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## CHAPTER 72 PARKING REGULATIONS\*

### 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)

\*Cross reference(s)--Parking in public parks, §97.052.

#### 72.02 Impoundment Procedures

(A) The police department is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city, under the circumstances hereinafter enumerated:

- (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 left unattended upon a street and is parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic; when any vehicle is left continuously and unattended upon any street, public parking deck or lot, for a period of more than 72 hours; and any time a vehicle is parked in a prohibited area that is so designated by signs or other official markings.

(4) When any vehicle is parked on a public street, parking deck or lot, designated by a sign or by curb marking as a tow-away zone.

(B) Whenever the police department removes a vehicle from a street 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 street 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 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.

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

(Ord. No. 4388, §1, 4-16-02)

Cross reference--Penalty, §72.99.

#### 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.

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- (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.

(Code 1965, §19-110; Ord. No. 1447, 6-7-65; Code 1991, §72.03)

**Cross reference(s)**--Penalty, §72.99.

**State law reference(s)**--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301; Stopping, standing, or parking prohibited in specified places, A.C.A. §27-51-1302; Stopping, standing, or parking outside of business or residence district, A.C.A. §27-51-1303.

### 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)

**Cross reference(s)**--Penalty, §72.99.

**State law reference(s)**--Unattended motor vehicles, A.C.A. §27-51-1306.

### 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)

**Cross reference(s)**--Penalty, §72.99.

**State law reference(s)**--Starting of vehicles, A.C.A. §27-51-1308.

### 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)

**Cross reference(s)**--Penalty, §72.99.

**State law reference(s)**--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301.

### 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)

**Cross reference(s)**--Penalty, §72.99.

### 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.

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(Code 1965, §19-122; Ord. No. 1447, 6-7-65; Code 1991, §72.08)

**Cross reference(s)**--Penalty, §72.99.

### **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)

**Cross reference(s)**--Penalty, §72.99.

### **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 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-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 personal shall park any vehicle in any two-hour parking zone located in the city for longer than two 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)

**Cross reference(s)**--Penalty, §72.99.

**State law reference(s)**--Following fire apparatus, A.C.A. §27-51-902.

### **72.15 Parking Restrictions For Trucks, Tractors And Trailers**

No person shall park a truck, tractor or trailer with a capacity of 3/4 ton or larger, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m., nor shall any person use any street for the purpose of repairing or reconditioning any such truck, trailer of any common carrier or any part thereof, except when much repairs shall be necessitated by an emergency.

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

**Cross reference(s)**--Penalty, §72.99.

### **72.16 Parking Prohibited Within Fire Lanes at Northwest Arkansas Mall And Elsewhere**

(A) It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire

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lane at Northwest Arkansas Mall or elsewhere.

- (B) 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 shall 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)

**Cross reference(s)**--Penalty, §72.99.

### 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)

**State law reference(s)**--Penalties, A.C.A. §27-15-305; Parking privileges - Exceptions, A.C.A. §27-15-312.

Federal law reference(s)--Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A. Secs. 72.18--72.29. Reserved.

### 72.18-72-29 Reserved

## 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.

- (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)

**Cross reference(s)**--Penalty, §72.99.

### 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 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

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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 30 minutes.

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

**Cross reference(s)**--Penalty, §72.99.

### **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.
  - (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)

**Cross reference(s)**--Penalty, §72.99.

### **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 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)

**Cross reference(s)**--Penalty, §72.99.

### **72.34 Parking Signs Or Curb Markings Required**

Whenever, by any provision of this chapter, a parking time limit is imposed or parking is prohibited on any street or part of street, it shall be the duty of the traffic superintendent to erect appropriate signs or to paint appropriate curb markings on such street or part of street giving notice thereof, and no such regulations shall be effective unless such signs are erected or such curb markings are painted and in place on the side or sides of the street or part of street when parking time is limited or prohibited at the time of any alleged offense.

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

**Cross reference(s)**--Penalty, §72.99.

### **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:

*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

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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)

### **72.51 Presumption As To Unlawful Parking In Metered Space**

The indication on the parking meter that time has expired shall be presumptive evidence, as to a parked vehicle then found in the parking space regulated by such parking meter, that the owner or driver failed to deposit or cause to be deposited the required coin or coins in the meter and the indication by such meter of a "violation" shall be presumptive evidence of unlawful parking.

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

### **72.52 Purpose Of Deposit Requirement**

The coins required to be deposited in parking meters by this article are for the purpose of regulating parking and to cover part of the cost of such necessary regulation for the convenience and protection of the public.

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

### **72.53 Depositing Slugs Prohibited**

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.

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

**Cross reference(s)**--Penalty, §72.99.

### **72.54 Tampering With Meters 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 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)

**Cross reference(s)**--Penalty, §72.99.

### **72.55 Collections From Meters**

The mayor shall assign or cause to be assigned a competent person to make collections of deposits from parking meters installed under this article. Such collections shall be delivered to the city controller and deposited to the credit of the city.

(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)

### **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 two feet from the curb nor more than four 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

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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) Except in a period of emergency determined by an officer of a fire company or of the police department, or except in compliance with the directions of a police officer or traffic control signal, when any vehicle shall be parked in a space regulated by a parking meter installed under this subsection, between the hours of 8:00 a.m. and 6:00 p.m., on any day except Sunday and public holidays, the owner, operator or driver of such vehicle shall, upon entering such parking space, immediately deposit in the parking meter regulating such space one or more coins of the United States of America designated in subsection (F) below. The failure to deposit such proper coin or coins shall be deemed a violation of this section.
- (F) Any vehicle parking or standing in any parking meter space within a zone established by this section may lawfully occupy such space for one hour or less by paying the same rate as established in §72.58(H), Parking lot fees, (1) short term metered spaces.
  - (1) Upon the expiration of the legal parking time as above prescribed, it shall be the duty of the owner or driver of the vehicle forthwith to remove the vehicle from the parking space, and it shall be unlawful for any person to cause, allow, permit, or suffer any such vehicle

driven by him or registered in his name to be parked or standing overtime or remain therein beyond the parking time limit prescribed by this section. It shall likewise be unlawful for any person to permit a vehicle driven by him/her or registered in his name to remain or be placed in any parking space alongside of or next to which any parking meter is placed while the parking meter is displaying a signal showing that the time for which the privilege to park in such space has been granted has expired, without making the deposit required in this section.

- (2) Each hour or portion thereof that a vehicle is parked overtime in violation of this section shall constitute a separate offense.
- (3) This section shall not be applicable on days or during hours in which subsection (E) above does not require the deposit of a coin in the parking meter.

(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)

**Cross reference(s)**--Penalty, §72.99.

**72.58 Off-Street Parking Meter Facilities;  
Rates For City Garage**

- (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:
  - (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-

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- 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.
- (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.* 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 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 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

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in operation when so required, shall constitute a violation of this section. Upon the deposit of such coin (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) *Deposit of coin required at gated lot.* 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 a gated off-street parking lot without the usage fee prescribed by subsection (H) below having first been deposited.

(H) *Parking lot fees.* The following off-street parking rates are hereby established:

- (1) Short-term metered spaces (gray capped meters) - \$0.25 per hour;
- (2) Long-term metered spaces (red capped meters) - \$0.15 per hour;
- (3) Gated lots (per space) - \$30.00 per month;
- (4) Long-term parking permits (hang tags) for use at long term meters only - \$30.00 per month;

(I) *Rates for parking in city parking garages.*

- (1) City parking garage on Meadow Street:
  - (a) First level (covered), \$45.00 per space/per month, or not more than \$4.00 per visit if entry not restricted.
  - (b) Second level (covered), \$45.00 per space/per month.
  - (c) Third level (not covered), \$30.00 per space/per month, or not more than \$3.00 per visit if entry not restricted.
- (2) Parking garages built or purchased after January 1, 2000, including the Town Center,

shall be rented at a market rate not to exceed a uniform fee of \$70.00 per month/per space.

- (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 parking space in a parking meter facility established by this section beyond the parking time limit set for such parking space, and if the meter indicates such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this section. 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 overtime, or beyond the period of legal parking time established for any parking meter facility as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter space or to permit any such vehicle to remain or to be placed in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying such space has already been parked beyond the period prescribed for such parking space.

- (2) Each additional hour or fraction thereof that a vehicle is parked in violation of this section shall constitute a separate offense.

- (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 a gated off-street parking lot for more than 24 continuous hours. Each additional hour or fraction thereof that a vehicle is parked in violation of this section shall constitute a separate offense.

(K) *One-way traffic.*

- (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

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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.

(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 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 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 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.

(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

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immobilization device from the vehicle.

(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)

**Cross reference(s)**--Penalty, §72.99.

## **72.59-72.98 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 §§72.13, 72.57 or 72.58(J) shall be \$5.00, if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, 72.58(J) shall be \$25.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) in excess of five parking violations in any calendar month shall be \$25.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, or 72.58(J) in excess of five parking violations in any calendar month shall be \$50.00.

