in Provo City Code Chapter 9.17, Provo City Code.~~

### **9.80.120. Revocation of Permit.**

(1) The Mayor or the Mayor's designee is authorized to revoke a parking permit of any person found to be in violation of this Chapter or any provision of an ordinance which establishes a specific permit parking area, and upon written notification thereof, the person shall surrender such permit to the Police Chief or the Chief's designee. Failure to surrender a parking permit so revoked shall constitute a violation of law and of this Chapter.

(2) A permit holder found to violate the terms of this Chapter may have parking privileges revoked and the permit holder may be prohibited from obtaining a parking permit for one (1) year from the date of the violation.

### **9.80.130. Limit on Available Number of Permits.**

~~There shall be no limit on the total number of parking permits issued within an entire permit parking area governed by this Chapter. However, n~~No more than two (2) parking permits

shall be issued in total for each qualifying dwelling unit, unless specifically provided otherwise in the provisions governing a specific permit parking area.

**9.80.140. Permit Eligibility – Issuance ~~and Display~~.**

(1) The Provo City Parking Coordinator shall issue parking permits that comply with the requirements set forth in this Section. Permits are issued on a per vehicle basis.

(2) ~~(a)~~ Annual application for one (1) or more parking permits authorized under this Chapter shall be made on a form approved and provided by the City Parking ~~Permit~~ Coordinator which includes at least the following information:

~~(i)~~ applicant's name, address, and e-mail address;

~~(ii)~~ proof of eligibility for the permit; ~~and~~

~~(iii)~~ the license plate number for ~~each~~ vehicle to be permitted for that applicant, including proof that the vehicle is currently registered with the Utah Division of Motor Vehicles; and

~~(b)~~ A additional information ~~may be required~~ that will aid the enforcement of the provisions of this Chapter as determined by the City Parking Coordinator.

(3) A parking permit shall be issued for a motor vehicle only upon compliance with each of the following requirements:

(a) The permit applicant shall be a person who:

(i) owns a dwelling located within the designated permit parking area; or

(ii) is an occupant of a qualifying rental dwelling unit within the designated permit parking area for which a valid rental dwelling license has been issued.

(b) No permit shall be issued to a person who resides in a rental dwelling that does not comply with the requirements of Provo City Code Chapter 6.26, ~~Provo City Code~~, at the time the permit is issued.

(c) Applicable fees, as set forth in the Consolidated Fee Schedule adopted by the Municipal Council, have been paid.

~~(4) A person who is issued a parking permit shall be deemed the permit holder.~~

~~(4)~~ The issuance of a parking permit does not guarantee or reserve to the permit holder a particular parking space within a permit parking area governed by this Chapter, but only authorizes a motor vehicle to be parked on a public street in a legally available parking space.

~~(5)~~ A parking permit issued to a resident who moves out of the residence in the permit parking area to which the parking permit is assigned will be revoked by Provo City. A

permit holder shall notify the City at the time the permit holder moves out of the residence to which the parking permit is assigned.

~~(67)~~ **Owners of v**ehicles parking in the permit parking area ~~must display~~ **are responsible to ensure that** a current rear license plate **is visible** ~~or current temporary registration certificate for that vehicle~~. Plates must be kept ~~visible and~~ free of snow, mud, or other obstructions. In the event of a snow storm that results in the plate being obstructed, the plate must be cleared within a ~~reasonable time frame~~ **72 hour period**. A permit holder shall not be penalized for a violation of this Subsection ~~(67)~~ if the permit holder can prove that a valid permit was held ~~and displayed in the vehicle~~ as required by this Chapter at the time of the violation.

**9.80.150. Nontransferability.**

~~The holder of a A~~ parking permit for a permit parking area governed by this Chapter ~~may display the parking permit~~ **is valid** only ~~in~~**for** the vehicle for which the permit is issued.

**9.80.160. Temporary Permits.**

During ~~each~~ calendar year, ~~residents of a qualifying permit parking area may request, online or by calling Provo City Customer Service (311), the issuance of~~ up to eighteen (18) temporary one (1) day permits and one (1) seven (7) day permit. ~~Temporary permits must be issued in advance of their use~~ **may be issued to residents of a qualifying dwelling unit within a permit parking area governed by this Chapter.**

**9.80.170. Expiration.**

Each parking permit issued for a permit parking area governed by this Chapter shall expire annually after the issuance thereof.

**9.80.180. Handicapped Parking.**

Nothing in this Chapter shall abrogate the scope of parking privileges granted to handicapped persons established by Provo City Code or other applicable law.

**9.80.190. Other Parking Regulations.**

The provisions of this Chapter shall not relieve any person from the duty to observe other and more restrictive provisions of the Provo City Code which prohibit or limit the stopping, standing, or parking of vehicles at specific times or places.

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**Provo City Consolidated Fee Schedule**

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## COMMUNITY DEVELOPMENT

### Map and Text Amendments\*

|  |            |
|--|------------|
| General Plan (Map, Text, and Master Plan)                    | \$560.00   |
| Local Street Plan  | \$150.00   |
| Ordinance Text Amendments (Titles 14 and 15)                 | \$1,100.00 |
| Ordinance Text Amendments (Chapter 9.80 Permit Parking Area) | \$1,100.00 |
| Rezoning   | \$1,050.00 |
| Agricultural Protection Area Proposal                        | \$500.00   |
| Annexation (includes municipal disconnection)                | \$1,050.00 |

\*A project plan is required for all rezonings and general plan applications.  
Project plan fees are assessed as per type of project.

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