

ORDINANCE NO. 5324

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS** OF CHAPTER 72 **PARKING REGULATIONS** BY CHANGING ITS NAME AND ADDING PROVISIONS FOR AN ELECTRONIC PAYMENT STATION PROGRAM FOR PAID PARKING LOTS AND PAID ON-STREET PARKING AND FOR OTHER REASONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Article III **Parking Meters** of Chapter 72 **Parking Regulations** by renaming Article III **Parking Meters and Electronic Payment Stations** and adding the following definitions to §72.50 **Definitions**:

“Electronic Payment Stations”: A place where a person who has parked his vehicle in a 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.

‘Proximity Access Card’: A card issued by the Parking Division for a monthly fee that allows the user to access and use gated parking lots in the Entertainment District Parking Zone on weekdays from 7:00 a.m. until 4:00 p.m.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.51 **Presumption As To Unlawful Parking in Metered Space** by repealing it in its entirety and enacting a replacement §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.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.52 **Purpose of Deposit Requirement** by repealing it in its entirety and enacting a replacement §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.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.53 **Depositing Slugs Prohibited** by repealing it in its entirety and enacting a replacement §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.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.54 **Tampering with Meters Prohibited** by repealing it in its entirety and enacting a replacement § 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.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.55 **Collections from Meters** by repealing it in its entirety and enacting a replacement § 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.”

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.57 **Parking Meter Zones** by repealing subsection (E) and subsection (F) in their entirety and enacting replacement subsections as shown below:

“§72.57

(E) *Regulated hours for parking meters.*

- (1) Within the Entertainment District Parking Zone between the hours of 10 a.m. until 2:00 a.m. Monday –Saturday and 1:00 p.m. until 2:00 a.m. on Sunday, the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(H), in the parking meter.
- (2) Outside the Entertainment District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. Monday – Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(G) in the parking meter.

“(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.”

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.58 Off-Street Parking Meter Facilities; Rates for City Garage by renaming the section **Off-Street parking Facilities; Rules and Rates** and by repealing subsections (G), (H) and (J) in their entireties and enacting replacement subsections (G), (H) and (J) and a new subsection (M) as shown below:

“(G) *Gated parking lots, parking decks and parking meters outside the Entertainment Parking District Zone.* For all the parking lots identified in subsection (A) and all parking meters outside the Entertainment Parking District 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 parking lots:

- (1) Long-term metered spaces (red-capped parking meters) -- \$.15 per hour.
- (2) All other parking meters -- \$.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 -- \$30.00 per month.
- (5) City Parking Deck at Meadow Street -- \$45.00 per month for first and second levels, \$30.00 per month for third level, plus single day usage fee of not more than \$4.00 if space is available.
- (6) Town Center Parking Deck – not more than \$70.00 per month nor more than \$4.00 per day if space is available.

(H) City parking lots and paid on-street parking spaces within the Entertainment District Parking Zone.

For Parking Lots 50, 55, 56 and 60 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) 10:00 a.m. until 5:00 p.m. – \$.50 per hour with a maximum charge of \$3.00
- (b) 5:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00
- (c) 2:00 a.m. until 10:00 a.m. – free parking

(2) Saturday

- (a) 10:00 a.m. until 6:00 p.m. – \$.50 per hour with a maximum charge of \$3.00
- (b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with maximum charge of \$5.00
- (c) 2:00 a.m. until 10:00 a.m. – free parking

(3) Sunday

- (a) 1:00 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 with a maximum charge of \$5.00
- (c) 2:00 a.m. until 1:00 p.m. – free parking

(4) 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.

(5) Monthly daytime parking permits (Proximity Access Cards) for gated parking lots in the Entertainment District Parking Zone.

Persons desiring to purchase monthly access to and parking within gated lots in the Entertainment District Parking Zone between the hours of 7:00 a.m. and 4:00 p.m. on weekdays (excluding holidays) may purchase a Proximity Access Card for \$35.00. Any Proximity Access Card holder shall be required to pay normal hourly parking fees for any parking within the lot beyond 4:00 p.m. Special events authorized by the Mayor that require use of the gated parking lot will supersede the rights of monthly parkers during such event.

(6) Discounted parking rates for employees. (Employee Parking Cards) In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue Employee Parking Cards that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

(I) *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.

(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 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).

(M) The Mayor is empowered by proclamation and issuance of a special event permit to assign any or all city owned paid parking lots and specifically designated or all on-street paid parking spaces within the Entertainment District Parking Zone for the use of a permitted special event or other necessary reason for not more than sixteen (16) days per calendar year.

PASSED and **APPROVED** this 1st day of June, 2010.

APPROVED

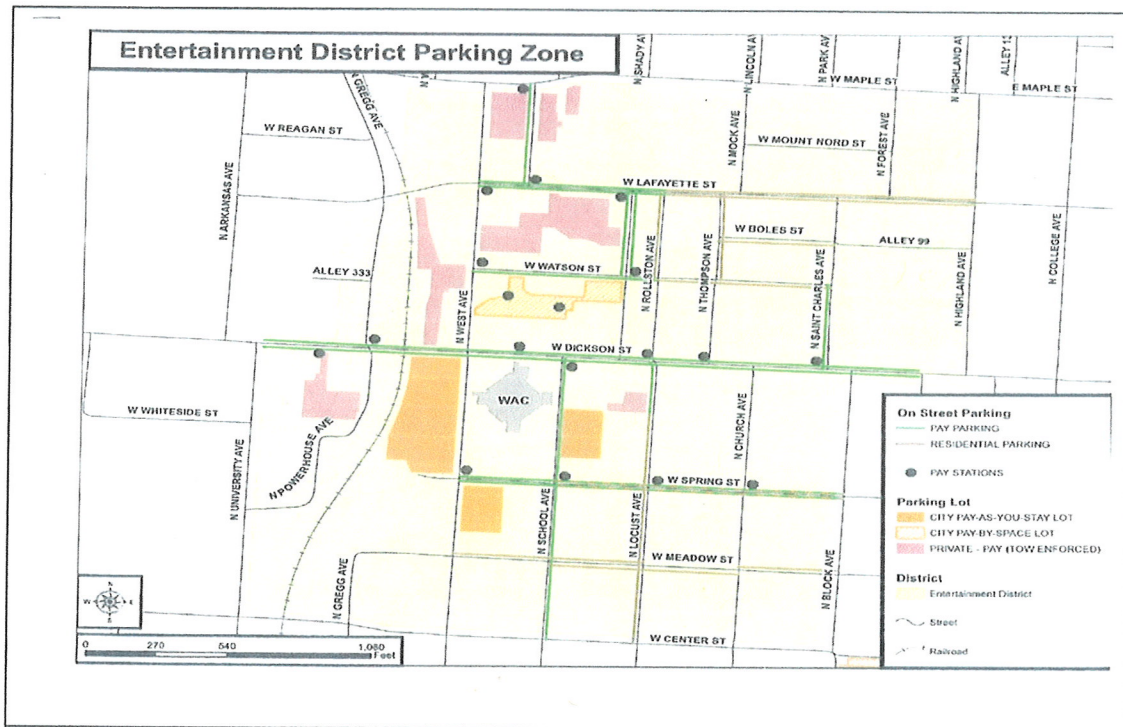
ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



EXHIBIT A



Outside Boundaries of the Entertainment District Parking Zone:

1. North Boundary: Up to but not including W. Maple Street
2. East Boundary: Up to and including N. Highland Ave.
3. South Boundary: Up to but not including W. Center Street
4. West Boundary: Up to but not including N. University Ave.
5. Thompson Ave. from Lafayette Street to Watson Street

On-Street Pay Parking in the Entertainment District Parking Zone:

1. N. Vandeventer Ave.
2. W. Lafayette Street
3. N. Campbell Ave.
4. W. Watson Street
5. N. St. Charles Street
6. W. Dickson Street
7. N. School Ave.
8. N. Locust Ave. between 225 N. Locust and Dickson Street
9. W. Spring Street

Pay Parking Lots in the Entertainment District Parking Zone:

1. Lot 50 – Northwest corner of West Ave. and Dickson St. (251 N. West Ave.)
2. Lot 56 – Southeast corner of West Ave. and Spring Street
3. Lot 60 – 246 N. School Ave.
4. Lot 55 – Southwest corner of Watson St. and Campbell Ave. (320 W. Watson Ave.)