

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED October 7, 2008
REFERRED Transit and Parking
Commission; BOE

Amending various portions of Sections 12.1375 and 12.138 of the Madison General Ordinances to increase permit fees, to update language pertaining to the Director of Transportation, and update language pertaining to residential parking permits.

RULES SUSPENSION _____
PUBLIC HEARING _____

Drafted by: Jaime Staffaroni

Date: September 29, 2008

SPONSORS: Ald. Solomon

DRAFTER’S ANALYSIS: These amendments and fine increases are to be effective as of 1/1/09. Section 12.1375, MGO, is being amended to establish permits for one-hour parking zones and to increase the permit fee from \$2 a day to \$5 a day. Additionally, the language of Director of Transportation is being eliminated and replaced with City Traffic Engineer and Parking Manager to be consistent with the current job titles. Section 12.138 (8)(a), MGO, is being amended to strike the language requiring a driver’s license number to apply for a residential parking permit and including new language to provide for an on-line system for application and renewal. Section 12.138(10)(a), MGO, is being amended to clarify that persons holding a residential parking permit who change license plates must notify the Director of Transportation. Section 12.138(10)(c), MGO, is being amended to strike to the language of Transportation Commission and replace it with Transit and Parking Commission to be consistent with the current title. Additionally, Section 12.138(11), MGO, is being amended to increase the charge for a duplicate residential parking permit from \$1 dollar fee to a \$5 fee.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.1375 of the Madison General Ordinances entitled “Permits for Nonmetered Two-Hour Parking Zones” is amended to read as follows:

12.1375 PERMITS FOR NONMETERED TWO-HOUR AND ONE-HOUR PARKING ZONES.

- “(1) The purpose of this ordinance is to provide a means for operators of motor vehicles to park in excess of the posted one-hour or two-hour, on-street nonmetered parking restrictions contained in Sections 12.137 and 12.139 of these ordinances, for loading and unloading equipment, furniture, fixtures and supplies necessary to and in the vicinity of their work. For purposes of this section, “equipment, furniture, fixtures and supplies necessary” is intended to mean that the operator is using the vehicle for storage of materials or tools needed on the job or is engaged in moving articles or as a work space necessary to the job.
- (2) The ~~Director of Transportation~~City Traffic Engineer and Parking Manager or his or her designee is authorized to issue permits to relieve the permit holder of the one or two-hour parking restriction but only to vehicles actively engaged in performing construction, repair or moving work in the immediate vicinity of the parking area and where the vehicle is necessary for loading, unloading or storing tools or supplies used in servicing buildings in the vicinity and where the vehicle is not owned or operated by the owner of the premises or an employee of a business operated on the premises.
- (3) Application for a permit must be made to the ~~Director of Transportation~~City Traffic Engineer and Parking Manager by a firm or individual who will be engaged in repair, construction or moving work. The application shall be in writing and on a form designated by the ~~Director of~~

Approved as to form:

~~Transportation~~City Traffic Engineer and Parking Manager. Permits may be purchased in any number either in person or by mail. Permits shall cost \$25 per day and each permit is valid for only the one date listed on the permit. One permit may only cover one vehicle. The permit holder shall be responsible for filling in the required information on the permit form before using the permit.

- (4) No person may alter or use a permit with an altered expiration date.
- (5) Permits may only be used to allow a vehicle for the purposes herein stated to park in excess of the one or two-hour limit at locations specified in Secs. 12.137 and 12.139 of these ordinances. All other stopping, standing and parking restrictions remain applicable to vehicles with permits. The issuance of a permit does not guarantee that a parking space will be available at any specific location.
- (6) Permits must be displayed only on the inside of the street-side, front door window facing out. Permits not displayed as indicated are not valid.
- (7) Use of the permit for other than the uses specified in this ordinance or tampering with a permit may be grounds for revocation or suspension of the right to use these permits and may require the return of unused permits. In addition, the person or firm misusing or tampering with a permit shall be subject to a forfeiture of not more than \$200 for each act of tampering or each day or fraction thereof of improper use.
- (8) The ~~Director of Transportation~~City Traffic Engineer and Parking Manager or his or her designee may withdraw the right to use a permit in any one block of a street if traffic, parking or weather conditions so warrant.”

2. Subdivision (a) of Subsection (8) entitled “Application” of Section 12.138 entitled “Residential Daytime Parking Privileges for ‘Commuter Parking Impacted’ Streets” of the Madison General Ordinances is amended to read as follows:

- “(a) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle’s make, model, and registration number, ~~and the number of the applicant’s operator’s permit~~. The motor vehicle’s registration and the operator’s driver license shall be required to be presented to the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager or his/her designee, or presented through an on-line process, at the time of making said application. In order to verify that the applicant legally resides at the address for which the permit is requested, the motor vehicle’s registration and the operator’s driver license shall show the address of the dwelling unit in the area for which the permit is sought. If the applicant for a residential parking permit is the owner of the vehicle sought to be registered and his/her permanent residence is at the address for which the permit is sought, then said vehicle shall be registered at the permanent address and shall have valid State of Wisconsin motor vehicle plates. If the applicant for a residential parking permit has his/her permanent residence at the address for which the permit is sought but the vehicle under his/her control indicates another address of residence for the owner of said vehicle, the applicant shall be required to certify that said vehicle is kept by the applicant and only at the address for which the permit is requested and that it will not be kept at any other location for the duration of the permit’s validity. The applicant shall also provide an executed lease or other reasonable proof showing residence for the dwelling unit within the area for which the permit is sought. The permit shall be renewed annually upon such conditions and procedures as the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager shall specify. The permit shall display the motor vehicle’s license and expiration date.”

3. Subsection (10) entitled “Transferability” of Section 12.138 entitled “Residential Daytime Parking Privileges for ‘Commuter Parking Impacted’ Streets of the Madison General Ordinances is amended to read as follows:

- “(10) Transferability.
- (a) Only the registered motor vehicle with the license plate named on the residential parking permit shall be eligible to display this permit. Any transference of this permit to a vehicle other than that named on the permit or a change of license plate to the registered motor vehicle without providing notice to City Traffic Engineer and Parking Manager shall constitute a violation of this ordinance.

- (b) It shall constitute a violation of this ordinance for any person to falsely represent herself/himself as eligible for a residential parking permit or to furnish any false information in an application to the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager in order to obtain a residential parking permit. A residential parking permit is valid only while the permittee resides within the area for which it was issued. Any change of address of the permittee shall be reported to the ~~Parking Division~~City Traffic Engineer and Parking Manager within seven (7) days. Failure to so report a change of address shall constitute a violation of this ordinance.
- (c) The ~~Traffic Engineer~~City Traffic Engineer and Parking Manager is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this ordinance and, upon written notification thereof, the permittee shall surrender such permit to the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager. Failure to surrender a residential parking permit so revoked, shall constitute a violation of this ordinance. When a Residential Parking Permit is so revoked no other permit shall be granted to such person or vehicle registered to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit so revoked be refunded. Any revocation imposed by the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager may be appealed within ten (10) days of such notice of revocation to a subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the ~~Traffic Engineer's~~City Traffic Engineer and Parking Manager's determination. Said subcommittee shall consist of the chair of the ~~Transportation Commission~~Transit and Parking Commission or designee, one (1) Alderperson and one (1) citizen who are members of the Transit and Parking Commission appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote modify or reverse the revocation imposed by the ~~Traffic Engineer~~City Traffic Engineer and Parking Manager.
- (d) It shall be a violation of this ordinance for any person to copy, reproduce or resell a permit."

4. Subsection (11) entitled "Permit Fee" of Section 12.138 entitled "Residential Daytime Parking Privileges for 'Commuter Parking Impacted' Streets of the Madison General Ordinances is amended to read as follows:

"(11) Permit Fee. A permit fee of twenty-one dollars (\$21) per year shall be charged. The charge for a duplicate permit shall be ~~one dollar (\$1)~~ five dollars (\$5)."