



Legislation Text

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**Fiscal Note**

The proposed ordinance change grants the Parking Manager authority to designate a street eligible as a residential permit parking street under specific conditions, redefines the public hearing procedure, and clarifies existing language. There is no anticipated fiscal impact with these changes.

**Title**

SUBSTITUTE - Amending Section 12.138 of the Madison General Ordinances to grant the Parking Manager authority to designate a street eligible as a residential permit parking street under specific conditions, while redefining the public hearing procedure, and clarifying existing language.

**Body**

DRAFTER'S ANALYSIS: This proposal amends Sec. 12.138, MGO, to provide another manner by which a street may be deemed a residential permit parking street. The existing procedure, located in Subsection (4), provides for a petition process, among other necessary qualifications. In lieu of the petition process eligibility requirements outlined in Subsections (4)(d) and (4)(e), this proposal creates specific authority for the Parking Manager to designate a street eligible as a residential permit parking street, provided that the Parking Manager has satisfied the remaining necessary qualifications in Subsection (4), as well as fulfilled three additional conditions. In addition to the Parking Manager's determination that such designation would further the purpose of the ordinance, the Parking Manager need also seek the feedback of any active, applicable neighborhood association(s) and obtain the agreement of the applicable alder(s). Should any of these conditions not be met, the petition process outlined in Subsections (4)(d) and (4)(e) would be the only option by which to deem a street eligible as a residential permit parking street.

This proposal further redefines the public hearing procedure. A public hearing is now required in all instances of withdrawal of an existing designation of a street as a residential permit parking street. In addition, the Parking Manager and/or alder(s) at issue may request a public hearing for the Transportation Commission's approval of an eligibility determination of a street and block that qualifies for the program under either the existing procedure in Subsection (4) or the new procedure outlined in Subsection (5).

Moreover, this proposal further clarifies the role of City Parking Manager in light of recent restructuring, and specifies those streets deemed "Residential" for purposes of this ordinance. This proposal also contains minor clarifying edits to existing language, such as listing the exact effective date of Subsection (15).

This substitute eliminates the reference to Common Council approval of the designation of a residential permit parking street. The TPPB approved an ordinance change substituting the reference to Council approval with Transportation Commission approval in Subsection (8). However, Commission approval is not required to designate a residential permit parking street either. Under Subsection (7)(a), the Parking Manager or applicable alder(s) may request a public hearing and Commission approval, if desired. As such, this substitute does not refer to Commission approval before issuance of a residential parking permit.

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

Section 12.138 entitled "Residential Daytime Parking Privileges for "Commuter Parking Impacted" Streets" of the Madison General Ordinances is amended to read as follows:

**"12.138 RESIDENTIAL DAYTIME PARKING PRIVILEGES FOR "COMMUTER PARKING IMPACTED" STREETS.**

(1) Established. There is hereby declared the necessity to establish, as hereinafter provided, a permit system whereby vehicles bearing a valid residential parking permit issued pursuant to this section may, as hereinafter provided, park 1) in excess of the posted time limits on specifically designated streets within certain designated areas between the hours of 8:00 a.m. and 6:00 p.m. or 2) in locations designated for resident parking only between the hours of 8:00 a.m. and 6:00 p.m.

(2) Purpose. The purpose of this ~~ordinance provision~~ is to establish a mechanism whereby area residents will be afforded an opportunity for the limited storing of vehicles on public streets to the partial exclusion of commuter vehicles. It is intended that this residential parking Ordinance will reduce automobile commuting and its accompanying energy waste and air pollution, reduce the total vehicle miles of travel in the affected area, and alleviate traffic congestion, illegal parking, and related health and safety hazards.

In addition, this ordinance is designed to promote the use of off-street parking by residents of the property instead of by commuters, to aid in the enforcement of parking regulations by requiring payment or court appearance for outstanding parking citations before issuance of a permit.

(3) Definitions.

(a) "Residential parking area" shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, churches, hospitals, and nursing homes).

(b) "Commuter vehicle" shall mean a motor vehicle parked in a residential area by a person not a resident thereof.

(c) "Dwelling unit" shall mean one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed, shall always be included with each dwelling unit.

(d) "Lodging house" is a residential building or portion thereof, containing lodging rooms which accommodate five (5) or more persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation on a monthly or larger basis.

(e) "Lodging room" is a room rented as sleeping and living quarters, but without kitchen facilities, and with or without individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purposes of this ordinance.

(f) ~~"Traffic Engineer" shall mean the City Traffic Engineer and Parking Manager of the City of Madison Traffic Engineering Division of the Department of Transportation, or designee.~~ "Parking Manager" shall mean the City Parking Manager of the City of Madison Parking Division of the Department of Transportation, or designee.

(g) "Permanent residence is where a person has his/her true, fixed, permanent home to which he/she intends to return whenever absent.

(h) "Temporary resident" means a person who lives while in Madison for the academic year or for a short, limited time.

(i) "Residential permit parking street" is a street that has met the requirements for residential permit parking.

(j) "Resident parking only" is the designation given to a residential permit parking street where approximately fifty percent (50%) of the lawful on-street parking spaces are posted as parking for residents only between the hours of 8:00 a.m. and 6:00 p.m.

(k) "In excess of posted time limits" is the designation given to a residential permit parking street where lawful on-street parking is restricted to posted time limits.

(l) "Block" shall mean both sides of a street between two intersecting streets.

- (4) Area and Street Designation and Eligibility.  
The designated area boundaries, for purposes of administration and enforcement, should generally coincide with natural boundaries and/or Aldermanic Districts where feasible. A residential street shall be deemed eligible for designation as a residential permit parking street if it meets all of the following criteria:
- (a) At least one side or fifty percent (50%) of each block for which residential parking is requested must be in a district zoned Residential (Subchapter 28C, MGO), Downtown Residential 1 (Sec. 28.078, MGO), or Downtown Residential 2 (Sec. 28.079, MGO), (R1, R2, R3, R4, R4A, R4L, R5, R6, R6H). When at least one side or fifty percent (50%) of a block is in a district zoned Urban Mixed Use (Sec. 28.076, MGO), the block may be considered eligible, provided fifty percent (50%) of the parcels on the block have residential classifications, as determined by the City Assessor's Office.
  - (b) Each street and block for which residential parking is requested must have more dwelling units and/or lodging rooms in lodging houses than legal off-street parking spaces, except for single family dwelling units.
  - (c) On streets that have unrestricted parking, a majority of the on-street parking spaces must be occupied by commuter vehicles a majority of the time between 8:00 a.m. and 6:00 p.m. except Sundays and holidays. This requirement will be deemed satisfied if the street already has time limit parking restrictions under an existing ordinance that have been in place for at least one year.
  - (d) ~~A desire and need of Residents of the street and block shall be petitioned, and a majority of such residents, more than fifty percent (50%), of the residents of the street and block for must desire residential permit parking and a willingness be willing to pay the cost for of the residential permit parking program.~~
  - (e) ~~An election has been made by those in (d) above Residents of the street and block in Subdivision (d) above shall elect to designate their block as either "resident parking only" or "in excess of posted time limits."~~
- (5) Parking Manager Authority. In lieu of the petition process eligibility requirements outlined in Subsections (4)(d) and (4)(e), the Parking Manager may, after meeting the eligibility requirements outlined in Subsections (4)(a)-(c), choose to designate a residential street eligible if all of the following occur:
- (a) The Parking Manager makes a reasonable assessment that designating the street or block a residential permit parking street promotes the purpose of this ordinance.
  - (b) The Parking Manager consults with, or obtains feedback from, an active neighborhood association, if any, representing the street and block in question.
  - (c) The alder(s), for the aldermanic district(s) within which the street and block is located, agrees with the designation.
- (6) Withdrawal of Designation. The withdrawal of the designation of a street as a residential permit parking street shall not occur until at least twelve (12) months from the date of designation. All designation withdrawals are subject to the approval of the Transportation Commission through public hearing, as outlined in Subsections (7)(b) and (c). A change in the election made in Subsection (4)(e) shall also only be made at the request of more than fifty percent (50%) of the residents of the block.
- (57) Notice of Public Hearing. In order to determine whether particular streets should be designated eligible for residential permit parking, the Parking Manager may request, upon his or her own initiative or upon an alder's request, or upon a petition of a majority of the dwelling units on such streets, addressed to the Transportation Commission, a public hearing, prior to the designation for parking permits, or prior to the withdrawal of such designation once it is established.
- (a) The Parking Manager and/or alder(s) for the aldermanic district(s) within which a street and block is located may request a public hearing and the approval of the Transportation Commission of the eligibility determination of a street meeting all criteria in either Subsection (4) or Subsection (5).

- (b) Such hearing ~~A public hearing shall be held by the Transportation Commission only after due notice has been published in a newspaper of general circulation throughout the City. The notice shall clearly state the purpose of the hearing, the exact location of said residential streets under consideration for permit parking or withdrawal, and the reasons why such streets are being proposed for designation as residential permit parking streets or withdrawal. During such hearing, any interested person shall be entitled to appear and be heard. No hearing shall be held and no street designated if it is not found to be an impacted street under Subsection (3) of this section. Withdrawal of the designation of a street as a residential permit parking street shall not occur until at least twelve (12) months from the date of designation. A change in the election made in (4)(e) may be made only at the request of more than fifty percent (50%) of the residents of the block.~~
- (6)(c) ~~At said~~ ~~At the public hearing, the Traffic EngineerParking Manager shall recommend by report to the Transportation Commission, based on the record of his or her investigation, whether or not to designate the street under consideration as a residential permit parking street or to retain or remove the designation in the case of an established residential permit parking street. Within sixty (60) days following the receipt of the report, the Transportation Commission shall approve or disapprove the recommendation of the Traffic EngineerParking Manager. and report same to the Common Council prior to action being taken on the recommendation.~~
- (78) Issuance of Permit. Following Council approval of the designation of a residential permit parking street, the Traffic EngineerParking Manager shall issue appropriate permits. A permit shall be issued, upon application and payment of the applicable fee, to the owner or the operator of a motor vehicle who resides within his/her residential permit parking area. A duplicate permit shall be issued only if all or part of the original permit is produced at the time that a duplicate permit is applied for, or if proof of theft of the vehicle is demonstrated to the satisfaction of the Traffic EngineerParking Manager. A residential parking permit will not be issued to the owner or operator of a motor vehicle currently having any outstanding parking citations, nor to the owner or operator of a motor vehicle who resides on any residential property which is specifically restricted by condition imposed by the City Plan Commission or by other valid use restriction prohibiting residents of said property from obtaining residential parking permits.
- (8) (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. The motor vehicle's registration shall be required to be presented to the 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 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. A minor or high school student of legal driving age who resides in more than one location may apply for a permit for a vehicle registered to an address outside of the residential parking area, provided that they prove to the satisfaction of the City Traffic Engineer and Parking

Manager or his/her designee the following:

- (a)1. The applicant resides at least part time with a parent or guardian who is eligible for a permit in the residential parking area for which the permit is sought;
  - (b)2. The vehicle is registered to a parent or guardian.  
The permit shall be renewed annually upon such conditions and procedures as the ~~City Traffic Engineer~~ and Parking Manager shall specify. The permit shall display the motor vehicle's license and expiration date.
  - (b) Certain temporary residents living in Madison may obtain a permit upon compliance with this subdivision, in addition to compliance with all other provisions of this section, except such motor vehicle shall be validly registered and licensed in the jurisdiction of lawful permanent residence of said applicant. Such temporary resident applicant shall certify on the application for a permit that he or she: 1) maintains his/her permanent residence in another jurisdiction and shall specify the address thereof; 2) owns or operates a motor vehicle registered in the jurisdiction of permanent residence but which is housed at the Madison residence for which the permit is sought; 3) is living in Madison under a residential housing lease at a particular address and shall so specify with a complete address and telephone number, and name, address and telephone number of the rental agent or owner of the building in question; 4) that such statement is made for the purpose of obtaining a residential parking permit and that it is understood that any change in circumstances materially affecting any of the requirements of this ordinance or any false information or representation made in such statement shall be cause for immediate revocation of such permit. Further, such temporary resident applicant shall be required to provide a copy of his or her lease or other reasonable proof that such applicant is living at the address in question at the time of making such application.
- (9) Parking Permits.
- (a) A residential parking permit is valid only when visibly and properly displayed on the vehicle when parked in the designated area where the resident lives. Use of said permit shall be restricted to streets designated for residential permit parking within the designated area. A residential parking permit shall not guarantee or reserve to the holder a parking space on residential streets designated for permit parking.
  - (b) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited, metered, or set aside to specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than the specified hourly parking limit. Residential parking permits do not exempt holders from Street Abandonment Regulations. Residential parking permits may be temporarily suspended by the City for snow removal, emergency or construction purposes.
  - (c) The owner or operator of a vehicle displaying a residential parking permit shall completely remove said permit immediately upon its expiration or termination.
- (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 the 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 ~~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 ~~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 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 ~~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 ~~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 Transportation~~ 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 ~~City Traffic Engineer and Parking Manager's~~ determination. Said subcommittee shall consist of the chair of the ~~Transit and Parking Transportation~~ Commission or designee, one (1) Alderperson and one (1) resident who are members of the ~~Transit and Parking Transportation~~ Commission appointed by the Chair of the ~~Transit and Parking Transportation~~ 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 ~~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.
- (11) Permit Fee. A permit fee of forty-two dollars (\$42) per year shall be charged. The charge for a duplicate permit shall be eleven dollars (\$11). This ordinance shall become effective beginning with the purchase of 2018-2019 permits.
- (12) Fund. All monies received from said permit fees shall be placed in the Residential Permit Parking Fund to cover the costs of administering this permit program, and all costs for the printing of application forms and permits, stationery, postage, office supplies, the engineering studies, notices, and signing costs to implement this system shall be paid for out of this fund.
- (13) Severability. The provisions of this ordinance shall be severable. If any provision of this ordinance is invalid or if the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or application which can be given effect without the invalid provision or application. It is expressly declared that if any provision of this ordinance is declared invalid, that notwithstanding, the Common Council would have passed the other provisions of this ordinance.
- (14) Eligibility of Properties. In order to support the purpose of reducing commuter impact and promoting the use of off-street parking, residents of new developments approved for construction after the effective date of this ordinance January 14, 2016 will only be eligible for participation in the Residential Parking Permit Program if the dwelling has three units or less. The ~~City Traffic Engineer and Parking Manager~~ shall maintain and make accessible to the public a list of ineligible addresses.”