Chapter 9.65 RESIDENTIAL PARKING PROGRAM*

**Cross references:** Zoning districts, Ch. 21.40; supplementary district regulations, Ch. 21.45.

9.65.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Resident* means a person who occupies a dwelling or office which is identified by a separate and distinct street address and located within a residential parking zone or proposed residential parking zone.

*Residential parking program* means a regulatory program for on-street parking spaces implemented by use of vehicle permits and posted regulations which give preference in a residential parking zone to the parking needs of residents while reasonably accommodating the parking needs of nonresidents.

*Residential parking zone* means an area which has been designated by the parking authority as such for the purpose of establishing on-street parking restrictions in accordance with this chapter.

(AO No. 85-171, 1-1-86)

**Cross references:** Definitions and rules of construction generally, § 1.05.020.

9.65.020 Petition for establishment of residential parking zone.

A. The parking authority shall establish and administer residential parking programs in residential parking zones as provided by this chapter.

B. Consideration of an area for designation as a residential parking zone may be initiated only by petition of at least 30 percent of the residents within that area. The parking authority shall consider the signature of no more than one resident for each distinct street address for the purpose of determining the sufficiency of a petition under this subsection.

C. The petition shall be in a form prescribed by the parking authority and shall include the following information:

1. The legibly printed name of each resident, and his signature and complete street address;
2. A statement that all residents who have signed the petition understand that permit fees shall be assessed to meet part or all of the administrative cost associated with a
residential parking program in the proposed residential parking zone;

3. A complete description of the boundaries of the proposed residential parking zone by use of street names; and

4. A statement that the petitioners have reason to believe that the described geographic area is eligible for designation as a residential parking zone under this chapter.

D. Any material which the petitioners determine to be relevant to the petition may be submitted as part of the petition.

E. No signature placed on a petition may be withdrawn.

(AO No. 85-171, 1-1-86; AO No. 99-136, § 1, 10-26-99)

9.65.030 Eligibility for designation of residential parking zone.

A. No later than 60 days following receipt of a complete petition pursuant to Section 9.65.020, the parking authority shall determine if the area which is the subject of that petition is eligible for designation as a residential parking zone.

B. The parking authority shall designate an area as a residential parking zone if:

1. The geographic area described in the petition is primarily used for residential purposes, and is contiguous, reasonably compact and no smaller than three square city blocks;

2. Enforcement by the parking authority in the geographic area described in the petition is compatible with existing contractual obligations undertaken by the municipality pursuant to Chapter 3.70;

3. No less than 75 percent of the on-street parking spaces within the geographic area described in the petition are occupied by vehicles at any one time on and between Monday and Friday between the hours of 7:00 a.m. and 5:30 p.m.; and

4. Less than 50 percent of the on-street parking spaces within the geographic area described in the petition are occupied by vehicles registered, leased or otherwise in the lawful possession of residents of the described geographic area at any one time on and between Monday and Friday, between the hours of 7:00 a.m. and 5:30 p.m.

(AO No. 85-171, 1-1-86)

9.65.040 Approval of proposed residential parking zone; public hearing; ballots and voting.

A. Preparation of proposal. If the parking authority determines that an area is eligible for designation as a residential parking zone pursuant to Section 9.65.030, the parking authority shall prepare a residential parking program proposal for the area described in the petition, including:

1. The geographic area affected;

2. The types of restrictions to be imposed on vehicles other than those for which a parking permit has been issued; and

3. A description of the vehicle permit system and the annual cost of each permit to be issued for the subject residential parking zone program.
B. **Public hearing.** A public hearing shall be held by the parking authority to provide information and to receive public comment about the structure and cost of the residential parking program proposed for the area described in the petition. Reasonable public notice of the hearing shall be given, including notice by mail to every distinct street address within the geographic area described in the petition and to the appropriate community councils.

C. **Ballots.** No later than 30 days after the public hearing, the parking authority shall prepare a final residential parking program for the proposed residential parking zone and mail one ballot package to each distinct street address within the geographic area to be included in that zone so that a vote may be taken by the parking authority in the manner described by Sections 28.110.040 through 28.110.060. No more than one ballot shall be counted for each distinct street address within the proposed residential parking zone. Only those ballots received by the parking authority within 30 days after mailing by the parking authority shall be counted.

D. **Request for second ballot.** A second ballot may be taken for a residential parking zone and residential parking program for that zone if:

1. More than 50 percent of the timely received ballots approved the residential parking zone and program; and
2. A written request for a second ballot signed by three residents of the proposed residential parking zone is received by the parking authority within six months after certification of the first ballot results by the parking authority.

E. **Approval.** A residential parking zone and residential parking program for that zone shall be approved for the area described on the ballot only if:

1. More than 50 percent of the timely received ballots approve the residential parking zone and program; and
2. The approving votes constitute no less than 30 percent of the total possible votes as reflected by the number of ballots issued by the parking authority.

(AO No. 85-171, 1-1-86; AO No. 87-97, 3-1-87)

**9.65.045 Enlargement of existing residential parking zone.**

An existing residential parking zone may be enlarged to include an area of any size that is identified in a petition submitted by the residents of the geographical area to be annexed, so long as petition, eligibility and voting standards stated in Sections 9.65.020 through 9.65.040 are satisfied by the residents of the area to be annexed.

(AO No. 85-171, 1-1-86)

**9.65.050 Implementation of approved program; issuance of parking permits.**

A. An approved parking permit program shall be implemented no later than 60 days after the residents approve establishment of a particular residential parking zone. Implementation shall be complete upon availability of permits for issuance and erection of appropriate street signs and markings as contemplated by the approved residential parking program.

B. An approved residential parking permit program shall provide for issuance of permits to residents pursuant to subsections C and D of this section and may provide for issuance of a limited number of permits to nonresidents pursuant to subsection E of this section.

C. Upon payment of the appropriate fee designated for an approved residential parking program, proof of residency and proof that the vehicle to which the permit pertains is eligible for...
a permit, each resident of a residential parking zone may obtain one annual resident parking
permit for each vehicle which that resident has registered in his name, leased from another
person or otherwise gained lawful possession. A resident parking permit issued pursuant to this
subsection shall be valid for the calendar year in which it is issued.

D. Upon payment of the appropriate fee designated for an approved residential parking
program, proof of residency and submittal of a declaration that the permit shall be used for a
vehicle in the lawful possession of a person who is a guest of the resident, each resident of a
residential parking zone may obtain a temporary resident parking permit for a period of time not
to exceed 14 consecutive days for such a vehicle.

E. Upon payment of the appropriate fee designated for an approved residential parking
program and proof that the vehicle to which the permit pertains is in the lawful possession of the
applicant, a nonresident shall be eligible to apply for a nonresident parking permit which
exempts such vehicle from certain parking restrictions in a residential parking zone as
contemplated by the residential parking program approved for that zone.

F. All parking permit applications made pursuant to this section shall be made under oath and
in a form authorized by the parking authority.

G. On-street parking restrictions for a residential parking zone shall be stated on posted signs
and shall be enforceable against all vehicles other than those which display a valid parking
permit issued pursuant to this chapter and providing for exemption from such restrictions.

H. Each type of permit available for a particular residential parking zone shall be
distinguishable from every other type of permit available for that same zone. Permits issued for
each residential parking zone shall be distinguishable from permits issued for every other
residential parking zone.

I. Each parking permit issued pursuant to this section shall bear the date of permit expiration,
the vehicle license number for which it is issued, and the residential parking zone to which it
applies. A person to which a permit has been issued shall permanently affix the permit to the
vehicle in a location designated by the parking authority.

J. A residential parking permit issued for one residential parking zone shall not be transferable
to any other person, vehicle or different residential parking zone.

(AO No. 85-171, 1-1-86)

### 9.65.060 Decertification of residential parking zone.

A residential parking zone and residential parking program shall continue to exist until:

A. A petition is submitted which is signed by no less than 50 percent of the residents
within the residential parking zone and requests termination of the residential parking
zone program. The parking authority shall consider the signature of no more than one
resident for each distinct street address for the purpose of determining the sufficiency of
a petition under this subsection. The petition shall include the legibly printed name,
signature and complete street address for each resident who signs it; or

B. The total number of parking permits issued for the residential parking zone in any
year is less than 50 percent of the permits which were issued during the first year in
which the residential parking zone was established.

(AO No. 85-171, 1-1-86)

### 9.65.070 Use of parking permit.
A. Every vehicle which conspicuously displays a parking permit issued for that vehicle pursuant to Section 9.65.050 in a location designated by the parking authority shall be exempt from those parking restrictions established for the residential parking zone as provided by that parking permit. An exemption under this section does not apply to:

1. Parking restrictions in the residential parking zone which are not established by a residential parking program; and
2. Parking restrictions which are established by a residential parking program but which require a different type of permit for exemption.

B. Issuance of a parking permit to any person pursuant to this chapter shall not guarantee or reserve a parking space in the residential parking zone to which the permit applies.

(AO No. 85-171, 1-1-86)

9.65.080 Enforcement of parking restrictions; violations.

A. Parking restrictions established pursuant to an approved residential parking program shall be subject to enforcement in the manner described in Sections 9.30.240 through 9.30.320.

B. It shall be unlawful for any person to knowingly make a false statement in connection with an application for a parking permit pursuant to this chapter.

C. It shall be unlawful for any person to use or to allow another person to use a parking permit issued pursuant to this chapter on any vehicle other than the one for which the permit was originally issued.

D. Subsections B and C of this section shall be subject to enforcement by delivery of a notice of violation to the violator by personal delivery, certified mail, return receipt requested, or by affixing such notice to the violating vehicle, if it is unattended. If a violation for which notice is affixed to a vehicle is not resolved in a timely manner as provided in the notice, the parking authority shall cause an additional notice of the violation to be issued and mailed to the registered owner. The presumption of responsibility by a registered owner as stated in Section 9.30.300 shall apply to a notice of violation affixed to a vehicle pursuant to this section.

E. A person who is the subject of a notice of violation issued for a violation of subsection B or C of this section shall have a right to appeal to the parking authority. To be timely, an appeal under this section shall be filed no later than seven days after the date of the violation to which the appeal pertains or the date of a supplemental notice issued pursuant to subsection D of this section. An appeal hearing shall be conducted in accordance with Chapter 3.60.

F. A person who violates subsection A or B of this section shall be subject to a civil penalty of $150.00 and ineligibility for any residential parking zone permit for a period of two years following each such violation.

(AO No. 85-171, 1-1-86)