

ORDINANCE NO.: 2008-050

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking,
Division 3, Residential Permit Parking Districts*

BE IT ORDAINED by the Mayor and Council this 7th day of January, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article II, Stopping, Standing and Parking, Division 3, Residential Permit Parking Districts is amended to read as follows:

Sec. 12-101. Definitions.

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

Owned vehicles means automobiles registered at addresses in a permit parking district and operated on a regular basis by resident owners or tenants of residential units within a permit parking district.

Permit parking district means a residential district designated by resolution of the city council in which certain parking is limited to a specified time period, except to vehicles displaying a permit as provided in this division.

Visitor means a person or persons parking their vehicle in a permit parking district for the purpose of visiting the permit holder at the physical residence of the permit holder.

Sec. 12-102. Purpose of division.

The purpose of this division is to reduce hazardous traffic conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons utilizing adjacent commercial, industrial, educational, recreational, governmental or institutional uses; to protect such districts from polluted air, excessive noise, litter and refuse caused by the entry of such vehicles; to protect the residents of such districts from unreasonable burdens in gaining access to their residences; to preserve the character of such districts as residential districts; to promote efficiency in the maintenance of residential streets in a clean and safe condition; to preserve the value of the property in such districts; and to preserve the safety of children, other pedestrians and traffic in the district, as well as the peace, good order, comfort, convenience and welfare of the inhabitants of the city.

Sec. 12-103. Designation by council.

Whenever the city council shall determine, after a traffic survey of a particular residential area of the city and after a public hearing, that such an area is severely impacted by nonresidential on-street parking by reason of adjacent commercial, industrial, educational, recreational, governmental or institutional uses, such residential area may be designated as a permit parking district.

Sec. 12-104. Survey and recommendation.

- (a) Upon receipt of a petition signed by more than 50 percent of the resident property owners of a contiguous area, the department designated by the city manager to enforce residential parking permit regulations shall conduct a survey to determine whether such area should be designated as a permit parking district.
- (b) The department designated by the city manager to enforce residential parking permit regulations may adjust the boundaries of the proposed area if it is determined that the purposes of this division will be best served by such adjustment.
- (c) The department designated by the city manager to enforce residential parking permit regulations will conduct a block-by-block survey of the proposed area on a weekday. If more than 75 percent of the parking spaces are occupied by vehicles, 50 percent of which are not registered at addresses in the area, then the department designated by the city manager to enforce residential parking permit regulations shall certify the area as a proposed permit parking district and report his findings and

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recommendations to the city council; provided, however, if the area fails to qualify, the department designated by the city manager to enforce residential parking permit regulations may conduct additional surveys, if in the department's opinion the area is sufficiently impacted by nonresidential uses and further counts may be reasonably warranted.

(d) Upon receipt of the findings and recommendations of the department designated by the city manager to enforce residential parking permit regulations, the city council shall set a public hearing and may by resolution designate such area as a permit parking district and set the hours of regulation.

Sec. 12-105. Parking limitations; posting of signs.

Upon designation by the council of a permit parking district, the department designated by the city manager to enforce residential parking permit regulations shall designate within the district an adequate number of on-street parking spaces to reasonably ensure sufficient parking to residents and visitors of residents of the district. In such district, appropriate signs giving notice of the designation of the district as a permit parking district will be posted restricting all parking during the hours specified on such signs, except parking by the holders of permits for that district granted under this division.

Sec. 12-106. Resident and tenant permits.

(a) When an area has been designated as a permit parking district, each residential unit in the particular district may be issued by the department designated by the city manager to enforce residential parking permit regulations a maximum of two permits entitling owned vehicles to park in the restricted district. No vehicles shall receive a permit for more than one permit parking district at the same time.

(b) Upon showing proof of residency, any tenant living in a permit parking district who operates a vehicle may be issued, by the department designated by the city manager to enforce residential parking permit regulations, a permit entitling such vehicle to park in the restricted district. A vehicle may be entitled to a permit during such time as the tenant resides at the location designated on the application for the permit itself, and the permit shall automatically become void when the tenant vacates that location.

(c) The department designated by the city manager to enforce residential parking permit regulations may require an exterior inspection of the tenant property prior to the issuance of a permit. Where off-street parking exists at the tenant address, permits shall be issued only if the number of off-street spaces is less than the maximum number of tenant permits which may be issued for the rental unit(s)

Sec. 12-107. Visitor permits.

Every resident of a permit parking district shall be entitled to three portable visitor permits that shall be used for visitors of the residents of the area. Every tenant of the district shall be entitled to one portable visitor permit; provided that, if two or more tenants occupy the same rental unit, the tenants shall be entitled to a maximum of one visitor permit per rental unit. Tenants in rental units with available off-street parking for visitors shall not be entitled to a visitor's pass. The department designated by the city manager to enforce residential parking permit regulations may require an exterior inspection of the tenant property prior to the issuance of a permit. Where off-street parking exists at the tenant address, permits shall be issued only if the number of off-street spaces is less than the maximum number of tenant permits which may be issued for the rental unit.

At such time as the number of the number of residential parking permits exceeds the number of available on-street designated parking spaces such that adding more permits would cause undue congestion, the issuance of tenant visitor passes may be suspended.

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Sec. 12-108. Special permits; exemptions.

(a) Each resident and tenant of a permit parking district may obtain from the department designated by the city manager to enforce residential parking permit regulations special parking permits for stated times on a temporary basis for meetings, gatherings, funerals, social occasions and similar events occurring at the residential unit of the individual requesting the special permit. Application for a special permit shall be made 24 hours in advance to the department designated by the city manager to enforce residential parking permit regulations in writing stating the time and duration for which the permit is requested, the address and the approximate number of vehicles contemplated. It shall be unlawful for any person requesting a special permit to abuse this section or make false statements in requesting a special permit. Upon violation, the department designated by the city manager to enforce residential parking permit regulations shall immediately cancel all permits issued to the individual and the individual shall be subject to prosecution for violation of this division.

(b) Any truck or vehicle providing repairs, deliveries or other services to a resident of the area shall be exempted from the provisions of this division.

Sec. 12-109. Obedience to parking regulations.

No permit issued pursuant to this division shall entitle a person to park a vehicle on yellow lines in bus stops, loading zones, or fire hydrant or other prohibited zones, or to violate any applicable parking law.

Sec. 12-110. Permits to be property of city; confiscation of permits.

All permits issued under this division shall remain the property of the city. A resident permit found on a vehicle not registered at an address in the permit parking district shall be summarily confiscated by the department designated by the city manager to enforce residential parking permit regulations.

Sec. 12-111. Permit fees.

Fees will be charged as follows for permits issued under this division:

- (1) Owner Occupant vehicle permits: \$5.00 per vehicle for a 24-month period
- (2) Tenant vehicle permits: \$10.00 per vehicle for a 6-month period.
- (3) Owner Occupant Visitor permits: \$1.00 per vehicle.
- (4) Tenant Visitor permits: \$5.00 per vehicle.
- (5) Transfer to another vehicle: \$1.00 per vehicle.

Sec. 12-112. Violations; citations; penalty.

(a) Except as otherwise provided in this division, it shall be unlawful for any person to park a vehicle in a permit parking district without a permit or visitor's permit during any posted hours.

(b) Upon violation of this division, there shall be attached to such vehicle a citation to the owner thereof that such vehicle has been parked in violation of a provision of this division, stating the bond set by the court for such violation. Every person convicted of a violation of any of the provisions of this division shall be punished for each such violation by a fine of not less than \$25.00.

(c) Any vehicle parked in violation of a provision of this division for more than 12 consecutive hours shall constitute a public nuisance and shall be summarily towed at the expense of the owner. In such cases, a notice shall be affixed to the vehicle a minimum of 24 hours prior to towing.

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Sec. 12-113. Disposition of fees and fines.

The funds derived from parking permits and fines as provided in this division are hereby levied and assessed to provide for the proper regulation and control of traffic upon the public streets, and to cover the cost of the supervision, inspection, installation, operation, maintenance, control, enforcement and regulation of the parking of vehicles in the permit parking district created by this division.

Sec. 12-114. Denial or cancellation of permit.

The department designated by the city manager to enforce residential parking permit regulations shall have the power to deny the issuance of a permit under this division or cancel an existing permit if the vehicle is not an owned vehicle or the vehicle does not meet the criteria of this division, or if any individual is abusing the rights and privileges granted under this division. Upon cancellation of a permit, it shall be unlawful to use it, and the holder shall surrender the permit to the department designated by the city manager to enforce residential parking permit regulations immediately upon request.

Sec. 12-115. Appeals.

Any person aggrieved by the denial or cancellation of a permit under this division shall have the right to appeal such denial or cancellation to the head of the department designated by the city manager to enforce residential parking permit regulations upon written notice to the head of the department designated by the city manager to enforce residential parking permit regulations within ten days of such denial or cancellation.

Secs. 12-116--12-119. Reserved.

Requested by:

Parking Services _____


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 12/17/2008
Final Reading: 1/7/2009