



## Legislation Details (With Text)

**File #:** Ord 11-91      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 9/28/2011

**Title:** Repealing Chapter 164, City - Owned Parking Lots, and amending and renumbering Chapter 168, Residential Permit Parking-Guidelines, as Chapter 164, Traffic Code-Residential Permit Parking-Guidelines and Regulations, of the Saint Paul Legislative Code, to comply with state law changes, to align language with standard operating procedures, and to update or eliminate outdated language.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:** 1. Chapter 164 Sept-21-11 Amendment.pdf, 2. Jane Prince Testimony

Date	Ver.	Action By	Action	Result
9/28/2011	2	Mayor's Office	Signed	
9/28/2011	2	City Council	Adopted	Pass
9/21/2011	1	City Council	Amended and Laid Over for Final Adoption	Pass
9/7/2011	1	City Council	Laid Over to Third Reading/Public Hearing	
8/24/2011	1	City Council	Laid Over to Second Reading	

Repealing Chapter 164, City - Owned Parking Lots, and amending and renumbering Chapter 168, Residential Permit Parking-Guidelines, as Chapter 164, Traffic Code-Residential Permit Parking-Guidelines and Regulations, of the Saint Paul Legislative Code, to comply with state law changes, to align language with standard operating procedures, and to update or eliminate outdated language.

### THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

#### Section 1

Chapter 164 of the Saint Paul Legislative Code is hereby amended to read as follows:

#### **Sec. ~~168~~164.01. Declaration of public policy and purpose.**

The council of the City of Saint Paul finds that there are residential areas within the City of Saint Paul which are adjacent to or very near intense nonresidential uses which do not provide adequate off-street parking. The council further finds that persons employed by or using those nonresidential facilities frequently park their vehicles on nearby residential streets, resulting in serious residential problems. This parking ordinance regulating parking in designated residential areas is hereby established ~~in order to protect children and other pedestrians from bodily injury~~ for the safety of the residents and to protect real and personal property from damage by reducing hazardous traffic conditions resulting from the heavy usage of these residential streets by nonresidents or transients; to protect those residential areas from polluted air, excessive noise, and trash and refuse caused by the entry of such vehicles; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the character and integrity of those ~~districts~~ areas as residential districts; to protect the residents of those areas from unreasonable burdens in gaining access to their residences; and

to preserve the general health, safety, and welfare and integrity of those residents and residential areas.

**Sec. ~~168~~164.02. Residential parking permit areas authorized.**

The council, after following the procedures in this chapter, may by resolution establish and designate, modify and remove residential areas or parts thereof as residential permit parking areas. On-street parking may be limited or restricted in such areas to certain locations, hours, times and/or automobiles as may be further provided in this chapter. Such designations or modifications shall be for such period as the council may determine as being appropriate.

**Sec. 164.03. Minimum area requirements for residential permit parking requests.**

(a) Requests for the designation of a new residential permit parking area must meet minimum requirements of at least eight (8) contiguous block faces or four thousand (4,000) lineal feet of block frontage. One (1) block face is defined as one (1) side of a street for one (1) block.

(b) Requests for the expansion of an existing residential permit parking area shall encompass a minimum of one block face which is contiguous to an existing residential permit parking area.

(c) Requests for the removal of an existing portion of permit parking shall be a minimum of one (1) block face or at the discretion of the traffic engineer.

(d) Requests for modification of the parking restrictions within a permit parking area shall encompass the entire permit parking area, unless the existing area has multiple restrictions. In that case any modification requested for a portion of the area shall be to create more uniformity in the parking restrictions for the permit parking area.

**Sec. ~~168~~164.04. Initial investigation; appeal. Requests; initial investigation.**

~~When a petition is received by the director alleging that serious problems in the defined residential area are caused by excessive parking by nonresidents from nearby nonresidential uses, including, but not limited to, commercial, office or school uses, and after the petition has been validated, the director of public works shall make an initial investigation to assess the nature and extent of the problems, if any, caused by nonresidential parking. If the director concludes that the problems or lack thereof do not warrant the designation of a residential permit parking area, the director shall submit his conclusion with supporting statements to the council and the signer of the certificate. In such an event, the council may adopt the recommendation of the director, or set the matter for hearing pursuant to section 168.07 if, twenty-one (21) days following submission of the director's recommendation, seventy-five (75) percent of the owners of the area initially petitioned appeal the director's recommendation by filing with the director a petition for reconsideration.~~

All requests for the designation, expansion, removal or modification of a residential permit parking area shall be initiated with the traffic engineer. Upon receipt of said request, the traffic engineer shall perform an initial investigation to determine:

(a) Whether the request meets the minimum area requirements of Sec. 164.03;

(b) In the case of the designation of a new area or an expansion of an existing area, whether serious parking problems exist due to excessive parking of nonresidents in a residential area;

(c) Whether permit parking or the removal or modification thereof, would be a viable solution to the parking problem in the area;

(d) What permit parking restrictions and conditions would be appropriate for the area.

This initial investigation may include neighborhood and district council input as necessary to make the above

determinations.

**Sec. ~~168.03~~ 164.05 Petition.**

(a) The designation, expansion, modification or removal of a residential permit parking area shall be initiated by a petition filed with the director of public works stating that a particular residential area is encountering serious residential problems because of excessive parking by nonresidents who are associated with nearby nonresidential uses. A filing fee of ten dollars (\$10.00) shall accompany every petition. after meeting the above requirements of Sec. 164.03 and 164.04, shall then have a petition form prepared by the traffic engineer, except as provided for in Sec. 164.13. Said petition form shall be given to the requesting party for signature and fee collection and submitted back to the traffic engineer for validation assessment.

The submitted petition shall:

(1) Describe precisely the block faces being established or changed;  
(2) State the specific problems and reasons for the request which are compatible with section 164.01;  
(3) State the hours, times of day, and days of the week the proposed permit parking restrictions or revisions will apply.

(b) The petition must specifically state the serious problems being caused by nonresidential parking, the specific residential area to be restricted and the parking hours which are to be restricted. The proposed restricted area must meet minimum requirements of at least eight (8) contiguous block faces (one (1) block face is defined as one (1) side of the street for one (1) block) or four thousand (4,000) lineal feet block frontage. No petition shall be considered if it fails to meet either of these minimal requirements. Every petition form shall be accompanied by a non-refundable filing fee as established by city council resolution.

(c) The petition shall be signed by sixty (60) seventy-five (75) percent of the owners of all residences, multidwelling buildings, churches, schools or any other occupied structure located with tax parcels within the proposed area, with an occupied structure located thereon. "Owners," of tax parcels, for purposes of this section, shall mean fee ownership as recorded in the appropriate office of recordation recording for Ramsey County of any parcel designated with a Ramsey County property identification number. One (1) owner per residence, building or multidwelling building tax parcel shall be allowed to sign the petition. In the case of multiple ownership owners, only one (1) owner may sign on behalf of the ownership. No signature shall be considered where multiple owners of a structure are not able to agree on whether or not the area should have residential permit parking.

(d) Each signer shall thereon write his /or her name and address. Any name appearing on the petition not conforming to the residency ownership requirement at the time of the petition shall be stricken and shall not be included. Any signer may withdraw his or her name by filing a written request with the director traffic engineer prior to the required public hearing required herein. If for any reason the number of signers falls below sixty (60) seventy-five (75) percent prior to the public hearing, the petition shall be deemed defective invalid and shall not be considered.

(e) Each separate page of the petition shall have appended there to a certificate, verified by oath, that each signature was signed by the person purporting to have signed the petition include a signed oath, as to the authenticity of the signatures, from the resident or person who obtained the signatures. The petition shall designate a resident contact person who shall have the responsibility of verifying each separate page assisting the traffic engineer in the verification of signatures, as well as having the responsibility of assisting the director in the any investigation of the request to implement a residential permit parking program in the proposed area and subsequent report to city council which may be necessary.

**Sec. ~~168.05~~ 164.06 Follow-up investigation.** (Replaces previous Sec.164.05 Follow-up investigation)

~~If the initial investigation indicates that serious problems may exist in the residential area because of nonresidential parking, the director shall conduct a more thorough investigation to determine the feasibility of residential permit parking for that or related areas. This investigation may include, but shall not be limited to,~~

observations, surveys, studies or any other data-gathering method which will assist the director in making a recommendation regarding the designation of a residential permit parking area.

Once a petition is received and the signatures validated, the traffic engineer may conduct additional assessments for the proposed area as needed, based on public comment and to ensure functionality of the requested changes. These assessments may include additional observations, other public input, studies, surveys and any other data gathering methods which will assist the traffic engineer in making a final recommendation to the city council.

**Sec. ~~168.06~~164.07. Recommendation to the city council.**

After analyzing the results of the more thorough investigation, and after considering any relevant material submitted by the ~~parking commission~~ neighborhood district council or any other person or group having an interest in the establishment or modification of a residential permit parking program for that area, the ~~director~~ traffic engineer shall submit the results of his/her investigation and shall issue a written report recommending to the council the rejection ~~of~~ designation, or modification of a specific residential permit parking area. ~~If the director recommends rejection of the petition, appeals may be taken in a manner as provided in section 168.04. If director~~ The traffic engineer's recommends the designation of a residential permit parking area, said recommendation shall:

- (1) ~~State, with particularity,~~ Describe precisely the residential area to be included, ~~but which~~ need not be the same area proposed in the petition;
- (2) State guidelines for determining who may obtain residential parking permits and the method of obtaining these permits as provided in section ~~168.10~~ 164.11;
- (3) Include such other reasonable conditions as in order to make the residential permit parking program fair and workable.

**Sec. ~~168.07~~164.08. Hearing.**

Upon receipt of the recommendation of the ~~director~~ traffic engineer to implement a residential parking permit program, ~~or upon submission of a proper and timely appeal as approved~~ provided in section 168.04 164.07, the council shall set a time and place for a public hearing on the petition. At least ~~ten (10)~~ fourteen (14) **thirty (30)** days prior to the hearing, written notice shall be given by publication in the official paper and by written notice to all district councils mailed to the affected property owners including businesses and institutions which typically encompass within the petitioned area, property owners within three hundred fifty (350) feet of the petitioned area, and to the affected neighborhood district council(s), affected business associations and the city council office. At least ten (10) days prior to the hearing, notice shall also be ~~served by mail on the person making the certificate required by section 168.03(e) published in the official newspaper.~~ At the hearing, the council shall hear all interested persons and shall receive and consider all materials relevant to the merits of the petition.

**Sec. ~~168.08~~ 164.09. Finding of necessity.**

(a) If the council thereafter ~~deems such a~~ approves the residential permit parking program ~~necessary request,~~ the resolution authorized by section ~~168.02~~ 164.02 shall fully state the basis for the creation or modification of the residential permit parking area which ~~basis~~ supports the existence of the following or other serious problems caused by nonresidential parking:

- ~~(1)~~(a) The area is detrimentally impacted by parking of commuter vehicles during the proposed hours of restriction and that this detrimental impact creates an unreasonable increase in hazardous traffic conditions; ~~and or~~
- ~~(2)~~(b) The area does not have sufficient parking to accommodate the convenient parking of automobiles by residents thereof in the vicinity of their homes; ~~and or~~

~~(3)(c)~~ Street cleaning, snow removal and other cleanup operations are greatly hampered by the present unregulated parking; and or

~~(4)(d)~~ The restriction of on-street parking available to commuters will reduce vehicle noise, pollution, congestion and other adverse environmental effects of automobile commuting and will thus encourage reliance on car pools and mass transit; and or

~~(5)(e)~~ The health, safety, and welfare and integrity of the residents, ~~the residential area and the city as a whole,~~ and the attractiveness, and livability, and integrity of the neighborhood will be better protected by a system of permit parking under this chapter.

**Sec. ~~168.09~~ 164.10. Parking permits authorized guidelines.**

The city council resolution ~~designating and the establishing, or modifying~~ a residential permit parking area shall provide for the issuance of annual parking permits to residents of such area subject to the following guidelines:

~~(1) (a)~~ The director Said resolution shall identify the designated location, hours and number of streets to be regulated within the residential parking permit area as provided herein.

~~(2) (b)~~ An application for any one (1) or more of the permits provided in Section ~~168.10~~ 164.11(a) shall be on a form recommended by the ~~director~~ traffic engineer and, where appropriate, shall contain the name and address of the applicant, make, model and license number of the vehicle and any additional information which will aid in the enforcement of the provisions of this chapter. No person shall furnish false information in an application for a vehicle permit. A false application shall be grounds for denial or revocation of the permit and is punishable as a petty misdemeanor.

~~(3) (c)~~ A minimum non-refundable permit application fee of ~~ten dollars (\$10.00)~~ shall be charged for each ~~residential and transferable visitor permit, in accordance with the fee schedule established by city council resolution.~~ The fees established for residential parking permits are to cover costs incurred as a result of the implementation of a residential permit parking plan. A household requesting multiple permits shall require an application fee payment for each permit.

~~(4) (d)~~ Placement of permit stickers or tickets. Residential parking permit stickers shall be permanently affixed to the outside of the vehicle in the lower rear corner of the left side window closest to the rear of the vehicle. Visitor or special event permit stickers shall be placed over the post holding the rear view mirror to the windshield or some other conspicuous spot on the front of the vehicle where they are visible to the enforcement personnel. In order for a residential parking permit to be considered valid, it shall be displayed so that the entire permit is visible to the enforcement personnel and as described below or by procedure identified by the Traffic Engineer:

(1) Vehicle stickers shall be permanently affixed to the outside of the vehicle on the driver's side in the lower rear corner of the window closest to the rear of the vehicle.

(2) Visitor and special event placards shall be placed on the driver's side dashboard, so the entire permit is clearly visible through the windshield.

(3) Hang tags shall be placed over the post holding the rear view mirror to the windshield so the permit area, address, date and permit number are clearly visible to enforcement officers through the windshield of the vehicle.

(Ord. No. 17516, § 3, 12-8-87)

**Sec. ~~168.10~~ 164.11. Issuance of permits.**

(a) The following permits, which shall be purchased at a location as determined by the ~~director~~ traffic engineer, shall be made available to persons entitled to receive ~~same~~ them under this chapter, in such form and for such duration as determined by the ~~director~~ traffic engineer:

(1) The number of ~~residential parking~~ vehicle permits and transferable visitor permits allowed per residence or per multidwelling unit shall be ~~determined by the director, provided that such~~ included in the resolution approved by city council for each residential permit parking area. Vehicle permits shall be made available only on the basis of vehicles owned by and registered to the residents who reside in the restricted area ~~and who have requested this permit; the number of residential parking permits, if any, available to owners of commercial buildings or other occupied structures not mentioned above shall be determined by the director at the time he submits his recommendation to the council.~~

(2) ~~The number of transferable visitor's permits per residence or per multidwelling unit and the number of transferable visitor's permits, if any, available to owners of commercial buildings or other occupied structures not mentioned above shall be determined by the director at the time he submits his recommendation to the council.~~ Residents within a residential permit parking area may apply to the traffic engineer for special event permits for events consistent with the residential character of the neighborhood and other provisions of the law. The traffic engineer shall have the authority to determine the number of special event permits to be issued, and the dates and hours they are in effect, upon determination that their issuance would not duly impair traffic safety nor create serious parking problems during the effective period of the permits.

(3) ~~Residents within the restricted area, at a cost of one dollar (\$1.00) for each permit, may apply to the director for nontransferable and dated special event permits upon a showing by the resident that, during the date and hours for which the permits are to be issued the use of the permits shall be for special events consistent with the residential character of the neighborhood and other provisions of law. The director shall determine the number of special event permits to be issued and the hours in effect upon his determination that the issuance of same would not unduly impair traffic safety nor create serious problems during the effective period of the permits. The traffic engineer shall have the authority to issue transferable special event or visitor permits to churches and other non-profit institutions within the permit parking areas upon determination that their issuance would not duly impair traffic safety nor create serious parking problems during the effective period of the permits. Such permits shall not be required upon advance notice to the enforcement agency for extraordinary events such as funerals, memorial services, weddings, festivals or bazaars, where issuance of such permits would be impractical.~~

(4) ~~Churches within the restricted area, at a cost of one dollar (\$1.00) for each permit, may acquire from the director transferable special event permits, provided that such permits shall be used only in conjunction with events sponsored by the applicant church. The director shall determine the number of and effective period of the permits to be issued. Such permits shall not be required upon advance notice to the enforcement agency for extraordinary church events such as funerals, memorial services, festivals or bazaars or weddings, where issuance of such permits would be impractical.~~ (5) Persons who perform services, maintenance, repairs or emergency assistance for any residence at or very near any particular area in which parking is so restricted are exempt from restrictions imposed by this chapter; provided, that their vehicle is marked as a commercial vehicle according to City of Saint Paul and/or State of Minnesota regulations, and that their exemption terminates immediately upon the completion of services or assistance as herein provided. Nothing in this section is intended to prohibit a resident owner of these vehicles from obtaining residential parking permits for same in accordance with the provisions of this chapter.

(b) In the event any of the permits issued under this chapter are lost, duplicates shall be obtained from the ~~director~~ traffic engineer at a cost of ~~one dollar (\$1.00) per permit; provided, that~~ established by city council resolution. ~~No such duplicate shall be issued unless and until the applicant has furnished to the director~~ traffic engineer a written statement under oath and properly notarized that he or she has lost the original permit. No person shall apply for a duplicate permit unless the original permit has, in fact, been lost.

(c) No permits issued under this chapter shall guarantee or reserve to the holder a particular parking space within the designated area but shall provide general parking in said area during the time specified by the resolution and so posted as required in section ~~168.11~~ 164.12. Nor does said permit exempt the holder from abiding by any and all other parking regulations.

(d) Nothing herein shall ~~abrogate~~ nullify the scope of parking privileges granted ~~handicapped persons~~ the physically disabled as defined in ~~Section 144.20 of this Code~~ or by statute of the State of Minnesota.

(e) Special exceptions to the above guidelines in the issuance of residential parking permits shall be at the discretion of the traffic engineer. The traffic engineer shall have the authority to revoke any permits issued if he or she determines that the permits are being misused or their use is creating serious parking problems.

#### **Sec. ~~168.11~~164.12. Posting of signs.**

The ~~director~~ traffic engineer shall cause appropriate signs to be posted in the restricted area so as to inform an ~~ordinarily observant person~~ the motoring public of the existence of the rules and regulations imposed by the restrictions.

#### **~~Section 168.12~~ Penalty.**

~~All persons violating any of the provisions of this chapter or the rules and regulations herein shall be guilty of a misdemeanor.~~

#### **Sec. 164.13 Modification or removal initiated by traffic engineer.**

The traffic engineer shall have the authority to initiate the modification of conditions of a residential permit parking area, the splitting or alteration of the area of a residential permit parking area, and the removal of a residential permit parking area, or any portion thereof. To initiate said changes the traffic engineer shall request the affected neighborhood district council schedule a public meeting to inform the neighborhood and discuss the reasons for the proposed modification or removal of the residential permit parking area. The traffic engineer shall submit his/her recommendation and reasons for the proposed modification or removal of the residential permit parking area to the city council. The council shall hold a public hearing with notification pursuant to Section 164.08. After hearing from any affected party and considering the recommendation of the traffic engineer and the neighborhood district council, the city council shall approve, modify or reject a resolution adopting the recommendation of the traffic engineer.

## **Section 2**

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.