

ORDINANCE NO. 163, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING ARTICLE V OF CHAPTER 24 OF THE CODE OF THE
CITY OF FORT COLLINS AND AMENDING THE FORT COLLINS TRAFFIC CODE
REGARDING THE RESIDENTIAL PARKING PERMIT PROGRAM

WHEREAS, on August 20, 2013, the City Council adopted Ordinance No. 102, 2013, establishing a residential parking permit zone program (“the Program”); and

WHEREAS, the Program was created to restrict parking on streets within specific neighborhoods overburdened with parking, primarily to neighborhood residents, in order to reduce hazardous traffic conditions, promote traffic safety, and to protect residents of those neighborhoods in gaining access to their residences; and

WHEREAS, the creation of the Program was done without having piloted a program of similar nature before its adoption; and

WHEREAS, while the core aspects of the Program have remained constant, certain peripheral details have evolved over the last several years to accommodate the needs and desires of the residents of neighborhoods in which the Program has been established; and

WHEREAS, the City Council has determined it is in the best interests of the City to limit the area in which future programs may be established to a specific management area; and

WHEREAS, the management area has been identified as a group of neighborhoods most prone to persons parking in a neighborhood who are not residents of such neighborhood; and

WHEREAS, the management area is, in general terms, within approximately a ten-minute bicycle ride or 30-minute walk to Colorado State University, as proximity to Colorado State University has historically been the main cause for parking problems in neighborhoods; and

WHEREAS, certain provisions of the City Code and Traffic Code need to be clarified and updated to ensure the intent of the Program is maintained through clear and specific enforcement provisions; and

WHEREAS, the City Council has determined that the amendments which have been proposed are in the best interests of the City and are necessary for the health, safety, and welfare of the City’s citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Article V of Chapter 24 of the City Code is hereby repealed and reenacted to read in its entirety as follows:

**ARTICLE V
RESIDENTIAL PARKING
PERMIT ZONE PROGRAM**

Sec. 24-171. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Residential parking permit management area shall mean the area within the following boundaries: Beginning at the point of intersection of the north right-of-way line of Buckingham Street and the east right-of-way line of Third Street; thence southerly along said east right-of-way line of Third Street and its southerly prolongation to the south right-of-way line of east Lincoln Avenue; thence westerly along said south right-of-way line of east Lincoln Avenue to the northeasterly right-of-way line of Riverside Avenue; thence southeasterly along said northeasterly right-of-way line of Riverside Avenue to its point of intersection with the northerly prolongation of the east right-of-way line of Stover Street; thence southerly along said east right-of-way line of Stover Street to the south right-of-way line of Columbia Road; thence westerly along said south right-of-way line of Columbia Road, to the east right-of-way line of College Avenue; thence northwesterly to the point of intersection of the westerly right-of-way line of Centre Avenue and the southerly right-of-way line of Rolland Moore Drive; thence westerly along said southerly right-of-way line of Rolland Moore Drive and its westerly prolongation to the west right-of-way line of Shields Street; thence northerly along said west right-of-way line of Shields Street to the south right-of-way line of Stuart Street; thence westerly along said south right-of-way line of Stuart Street to the westerly right-of-way line of Heatheridge Road; thence northerly along said right-of-way line of Heatheridge Road and its northerly prolongation to the north right-of-way line of Prospect Road; thence westerly along said north right-of-way line of Prospect Road to the westerly right-of-way line of Castlerock Drive; thence northerly along said westerly right-of-way line of Castlerock Drive and its northerly prolongation to the north right-of-way line of Elizabeth Street; thence easterly along said north right-of-way line of Elizabeth Street to the west right-of-way line of Skyline Drive; thence northerly along said west right-of-way line of Skyline Drive to the north right-of-way line of Crestmore Place; thence easterly along said north right-of-way line of Crestmore Place to the west right-of-way line of Bryan Avenue; thence northerly along said west right-of-way line of Bryan Avenue to the north right-of-way line of Mulberry Street; thence easterly along said north right-of-way line of Mulberry Street to the west right-of-way line of Jackson Avenue; thence northerly along said west right-of-way line of Jackson Avenue and its northerly prolongation to the north right-of-way line of Mountain Avenue; thence easterly along said north right-of-way line of Mountain Avenue to the center line of Shields Street; thence northerly along said center line of Shields Street to the north right-of-way line of Laporte Avenue; thence easterly along said north right-of-way line of Laporte Avenue to the west right-of-way line of Wood Street; thence northerly along said west right-of-way line of Wood Street to the north right-of-way line of Maple Street; thence easterly along said north right-of-way line of Maple Street to the west right-of-way line of Loomis Avenue; thence northerly along said west right-of-way line of Loomis Avenue to the north

right-of-way line of Elm Street; thence easterly along said north right-of-way line of Elm Street to the southwesterly right-of-way line of the Rex Branch of the former Colorado and Southern Railroad (no longer in use); thence southeasterly along said southwesterly right-of-way line to a point on the north right-of-way line of Cherry Street; thence easterly along said north right-of-way line of Cherry Street to the west right-of-way line of College Avenue; thence continuing easterly to the point of intersection of the east right-of-way line of College Avenue and the northerly right-of-way line of Willow Street; thence southeasterly along the northerly and northeasterly right-of-way line of Willow Street to the northwesterly right-of-way line of Linden Street; thence northeasterly along said northwesterly right-of-way line of Linden Street to its point of intersection with the northwesterly prolongation of the northerly right-of-way line of Buckingham Street; thence easterly along said northwesterly prolongation and along said northerly right-of-way line of Buckingham Street to the point of beginning. A map showing the approximate area of the *residential parking permit management area* dated December 5, 2017, is on file in the office of the City Clerk.

Residential parking permit zone shall mean a neighborhood designated by the City Manager in which parking is restricted to persons who have been issued a permit pursuant to this Article.

Sec. 24-172. Purpose and intent.

The creation of residential parking permit zones is intended to promote the health, safety and welfare of residents of certain neighborhoods by reducing unnecessary personal motor vehicle travel, noise, pollution, litter, crime and other adverse environmental impacts; promote improvements in air quality; reduce congestion and/or hazardous traffic conditions in the neighborhood; increase the use of public mass transit; protect residents from unreasonable burdens in gaining access to their property; preserve neighborhood living within an urban environment; maintain the convenience and attractiveness of urban residential living; preserve the residential character of the neighborhood and the property values therein; and safeguard the peace and tranquility of the neighborhood.

Sec. 24-173 Parking permit zone eligibility.

Upon the City Manager's determination that, in a neighborhood within the residential parking permit management area, it is in the public interest, or upon receipt of a petition by at least ten (10) adult residents of a neighborhood within the residential parking permit management area proposing a residential parking permit zone, the City Manager may conduct studies to determine if a residential parking permit zone should be established in that neighborhood, and what its boundaries should be. Regardless of whether the City Manager initiates the process or the residents initiate the process, the City Manager must determine the residential parking permit zone is in the public interest in order for the program to move forward. In order to determine whether parking by nonresidents of a particular neighborhood substantially impacts the ability of residents of the proposed parking permit zone to park their vehicles on the streets of the proposed zone with reasonable convenience, and the extent to which a residential parking permit zone would significantly reduce this impact, the City Manager may consider, without limitation, the extent to which parking spaces are occupied during working or other hours, the extent to which parked vehicles are registered to persons not apparently residing within the neighborhood, the impact that

businesses and facilities located within or without the neighborhood have upon neighborhood parking within the neighborhood, and public feedback including the neighborhood property owner's vote. The City Manager may also take into consideration the need for reasonable public access to parking in the area and the manner and extent that it should be provided, as well as the hours and days on which parking restrictions should apply.

Sec. 24-174. Establishment/termination.

(a) If the City Manager determines that establishing a residential parking permit zone in a particular neighborhood is in the public interest, the City Manager shall prepare a program for the zone, specifying the boundaries, the hours and days on which parking restrictions will apply, and the provisions, if any, for nonresident permit parking. The City Manager may hold such public meetings as he or she deems advisable to assist in formulating such program. The City Manager shall thereupon establish the zone by regulation as provided herein. If the City Manager later determines that the program is no longer in the public interest, or the rate of participation in a zone is insufficient to cover the costs of administering the program, or the City Council has not appropriated other funds to support the program, then the City Manager may terminate the program in that zone.

(b) The City Manager shall define the boundaries of the proposed residential parking permit zone based on factors including, but not limited to, the petition request, the results of any occupancy study, and feedback received during public feedback sessions.

(c) Although additional administrative regulations regarding voting may be established pursuant to § 24-177, the following voting requirements are hereby established:

- (1) Only property owners within the proposed zone are eligible to vote;
- (2) Each owner, regardless of the number of properties owned, is permitted one vote;
- (3) If at least one-half of the property owners do not vote, the residential parking permit zone shall not be established;
- (4) One-half of the voting property owners must vote in favor of the residential parking permit zone in order for it to be established;
- (5) Notwithstanding Subsections (3) and (4), the result of the vote is not binding upon the City Manager; however he or she shall use the result of the vote as a factor to assist in determining whether the proposed zone will be established.

Sec. 24-175. Traffic control devices.

Upon establishment of a zone, the City Manager shall install the necessary traffic control devices within the zone to notify the public of the restrictions in the zone and issue residential parking zone permits.

Sec. 24-176. Program regulations.

(a) Upon designation of a residential parking permit zone pursuant to this Article, the City Manager may issue parking permits for vehicles owned by, or in the custody of and regularly used by any or all of the following persons: (1) residents of the zone, (2) persons employed by a business, non-profit, or governmental entity located within the zone, and (3) if permitted in the zone, nonresidents. The permits shall be issued upon receipt of a completed application therefor and payment of the fees adopted by the City Manager as provided by Chapter 7.5 of the City Code.

(b) A permitted vehicle may be parked in the zone specified in the permit without regard to the time limits prescribed for unpermitted vehicles in such zone, if any.

(c) Permits for businesses, non-profit, and governmental entities may be issued only if parking capacity exceeds that needed for all residential parking. These permits shall be sold on a first-come, first-serve basis.

(d) No person shall use or display any permit issued under this Article in violation of any provision of this Code or any regulation promulgated by the City Manager under §24-176 below.

(e) If parking capacity is available, residents issued a permit pursuant to this Article may obtain guest permits for use by houseguests of the permittee. The City Manager may define the circumstances under which guest permits may be issued, taking into consideration the reasonable parking needs of the residences and available parking capacity.

(f) Upon application to the City Manager, any person providing bona fide services in a residential parking permit zone may obtain at no cost a reasonable number of temporary permits for the vehicles of such person for the period of time that the person is engaged in work within a residential parking permit zone.

(g) It shall be unlawful for any person to falsely represent himself or herself as eligible for a permit under this Article or to furnish any false information in or in conjunction with an application for a residential parking permit.

(h) Possession of any of the permits provided under this Article shall not guarantee or reserve a parking space.

Sec. 24-177. Supplemental regulations.

The City Manager may, by regulation, prescribe additional standards, not inconsistent with those set out in this Article, that must be met before the City Manager designates a residential parking permit zone, adds or deletes territory from an established zone, or issues permits for residential parking permit zones. In addition, the City Manager may set forth additional criteria and regulations for managing the zones, including but not limited to, regulations for voting, grounds for revocation of a permit, measuring occupancy, the treatment of adjacent neighborhoods, removal of a zone, permit costs, guest, work, and commuter permits, and time-limited parking. All

such administrative regulations relating to residential permit parking zones shall remain on file with the City Clerk.

Section 3. That Section 1214.4 of the Traffic Code is hereby added to read as follows:

1214.4 Permitted public parking.

Unless official traffic control devices provide otherwise, only vehicles that have been properly permitted pursuant to Section 23-140 of the City Code for use of facilities owned or operated by the City, including but not limited to public parking areas, may park in those areas.

Section 4. That Section 1214.5 of the Traffic Code is hereby amended to read as follows:

1214.5. Permitted parking in residential parking permit zones.

- (1) Where official traffic control devices indicate except as otherwise provided below, only vehicles that have been properly permitted pursuant to Section 24-175 of the City Code for parking within a residential parking permit zone may park in such zone.
- (2) In zones that permit time-restricted parking of unpermitted vehicles, no person shall park or direct another person to park an unpermitted vehicle for a period in excess of any time restriction established for such zone.
- (3) Notwithstanding any provision of Chapter 24 of the City Code regarding time limits on parking, permitted vehicles are subject to the provisions in this Traffic Code for abandoned vehicles, including, but not limited to, Subsections 1202 and 1801.
- (4) It shall be unlawful for anyone to modify, alter or duplicate a residential parking permit in any way or to use such permit in any manner other than that for which it was intended.
- (5) After vacating a time-restricted parking space in a residential parking permit zone, no person shall return and park, or direct another person to return and park, that same vehicle in that same residential parking zone within a twenty-four-hour period, regardless of whether the maximum time restriction has elapsed.
- (6) Only vehicles that have been properly permitted pursuant to Article V of Chapter 24 of the City Code may park within a residential parking permit zone during, or within the four (4) hours before the official start time of, a stadium event. Any person violating any regulation set forth in Subsections 1214.5(1), (2), (4), or (5) during, or within the four (4) hours before the official start time of, a stadium event, shall be subject to the penalties of this Subsection (6).
 - (a) For purposes of this Subsection, a *stadium event* is defined as any event held at the on-campus stadium at Colorado State University at which attendance is reasonably

anticipated by Colorado State University or the City to exceed twelve thousand (12,000) persons.

- (b) There is hereby established a rebuttable presumption that a stadium event is occurring or has occurred when Colorado State University or the City has provided advance notice of such event to the general public:
 - (I) on its official website;
 - (II) on any of its generally used social media web pages;
 - (III) in a local newspaper of general circulation; or
 - (IV) through the use of temporary signs near the stadium on the same calendar day as the stadium event.
- (7) An unpermitted vehicle with a license plate or a placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized pursuant to Subsection 1208(4) may be parked in a residential permit zone along public streets regardless of any time limitation imposed upon parking in such area; except such privilege shall not apply to zones or times of day in which:
 - (a) Stopping, standing or parking of all vehicles is prohibited;
 - (b) Only special vehicles may be parked; or
 - (c) Parking is not allowed during specific periods of the day.

Introduced, considered favorably on first reading, and ordered published this 21st day of November, A.D. 2017, and to be presented for final passage on the 5th day of December, A.D. 2017.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of December, A.D. 2017.

ATTEST:

Mayor Pro Tem

City Clerk