

PROCEDURE ON REQUESTS TO ESTABLISH A RESIDENTIAL PARKING PERMIT PROGRAM

I. Intent and Purpose.

Provisions of this regulation are enacted for the following reasons:

- (a) To reduce hazardous traffic conditions resulting from the use of streets within residential districts for vehicles parked by persons not residing within the residential districts;
- (b) To protect these residential districts from polluted air, excessive noise, and refuse caused by the entry of such vehicles;
- (c) To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;
- (d) To preserve the character of these districts as residential districts;
- (e) To encourage the use of public transportation, and parking facilities;
- (f) To promote efficiency in the maintenance of streets in these residential districts in a clean and safe condition;
- (g) To preserve the value of the property in these residential districts;
- (h) To promote traffic safety and the safety of children and other pedestrians in these residential districts;
- (i) To forestall dangers arising from the blocking of fire lanes, hydrants and other facilities required by emergency vehicles, both in reaching victims and in transporting them to hospitals;
- (j) To facilitate the movement of traffic in the event of accidents or other disasters; and
- (k) To promote the peace, comfort, convenience, and welfare of all inhabitants of Fayette County.

II. Definitions.

As used in this regulation,

- (a) Residential District shall mean a contiguous or nearly contiguous area containing public streets, roads and highways or parts thereof primarily abutted by residential

- property or residential and non-business property (such as schools, parks, churches, hospitals and nursing homes);
- (b) Residential Parking Permit Area shall mean a residential district where curbside parking on public streets, roads and highways is restricted, unless the vehicle properly displays a parking permit authorized by this regulation;
 - (c) Curbside Parking Space shall mean twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this regulation, is not presently permitted;
 - (d) Traffic Generator shall mean any facility which created a significant demand for parking beyond its boundaries and consequently a larger volume of traffic in an adjacent residential district; and
 - (e) Restrictions shall mean whatever limits on time-of-day, location, or duration of non-resident parking deemed appropriate to compensate for the effects of the identified traffic generator upon the subject district. Non-resident restrictions, including, but not limited to, daytime only, nighttime only, complete prohibition, two-hour limit, and designated spaces only, will be determined on a case by case basis.

III. Designation of Residential Parking Permit Area.

- (a) In order for the Council to determine whether a residential district shall be designated as a residential parking permit area, the Services Committee shall conduct, upon the Council's own initiative or upon a petition signed by sixty-five per-cent (65%) of the addresses on a street(s) for a proposed RPPP shall conduct a block by block survey of the proposed RPPP area. The petitioners shall name any reasonably identifiable traffic generator(s). No residential district shall be designated as a Residential Parking Permit Area unless the survey of it reveals the following:
 - (1) The total number of curbside parking spaces occupied by vehicles equals or exceeds seventy-five percent (75%) of the number of curbside parking spaces on the public streets, roads and highways of the proposed residential parking permit area; and

- (2) The total number of curbside parking spaces occupied by vehicles whose operators do not reside within the proposed residential parking permit area equals or exceeds twenty-five percent (25%) of the total number of curbside parking spaces occupied by vehicles.

- (b) Upon completion of traffic study and finding that the proposed RPPP Area meets the qualifications of section 9a) the Parking Authority shall write a letter of recommendation to the councilmember in whose district the proposed RPPP is located. The letter may also demonstrate that the Parking Authority, in making the recommendation, has taken into account the following:
 - (1) The effect on the safety of the residents of the proposed, or existing, residential parking permit area from intensive vehicle parking by non-residents.
 - (2) The difficulty or inability of residents of the proposed, or existing, residential parking permit area to obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by non-resident motorists;
 - (3) The likelihood of alleviating, by use of the residential parking permit system established by this regulation, any problem of non-availability of residential parking spaces;
 - (4) The desire of the residents in the proposed residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this regulation; and
 - (5) The need for some parking spaces to be available in the proposed residential parking permit area for use by the general public.

- (c) The Councilmember in whose district the proposed RPPP is located shall select a council work session on which the RPPP will be placed on the docket. This work session shall be at least 21 days after receiving the recommendation from the Parking Authority. Public comment shall be scheduled to coincide with the work session.

- (d) The Parking Authority upon receiving notice of when the proposed RPPP will be on the docket shall mail a notice of that council work session to all addresses in the proposed RPPP area and to any reasonable traffic generator(s) as identified by the residents of the proposed street(s) or area in III. (a), postmarked at least 14 days before the scheduled meeting.
- (e) The Parking Authority shall place notices, in the right of way, of the meeting on the street(s) proposed for a RPPP at least 14 days prior to the council work session.

IV. Posting of Residential Parking Permit signs.

- (a) Following the Council’s affirmative vote to designate a residential parking permit area, parking signs shall be erected in the designated area by the Division of Traffic Engineering.
- (b) The signs shall be of such character as to readily inform an ordinary observant person that curbside parking on public streets, roads and highways in the designated area is subject to the specified restrictions, unless the vehicle properly displays a parking permit authorized by this regulation.

V. Notice to Residents of Designation of Residential Parking Permit Area.

- (a) Following the Council’s affirmative vote to designate a residential parking permit area, the Council Office shall mail to every residence within the designated residential parking permit area the following documents:
 - (1) A Notice of Designation which shall inform the residents in the designated area of:
 - (a) The existence, exact location and numerical designation of the residential parking permit area;
 - (b) The parking restrictions applicable to all vehicles in curbside parking spaces along public highways in the designated area which do not properly display a parking permit authorized by this regulation; and
 - (c) The procedures to obtain a residential, visitor, or business parking permit; and

- (2) An Application for Residential Parking Permit on which the applicant is to provide the following information for each vehicle to receive a residential parking permit:
- (a) The name and residential address of the owner of the vehicle;
 - (b) The name, residential address and driver’s license number of the principle operator of the vehicle;
 - (c) The make, model, license plate number and registration number of the vehicle; and
 - (d) The signature of the applicant for the residential parking permit.

VI. Issuance of Residential Parking Permits.

- (a) Upon the applicant’s payment of a ten dollar (\$10.00) residential parking permit fee, his/her submission of a completed and validated residential parking permit application and his/her fulfillment of all applicable provisions of this regulation controlling issuance, renewal or transfer of residential parking permits, the applicant shall receive from the LEXPARK Office one (1) residential parking permit for the vehicle described in the application; provided, however, that only two (2) permits shall be issued per dwelling unit.
- (b) Application for a residential, visitor or business permit must be made in person to the LEXPARK Office. Applicants must bring at least one form of identification showing an address within the parking district. Primary forms of identification include valid driver’s license. Secondary forms of identification include credit card bills, utility bills, tax bills, or a signed letter from the landlord. The secondary form of identification must show name of applicant along with address within the Residential Parking Permit District. Applicants with just a secondary form of identification may have their parking permit mailed to applicant address. All visitor and business permits shall be mailed to applicant address. The parking permit shall contain the statement: "This permit does not guarantee that a parking space shall be available to the permittee." The permit shall hang from the interior rear view mirror. It shall contain the following information:
 - (1) The name of the parking district;
 - (2) Identification number matching application number; and

(3) Identify whether permit is for resident, business or visitor.

All (residential) parking permits shall expire September 1st.

- (c) No residential parking permit shall be issued to a vehicle whose owner and principle operator does not reside within the designated residential parking permit area and possess a valid Kentucky driver's license.
- (d) The applicant for, and holder of, the residential parking permit shall be the owner or principle operator of the vehicle receiving the parking permit.

VII. Renewal of Residential Parking Permits.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit renewal fee, his/her submission of a completed and validated residential parking permit application, and his/her fulfillment of all applicable provisions of this regulation controlling issuance, renewal or transfer of residential parking permits, on or before the expiration date of the existing residential parking permit, the holder shall receive from the LEXPARK office a new residential parking permit.

VIII. Transfer of Residential Parking Permits.

- (a) Upon the holder's payment of a six dollar (\$6.00) residential parking permit transfer fee, his/her submission of a completed and validated residential parking permit application, his/her fulfillment of all applicable provisions of this regulation controlling issuance, renewal or transfer of residential parking permits, and his/her surrender of his/her existing residential parking permit, the holder shall receive from the LEXPARK Office a new residential parking permit to be transferred to another qualifying vehicle.
- (b) The transfer of the residential parking permit to another qualifying vehicle shall not affect its expiration date.

IX. Issuance of Permits for Visitors.

- (a) Upon application of any resident of a residential parking permit area, the LEXPARK Office shall issue a visitor parking permit to the resident for the visitor's vehicle to be limited to that particular parking permit area for a period not exceeding thirty (30) days.

- (b) No more than two visitor parking permits shall be issued to any one residence, at any one time. For the purposes of this regulation, the resident shall be the holder of and responsible for the use and misuse of the visitor parking permits issued to him/her.
- (c) The visitor permits are transferable between automobiles. No resident of the parking permit district may use the visitor permits for their personal vehicles.
- (d) Visitor permits cost ten dollars (\$10.00) each.

X. Issuance of Permits for Businesses.

- (a) Any business within the geographic boundaries of the residential parking permit district is eligible for business parking permits. Businesses must be properly licensed to conduct business activity.
- (b) The business owner, manager or his/her agent must apply for permits in person at the LEXPARK Office. The business permit is valid for the year the permit is issued.
- (c) The business permit is transferable from one vehicle to another. The business owner, manager or his/her agent is responsible for the use and misuse of the business parking permits issued to him/her. Any misuse may preclude said business from utilizing the parking permits issued to it.
- (d) Each business within the geographic boundaries are eligible to receive one parking permit for each full-time employee not to exceed eight (8) parking permits.
- (e) The first three (3) business parking permits are ten dollars (\$10.00) each. Additional permits, after the first three, are available at fifteen dollars (\$15.00) each.
- (f) The parking restrictions imposed by this regulation shall not apply to any service or delivery vehicle when used to provide services or to make deliveries to residences within a residential parking permit area, provided that the parking of the service or delivery vehicle within the parking permit area does not exceed four (4) hours in duration of any given day. The parking of any such vehicle within the parking permit area for more than four (4) hours on any given day will require an application for a business parking permit.

XI. Use of Residential, Business and Visitor Parking Permits.

- (a) All residential, business and visitor parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the following:
 - (1) The name of the parking permit district;
 - (2) The identification number matching application identification number; and
 - (3) Identify which type of permit it is, residential, visitor or business.
 - (4) The year permit is issued for.
- (b) A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places during such times as the stopping, standing, or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation, other than the restrictions enforced in the residential parking permit area.
- (c) Whenever the holder of a residential, visitor or business parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this regulation controlling issuance, renewal or transfer of parking permits, the holder shall so notify the LEXPARK Office, who may then direct the holder to surrender the parking permit.
- (d) Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.
- (e) A parking permit shall be valid only in the residential parking permit area for which it is issued.
- (f) It shall be a violation of this regulation for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this regulation when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.
- (g) It shall be a violation of this regulation for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this regulation. It shall

also be a violation of this regulation for any person to display on any vehicle such a duplicate parking permit.

XII. Exemptions.

- (a) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this regulation so long as the control by meters continues.
- (b) A petition requesting the exemption of a particular street segment of a residential parking permit area, signed by a majority of the residents of that street segment, will automatically exempt that particular street segment from designation as a residential parking permit area.

XIII. Withdrawal of Designation of Residential Parking Permit Area.

Following the Council’s affirmative vote to withdraw the designation of an existing residential parking permit area, the Council Office shall mail to every residence within the existing residential parking permit area, a notice of the Council’s withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation, which shall be thirty (30) days following the date of the Council’s affirmative vote to withdraw the designation. No public meeting, petitions or other documentation shall be required to support the Council’s decision to withdraw the designation.

XIV. Advisory Board.

The neighborhood, in which a residential parking permit district is formed, may establish an advisory board to provide input and offer advice to the Urban County Government regarding the maintenance of the residential parking permit program. The advisory board shall have no legislative authority regarding parking district, but may only offer advice and counsel to the Urban County Government regarding rules and procedures.

XV. Penalty.

Pursuant to Section 18-114.1 of the Code of Ordinances, any person violating any provision of this regulation shall, upon conviction thereof by a court of competent jurisdiction, be fined not more than fifty dollars (\$50.00) for each violation and, in

default of any fine so imposed, shall be imprisoned for a period not to exceed three (3) days for each violation, or both so fined and imprisoned.