

City of Fayetteville Staff Review Form

2021-0615

Legistar File ID

9/7/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Justin Clay

8/3/2021

PARKING MANAGEMENT (430)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Amending parking regulations within sections of City Code Chapter 72

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u> No </u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u> No </u>	Item Cost \$ -
Budget Adjustment Attached? <u> No </u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 7, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director & City Engineer

FROM: Justin Clay, Parking Manager

DATE: August 3, 2021

SUBJECT: **Amending parking regulations within sections of City Code Chapter 72**

RECOMMENDATION:

Staff recommends implementing changes to the Downtown Business Parking District to modernize the parking equipment and technology solutions offered consistent with the Parking Master Plan by amending portions of City Code Chapter 72 to:

- Allow for additional payment methods at on-street parking meters;
- Allow for pay station payment at off-street parking lots;
- Change the rates at on-street meters from \$0.25/hr. to \$0.50/hr.;
- Change the rates at off-street meters from \$0.15/hr. to 0.25/hr.;
- Create a residential permit program for the Downtown Business District; and
- Create an employee discount program for the Downtown Business District

BACKGROUND:

Funding for the capital outlay of these equipment upgrades is made possible by the dissolution of the Off-Street Parking Development District and their transfer of assets to the City. The funds received may only be used for parking related items within the boundaries of the Off-Street Parking Development District. These boundaries are Spring Street on the north, College Avenue on the east, South Street on the south, and Locust Avenue on the West – these boundaries roughly mirror those of the Downtown Square Business Parking District.

Staff presented these items to the Transportation Committee on June 29, 2021, where they were unanimously approved for consideration by the City Council.

DISCUSSION:

Staff recommends implementing the following changes consistent with the Parking Master Plan.

1. **On-Street Metered Parking:** Staff recommends upgrading the single-space on-street parking meters in the Downtown Square Business District by replacing approximately 250 coin-operated mechanical meters with “smart” meters at each on-street parking location. Currently the on-street mechanical meters only accept coins (nickels, dimes, and quarters), limiting the payment options available to users. The “smart” on-street parking meters increase payment methods to include credit card payment, contactless payment, and payment via mobile app. These smart meters are also outfitted with sensor technology which allows users to view, in real-time through a mobile app, where available parking spaces exist. The sensors also allow for a tailored approach to enforcement because staff will now know when a vehicle arrives at an on-street parking spot and

can then offer a grace period of 15-30 minutes to allow users to access parking spaces for short visits without having to pay the parking rate. Users can also extend their parking session remotely by entering their license plate into a mobile app. Additional benefits with pay-by-license plate management are described below.

- Amends 72.58(F), (G)

- 2. Off-Street Paid Parking:** To ensure consistent methods of payment with the on-street smart meters, staff recommends replacing the approximately 275 single-space meters in the five municipal surface parking lots with seven pay stations to allow for payment and permitting by license plate. Because these lots are utilized by many long-term parking permit holders, as opposed to transient parkers generating turnover, multi-space pay stations (similar to what is in place in the Dickson St. Entertainment District) are a much more cost-effective solution compared to installing a smart meter at each off-street parking space. Transitioning to a pay-by-plate method for payment will allow for the same grace period options as the on-street sensors and will allow staff to enforce permits by license plate, thus foregoing the material and administrative costs associated with physical permits. Additionally, license-plate based parking allows users to prepay for their parking prior to their arrival since their parking session is now tied to a license plate rather than a specific meter or stall number and it allows parkers the convenience of moving from one space (or applicable lot) to another as long as they have an active parking session.

- Amends 72.50; 72.58(G)

- 3. Rate Changes:** To cover the operational costs associated with cellular modem connectivity, credit card transaction fees, sensor technology, and affiliated reporting software for the meters, staff recommends changing the rates for on-street parking from \$0.25 per hour to \$0.50 per hour. Likewise, staff recommends changing the rates in the long-term parking lots from \$0.15 per hour to \$0.25 per hour.

Staff also recommends removing the time limits at certain on-street meters, which currently have a two-hour time limit, to encourage turnover of premium spaces through pricing which will allow customers and visitors to benefit from a “park once” environment where their experience isn’t hampered by arbitrary time limits. If revenue increases result from the rate changes and removal of time limits, staff will evaluate the removal of on-street meters from certain underutilized areas, thereby increasing “free” parking options within the area. Staff is not recommending any changes to the rates or regulations associated with the 77 free, two-hour parking spaces around the Square.

Staff notes that the Transportation Committee Chair recommended giving staff the flexibility to administratively set pricing within certain parameters, like the Wilson Park Neighborhood pricing structure that was authorized by Ordinance 6259 of 2019, rather than codifying specific rates in City Code. This approach would allow for the ability to periodically adjust pricing based on recent demand.

- Amends 72.58(G)

4. **Residential Permit Program:** When the paid parking program was authorized for the Dickson Street Entertainment Parking District in 2010, a companion no-cost residential parking permit program was also created. The program allows for residents living within the boundaries of the Entertainment Parking District the opportunity to obtain parking permits for their vehicles as well as guest passes. The residential permits and guest passes may be obtained at no cost to the resident and allow for on-street parking in certain designated areas. The allocation of permits is administered by the Parking Division.

A similar program was established in 2019 in a portion of the Wilson Park neighborhood in response to resident concerns over high parking utilization by non-residents.

A defined residential parking permit program does not exist within the boundaries of the Downtown Business District, however parking permits for designated long-term parking lots and decks are available for purchase at varying rates (\$30-\$50 per month).

These parking programs were established as a reflection of the unique demand and regulations associated with each parking district. Parking for the Entertainment District is priced every day from 2pm-2am and, absent a residential parking program, residents would be required to pay to park during the hours in which they are most likely to be at home. Most residents live on traditional residential streets, thus necessitating the need for on-street parking near their residence. Conversely, parking in the Downtown Business District is priced from 8a-6p, Monday thru Friday, and the rates and regulations are structured to encourage turnover of on-street parking spaces in a commercial/retail business district. Parking is available at night and on weekends at no cost.

To provide an equitable service to residents of both districts, staff recommends establishing a residential parking permit program in the Downtown Business District that would allow residents to park at the same long-term parking lots where monthly permits are eligible (see Exhibit B on last page of packet). The allocation of permits would be administered by the Parking Division in the same manner as the other existing residential programs. Staff further recommends that the Parking Division be authorized to collect an annual fee not to exceed \$25 per resident for participation in the Downtown Business District Residential Parking Program. The annual fee is intended to cover material and labor costs as well as help to off-set any lost revenue from existing residents who no longer purchase a long-term parking permit in favor of the no-cost residential permit option.

- Amends 72.18 or creates a new code section

5. **Employee Discount Program:** Currently the Downtown Business District does not offer a true employee discount program. Permits for the long-term lots are available for purchase for \$30/month which is an extrapolation of the long-term meter rate of \$0.15/hour over the entire 10-hour time period that paid parking is in effect Monday-Friday. The Entertainment District Employee Discount Program allows the Parking Division to issue up to a 90% discount to employees for parking in certain underutilized areas. The employee provides verification of his or her employment within the Entertainment District and is then issued a coupon code to enter at the pay station. This coupon code automatically applies the discount to whatever time the employee is paying for. For example, if the employee enters \$5 worth of parking, the code will apply the 90% discount so that the employee only pays \$0.50.

Staff recommends that the Parking Division be given the same authority for discounted employee parking on daily transactions within the Downtown Business District as it has for the Entertainment District. Furthermore, if the rate changes go into effect for the Downtown Business District, staff recommends keeping the current permit prices the same (\$30/month), thereby providing a true discount for permit purchases.

- Amends 72.58(H)(4)

6. **Future Considerations:** In addition to the immediate considerations outlined above, staff notes that other changes may be forthcoming in the future to further modernize and unify the management of the City's parking districts. Future considerations may include:

A. **Mobile App:** Staff recommends converting its mobile app provider from PaybyPhone to Parkmobile for use in both the Downtown and Entertainment Districts. While PaybyPhone has been a quality partner and solution for the City, advances have been made in mobile app technology since PaybyPhone was first implemented 10 years ago. Parkmobile is an industry leader in parking and other multi-modal options, provides real-time parking availability data in its app, offers prepaid and event management solutions, allows for validation and coupon code entry, and is commonly used throughout the U.S. thereby increasing the familiarization among visitors and new residents to Fayetteville.

B. **Cohesion with Entertainment District:** Staff views these recommendations as part of a larger vision to create one parking district that operates seamlessly throughout our expanding downtown with the flexibility to offer common sense parking services and solutions to existing and future businesses, residents, and activities. While rates and regulations may differ from one area of downtown to the next (e.g. Dickson Street vs. Block Avenue), customers, visitors, residents, and employees will have similar experiences and options when it comes to parking (e.g. payment methods, permits, signage, access to real-time availability, grace periods, etc.).

These recommendations for modernizing parking solutions in the Downtown Business District are one aspect of this vision. Additionally, staff intends to outfit the new parking deck at Dickson/West with similar technology that would allow transient payment and prepayment by license plate, signage that indicates real-time parking availability, and the same grace periods previously discussed. As funding allows, staff recommends converting the remaining on and off-street parking facilities within the Entertainment District to function the same way, thereby creating a truly cohesive parking network.

C. **Consolidation of Parking Districts:** Over time, staff recommends consolidating the Entertainment District and the Downtown Business District into one parking district to ensure that the same programs are offered consistently throughout our parking network. These programs would then be scalable as new areas are developed and parking demand indicates a need to install these parking management solutions.

While the Downtown modernization recommendations and parking technology purchases for the new deck at Dickson/West may be actively pursued now, staff intends to bring other elements of this plan over time with a goal of implementing a cohesive parking network by the time the Civic Plaza is activated in 2023.

- Would amend exhibits attached to City Code Chapter 72

BUDGET/STAFF IMPACT:

Staff is in negotiations with a vendor for parking equipment that meet the recommendations for modernizing the Downtown Business District as well as the new parking deck at Dickson/West. Staff intends to bring a contract for this equipment and for a new mobile app provider to the City Council soon.

Attachments:

Map of Downtown Business District

Exhibit A: Parking Code with mark-up of recommended changes

Exhibit B: Proposed new code section for Residential Permit Program for Downtown Business District

ARTICLE I GENERAL REGULATIONS**72.01 Application Of Parking Prohibitions Or Limitations**

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. The overtime parking prohibitions prescribed by this chapter shall not apply to governmental vehicles.

(Code 1965, §19-139; Ord. No. 1447, 6-7-65; Ord. No. 3350, 4-29-88)

72.02 Nonconsensual, Police-Initiated Towing, Storage And Impoundment Procedures

- (A) In addition to ticketing an illegally parked vehicle, the Police Department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, trail, trail right-of-way, city parking lot or other city owned property or right-of-way not authorized for parking, and have it towed to a storage facility within Fayetteville or within 3 miles of the city limits under the following circumstances:
- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.
 - (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (3) When any vehicle is parked illegally and left unattended upon a street, street right-of-way, trail or trail right-of-way; and
 - (a) Constitutes a hazard or obstruction to the normal movement of traffic on the street or trail;
 - (b) Obstructs a driveway or access to a fire hydrant,
 - (c) Is parked in a prohibited area or tow away zone that is so designated by a sign or other official markings; or
 - (d) Is parked continuously upon any street for more than seventy-two (72) hours.
 - (4) When any vehicle is parked beyond the period allowed in a city parking lot and the parking space is needed for reserved parking or a special event or if parked more than twenty-four (24) continuous hours beyond the period allowed. The Mayor or Mayor's designee may also order such illegally parked vehicle in a city parking lot to be towed at the vehicle owner's expense.
 - (5) If a difficult to tow vehicle that cannot reasonably be towed by the property owner's normal towing company needs to be removed from a private parking lot, the parking lot owner may request the police department to initiate a nonconsensual tow. If the police officer agrees that the vehicle presents an unusual and difficult towing situation and the property owner presents facts to support a substantial need for the immediate removal of the vehicle, the police officer may initiate a nonconsensual tow using the Police Department's normal towing company.

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- (B) Whenever the Police Department removes a vehicle from a prohibited parking area under this section and does know or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the Police Department shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed.
 - (C) Whenever the Police Department moves a vehicle from a prohibited parking area under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, written report of such removal shall be made to the state department whose duty it is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored.
 - (D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights there under as provided in §72.58(L). The owner or lessee of any vehicle properly towed pursuant to this section shall be required to pay the towing and storage costs.

(Code 1965, §19-140; Ord. No. 1447, 6-7-65; Ord. No. 2630, 5-6-80, Code 1991, §72.02; Ord. No. 4388, 4-16-02; Ord. No. 5326, 6-1-10; Ord. No. 5843 , §§1, 2, 1-19-16)

72.03 Parking Prohibited In Certain Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) On a crosswalk.
- (E) Within 15 feet of a fire hydrant.
- (F) Within 20 feet of a crosswalk at an intersection.
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signals located at the side of a roadway.
- (H) Between a safety zone and the adjacent curb or within 30 feet of points of the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (I) Within 50 feet of the nearest rail of a railroad crossing.
- (J) Within 20 feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of said entrance, when properly signposted.
- (K) Alongside or opposite any street excavation obstruction when such stopping, standing or parking would obstruct traffic.
- (L) On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
- (M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (N) At any place where official signs prohibit stopping.
- (O) On a city trail or trail right-of-way except for government vehicles on official business.

(P) In a city park except for areas designated for parking or otherwise allowed by city staff.
(Code 1965, §19-110; Ord. No. 1447, 6-7-65; Code 1991, §72.03; Ord. No. 5843 , §3, 1-19-16)

72.04 Unattended Vehicles

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key or, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
(Code 1965, §19-109; Ord. No. 1447, 6-7-65; Code 1991, §72.04)

72.05 Starting A Stopped Vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
(Code 1965, §19-112; Ord. No. 1447, 6-7-65; Code 1991, §72.05)

72.06 Method Of Parking

Pursuant to A.C.A. §27-51-1301, a vehicle parked on any street in the city shall be parked on the right-hand side of the street, headed in the direction of traffic with its right-hand wheels parallel to and within 18 inches of the curb, except where streets have been marked for angle parking, and except that, on one-way streets, vehicles may be parked on the left-hand side of the street, unless parking is prohibited on such side. In every case, a vehicle shall be parked entirely within any lines or markings on the street designating parking spaces.
(Code 1965, §19-120; Ord. No. 1447, 6-7-65; Code 1991, §72.06)

72.07 Designation And Marking Of Areas Where Parking Is Prohibited Or Restricted

The Mayor may, from time to time, designate streets or portions thereof, or other areas, where the parking of vehicles is prohibited, limited or restricted, and it shall be the duty of the Traffic Superintendent to indicate such areas by appropriate markings or signs giving notice of the prohibition, limitation or restriction.
(Code 1965, §19-121; Ord. No. 1447, 6-7-65; Code 1991, §72.07)

72.08 Illegal Parking And Overtime Parking

It shall be unlawful for any person to cause, allow or permit any vehicle registered in his name or owned or operated by him to be parked in any space or area in which parking is prohibited or to remain in any parking space for a longer time than designated for the particular space, or to be parked or to remain in violation of any restriction on parking imposed by the city. This section shall be enforced only when appropriate signs or markings are in place as required by §72.07.
(Code 1965, §19-122; Ord. No. 1447, 6-7-65; Code 1991, §72.08)

72.09 Parking Prohibited At All Times On Certain Streets

When signs are erected on any street or part of street giving notice thereof, no person shall park a vehicle on the side or sides of any such street or part of street so designated for no parking.

(Code 1965, §19-123; Ord. No. 1447, 6-7-65; Code 1991, §72.09)

72.10 Parking Prohibited During Certain Hours On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall park a vehicle on any such street, or part of street in each block so designated between the hours specified by the signs, except on weekends and public holidays.

(Code 1965, §19-124; Ord. No. 1447, 6-65; Ord. No. 4388, §2, 4-16-02)

72.11 Stopping, Standing, Or Parking Prohibited During Certain Hours On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall stop, stand, or park a vehicle on any such street, or part of street in each block so designated between the hours specified by the signs, except on weekends and public holidays.

(Code 1965, §19-125; Ord. No. 1447, 6-7-65; Ord. No. 4388, §3, 4-16-02)

72.12 Parking Time Limited To One Hour On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall park a vehicle on any such street, or part of street, in each block so designated for longer than one (1) hour at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except weekends and public holidays.

(Code 1965, §19-126; Ord. No. 1447, 6-7-65; Ord. No. 4388, §4, 4-16-02)

72.13 Two-Hour Parking Zones; Towing Procedures

- (A) The Parking Manager is hereby authorized to determine the location of two (2) hour parking zones and to place and maintain appropriate signs indicating the same and stating the hours during which such limitations are applicable. All such locations heretofore and hereafter designated as two-hour parking zones shall be subject to the provisions of this section.
- (B) No person shall park any vehicle in any two-hour parking zone located in the city for longer than two (2) consecutive hours during any four-hour period, except on weekends and public holidays.

(Code 1965, §19-127; Ord. No. 1447, 6-7-65; Ord. No. 2769, 11-3-81; Ord. No. 2784, 12-15-81; Ord. No. 2915, 4-19-83; Ord. No. 4388, §5, 4-16-02)

72.14 Parking Near Scene Of Fire

It shall be unlawful for any person to park any vehicle within any block where fire apparatus has stopped in answer to a fire alarm.

(Code 1965, §19-128; Ord. No. 1447, 6-7-65; Code 1991, §72.14)

72.15 Parking Restrictions On City Streets In General And For Large Trucks, Tractors And Trailers And Non Emergency Repairs

- (A) *All Vehicles.* No person shall park a vehicle at the same location on a city street for longer than fourteen (14) consecutive days, nor park any vehicle requiring a license plate without its valid and current license plate properly affixed thereto.
- (B) *Large Vehicles.* No person shall park a truck, tractor or trailer with a capacity of over one ton, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m.
- (C) *Nonemergency Repairs.* No person shall use any street for the purpose of repairing or reconditioning any vehicle or trailer, except when such repairs shall be necessitated by an emergency.

(Code 1965, §19-130; Ord. No. 1447, 6-7-65; Code 1991, §72-15; Ord. 5598, 7-2-13)

72.16 Parking Prohibited Within Fire Lanes

It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire lane. The Police Department shall not be required to patrol any fire lane at Northwest Arkansas Mall, but upon being called, police officers shall come to the scene of an alleged violation and may issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer.

(Code 1965, §19-141; Ord. No. 2427, 3-14-78; Code 1991, §72.16; Ord. No. 5598, 7-2-13)

72.17 Illegal Parking In Disability Parking Areas, Penalties

Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability as set forth in the Access to Parking for Persons with Disabilities Act (Act 907 of 1985 as amended, Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A), on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized by the aforementioned Act, or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner or operator of the vehicle shall, upon conviction, be subject to a fine of not less than \$100.00, nor more than \$500.00 for each offense, plus applicable towing impoundment, and related fees, as well as court costs.

(Ord. No. 4120, §1, 9-1-98)

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

- (A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

- (B) *Definitions:*

Fuel efficient scooter or bicycle means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

Guest pass means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

Residential parking permit means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

- (C) *Restricted Parking Periods:* From 2:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.
- (D) *On-street Parking Restrictions for Most Vehicles in the Entertainment District Parking Zone:* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.
- (E) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles:* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).
- (1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.
 - (2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.
 - (3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.
- (F) *Mixed Use On-Street Parking.* On street parking spaces on Spring Street from Block Avenue to West Avenue, on School Avenue from Center Street to Spring Street, on Locust Avenue from Spring Street to Center Street, on Church Avenue from Dickson Street to Meadow Street, on Lafayette Street from West Avenue to Forest Avenue, and on Vandeventer Avenue from Lafayette Street to Maple Street shall be available to the public for paid parking and to residents of the corresponding Entertainment District Parking Zone for properly permitted vehicles free of charge.
- (G) *Free Public Use of Paid On-street Parking.* From 2:00 a.m. until 2:00 p.m. every day, all on-street paid parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

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- (H) *Temporary Guest Passes:* An Entertainment District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.
- (I) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.
- (J) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

(Ord. No. 5323, 6-1-10; Ord. No. 5368, 12-7-10; Ord. No. 5558, 01-03-13; Ord. No. 5598, 7-2-13; Ord. No. 6229 , §2, 9-17-19; Ord. No. 6259 , §1, 11-19-2019)

72.19 Parking Blocking A Mailbox Prohibited

- (A) A person may not park his or her vehicle on a city street in front of and blocking a mailbox from 8:00 a.m. until 5:00 p.m., Monday through Saturday. This prohibition of parking shall not be applicable or enforced on any day that USPS does not deliver mail such as all Federal Holidays.
- (B) The penalty for a violation of this section shall be as set forth in §72.99(B).

(Ord. No. 5764, 5-5-15)

72.20 Wilson Park South Neighborhood Permit Parking District

- (A) *Applicability:* This neighborhood permit parking district shall be applicable as shown and described on Exhibit C attached to the enacting ordinance. This neighborhood permit parking district shall apply only to the residential properties that are situated between Louise Street, Park Avenue, Maple Street, and Wilson Avenue.

- (B) *Definitions:*

Guest permit means the pass or authorization that allows a guest permit holder to park within the authorized on-street parking space within the neighborhood permit parking district pursuant to the terms of this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the neighborhood permit parking district. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the neighborhood permit parking district. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the neighborhood permit parking district to justify issuance of a residential parking permit for a resident's vehicle.

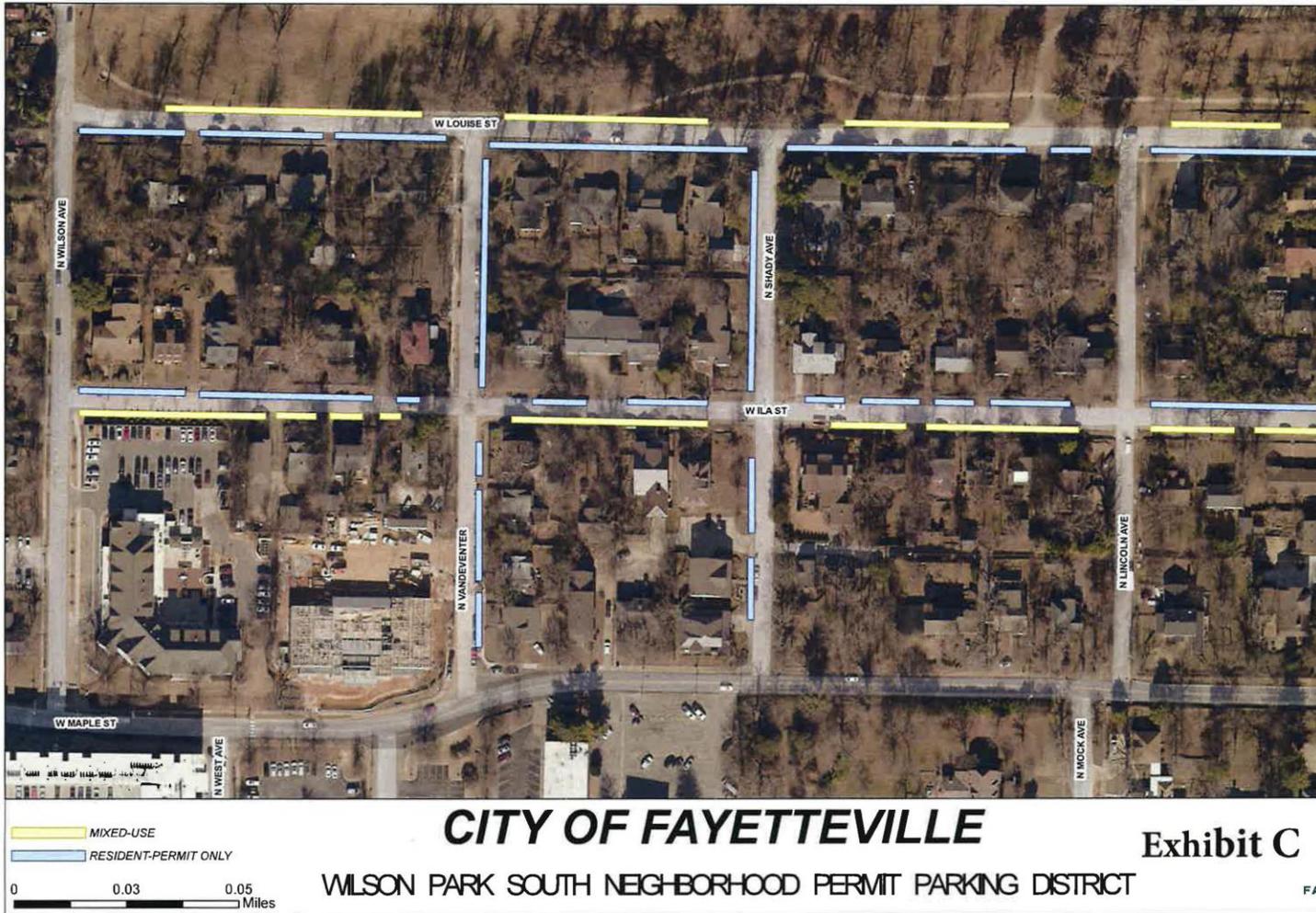
Residence means a legal residential address and shall exclude business addresses.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the neighborhood permit parking district.

Residential parking permit means the currently valid permit issued by the Parking Division which allows the resident to park the permitted resident's vehicle in an authorized on-street parking space within the neighborhood permit parking district pursuant to the terms of this section.

- (C) *On-street Parking Restrictions for Most Vehicles in the Neighborhood Permit Parking District:* Where designated by signs and as shown on the exhibits, only residents of the neighborhood permit parking district shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the district.
- (D) *Special Regulations for Oversized Vehicles:* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the neighborhood permit parking district unless its owner or operator has obtained a special limited time and location permit. An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the neighborhood permit parking district may be issued a special, limited time and location parking permit by the Parking Division.
- (E) *Mixed Use On-street Parking:* Where designated by signs and as shown on the exhibits, certain on-street parking spaces within the neighborhood permit parking district shall be available to the public for paid parking and to residents of the neighborhood permit parking district for properly permitted vehicles free of charge.
- (F) *Public Use of Paid On-street Parking:* For parking in the neighborhood permit parking district, the parking rates shall be established by the Parking Division within the following parameters:
 - (1) The initial paid parking rates and hours for the district shall be \$1.00 per hour from 8:00 a.m. until 4:00 p.m. and \$1.50 per hour from 4:00 p.m. until 2:00 a.m. every day.
 - (2) Adjustments to the paid parking rates or hours shall be subject to the following limitations:
 - (a) The first adjustment to the paid parking rates and hours, if necessary, shall be made in the first two (2) weeks of August 2020. Thereafter, the paid parking rates and hours shall not be adjusted by the Parking Division for a period of one (1) year.
 - (b) The Parking Division shall conduct a utilization assessment based on peak hours and days prior to any adjustment.
 - (c) Rate and hour adjustments shall be based on deviation from ideal utilization rate of 75% of the paid parking spaces as determined by the Parking Division. The Parking Division shall increase or decrease paid parking rates by \$0.10 for every five (5) points away from the ideal utilization rate with the goal of reaching the ideal utilization rate.
 - (d) Rate adjustments shall be made in \$0.10 increments and shall not exceed \$0.50 per adjustment period.
 - (e) Adjustments to the paid parking rates or times shall be communicated through signage in the district and the mobile parking application for fourteen (14) days prior to the implementation of the adjustment.
 - (f) Rates shall not be adjusted below the rates established within the Entertainment District Parking Zone.
- (G) *Issuance of Permits:* The Mayor or designee shall administer the neighborhood permit parking district program with a goal of accommodating the needs of residents within the neighborhood permit parking district. This program shall set forth procedures for the issuance, renewal, and allotments of residential parking permits and temporary guest permits. Use of a permit in a manner not authorized by the neighborhood permit parking district program shall be a violation of this section for the vehicle's owner.

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- (1) Residential parking permits and guest permits shall be allocated based on single-family unit, multi-family unit, and fraternal unit designations.
 - (2) Properties designated as fraternal units located within the neighborhood permit parking district shall be eligible to participate in the Entertainment District Residential Parking Program pursuant to §72.18 and to receive permits as allowed by the neighborhood permit parking district program.
 - (3) The Parking Division may set fees for the purchase of additional residential parking permits or guest permits beyond any maximum allowed under the neighborhood permit parking district program. The request for additional permits shall be considered on a case by case basis. The annual fee for an additional residential parking permit or guest permit shall not exceed \$250.00.
 - (4) Businesses shall not be eligible to obtain a residential parking permit or guest permit within a neighborhood permit parking district.
- (H) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.
- (I) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.



(Ord. No. 6259 , §2(Exh. 1), 11-19-2019)

72.21—72.29 Reserved Insert text for Residential Permit Program for Downtown Business District

(Ord. No. 5764, 5-5-15)

ARTICLE II LOADING ZONES

72.30 Designation Of And Permit For Curb Loading Zones

- (A) The Traffic Superintendent is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section shall be applicable.

(Supp. No. 21)

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- (B) The Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for one sign to indicate each zone.
 - (C) Any person desiring passenger or loading or unloading zones may make application in writing to the traffic superintendent and shall pay to the city \$120.00 per meter space, per year.
 - (D) In the event such request is for a loading zone outside of the parking meter district, then such person making the request shall pay to the city an annual fee of \$2.00 per foot per year for the purpose of covering the expense of the city in painting and designating with appropriate signs, and otherwise maintaining such limited parking or unloading zones. Such payment shall be made to the city on or before the first day of July of each and every year.
 - (E) The person or persons who own the property adjacent to any zone designated by the Traffic Superintendent shall not be required to pay said maintenance fee as required by this section, provided such zone is designated by the Traffic Superintendent for the convenience of the general public. Such zones shall be maintained and cared for at the expense of the city.
 - (F) It is hereby declared to be unlawful for any person to paint the curb, sidewalk or any part of the street of the city in any manner whatsoever, and it shall be unlawful for any person to designate any part of the street of the city as being limited in any manner with respect to parking thereon.

(Code 1965, §19-31; Ord. No. 1447, 6-7-65; Ord. No. 2405, 12-20-77; Code 1991, §72.30)

72.31 Restricted Use Of Passenger And Freight Curb Loading Zones

- (A) No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes.
- (B) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed fifteen (15) minutes. During the entire time that a driver is parked and loading or unloading materials, the driver must turn on the vehicle's emergency flashers.

(Code 1965, §§119-132, 119-133; Ord. No. 1447, 6-7-65; Code 1991, §72.31; Ord. No. 5598, 7-2-13)

72.32 Designation Of Bus Stops And Taxicab Stands; Use Of Such Locations

- (A) The Traffic Superintendent is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on the public streets in such places as he shall determine to be of the greatest benefit and convenience to the public, such bus stops, bus stands, taxicab stands or other stands so established shall be designated by appropriate signs where deemed by the Traffic Superintendent as necessary.
- (B) The following rules shall govern the stopping, standing and parking of buses and taxicabs:
 - (1) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone or other location where passengers are normally discharged or picked up in such manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position as close to the curb as possible, so as not to impede unduly the movement of other vehicular traffic.

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- (2) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated by the Traffic Superintendent. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious unloading or loading of passengers.
- (C) No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1965, §§19-134—19-136; Ord. No. 1447, 6-7-65; Ord. No. 2745, 8-4-81; Code 1991, §72.32)

72.33 Hotel Loading Zones

The Traffic Superintendent shall establish and mark hotel zones to be used solely for the loading and unloading of passengers and baggage. Standing or parking in such hotel zones shall be limited to fifteen (15) minutes and no person shall park a vehicle in a hotel zone except for the purpose of taking and discharging passengers and baggage destined for such hotel.

(Code 1965, §19-137; Ord. No. 1447, 6-7-65; Code 1991, §72.33)

72.34 Parking Signs Or Curb Markings Authorized

Whenever the Fayetteville Code imposes a parking time limit or prohibits or limits parking or stopping on any street or part of street, the Traffic Superintendent shall be authorized where necessary to erect signs or to paint curb markings on such street or part of street giving notice thereof.

(Code 1965, §19-138; Ord. No. 1447, 6-7-65; Ord. No. 2650, 7-15-80; Code 1991, §72-34; Ord. No. 5765, 5-5-15)

72.35—72.49 Reserved

ARTICLE III PARKING METERS

72.50 Definitions

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Downtown Business District Parking Zone. The area depicted on the map and described on Exhibit B attached to this enacting ordinance.

Electronic payment stations: A place where a person who has parked his vehicle in a **Downtown Business District or Entertainment District Parking Zone paid parking space or lot may pay the appropriate fee for the paid parking space.**

Employee parking card: A card issued by the Parking Division for use only by employees of businesses operating in the Entertainment District Parking Zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the zone.

Entertainment District Parking Zone: The area depicted on the map and described on Exhibit A attached to this enacting ordinance.

Operator. Every individual shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or any person who is in actual physical control of a vehicle.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

Parking meter. Portions of streets within which the parking of vehicles are controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Parking meter facility. Any real estate (except any public street, avenue, road, alley, or highway not specifically described herein) owned, leased, or operated by the city, upon which parking meters are installed and in operation for the use of vehicles.

Parking meter space. Any space within a parking meter facility or parking meter zone adjacent to a parking meter and which is duly designated and marked for the parking of a vehicle in accord with this article.

Parking meter zones. Portions of streets described and established by the City Council as zones within which the parking of vehicles shall be controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.

(Code 1965, §19-51; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55, Ord. No. 4222, 2-15-00; Code 1991, §72.50; Ord. No. 5324, 6-1-10; Ord. No. 5369, 12-7-10; Ord. No. 5598, 7-2-13)

72.51 Presumption As To Unlawful Parking In Metered Space And Paid Parking Space Or Lot Serviced By An Electronic Payment Station.

The indication on the parking meter or within the Electronic Payment Station System that the paid for time has expired shall be presumptive evidence, as to the parked vehicle then found in the parking space or paid parking lot regulated by such parking meter or the Electronic Payment Station System, that the owner or driver has failed to pay for all the parking used in such space or lot which shall be presumptive evidence of the violation of unlawful parking.

(Code 1965, §19-152; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.51; Ord. No. 5324, 6-1-10)

72.52 Purpose Of Deposit Or Electronic Payment Requirement

The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, to accumulate revenues to use for the construction of additional parking facilities including parking decks, and to provide operating revenue for the Walton Arts Center.

(Code 1965, §19-153; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.52; Ord. No. 5324, 6-1-10)

72.53 Depositing Slugs Or Making Simulated Electronic Payment Prohibited

- (A) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under this article any slug, device or substitute for a coin of the United States of America.
- (B) It shall be unlawful for any person to simulate an electronic payment at any electronic payment station installed under this article by any means.

(Code 1965, §19-154; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.53; Ord. No. 5324, 6-1-10)

72.54 Tampering With Meters Or Electronic Payment Stations Prohibited

It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter or electronic pay station installed in accord with this article.

(Code 1965, §19-155; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.54; Ord. No. 5324, 6-1-10)

72.55 Collections From Meters And Electronic Payment Stations

The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor.

(Code 1965, §19-156; Ord. No. 931, 2-23-48; Ord. No. 1082, 6-6-55; Ord. No. 1083, 6-6-55; Code 1991, §72.55; Ord. No. 5324, 6-1-10)

72.56 Loading Zones Not Prohibited

Nothing in this article shall be construed as prohibiting the city from providing for bus stops and taxicab stands and for other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

(Code 1965, §19-157; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.56)

72.57 Parking Meter Zones

- (A) The Mayor, or his duly authorized representative, is hereby authorized to describe, establish and alter parking meter zones.
- (B) Parking meters shall be installed not more than 2 feet from the curb nor more than 4 feet from the front line of the parking space. Spaces shall be marked out as individual parking meter spaces for vehicles and kept clearly marked at all times. No parking meter authorized herein shall be so installed or a parking space so established that it will obstruct the convenient egress and ingress to any property butting on any street.
- (C) Each parking meter installed under this section, shall be set to operate upon the deposit therein of the prescribed coin or coins for the period of time prescribed as parking time limits in subsection (F) below. Each of such meters shall be so arranged so as to show or display a signal, which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
- (D) Any person parking a vehicle within a parking meter zone established by this section shall park the same wholly within the lines of the parking space marked as provided in subsection (B), and it shall be unlawful for any person to park or leave a vehicle in any such zone, unless it is wholly within such space. Where the

parking meters are placed in front of parking spaces, the radiator shall be as near as possible to the parking meter controlling the space, and where the parking meters are placed alongside the parking spaces, the front fender or front wheels of the vehicle shall be as near as possible to the parking meter controlling the space.

(E) *Regulated Hours for Parking Meters.*

- (1) Within the Entertainment District Parking Zone between the hours of 2:00 p.m. until 2:00 a.m. every day, the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment as required in §72.58(H).
- (2) Within the Downtown Business District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. from Monday through Friday (except city holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter sufficient money as required in §72.58(G).
- (3) The Mayor or his designee is hereby authorized to establish grace periods within the Entertainment and Downtown Business Parking Zones whereby the parking rate may be waived for a limited amount of time upon the arrival of a vehicle into a paid parking space.

(F) *Unlawful to Leave Vehicle Parked in Excess of Allowed Time.* Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99.

(Code 1965, §§19-169—19-173; Ord. No. 931, 2-23-48; Ord. No. 1196, 4-6-59; Ord. No. 1775, 12-21-70; Ord. No. 2403, 12-6-77; Ord. No. 2410, 1-16-78; Ord. No. 2616, 4-1-80; Ord. No. 2769, 11-3-81; Ord. No. 4222, 2-15-00; Code 1991, §72.57; Ord. No. 5324, 6-1-10; Ord. No. 5598, 7-2-13)

72.58 Off-Street Parking Facilities; Rules And Rates

(A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute parking meter facilities within the Downtown Business District Parking Zone.

- (1) Lots 8 to 15, inclusive, in Block 26 of the original plat of the city, including an alley 10 feet in width and running in an east and west direction and adjoining the southern boundary of Lots 12 to 15, inclusive, and the northern boundary of Lots 8 to 11 inclusive.
- (2) Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Block 30, in the town (now city), as designated upon the original plat of said town.
- (3) Lot 9A and a part of Lot 10, in Block 29, of the original plat of the city.
- (4) Part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 16 North, Range 30 West, described as follows: Beginning at a point 84 feet south and 25 feet east of the northwest corner of the said 40-acre tract, and running thence south 178 feet; thence east 70.3 feet; thence north 178 feet; thence west 70.3 feet to the point of beginning.
- (5) A part of Block 7, of the original plat of the city, more particularly described as beginning at a point 13 feet and two inches south of the northwest corner of said Block 7, running thence east 50 feet; thence south 267 feet to the point of beginning.
- (6) Lots 7, 8, 9 and 10 of Block 17 in the town (now city) as designated upon the original plat of said town.
- (7) Lots 8, 9 and 10 of Block 13 in the town (now city) as designated upon the original plat of said town.

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- (8) Lots 1, 2, Lot 3, less 52.53 feet of equal and uniform width off the south side thereof, and Lot 12, less 50 feet of equal and uniform width off the south side thereof of Block 13 in the town (now city) as designated upon the original plat of said town.
- (9) Part of Block 25, in the town (now city) as designated upon the original plat of said town, and more particularly described as follows: Beginning at the northeast corner of Lot 1 in said Block 25, thence west 42 feet; thence south 49.3 feet; thence west 58 feet; thence south 58.7 feet to the center of a platted alley; thence east 100 feet; thence north 107 feet to the point of beginning.
- (10) Part of Block 15, in the original plat of the city, described as follows: Beginning at a point 127 feet west of the northeast corner of Block 15 and running thence south 206 feet to the north line of a 12-foot alley; thence west 177 feet to the east line of an alley; thence north 90 feet; thence east 22 feet; thence north 116 feet to the south line of Meadow Street; thence east 17 feet; thence south 27 feet; thence east 20 feet; thence north 27 feet to the south line of Meadow Street; thence east 118 feet to the point of beginning.
- (11) Lots numbered 12 and 13 in Block 30 of the original town (now city).
- (B) *Definitions.* For the purpose of this section "public off-street automobile parking facilities" are defined as accommodations procured or provided, or both, by public authority for the parking of motor vehicle off the street or highway, and open to public use with or without charge. Parking facilities may consist of lots, garages, or other structures and accessories; they may be surfaced facilities or facilities above or below ground.
- (C) *Marking of Parking Spaces.* The Mayor is hereby authorized to mark off individual parking spaces in the parking meter facilities established by this section, such parking spaces to be designated by lines painted or durably marked on the curbing or otherwise.
- (D) *Installation, Location, Mechanical Requirements, and Maintenance of Meters within the Downtown Business District Parking Zone.* In the parking meter facilities established by this article, the Mayor shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, from the front line of the parking space as indicated, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- (E) *Vehicles to Be Parked Entirely Within Parking Spaces.* At each space marked off in accord with subsection (C) above, it shall be unlawful for any person to park any vehicle across any lines or markings of such space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (F) *Deposit of Coin Payment Required.*
- (1) Except in a period of emergency determined by an officer of the Fire or Police Departments, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space alongside or next to which a parking meter is located in accord with this section, the operator of such vehicle shall, upon entering the parking meter space, immediately make payment for the applicable parking rate. If paying by coin, the operator of such vehicle shall deposit or cause to be deposited in the meter such proper coin of the United States as is required for such parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon the deposit of such coin proper payment (and

the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed; provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.

- (2) This section shall apply every day between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and legal holidays.

(G) *City Parking Lots and Parking Meters Within the Downtown Business District Parking Zone.* For all the parking lots identified in subsection (A) and all parking meters. The following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking lots:

(1) Long-term ~~metered~~ spaces ~~(red capped parking meters)~~ — \$.~~25~~~~15~~ per hour.

(2) All other parking meters — \$.~~50~~~~25~~ per hour.

(3) Gated lot (per space) — \$30.00 per month.

(4) Long-term parking permits (hang tags) for use only at long-term ~~(red capped) meters- spaces~~ — \$30.00 per month.

(5) Town Center Parking Deck — not more than \$70.00 per month nor more than \$4.00 per day if space is available.

(6) *Discounted Parking rates for Employees (employee parking cards or coupons).* In order to assist employees working in the Downtown Business District Parking Zone, the Mayor is authorized to sell and issue employee parking cards or codes that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

(H) *City Parking Lots, Parking Decks and Paid On-street Parking Spaces Within the Entertainment District Parking Zone.* For parking in the West Avenue Lot, South Lot, East Lot, North Lot, Spring Street Parking Deck and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:

(1) *Monday Through Friday:*

(a) 2:00 p.m. until 5:00 p.m. — \$.50 per hour

(b) 5:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour

(c) 2:00 a.m. until 2:00 p.m. — free parking

(d) 2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00

(2) *Saturday and Sunday:*

(a) 2:00 p.m. until 6:00 p.m. — \$.50 per hour

(b) 6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour

(c) 2:00 a.m. until 2:00 p.m. — free parking

(d) 2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00

(3) *Motorcycle and Motor Scooter Parking in Specially Designated Motorcycle/Motor Scooter Paid Parking Spaces.* The above parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and

motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.

- (4) *Discounted Parking rates for Employees* (employee parking cards or coupons). In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue employee parking cards *or codes* that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.
- (5) *Reserved.*
- (6) *West Annex Parking Lot 53.* For parking in the West Annex Parking Lot 53 located at 346 West Avenue, the parking rates shall apply as follows:
 - (a) *Monday through Friday:*
 - 5:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour - the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.
 - 2:00 a.m. until 7:00 a.m. — free parking
 - 7:00 a.m. until 5:00 p.m. — University permit parking only (enforced by U of A)
 - (b) *Saturday:*
 - 2:00 p.m. until 6:00 pm — \$.50 per hour
 - 6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour
 - 2:00 a.m. until 2:00 pm - free parking
 - 2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.
 - (c) *Sunday:*
 - 2:00 p.m. until 6:00 p.m. — \$.50 per hour
 - 6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour
 - 2:00 a.m. until 7:00 a.m. Monday — free parking
 - 2:00 p.m. until 2:00 am the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.
- (I) *Rates for Parking in City Parking Garages.*
 - (1) Parking garages shall be rented monthly at a market rate not to exceed the amount of \$70.00 per month/per space.
 - (2) The single entry rate for the city parking garage on Meadow Street shall be set at a rate of \$3.00 per visit on the third level and \$4.00 per visit on the first level, if entry is not restricted.
 - (3) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in any city parking garage without paying the parking fees prescribed above.
- (J) *Overtime Parking.*
 - (1) If any vehicle remains parked in any metered parking space or within a paid parking lot beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.

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- (2) It is unlawful for any person to cause, allow or permit any vehicle owned or operated by said person to be parked in a gated city lot for more than twenty-four (24) continuous hours. Any such illegally parked vehicle is subject to the provisions of §72.99 and to nonconsensual towing at the owner's expense who shall have post-deprivation hearing rights as set for in subsection (L).

(K) *One-way Traffic and Improperly Driving Through or Around Gates on City Parking Lots.*

- (1) The Mayor is hereby authorized to determine and designate specific lanes upon the real estate described in subsection (A) above upon which vehicular traffic shall proceed in one direction only and shall cause to be placed appropriate markings, signs, barriers, or other devices to give notice thereof. The Mayor shall cause to be erected signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- (2) When signs indicating the direction of traffic are erected and maintained in accord with subsection (1) above, vehicular traffic shall move only in the indicated direction, and it shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with subsection (1) above.
- (3) No driver may attempt to leave a gated city parking lot without paying the amount of parking fees due pursuant to subsections (G) or (H) by driving around the gate, by improperly driving through a gated entry or exit or by damaging or improperly manipulating any part of the gate.

(L) *Immobilization of Illegally Parked Motor Vehicle.*

- (1) *Immobilization Authorized.* Employees of the Traffic Division and officers of the Police Department are hereby authorized to temporarily immobilize any vehicle which is parked in violation of any provision of this chapter and whose owner has been cited for violating these parking regulations at least twice in the preceding thirty days or has outstanding fines and costs from previous parking violations due and owing.
- (2) *Post-deprivation Hearing.* When any vehicle is immobilized under the provisions of this section, the owner or operator shall have the right to a post-deprivation administrative hearing by filing a written request for such a hearing with the Mayor.
- (3) *Conduct of Hearing.*
 - (a) A hearing shall be conducted before a hearing officer designated by the Mayor and shall be held within twenty-four (24) hours from receipt of a written demand therefor, unless the right to a speedy hearing is waived in writing. Saturdays, Sundays, and city holidays are to be excluded from calculating said twenty-four (24) hour period. The hearing officer shall not be the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to immobilize the vehicle in question.
 - (b) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the registered owner of the vehicle. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the immobilization. The decision of the hearing officer shall be final. Failure to request a post-immobilization hearing within three (3) days from the date of immobilization, or failure to attend a scheduled post-immobilization hearing shall be deemed a waiver of the right to such hearing; and, the Police Department shall be authorized to have the vehicle towed to and stored at a safe place designated as an official police garage by the Chief of Police. The owner or operator of the vehicle shall be liable for all towing and storage fees.

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- (4) *Decision of Hearing Officer.*
- (a) The hearing officer shall only determine whether there was probable cause to immobilize the vehicle. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, a copy of which shall be given to the registered owner of the vehicle or his agent and to the Police Department and Traffic Division. Upon receipt of the owner's copy of such certificate, an employee of the traffic division or an officer of the Police Department shall remove the immobilization device from the vehicle.
 - (b) If the hearing officer determines that there was probable cause for immobilizing the vehicle, the registered owner, or his agent, may obtain removal of the immobilization device by posting a bond in a reasonable amount specified by the District Court. The amount of said bond shall be not less than a sum equivalent to the cumulative total of applicable fines, court costs, towing fees and storage fees. Upon presentation of a receipt evidencing the posting of said bond, an employee of the Traffic Division or an officer of the Police Department shall remove the immobilization device from the vehicle.
- (M) *Special Event Permits Needed to Use City Owned Parking Lots, Paid On-Street Parking Spaces, or to Close City Streets.*
- (1) *Events Needing the Use of City Owned Parking Lots or Paid Parking Spaces Along City Streets for up to Eight (8) Hours.* The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces for up to eight (8) consecutive hours, but not more than a total of sixteen (16) days per calendar year.
 - (2) *Events Requesting the Use of City Owned Parking Lot or On-street Paid Parking Spaces or to Close City Streets for More Than Eight (8) Consecutive Hours.*
 - (a) When an applicant for a special event permit proposes to use a city paid parking lot or close a city street for more than eight (8) consecutive hours, nearby residents shall be notified and be provided an opportunity to comment. Subject to the overall limit of sixteen (16) days per calendar year, the Mayor may propose to approve or to reject an expanded special event permit which would authorize the special event applicant to use city owned paid parking lots or on-street paid parking for more than eight (8) consecutive hours. The Mayor may also propose to approve or to reject the closure of city streets for more than eight (8) consecutive hours for a special event.
 - (b) The Mayor by and through his staff shall notify the City Council Members by email or otherwise of the decision to grant or deny the special event permit and provide the City Council Members the results of the neighbor notification including comments by such citizens. If at least two (2) City Council Members notify the City Clerk's Office in writing within seven (7) days of the Mayor's notification of his or her decision that they wish to appeal such decision, then the issue will be presented on the next City Council meeting in which the Mayor's decision could reasonably be considered. The City Council would then be able to decide by Resolution whether to reverse the Mayor's decision and upon what condition (if any) the permit would be granted.

Editor's note—Subsection (M), as revised by Ord. No. 5881 , §1, adopted June 21, 2016 becomes effective on Jan. 1, 2017.

- (N) *Electric Vehicle Charging Stations.* The Mayor is authorized to designate Electric Vehicle Charging Station parking spaces in city parking facilities to prohibit all non-electric vehicles from parking in these spaces. The owner or operator of an electric vehicle shall only park in this space while charging the vehicle's battery and shall pay normal parking rates while parked in this space.
- (O) *Event Parking.* The Parking Division may implement event parking in city managed parking facilities as deemed necessary by the Mayor or his designee. Such event parking will require a person desiring to park a

vehicle in a designated event parking facility to pay a fee of \$5.00. The City of Fayetteville shall provide sufficient personnel to staff event parking.

(Code 1965, §§19-185—19-195; Ord. No. 1083, 6-6-55; Ord. No. 1197, 4-6-59; Ord. No. 1231, 1-25-60; Ord. No. 1242, 8-8-60; Ord. No. 1576, 11-6-67; Ord. No. 1802, 6-21-71; Ord. No. 1866, 6-5-72; Ord. No. 2613, 3-18-80; Ord. No. 2769, 11-3-81; Ord. No. 2815, 6-15-82; Ord. No. 2875, 11-23-82; Ord. No. 2914, 4-19-83; Ord. No. 2939, 9-12-83; Ord. No. 3995, §1, 9-17-96; Ord. No. 4222, 2-15-00; Code 1991, §72.58; Ord. No. 4889, 06-20-06; Ord. No. 5324, 6-1-10; Ord. No. 5340, 8-3-10; Ord. No. 5369, 12-7-10; Ord. No. 5407, 5-3-11; Ord. No. 5408, 5-3-11; Ord. No. 5597, 07-02-13; Ord. No. 5598, 7-2-13; Ord. No. 5604, 8-6-13; Ord. No. 5881, §1, 6-21-16; Ord. No. 5943, §1, 1-3-17; Ord. No. 5964, §§1, 2, 4-4-2017; Ord. No. 6312, §1, 5-5-2020)

72.59 Dickson Street Entertainment District Annual Parking Pass Program

Notwithstanding any other provision of this Code to the contrary, any person who desires to park a vehicle in the Dickson Street Entertainment District may do so by purchasing a Dickson Street Entertainment District Annual Parking Pass for the vehicle pursuant to the program created herein.

(A) *Validity and Usage.*

- (1) An annual parking pass, valid for use only in the Dickson Street Entertainment District, shall permit the vehicle to which the pass has been 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.

(B) *Issuance, Transfer and Costs.*

- (1) An annual parking pass, valid from August 1st through July 31st the following year and issued pursuant to this section, shall cost \$600.00. The total cost shall be reduced if purchased after August 1st but before June 1st the following year by an amount equal to the total annual cost divided by the total number of days remaining before the next August 1st. Any annual parking pass purchased on or after June 1st shall only become valid on the following August 1st.
- (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. No. 5371, 12-7-10)

72.60—72.69 Reserved

ARTICLE IV NONCONSENSUAL TOWING REGULATIONS

72.70 Application

- (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.
- (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.

(Ord. No. 5322, 6-1-10; Ord. No. 5611, 9-3-13)

72.71 Requirements For Proper Signage Before Nonconsensual Towing From Private Parking Lots Is Permitted Within The Entertainment District Parking Zone

- (A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).
- (B) *Location and Size of Nonconsensual Towing Warning Sign.* Every private parking lot with five (5) or more spaces must have an easily readable nonconsensual towing warning sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.
- (C) *Contents of Sign for "Paid Parking Lot".* The nonconsensual towing warning sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.
 - (1) The symbol for towing vehicles.
 - (2) "Private Parking Lot."
 - (3) Either "Pay to park at all hours" or "Pay to park during (posted) hours."
 - (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.
 - (5) "Parking in violation of posted restrictions will result in towing of vehicle at owner's expense, up to \$60.00, plus storage of up to \$10.00 per day."
 - (6) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.
- (D) *Contents of sign for "Customers Only" or "Residents Only" Parking Lot.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least 1 inch in height in the following order from the top of the sign for a private parking lot that prohibits public parking and allows only residents or customers to park.
 - (1) The symbol for towing vehicles.
 - (2) "Private Parking Lot."

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- (3) "Customers Only" or "Residents Only." The owner may denote the business or residential complex.
 - (4) "Parking of unauthorized vehicle will result in towing of vehicle at owner's expense, up to \$80.00, plus storage of up to \$10.00 per day."
 - (5) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

(Ord. No. 5322, 6-1-10)

72.72 Regulations Of Towing And Storage Companies

- (A) *Valid Licenses Required.* Any towing and storage company operating anywhere in the City of Fayetteville must be in full compliance with all state and local license requirements, A.C.A. §27-50-1101, the Fayetteville Code, and be in good standing with the Arkansas Towing and Recovery Board.
- (B) *Allowed Charges for Nonconsensual Towing and Storage.* Within the Entertainment District Parking Zone, no Towing and Storage Company may charge a nonconsensually towed vehicle's owner/driver more than \$60.00 if the vehicle is towed from a "Paid Parking Lot", \$80.00 if the vehicle is towed from a "Customers Only" or "Residents Only" Parking Lot, and \$100.00 if the vehicle is towed from private property not classified as a "Paid Parking Lot" or "Customers Only" or "Residents Only" Parking Lot. In addition, the towing and storage company may charge up to \$10.00 per day for storage beginning twelve (12) hours after the nonconsensually towed vehicle is placed in the storage lot and available to be reclaimed by its owner or driver. The maximum \$100.00 towing fee and \$10.00 per day storage fee for a nonconsensual tow from private property that is not police initiated is applicable everywhere within the entire city limits. The above fees are the total amount that can be charged to the owner/operator. No administrative, special equipment or other fee can be charged to the owner/operator of the vehicle.
- (C) *Payments by Owner/Operator for Towing and Storage Charges.* The towing and storage company must accept valid credit and debit cards for payment of towing and storage fees and may accept any other form of payment.
- (D) *Location of Storage Yard.* The towing and storage company may not charge mileage or transportation fees for towing the vehicle to its storage lot which must either be located within Fayetteville or not more than 8 miles from the place from which the vehicle was towed.
- (E) *Company Must Answer Telephone.* The towing and storage company shall answer every telephone call for the number displayed upon the nonconsensual towing warning sign during every twelve (12) hour period immediately after a vehicle has been towed if such vehicle remains in the towing and storage company's possession.

(Ord. No. 5322, 6-1-10)

72.73 Regulation Of Wheel Clamps Or Booting On Private Pay To Park Lots Throughout Fayetteville

- (A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to § 174.03(F).
- (B) *Location and Size of Wheel Clamps/Booting Warning Sign.* Every owner of a private pay to park lot with five (5) or more spaces that desires to use wheel clamps (also known as boots) must have an easily readable wheel clamp/booting warning sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.

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(Supp. No. 21)

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- (C) *Contents of Sign for Private Pay To Park Lots.* The wheel clamp/booting warning sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.
- (1) "Private Pay To Park Lot."
 - (2) At the option of owner, the sign may identify the lot by name.
 - (3) Either "Pay to park at all hours" or "Pay to park during (posted hours)."
 - (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for the parking lot.
 - (5) "Parking in violation of posted restriction will result in a fee for the booting and overtime parking of the vehicle at owner's expense, up to a maximum total of \$40.00."
 - (6) Name, address and telephone number of firm authorized to boot vehicles on this private pay to park lot.
 - (7) If the private pay to park lot owner wishes to boot and tow overparked vehicles, the sign information required by this section and § 72.71 may be combined into a single sign.
- (D) *Allowed Maximum Charge for Placing and Removing a Wheel Clamp or Boot upon an Overparked Vehicle.* No private pay to park lot owner, manager, company or other entity may charge more than \$40.00 total to place and remove a wheel clamp or boot on a vehicle that has been parked longer than the period for which the vehicle's owner has paid to park. No other fees may be charged. With proper signage required by §72.71, the parking lot owner, manager, company or other entity managing the lot may tow this vehicle pursuant to the Fayetteville Code, but can charge only the nonconsensual towing fee and not add or charge the booting fee allowed in this section.
- (E) *Payment by the Owner/Operator for the Installation and Removal Fee for Wheel Clamps or Boots.* The parking lot owner, manager, company or other entity which has installed wheel clamps or boots upon overparked vehicles must accept valid credit and debit cards and cash for the payment allowed by subsection (D) at the parking lot and may accept any other form of payment. An accurate and legible receipt for this payment must immediately be provided to the vehicle owner or operator.
- (F) *Company Must Answer Telephone and Promptly Remove Wheel Clamp.* The private pay to park lot owner, manager, company or other entity shall immediately answer every telephone call for the number displayed upon the wheel clamp/booting warning sign after a vehicle has been booted as long as such vehicle remains in the company's possession. The entity must respond to any telephone call or other notice from the vehicle's owner or operator and remove the wheel clamp within 15 minutes of such call or notice if the owner or operator has paid the allowed fee. All wheel clamp company employees dealing with customers must wear a company uniform and display a company photo ID.
- (G) *Permit for Wheel Clamp Company Employees and Required Criminal Background Checks.* Every wheel clamp employee who may come into contact with the public shall obtain a permit from the Parking Division before beginning employment with the wheel clamp company. The cost to obtain the wheel clamp company employee permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Parking Division:
- (1) The name of the owner or manager of the wheel clamp company;
 - (2) The name, address and telephone number of the wheel clamp company employee and his or her photo identification;
 - (3) A signed statement under oath that the person applying to be a wheel clamp company employee has not been convicted of felonies or misdemeanors involving sexual offenses or violence within the last five (5) years;

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- (4) A criminal background check from the Arkansas State Police and from the state police of the state which issued the driver's license of the wheel clamp company employee which shows that the employee has not within the preceding five (5) years been convicted of any felonies or misdemeanors involving sexual offense or violence, nor has been incarcerated in prison at any time during the last five (5) years for a violent or sexual offense;
 - (5) No person shall be issued a permit as a wheel clamp company employee who has been convicted of any of the offenses set out above or who has been in prison at any time during the last five (5) years for such offense.
- (H) *No Application to University of Arkansas Property.* §§ 72.71-.73 have no limitation, application or effect upon the University of Arkansas's nonconsensual towing or booting powers for vehicles parked on any University of Arkansas lot or parking space.

(Ord. No. 5610, 9-3-13)

72.74—72.98 Reserved

72.99 Penalties

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in §10.99.
- (B) The penalty for each violation of §§72.04, 72.06, 72.08, 72.10, 72.12, 72.13, 72.57 or 72.58(J) shall be \$15.00, if paid before the issuance of a summons, citation or arrest warrant; otherwise, the penalty for each violation shall be \$40.00.
- (C) The penalty for each violation of §§72.03, 72.09, 72.11, 72.15, 72.18, 72.30, 72.31, 72.32 and 72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.
- (D) Parking citations for overtime parking may not be written for the same vehicle in the same space more than once every four-hour period and not more than three (3) times per day.
- (E) The Parking Manager may reduce the amount of fine assessed for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor's Office.

(Ord. No. 5325, 6-1-10; Ord. No. 5370, 12-7-10; Ord. No. 5598, 7-2-13)

Exh. B Downtown Business Parking Zone

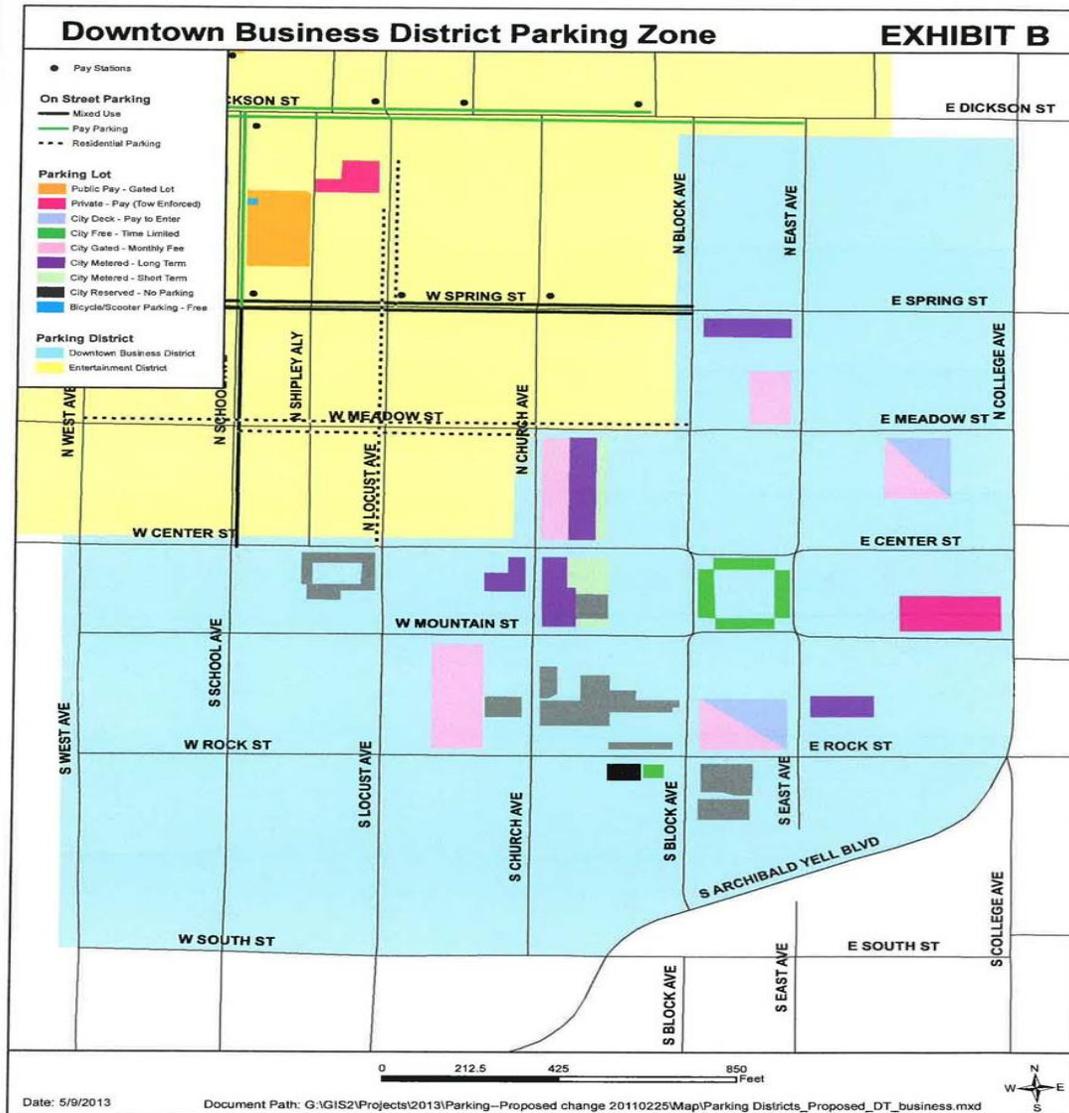


EXHIBIT B: Residential Parking Permit Program for the Downtown Business District Parking Zone

(A) *Applicability:* This Downtown Business District Parking Permit Program shall be applicable at certain long-term parking areas as prescribed by the Parking Manager within the Downtown Business District Parking Zone as shown and described on Exhibit B attached to the enacting ordinance.

(B) *Definitions:*

Fuel efficient scooter or bicycle means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

Guest pass means the pass or authorization to park within the appropriate parking zone pursuant to this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Downtown Business District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Downtown Business District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

Residence means a legal residential address and shall exclude business addresses.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the Downtown Business District Parking Zone.

Residential parking permit means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized parking zone pursuant to the terms of this section.

(C) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles:* No vehicle that cannot fit within a standard parking space may be parked in the Downtown Business District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).

(1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street or in a designated area for a limited time to serve a residence, business or office within the Downtown Business District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.

(2) A resident of the Downtown Business District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.

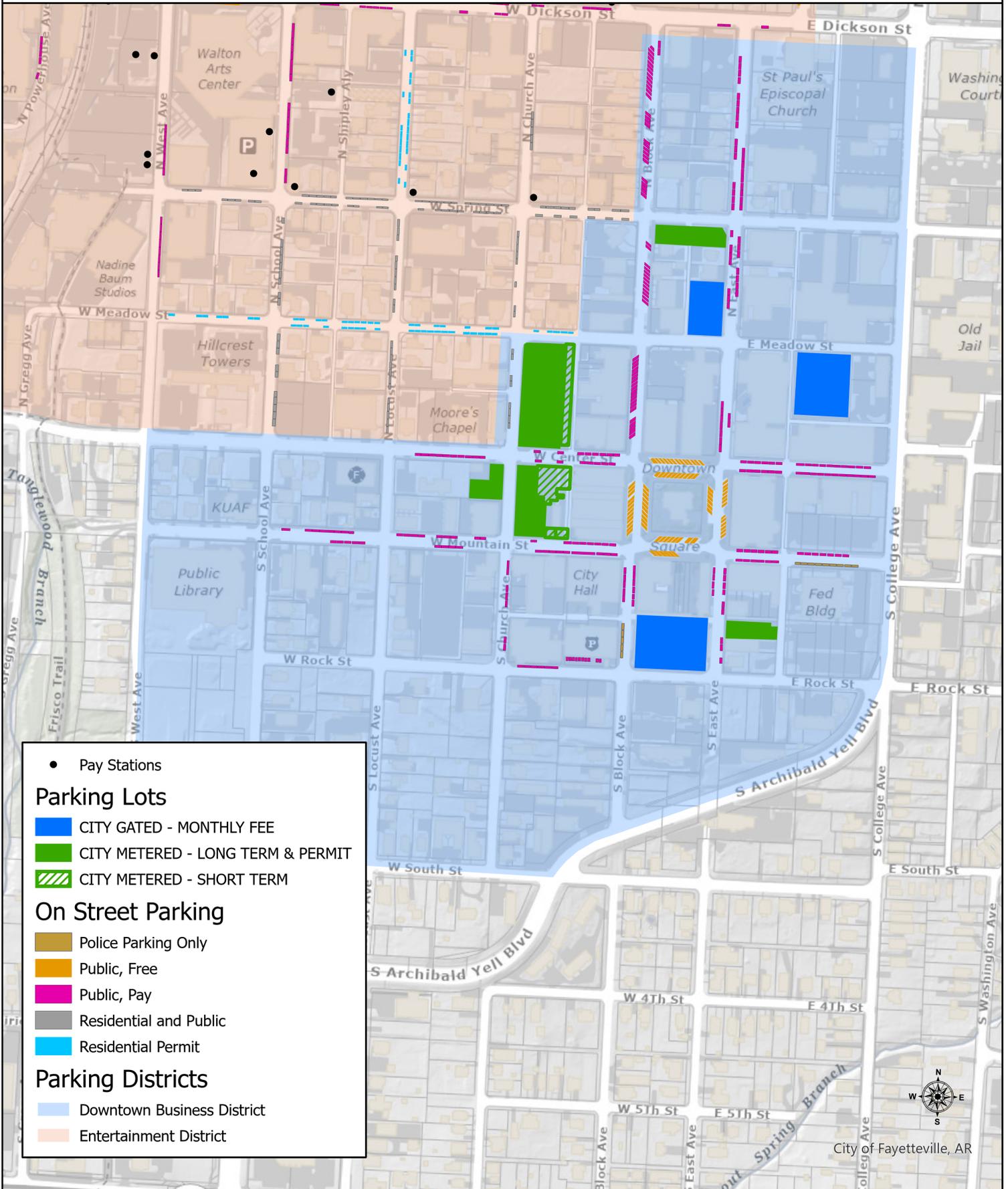
(3) Operators of fuel-efficient scooters and bicycles may park for free in specially designated parking spaces but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.

(D) *Temporary Guest Passes:* A Downtown Business District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Downtown Business District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

(E) *Cost of Program:* The Parking Division is hereby authorized to charge up to \$25 annually per resident to participate in the Downtown Business District Parking program.

(E) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.

(F) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in [§72.99](#).



- Pay Stations

Parking Lots

- CITY GATED - MONTHLY FEE
- CITY METERED - LONG TERM & PERMIT
- CITY METERED - SHORT TERM

On Street Parking

- Police Parking Only
- Public, Free
- Public, Pay
- Residential and Public
- Residential Permit

Parking Districts

- Downtown Business District
- Entertainment District

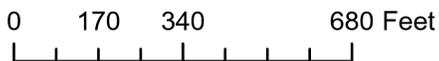


Exhibit 1

72.21 Residential Parking Permit Program for the Downtown Business District Parking Zone

(A) *Applicability*: This Downtown Business District Parking Permit Program shall be applicable at certain long-term parking areas as prescribed by the Parking Manager within the Downtown Business District Parking Zone as shown and described on Exhibit B attached to the enacting ordinance.

(B) *Definitions*:

Fuel efficient scooter or bicycle means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

Guest pass means the pass or authorization to park within the appropriate parking zone pursuant to this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Downtown Business District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Downtown Business District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

Residence means a legal residential address and shall exclude business addresses.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the Downtown Business District Parking Zone.

Residential parking permit means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized parking zone pursuant to the terms of this section.

(C) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles*: No vehicle that cannot fit within a standard parking space may be parked in the Downtown Business District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (C)(1) below.

(1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street or in a designated area for a limited time to serve a residence, business or office within the Downtown Business District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.

(2) A resident of the Downtown Business District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.

(3) Operators of fuel-efficient scooters and bicycles may park for free in specially designated parking spaces but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.

(D) *Temporary Guest Passes:* A Downtown Business District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Downtown Business District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

(E) *Cost of Program:* The Parking Division is hereby authorized to charge up to \$25 annually per resident to participate in the Downtown Business District Parking program.

(F) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.

(G) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in [§72.99](#).