

**ORDINANCE NO. ____ SUPPLEMENTAL
AMENDING CHAPTER 231, ARTICLE III, RESIDENTIAL PARKING PERMIT PROGRAM.**

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 231, Article III of the City of Stamford Code of Ordinances is amended as follows:

ARTICLE III. - RESIDENTIAL PARKING PERMIT PROGRAM

Sec. 231-31. - Legislative purpose.

This article is enacted in response to the serious adverse effects caused certain areas and neighborhoods of the city by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in § 231-32 of this article, such long-term parking by nonresidents threatens the health, safety and welfare of all the residents of the city. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this article, a system of preferential resident parking is hereby enacted for the City of Stamford.

Sec. 231-32. - Findings.

- A. General finding. The Board of Representatives finds, as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of the City of Stamford depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Board further finds that the flight of residents and property owners from major metropolitan cities can be traced in part to the deterioration of such cities as attractive and comfortable places in which to reside. The Board further finds that one factor that has contributed to this deterioration in the city is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in the city at any one time a large surplus of motor vehicles over available on- and off-street public parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the city and thus promote the general public welfare.
- B. Specific findings. The following specific legislative findings of the Board of Representatives in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this article. They are intended as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:
 - (1) The safety, health and welfare of the residents of the city can be greatly enhanced by maintaining the attractiveness and livability of its neighborhoods and other residential areas.
 - (2) It is a fact of modern living in the city that a large portion of Stamford residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.
 - (3) Certain neighborhoods and areas of the city do not have sufficient on-or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes.

- (4) Such areas as described in Subsection B(3) above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.
- (5) There further exist certain parking attractors within the city, including but not limited to hospitals, office parks, parks, beaches, mass transit stations and terminals and locations convenient for commuter parking, which further exacerbate resident parking problems.
- (6) Unnecessary vehicle miles, noise, pollution and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.
- (7) If allowed to continue unchecked, these adverse effects on the residents of the city will contribute to a decline of the living conditions therein, a reduction in the attractiveness of residing within said city and do frequent injury to the general public welfare.
- (8) A system of preferential resident parking as enacted in this article will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution and by promoting improvements in air quality, the convenience and attractiveness of urban residential living and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.

Sec. 231-33. - Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

Leases. Means that a person pays rent or other remuneration for use of a parcel of real property as his residence or place of business.

Motor vehicle. Includes an automobile, truck, motorcycle or other motor-driven form of transportation not in excess of 6,000 pounds of gross weight.

Nonresident vehicle. A motor vehicle parked in a designated residential parking permit area if the address at which said vehicle is registered with the State Department of Motor Vehicles or the similar authority in another state is not within such residential parking permit area.

Own. Means that a person has at least a one-fourth interest in a parcel of real property within a residential parking permit area.

Person. A natural person.

Residential area. A contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell.

Residential parking permit area. A residential area designated as herein provided wherein resident vehicles displaying a valid permit as described herein shall be exempt from parking time restrictions established pursuant to this article.

Residential vehicle. A motor vehicle parked in a designated residential parking permit area if the address at which such vehicle is registered with the State Department of Motor Vehicles is within such residential parking permit area.

Building. A structure containing one or more dwellings in compliance with City of Stamford building and zoning codes.

Dwelling. A single residential unit, either single family or multi-family unit co-located with other dwellings in same structure in compliance with City of Stamford building and zoning codes.

Commercial Entity. A commercial business enterprise located within residential area in compliance with City of Stamford building and zoning codes.

- B. The masculine form as used in this article, if applicable as shown by the context thereof, shall apply to a female person.

Sec. 231-34. - Consideration of area designation.

The Director of Operations or his designee shall consider for designation as a residential parking permit area those residential areas meeting and satisfying the objective criteria therefor established in this article. He may, at his discretion, but subject to the provisions hereinafter contained, then designate by resolution certain residential areas as residential parking permit areas in which resident vehicles displaying a valid parking permit may stand or be parked without limitation by parking time restrictions established by this article. Said resolution shall also state the applicable time limitation, period of the day for its application and the fee to be charged upon permit issuance.

Sec. 231-35. - Area designation process.

- A. Upon receipt of a verified petition signed by residents of at least 65% of the dwellings in the residential area proposed for designation as a residential parking permit area, and payment of a \$100 processing fee, the Director of Operations or his/her designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking. Such surveys or studies shall be completed by a qualified traffic engineer within 60 days of receipt of a petition calling for such surveys or studies to be undertaken, unless otherwise provided by the Director of Operations. If a survey determines that a residential area is not eligible for residential permit parking, a re-survey for the same area shall not be conducted within a year from the date of initiation of the failed survey.
 - (1) For the purpose of determining eligibility, multi-family residential buildings having at least one (1) off-street parking space per residential dwelling shall be considered as one dwelling. For those multi-family residential building with no off-street parking or less than one (1) off-street parking space per dwelling, the Director of Operations or his/her designee shall determine the number eligible votes for the residential building. For commercial or business enterprises operating within the designated residential parking limits, the Director of Operations or designee shall determine the number of eligible votes per building.
- B. Within 30 days of the completion of the surveys and studies to determine whether designation criteria are met, the Director of Operations shall notice as herein provided a public hearing or hearings in or as close to the neighborhood as possible on the subject of the eligibility of the residential area under consideration for residential permit parking. Said hearing or hearings shall also be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate time limitation on parking and the period of the day for its application.
- C. Notice of public hearing or hearings provided for herein shall be published in an official newspaper of the city at least ten (10) days before the hearing date. The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the proposed permit fee to be

charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to appropriate rules of order adopted by the Director of Operations.

Sec. 231-36 Technical Evaluation Criteria

- A. The Transportation Bureau Chief or his/her designee shall establish and publish the criteria for the evaluation and the procedure for processing of applications in accordance with terms and objectives of this Article.
- B. The technical evaluation criteria shall include (1) establishing the limits of the designated area, (2) determination of the available on-street parking capacity within the designated area, (3) utilization of off-street parking areas (driveways, parking lot, etc.), and (4) influence of non-resident parking within designated area during the peak parking periods.
- C. The final allotted number of Residential Parking Permits (RPP's) per unit shall be dependent upon the ratio of available on-street parking capacity per number of units within the designated area, not to exceed three (3) RPP's per dwelling. D. The number of parking permits for authorized commercial entities within the designated residential permit area shall be determined by Director of Operations or his/her designee.
- E. The Director of Operations or his/her designee may limit the number of RPP's issued to each dwelling if it is determined that alternative off-street parking is available for the dwelling.
- F. Authorized service and delivery vehicles shall be exempt for the process for a 15-minute period.
- G. The Director of Operations or his/her designee may permit pockets of time-restricted parking (1-hour, 2-hour, etc.) within the designated residential permit area boundary by the establishment of parking signs and/or parking meters.
- H. The following conditions shall be cause for denial of a petition to establish a residential parking permit area:
 - (1) If a parking occupancy study conducted during the peak parking period finds that on-street parking utilization is less than ninety-five (95%) percent.
 - (2) If the ratio of the adjusted available on-street capacity per number of dwellings within the designated area falls below one (1), the application shall be denied.

Sec. 231-37. - Recommendations of Director of Operations.

- A. Within 60 days of the completion of the hearing or hearings conducted with regard to a particular residential area, the Director of Operations or his/her designee shall recommend by written report, based on the record of such hearing or hearings and the surveys and studies performed, whether to designate the residential area under consideration as a residential permit parking area.
- B. The report shall set forth the evidence generated as a result of surveys and studies performed, significant subjects and concerns raised at the public hearing or hearings conducted, findings relative to those designation criteria listed in § 231-36 deemed applicable to the residential area and conclusions as to whether the findings justify designation as a residential permit parking area for that particular area, the proposed boundaries of the residential permit parking area, a proposed time limitation and period of the day for its application and a proposed fee to be paid upon permit issuance.

- C. The Director of Operations or his/her designee is authorized to repeal or remove a designated residential parking permit zone based on residents' failure to renew permits in an established residential parking permit zone. The repealing process shall be implemented in the following order:
1. Based on the evidence of majority of the residents' failure or no further intent to participate in the renewal of permit process within thirty (30) days of the expiration of annual deadline for the renewal, the Traffic Engineering Department shall recommend repealing of the residential parking permit zone to the Director of Operations.
 2. Residents of the residential parking permit zone shall be notified by a letter that the zone will be repealed in ninety (90) days, after a thirty (30) day notice period to respond to the letter. A legal notice shall be published in the local newspaper at least twice, one of which shall be published on a Sunday, at least fifteen (15) days prior to the effective date of residential parking permit program removal.
 3. Response in support of repeal or lack of response from a majority of the zone residents of that specific zone shall be considered as evidence of support for repealing the zone.
 4. Upon receiving ample evidence as stated in Item 3, the Office of Operations shall take appropriate steps to remove the residential parking permit zone within ninety (90) days of the initial notice to the residents.

Sec. 231-38. - Issuance of permits.

- A. Parking permits shall be issued by the Director of Operations or his/her designee. Each such permit shall be designed by the Director of Operations to state or reflect thereon the particular residential parking area. No more than one parking permit shall be issued to each motor vehicle for which application is made up to the maximum number of permits legally established for the designated area, not to exceed three (3) permits for each dwelling . The Director of Operations is authorized to issue such rules and regulations, not inconsistent with this article, governing the manner in which persons shall qualify for parking permits.
- B. Parking permits may be issued for motor vehicles only upon application of the following persons:
- (1) A legal resident of the residential permit parking area who has a motor vehicle registered in his name or who has a motor vehicle for his exclusive use and under his control.
 - (2) The Director of Operations or his/her designee shall determine the number of parking permits issued to a commercial property, based on a study or a report, for the owner or lessee of a commercial property actively engaged in business activity within a residential permit parking area.
- C. Proof of residency or ownership shall be demonstrated in a manner to be determined by the Director of Operations.
- D. Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the Director of Operations.
- E. Visitor permits may be issued, if available, by the Director of Operations or his/her designee upon request of a bona fide permit holder. The number of visitor permits available per dwelling is dependent upon the determination of the Director of Operations or his/her designee if the maximum number of residential parking permits per resident have been reached. Visitor permits shall be valid for the same period as the permit held by the person requesting such visitor permit(s) remains in force. Visitor permits shall be subject to annual renewal.

Sec. 231-39. - Erection of signs.

Upon the determination by the Director of Operations designating a residential permit parking area, the Director of Operations shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application and conditions under which permit parking shall be exempt therefrom. The Director of Operations shall install on said signs a prominent warning that violators may be towed or immobilized at the owner's expense.

Sec. 231-40. - Display of permits.

Residential Parking Permits shall be displayed in a manner determined by the Director of Operations or his/her designee.

Sec. 231-41. - Permit parking exemptions.

- A. A resident motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this article. Said resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this article. All other motor vehicles, other than vehicles specified in Chapter 9 of this Code, parked within a residential permit parking area shall be subject to the time restrictions adopted as provided in this article as well as the penalties provided for herein.
- B. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

Sec. 231-42. - Permit application; duration.

Each parking permit issued by the Director of Operations shall be valid for one year from the date of issuance. Permits may be renewed annually upon reapplication in the manner required by the Director of Operations. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a residential permit parking area and the license number of the motor vehicle for which application is made and such other information as may be deemed relevant by the Director of Operations.

Sec. 231-43. - Permit fees.

Each residential parking permit shall be issued as a part of a residential permit parking package, the annual fee for which shall be \$15 per permit. Each package shall include a maximum of 3 parking permits. There shall be a transfer charge of \$5 for those with permits in one designated area who move to another designated area and apply for a permit in the new area of residence. In such cases, the new permit shall expire at the same time as the former permit would have expired.

Sec. 231-44. - Violations and penalties.

- A. It shall be unlawful and a violation of this article, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation established pursuant hereto. Said violation shall be a Class II parking violation under § 231-6 of Article I of this chapter.
- B. It shall be unlawful and a violation of this article for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor to the Director of Operations.

- C. It shall be unlawful and a violation of this article for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and a violation of this article, both 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 is issued.
- D. It shall be unlawful and a violation of this article for a residential parking permit holder in possession of visitor permits to allow a nonresident to display such visitor permit(s) on a motor vehicle for the purpose of day-to-day parking for shopping or working near the residential parking area or for any purpose other than visiting the residential parking permit holder. Such conduct shall constitute an unlawful act and violation of this article, both by the person holding the valid parking permit and the person who so uses or displays the visitor permit on a motor vehicle for such unlawful purpose.
- E. It shall be a violation of this article for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the Director of Operations. It shall further be unlawful and a violation of this article for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area.
- F. The violation of Subsection B, C, D, E or G shall be an infraction punishable by a fine of \$90.
- G. It shall be a violation of this article for a person to park in a residential parking permit area without a valid permit.
- H. Whenever there is found any motor vehicle which has received three (3) or more parking citations issued for violations of this section, which are delinquent, unpaid or otherwise uncontested, such vehicle may be towed or immobilized in the same manner as provided in § 231-8.

Sec. 231-45. - Revocation of permit.

The Director of Operations is authorized to revoke the residential parking permit of any person found to be in violation of this article and, upon written notification thereof, the person shall surrender such permit(s) to the Director of Operations. Failure, when so requested, to surrender a residential parking permit and/or visitors permits so revoked shall constitute a violation of law and of this article and shall constitute an infraction punishable by a fine of \$90.

Sec. 231-45.1 Seasonal, Planned Temporary, and Emergency Temporary Residential Parking Permits.

A. Seasonal Residential Parking Permits

The Director of Operations or his/her designee shall consider and enact seasonal residential parking permits for those areas impacted by a seasonal influx of non-resident traffic. The policies and procedures for seasonal permits shall be the same as for annual residential parking permits. Signs erected in an area requiring seasonal residential parking permits shall indicate the seasonal enforcement period. The annual renewal fee for seasonal residential parking permits shall be \$15.00 per permit.

B. Planned Temporary Residential Parking Permits

Upon determination of a substantial impact from non-resident parking in a residential area caused by a planned construction activity or other similar events, the Director of Operations or his/her designee shall have the authority to evaluate the potential impact and designate a planned temporary residential parking permit area. For the purpose of considering planned

temporary residential parking permits, the normal process as set forth in this article shall be suspended. The evaluation shall be conducted by a qualified traffic engineer registered in State of Connecticut and shall consist of a parking occupancy study during the peak parking period. If the impact of non-resident parking is determined to cause a hardship upon the residents within the impacted area, the Director of Operations or designee may designate an area to be eligible for temporary residential parking permits.

1. A planned temporary residential permit area designation shall remain in effect for the duration of the project as deemed appropriate by the Director of Operations or his/her designee.
2. The Transportation Department shall notify the residents in the affected area of the eligibility for planned temporary residential parking permits by direct US mail or door hangers and postings at selected locations in the affected neighborhood.
3. Eligible residents may apply for temporary residential parking permits up to a maximum number established by the Transportation Bureau Chief or his/her designee for a fee of \$15.00 per permit for the entire planned temporary residential parking permit period.
4. Visitor parking permits may be issued during a planned temporary residential parking period if capacity is available.
5. The Director of Operations or his/her designee shall notify the affected residents of the expiration of the planned temporary parking permit program at least 30 days before the expiration of the program. The residents in the designated planned temporary residential parking permit area may apply for a permanent designation upon expiration of the planned temporary permits, provided they meet the requirements as set forth in this article and payment of the fees.

C. Emergency Temporary Residential Parking Permits

Upon determination of a substantial impact from non-resident parking in residential area caused by temporary construction activities and other unforeseen temporary events, the Director of Operations or his/her designee shall have the authority to evaluate the potential impact and designate a temporary residential parking permit area. For the purpose of considering emergency temporary residential parking permits, the normal process as set forth in this article shall be suspended. The evaluation shall be conducted by a qualified traffic engineer shall consist of a parking occupancy study during the peak parking period. If the impact of non-resident parking is determined to cause a hardship upon the residents within the impacted area, the Transportation Bureau Chief or his/her designee may designate an area to be eligible for temporary residential parking permits.

1. The temporary residential parking permit area shall be in effect for 30 days from the date of designation and may be extended up to a maximum of 120 days if warranted as determined by the Director of Operations or his/her designee.
2. The Transportation Department shall notify the residents in the affected area of the eligibility for temporary residential parking permits by direct US mail or door hangers and postings at selected locations in affected neighborhood.
3. Eligible residents may apply for temporary residential parking permits up to maximum number established by the Transportation Bureau Chief or his/her designee for a fee of \$5.00 per permit for the entire temporary residential parking permit period and any extensions thereto.
4. Visitor parking permits shall not be issued during a temporary residential parking period.

Sec. 231-45.2 – Special Hardship Residential Parking Permits.

The Transportation Bureau Chief or his/her designee shall consider requests from residents on a case-by-case basis for limited on-street residential parking permits for conditions caused by unforeseen and unique circumstances. Unique conditions that may qualify residents for special hardship permits include (1) lack of off-street parking or driveways, (2) permitted residential reconstruction activities, (3) other unique circumstances as determined by Transportation Bureau Chief or Designee.

- A. At the sole discretion of the Transportation Bureau Chief or his/her designee, a special hardship permit may be granted for a limited period with specific requirements for compliance during the permit period.
- B. A Resident seeking a special hardship parking permit must file an application and pay a non-refundable processing fee of \$40.
- C. Each October 1, the Director of Operation shall submit a list of special hardship permits to the Board of Representatives for their information.

Sec. 231-45.3 – Modification of Existing Residential Parking Area Permits.

- A. Expansion of Existing Residential Parking Permit Area - When requested and/or as deemed necessary by the Director of Operations or his/her designee, an existing and permitted residential parking area may be expanded to include other adjacent streets connected directly or indirectly to the permitted street. The procedure for the expansion of an existing residential permit parking area shall be the same as for new areas.
- B. Compliance with Revised Ordinance – Unless otherwise granted by the Director of Operations, all existing residential parking permit areas shall become compliant with revised provisions upon annual renewal. The Director of Operation or his/her designee shall notify the affected permittee's of the new requirement at least 60 days prior to renewal date by US Mail or door hangers.

Sec. 231-45.4. - Enforcement.

Enforcement of this article shall be the joint responsibility of the Police Department, park police and the violation officers employed by the Department of Operations.