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## CHAPTER 35A

### RESIDENTIAL PERMIT PARKING

#### ARTICLE I. INTRODUCTORY PROVISIONS

##### SECTION 35A-1. Purpose.

This Chapter is declared to be enacted for the purpose of promoting the safety, convenience and general welfare of the inhabitants of Cedar City, Utah, and authorizes a program by which property owners and residents in qualifying residential areas can receive preferential treatment when competing with commuter vehicles for available street parking in highly congested areas. It has been determined that such congestion creates adverse impacts to the general health, safety and welfare of citizens within such areas. Through a residential permit program, the integrity of such neighborhoods may be preserved and enhanced. In addition, specific safety concerns may be resolved through this program.

##### SECTION 35A-2. Definitions.

- (1) Commuter Vehicle: A motor vehicle parked in a residential permit parking area which does not qualify as a resident vehicle.
- (2) Dwelling: A building or portion thereof designated for residential purposes.
- (3) Lease: Consideration received for use of a parcel of real property as a residence or place of business.
- (4) Motor Vehicle: Automobile, truck, motorcycle, or other motor-driven vehicle not in excess of 10,000 pounds gross weight.
- (5) Non-Resident Permit: A permit issued pursuant to this Chapter for use on a commuter vehicle in those residential permit parking areas where such permit is formally authorized.
- (6) Resident: A person who resides in a residential area on a regular basis.
- (7) Resident Permit: A permit issued for use on a resident vehicle while parked in a residential permit parking area.
- (8) Residential Permit Parking Area (permit area): A residential area designated as herein provided wherein motor vehicles displaying valid permits shall be exempt from parking regulations applicable to commuter vehicles.
- (9) Resident Vehicle: A motor vehicle owned or under the control of a resident or property owner within the permit parking area.

##### SECTION 35A-3. Administration.

The residential permit parking program shall be administered in cooperation by the Chief of Police and City Engineer. The Chief of Police and City Engineer shall delegate such authority as required for effective administration of this Chapter.

#### ARTICLE II. DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS

#### **SECTION 35A-4. Designation Criteria.**

(1) General Criteria. A residential area shall be deemed eligible for consideration as a residential permit parking area if it is determined that the residential area is adversely affected by commuter vehicles for any extended period.

(2) Specific Factors. In determining alleged adverse effects upon an area, the following factors shall be included for evaluation:

(a) The extent of need by the residents for residential permit parking as evidenced by receipt of verified petitions as required herein;

(b) The extent to which on-street parking spaces are occupied by motor vehicles during the period proposed for parking regulations;

(c) The extent to which vehicles parked in the area proposed for parking regulations are commuter vehicles rather than resident vehicles; and

(d) The extent to which resident vehicles in the residential area cannot be accommodated by the number of off-street parking spaces.

(3) Threshold Technical Criteria. The following technical threshold criteria must be satisfied within a proposed area:

(a) 70% or more of the parking capacity is generally occupied;

(b) Such occupancy shall continue for any consecutive 4-hour period; and

(c) An unusual portion of the on-street parking shall be by commuter vehicles, such that the presence of commuter vehicles adversely affects the ability of residents to obtain on-street parking.

#### **SECTION 35A-5. Designation Process.**

(1) Petition. Upon receipt of a petition signed by 60% of residents and/or property owners in the residential area proposed for designation, calculated in accordance with 35A-5(4)(b), the Chief of Police and City Engineer shall undertake or cause to be undertaken such surveys or studies as deemed necessary to determine whether the residential area satisfies the threshold criteria.

(2) Filing Fee. An application fee of \$2.00 per tax parcel shall be submitted with said petition.

(3) Surveys and Studies. Within 30 days of receipt of the petition, surveys and studies for general designation and criteria shall be completed. The boundaries of the proposed area may be modified at the discretion of the Chief of Police and City Engineer to conform to findings of such studies.

(4) Supplement to Petition. Upon certification by the Chief of Police and City Engineer that the threshold and general criteria are satisfied, petitioners shall have 90 days to qualify the petition with the following supplementary information:

(a) A list from Iron County of each tax parcel and property owner of record within the area; and

(b) The signatures of 67% of the total number of residents and property owners counted together within the recommended permit area, if the boundary has been altered from the original petition. (For purposes of counting residents, each authorized dwelling unit shall be given one count. For purposes of counting owners, each separate tax parcel shall receive

one count. Condominiums and other such projects shall receive one count per owner of separate units, and one count for the ownership association. Vacant dwelling units shall not be counted if a list of vacant dwelling units is submitted with a petition, unless the listed owner of the dwelling unit elects to sign for each vacant unit. An owner may sign for a parcel, but may not sign for an occupied dwelling unit in which the owner does not reside.)

(5) Denial of Petition. If the supplemented petition is not submitted within 90 days, the petition will automatically be denied. For a period of one year following such denial, no new petition shall be accepted.

(6) Public Hearing. Within 30 days of filing a supplemented petition, the petitioner shall request a public hearing before the City Council for the purpose of receiving public comment relative to the petition, and to determine boundaries as well as appropriate regulations on parking fees, issuance of permits and other impacts of approval and implementation.

(7) Notice of Public Hearing. At least 10 days prior to the hearing date, it is hereby mandated that petitioner provide notice of public hearing as follows:

- (a) Published notice in a newspaper of general circulation, one time only;
- (b) Posted notice not more than 400 feet apart along the streets proposed to be included in the permit area; and
- (c) Mailed or hand-delivered notice to the listed residents, property owners and those institutions known to generate a significant volume of commuter parking in the proposed area. The notice shall state the purpose of the hearing, the location, the proposed boundaries of the permit area, the proposed fee schedules and formulas for issuance, and the location of all information on file and available for public review. Petitioner shall provide the City Recorder with an Affidavit of Publication from the newspaper verifying publication. In addition, petitioner shall sign an affidavit verifying performance of all other notice requirements required herein.

(8) Ordinance Designating Residential Permit Parking Area. After review of all factors at the public hearing, and in the event that the City Council approves the residential permit parking area, the permit area shall be established by Ordinance only. The Ordinance shall set forth the proposed boundaries of the residential permit parking area and the proposed parking regulations, including administrative provisions for issuing permits and an implementation schedule.

## **ARTICLE III. IMPLEMENTATION OF RESIDENTIAL PERMIT PARKING AREA**

### **SECTION 35A-6. Posting of Residential Permit Parking Area.**

Upon passage of the Ordinance designating a residential permit parking area, the Chief of Police and City Engineer shall cause appropriate signs to be posted in the area indicating thereon parking regulations and conditions under which permit parking shall be exempt therefrom.

### **SECTION 35A-7. Issuance of Permits.**

Parking permits shall be issued by the City Office. Each permit shall set forth the particular residential permit parking area as well as the license number of the motor vehicle for which it is issued. No more than two permits shall be available to any one dwelling unit.

### **SECTION 35A-8. Permittee Classifications.**

The following classifications of persons or entities may be issued parking permits for motor vehicles under their control pursuant to the provisions set forth above: (a) residents of the permit area; (b) non-residents who own or lease property in the permit area for business purposes; and (c) non-residents employed within the permit area. (A non-residential permit may be issued upon payment of non-residential fee if so authorized in the Ordinance.)

### **SECTION 35A-9. Rights of Permittee.**

Issuance of a permit shall not guarantee to the holder thereof an on-street parking space within the designated residential permit parking area.

A motor vehicle bearing a valid parking permit displayed as provided for shall be permitted to park in the permit area for which the permit has been issued without being limited by parking regulations or prohibitions applicable to commuter vehicles. The permit does not exempt drivers and owners from complying with general parking regulations. Motor vehicles not displaying a permit but parking within a residential parking permit area shall be subject to the commuter vehicle parking regulations and the penalties imposed by law.

### **SECTION 35A-10. Display of Permits.**

Permits shall be displayed on an authorized vehicle so as to be clearly visible in the rear windshield.

### **SECTION 35A-11. Visitor Permits.**

Visitor permits shall be issued on a temporary basis to residents and property owners located in a designated residential permit parking area for use by their bona fide transient visitors for a limited duration not to exceed 30 days. Prior to expiration, the vehicle bearing a visitor permit shall have all

the parking rights held by permanent permittees. Appropriate requirements or limitations on visitor permits and accompanying fees shall be recommended for each area by Ordinance.

**SECTION 35A-12. Application for Permit.**

Each application for a parking permit shall contain identity of applicant, claim for permit eligibility, authorized residence or property ownership within the permit area, the license number of the subject motor vehicle, and such other information as may be deemed relevant by the City. Applications shall be accompanied by a non-refundable fee as established in the Ordinance.

**SECTION 35A-13. Duration of Permits.**

Each parking permit shall be valid for a period not to exceed the term of residency and/or existence of the permit area, whichever is less. Permits are not transferrable.

**SECTION 35A-14. Fees.**

Fees to cover administration costs of the permit program, including fees for permits and applications, shall be established by the Ordinance establishing the permit area.

**SECTION 35A-15. Amendment of Permit Areas; Notice and Hearing.**

The Chief of Police and/or City Engineer may initiate a proceeding to remove a residential permit parking area or any portion thereof from designation under the program upon notice and hearing. Said notice shall contain:

- (a) A description of the intention to remove, amend or delete a permit area or any portion thereof;
- (b) A description of any amended regulations, or the area or streets to be deleted; and
- (c) The date, time and place of a public hearing before the City Council to consider proposed changes.

At least 10 days before the hearing, notice shall be given by the entity requesting such amendment in accordance of Section 35A-5 (7). After review of all factors at the public hearing, and in the event that the City Council approves such amendment or deletion, the same shall be established by Ordinance.

## **ARTICLE IV. PENALTY PROVISIONS**

### **SECTION 35A-16. Violations.**

(1) It shall be unlawful for any person to stand or park a motor vehicle or to cause the same to be done contrary to parking regulations established pursuant to this Chapter.

(2) It shall be unlawful for any person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application.

(3) It shall be unlawful for a person holding a valid parking permit to use or display such permit on a motor vehicle other than that for which the permit was issued. Such conduct shall constitute an unlawful act by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it was issued.

(4) It shall be unlawful for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit.

### **SECTION 35A-17. Revocation of Permit.**

Violation of the terms of the residential permit parking program shall be deemed a forfeiture of any and all privileges granted through the permit.

(a) Any permit holder convicted of a violation of this Chapter may be required to surrender such permit as a part of sentencing.

(b) The Chief of Police and City Engineer are authorized to revoke the permit of any person found to be in violation of this Chapter. Upon written notification, the person shall surrender such permit. Failure to do so shall constitute a violation of this Chapter.

(c) In the event the Chief of Police or City Engineer have good cause to believe that any person or entity is abusing the visitor permit system, the permit holder shall be notified. Any further application for a visitor permit by such person or entity may be denied for a period of not more than one year.