

ORDINANCE NO. 6550-08

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM, SECTION 26-221, RESIDENTIAL PERMIT PARKING; SECTION 26-222, ELIGIBILITY REQUIREMENTS; SECTION 26-223, UNAUTHORIZED USE OR DISPLAY OF PERMITS; PRESUMPTION OF VIOLATION; SECTION 26-224, REVOCATION OF PARKING PERMIT; SECTION 26-225, ANNUAL PERMIT FEE; AND SECTION 26-227, TEMPORARY/VISITOR PERMITS.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 26, Motor Vehicles and Traffic, of the Code of the City of Newport News, Virginia, Article IX., Residential Parking Permit Program, Section 26-221, Residential permit parking; Section 26-222, Eligibility requirements; Section 26-223, Unauthorized use or display of permits; presumption of violation; Section 26-224, Revocation of parking permit; Section 26-225, Annual permit fee; and Section 26-227, Temporary/visitor permits, be, and the same hereby is, amended and reordained as follows:

CHAPTER 26**MOTOR VEHICLES AND TRAFFIC****ARTICLE IX. RESIDENTIAL PARKING PERMIT PROGRAM****Sec. 26-221. Residential permit parking.**

(a) Pursuant to the provisions of this article, and in addition to those streets designated in section 26-226, the city manager or his designee is authorized to designate streets within residential areas in the city on which parking may be authorized beyond the posted restricted period. This program shall be known as the Residential Permit Parking Program ("RPPP"). Such parking shall be limited to vehicles bearing a valid residential parking permit issued pursuant to this article, or to vehicles otherwise exempted from the posted restricted period.

(b) A "residential area" is one (1) which is either designated as a residential zoning district, or which contains streets primarily abutted by residential property and non-business property such as schools, parks, churches, hospitals and nursing homes, and designated as such by the director of engineering, or his designee, or by ordinance.

Sec. 26-222. Eligibility requirements.

(a) In addition to those areas designated in section 26-226, a block on a street within a residential area shall be deemed eligible for residential permit parking in accordance with the following procedure:

- (1) A petition requesting inclusion in the residential parking permit program, and signed by authorized representatives of at least seventy-five (75) percent of the households in the one-block area must be received by the city manager.
- (2) A parking survey shall be conducted of the petitioning block, the results of which must indicate that vehicles occupy at least seventy-five (75) percent of the curb faces or road shoulder during peak parking periods and at least twenty-five (25) percent of such vehicles are owned by persons not residing on the block.
- (3) In the event that such criteria are met, the city manager shall designate the eligible block or blocks as being within a residential parking permit program area.

(b) Following the designation of a residential parking permit (hereinafter referred to as "permit") area by ordinance or by the procedure outlined in this article, the director of engineering, or his designee, shall issue appropriate parking permits and shall cause parking signs to be erected in program areas indicating conditions under which parking shall be permitted. A permit shall be issued upon application, and payment of the application fee, only to a motor vehicle owner who resides or owns a business on property immediately adjacent to a street, avenue or other location within the residential parking permit area, and for only such vehicles as are normally garaged at said residence or business. One permit shall be issued for each vehicle licensed at that address or each person who is a licensed driver residing at that address, whichever is less, up to a total of three permits. If the resident is in possession of a vehicle registered to his or her employer and provided for the use of the resident by the owner, a permit shall be issued for that vehicle as well. Where the owner of a building within a residential parking area is a non-resident landlord or when a non-resident uses or leases the building for commercial purposes, only one permit shall be issued to the non-resident owner. Applicants for permits will be required to present their vehicle registration, driver's license, required fees, and proof of residence acceptable under the Procedures for Residential Parking Permit Program along with the application. Other information may be required as deemed necessary by the director of engineering, or his designee, in order to guarantee proper issuance of the permit.

(c) The operator of a vehicle displaying a valid residential parking permit may park a motor vehicle operated by him on the street on which the residence is located within the designated residential parking area during such time as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed in a manner designated by the director of engineering, or his designee, so as to be clearly visible. A residential parking permit shall not guarantee or reserve to the holder a parking space

within a designated residential parking permit area.

(d) Any request for variance in the total number of permits will be subject to determination by the director of engineering, or his designee, in accordance with the Procedures for Issuing Residential Parking Permit Program (RPPP) Permits prepared by the Department of Engineering, as approved by City Council.

Sec. 26-223. Unauthorized use or display of residential parking permits; presumption of violation.

(a) It shall be unlawful for any person to use or display or allow to be used or displayed a residential parking permit issued hereunder upon any vehicle other than the vehicle for which such permit was issued.

(b) It shall constitute a violation of this regulation for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the director of engineering or his designee in order to obtain a residential parking permit.

(c) In any prosecution charging that a vehicle has been parked in violation of any provision of this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of any such provision, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, as required by Title 46.2 of the Code of Virginia, 1950, as amended, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

Sec. 26-224. Revocation of parking permit.

The director of engineering, or his designee, is authorized to revoke the residential parking permit of any permittee found to be in violation of this article; and, upon written notification thereof, the permittee shall surrender such permit to the director of engineering or his designee. Failure when so requested to surrender a residential parking permit shall constitute a violation of this article.

Sec. 26-225. Annual permit fee.

An annual residential parking permit fee of ten dollars (\$10.00) per vehicle is hereby established to cover the administrative costs of permits issued or renewed pursuant to this section. The permit shall be renewed annually pursuant to such procedures as the director of engineering or his designee shall establish.

Sec. 26-227. Annual visitor/temporary passes.

(a) For each residence, one (1) annual visitor pass shall be issued at the time the residential parking permit required by section 26-225 is obtained and shall expire contemporaneously with said permit. All such passes shall be subject to all provisions of this article and any other rules and regulations covering their use. Such visitor's pass may be used for a single vehicle for no more than seven (7) consecutive days, unless such vehicle is registered to a contractor, other person that regularly conducts business in or upon the resident's premises, a caregiver, or visitor in temporary residence on the premises.

(b) Upon application to the chief of police or his designee, temporary passes may be issued for a period not to exceed seventy-two (72) hours.

(c) Use of either annual visitor passes or temporary passes inconsistent with the provisions of this article shall result in termination of said passes.

(d) There shall be no fee for the issuance of temporary passes or annual visitor passes.

2. That this ordinance shall be in effect on and after the date of its adoption, February 1, 2009.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON
NOVEMBER 25, 2008

Mabel V. Washington, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk