

SUBJECT Ordinance amending Chapters 12 and 45 of the Code of Ordinances relating to parking management		Category #	Page 1 of 1	AGENDA ITEM # 57 20
FROM (DEPARTMENT OR OTHER POINT OF ORIGIN): Planning & Development		ORIGINATION DATE MAY 10, 2006	AGENDA DATE MAY 24 2006 MAY 31 2006	
DIRECTOR'S SIGNATURE: Marlene Gafrick <i>Marlene Gafrick</i>		COUNCIL DISTRICT AFFECTED: MAY 31 2006		
FOR ADDITIONAL INFORMATION CONTACT: Liliana Rambo (713) 853.8276 Marlene Gafrick (713) 837-7760		DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION: ORDINANCE #2005-0993, AUGUST 24, 2005 ORDINANCE #2005-0995, AUGUST 24, 2005		

RECOMMENDATION: (SUMMARY)
That City Council approve an ordinance amending the Code of Ordinances to transfer responsibility for administering the Residential Parking Permit Program from the Planning & Development Department to the Convention & Entertainment Facilities Department, and other changes relating to parking management

AMOUNT AND F&A BUDGET: N/A
SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATIONS:

City Council has previously approved the creation of a Parking Commission to advise the City on issues pertaining to both on and off street parking and to work with the City's Parking Management Division on such matters. In a concurrent action, the Parking Management Division was transferred from the Municipal Courts Administration Department to the Convention & Entertainment Facilities Department ("CEFD"). In order to further the process of consolidating parking matters, including the transfer of responsibility for the Residential Parking Permit Program, and obtaining the input of the Parking Commission in its work with the Parking Management Division, several amendments are required to Chapters 12 and 45 of the Code of Ordinances which include the following:

1. Adds administration of the Residential of the Residential Parking Permit Program to the duties of the Director of CEFD;
2. Transfers various duties now assigned to the "planning official" (Director of the Planning and Development Department) to the "parking official" (defined as the Director of CEFD or her designee);
3. Renames, at the request of the Presiding Judge of the Municipal Courts Judicial Department, the hearing officers assigned to handle parking violations as "adjudicative hearing officers;"
4. Updates statutory references to certain provisions now found in the Texas Transportation Code;
5. Provides that certain fees paid in connection with any appeal of a parking violation to the municipal court shall be non-refundable (done at the request of the Municipal Courts Presiding Judge);
6. Amends and clarifies the standards upon which a residential parking permit may be revoked by the parking officials; and,
7. Provides that any person whose residential parking permit has been revoked may not be reissued another such permit for a period of two years following such revocation.

The Planning and Development Department, joined by CEFD and Municipal Courts, recommends that the City Council approve the above-described amendments to Chapters 12 and 45 of the Code of Ordinances.

OTHER AUTHORIZATION: <i>Dawn Ullrich</i> Dawn Ullrich, Director, C&EF	OTHER AUTHORIZATION: <i>Berta A. Mejia</i> Berta A. Mejia, Presiding Judge, MCJD	OTHER AUTHORIZATION:
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[From Chapter 12, where "director" is the Director of the Convention and Entertainment Facilities Department.]

Sec. 12-5. Duties of the director.

The director shall perform all duties and responsibilities as are required of him by law and such other functions, duties and powers as may be assigned to him by the mayor. Without limiting the foregoing duties, functions, powers and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision and authority over all officers and employees therein in the performance of the duties of the department.
- (2) Direct, control and manage the properties, including the grounds surrounding them, and any other premises placed under his control by the mayor, and direct the improvement and maintenance thereof.
- (3) Promulgate and enforce or cause to be enforced administrative rules and regulations governing the use, control and operation of the properties and any other premises placed under his control, including, without limitation, rules regarding the acceptance, review and approval of applications for occupancy, and the rental and use of the properties. The rules and regulations shall not be inconsistent with applicable state, federal or local laws, rules and regulations. A copy of the rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary.
- (4) Accept, review and approve applications for use of the properties, including the grounds surrounding them.
- (5) Rent the facilities utilizing license agreements.
- (6) Manage all facilities and operations for public parking assigned to the department.
- (7) Administer the city's residential parking permit program contained in article XVII of chapter 45 of this Code or appoint a designee to carry out such function.
- (8) Serve, or designate a person within his department to serve, as an ex-officio member of the public parking commission authorized by article III of this chapter.

[From Chapter 45, where "director" is the Director of the Public Works and Engineering Department.]

ARTICLE XVI. ADJUDICATION OF PARKING CITATIONS

Sec. 45-380. Jurisdiction ~~Bureau created.~~

~~Within~~ The municipal courts judicial department ~~there is hereby created the parking violations bureau,~~ which shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles VI and XVII of this chapter and of division 1 of article VII of this chapter and of offenses involving the parking or stopping of a vehicle that arise under the Fire Code of the city.

Sec. 45-381. Procedures.

The ~~director clerk~~ of the municipal courts judicial department shall establish and implement appropriate procedures to effect the policy of this article.

Sec. 45-382. Adjudicative hearing officers.

(a) The ~~parking violations bureau~~ municipal courts judicial department shall employ ~~be composed of~~ one or more adjudicative hearing officers who shall be appointed by the mayor. Staff required for the support of the adjudicative hearing officer's functions shall be provided by the clerk of the municipal courts.

(b) Adjudicative hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.

(c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts judicial department.

Sec. 45-383. Parking citations.

(a) The administrative adjudication process for parking or stopping of vehicle violations that are subject to adjudication under this article shall be initiated by the issuance of a parking citation. A citation may be issued by a peace officer or other authorized parking enforcement agent designated by or upon authority of the city.

(b) If the owner or operator of the vehicle is not present at the time of issuance of the citation, the citation may be issued by affixing the citation to the vehicle in a conspicuous place.

(c) The citation shall provide that the person charged with a parking, stopping or standing offense shall have the right of an instanter hearing to determine the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before an adjudicative hearing officer within 45 days from the date of issuance of the citation at such convenient and reasonable hours as may be specified by the adjudicative hearing officer, which hours shall be printed on the parking citation. In lieu of an instanter hearing the person charged may appear in person or through legal counsel before an adjudicative hearing officer within 45 days from the date of issuance of the citation, post a cash bond for fines, costs and fees in an amount to be established by the adjudicative hearing officer and shall then be scheduled for a hearing before the adjudicative hearing officer at a date and time certain within 30 days of such appearance.

(d) The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

Sec. 45-384. Presumption of ownership.

(a) It is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.

(b) A state department of transportation computer-generated record of the registered vehicle is a prima facie evidence of its contents in an administrative adjudication hearing under this article.

Sec. 45-385. Hearings.

(a) At the hearing before the adjudicative hearing officer, the person charged may either admit, admit with explanation, or deny the alleged infraction.

(b) The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing.

(c) It is not required that the prosecuting attorney attend the hearing. Provided, however, that if the person charged is represented by legal counsel at the hearing, the adjudicative hearing officer shall notify the prosecuting attorney who shall have a right to appear on behalf of the city at said hearing.

(d) No formal or sworn complaint shall be necessary. The adjudicative hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the person charged. If the adjudicative hearing officer determines by the preponderance of the evidence that the violation was committed by the person charged, he shall find the person charged liable therefor.

(e) At the conclusion of the hearing, the adjudicative hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking or stopping ordinance and the amount of any fine, costs, or fees assessed against him. The order and all other records of the proceeding shall be filed with the clerk of the municipal court. All such orders shall be kept in a separate index or file by the clerk of the municipal court. The filing of the order and other records of the proceeding shall be kept in accordance with Section 682.009 of the Texas Transportation Code

(f) Failure of a person charged with the offense to appear before an adjudicative hearing officer within 45 days from the issuance of the citation shall be considered an admission of liability for the charged offense and an order shall be issued on that basis. In the event that the person charged elects to appear by posting a bond and obtaining a scheduled hearing at a date and time certain, the failure of the person charged to appear in person or through counsel at the hearing as scheduled shall also be considered an admission of liability and an order may be issued on that basis.

(g) Fines for violations shall be as provided in section 45-22 of this Code. The presiding judge shall establish fines for persons who do not wish to contest their citations and for persons who admit liability under subsection (f), above. The presiding judge shall establish the amount of any added fine that shall be payable if a citation or fine ordered by an adjudicative hearing officer is not fully satisfied or a bond is not posted within 45 days from the date of issuance of the citation.

(h) Court costs shall be payable on all citations in the amounts required by law including, but not limited to, the fees payable under section ~~46-9~~ 16-8 of this Code. The court costs shall be disposed of as provided in section ~~46-9~~ 16-8, or as otherwise provided by law. All other fines and fees shall be deposited in the city treasury as general revenues of the city.

(i) The clerk of the municipal courts shall cause a video or audio tape record to be made of each hearing and shall retain the tape and any documents introduced at the hearing until the time for an appeal to be filed has expired.

Sec. 45-386. Appeal.

(a) A person determined by the adjudicative hearing officer to be in violation of a parking or stopping ordinance may appeal the determination to the municipal court.

(b) The appeal must be instituted by filing, not later than the thirtieth day after the filing of the adjudicative hearing officer's order, a petition with the clerk of the municipal court along with payment of an nonrefundable administrative appeal fee in the amount of \$10.00 for the first citation and \$5.00 for each additional citation that is appealed, as well as payment of any other costs required by law. ~~The fees and costs shall not be refunded unless the person charged prevails.~~

(c) After filing a petition for appeal, the clerk of the municipal court shall schedule a hearing and notify all parties of the date, time and place of the hearing.

(d) The appeal shall be decided under the substantial evidence rule and on the basis of the evidence adduced at the hearing before the adjudicative hearing officer. The record shall be provided to the court by the clerk of the municipal courts. If the municipal court finds the record to be materially incomplete, the municipal court may upon its own motion or upon motion of the defendant or the prosecuting attorney refer the case back to the adjudicative hearing officer for further proceedings; however, no evidence may be adduced at the appeal hearing. The court shall not reverse the adjudicative hearing officer's decision unless it is determined to be (i) in violation of law, (ii) not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole, or (iii) arbitrary and capricious or characterized by an abuse of discretion.

(e) Service of notice of appeal under this section does not stay the enforcement and collection of the adjudicative hearing officer's order unless the person who files the appeal also posts a cash appeal bond with the clerk of the municipal court. The appeal bond shall be in the amount of all fines, costs and fees assessed by the adjudicative hearing officer.

Sec. 45-387. Enforcement.

In addition to the added fine amount for delayed payment as provided in section 45-385(g) of this Code, the failure to comply with an order issued under this article may be enforced in any of the other manners provided in ~~section 5 of article 6701d-24 of the Texas Revised Civil Statutes~~ Section 682.010 of the Texas Transportation Code.

~~**Sec. 45-388. Records.**~~

~~—The clerk of the municipal courts shall maintain a record of all proceedings under this article in the manner provided in section 6 of article 6701d-24 of the Texas Revised Civil Statutes.~~

Secs. 45-389 388--45-400. Reserved.

[Also from Chapter 45, where "director" is the Director of the Public Works and Engineering Department.]

ARTICLE XVII. RESIDENTIAL PARKING PERMITS

DIVISION 1. GENERALLY

Sec. 45-401. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commuter vehicle means a motor vehicle, other than a "resident vehicle" as defined herein, that is parked in a residential area in which it is not registered with the Texas Department of Transportation.

Curbside parking space means 20 linear feet of curb, excluding those portions of the curb where the parking of any motor vehicle is not permitted.

~~*Parking management* means the parking violations bureau of the municipal courts *judicial* department.~~

Permit means a current and valid permit issued under division 3 of this article.

Resident means the owner or tenant of residential property in a residential area or the tenant of an apartment complex with not more than 16 units in a residential area.

Resident vehicle means a motor vehicle parked in a residential area in which it is registered with the Texas Department of Transportation.

Residential means pertaining to the use of land for premises such as single-family homes, duplexes, condominiums and apartment complexes with eight or fewer units, that contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, apartment complexes with nine or more units, boardinghouses and day care centers shall not be considered to be residential.

Residential area means a contiguous area containing or bounded by public streets or parts thereof abutted by residential property occupying at least 75 percent of the front footage along the blockface. A residential area may be one or more blockfaces within a larger residential area, provided that the director can consider a street of 750 feet in length or greater to be two blockfaces of approximately equal length for purposes of this article if requested by the applicants.

Residential parking permit area means an area designated pursuant to division 2 of this article.

Sec. 45-402. Compliance with other laws.

A parking permit issued pursuant to this article does not excuse compliance with any other provisions of state law or this Code relating to parking, including, but not limited to, parking meter payment, "no parking" signs and restricted parking for persons with disabilities.

Sec. 45-403. Offenses.

(a) It shall be unlawful for any person to park a motor vehicle that does not display a permit in a curbside parking space on any day or during any hours for which commuter vehicle parking is prohibited by official signs posted in a residential parking permit area.

(b) It shall be unlawful for any person to represent in any fashion that a motor vehicle is entitled to a permit authorized by this article when it is not so entitled. The display of a permit on a motor vehicle not entitled to the parking permit shall constitute such a representation.

(c) It shall be unlawful for any person to duplicate, or attempt to duplicate, by any means, a permit authorized by this article. It also shall be a violation of this article for any person to display on any motor vehicle a duplicate permit.

Sec. 45-404. Revocation of permit.

In addition to the penalties provided for violation of this article, ~~parking management the parking official shall revoke the residential parking permit and any associated visitor permit of any person found to have committed be in continual three or more violations of this article after notice and hearing within any one year period. Following notice, hearing and determination by parking management Upon a determination by the parking official that the a person who holds a permit is in continual violation of this article has been adjudicated to have committed the number of violations set forth in the preceding sentence within the prescribed period, the parking official shall provide and, upon written notification thereof, the to such person by certified mail, return receipt requested, revoking the permit and ordering the shall surrender of the any visitor permits held under the permit to parking~~

~~management~~ the parking official. Failure to surrender a revoked ~~residential parking~~ visitor permit when requested to do so shall constitute a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender such permit.

Sec. 45-405. Defenses.

It shall be an affirmative defense to civil prosecution for violation of this article that the motor vehicle parked in a residential parking permit area was:

- (1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area;
- (2) A motor vehicle that was clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, was being used in the course of official government business, and was not parked while the operator was working at his customary office or job site;
- (3) An authorized emergency vehicle; or
- (4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical and plumbing service motor vehicles, that was parked in a residential parking permit area while conducting business at a residence in the residential parking permit area.

Sec. 45-406. Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. The authority granted by this article is cumulative of the powers granted by this chapter and does not limit the authority of the traffic engineer or ~~enforcement~~ other officers authorized to regulate traffic.

Sec. 45-407. Adjudication.

Cases involving violations of the parking provisions of this article shall be adjudicated before adjudicative hearing officers of the municipal courts judicial department.

Secs. ~~45-407~~ 408--45-410. Reserved.

DIVISION 2. DESIGNATION OF RESIDENTIAL PARKING PERMIT AREAS

Sec. 45-411. Designation.

(a) The city council may designate residential areas within the city with chronic commuter parking problems as residential parking permit areas pursuant to the procedures of this division. For purposes of this division, a "chronic commuter parking problem" means the occupancy of curbside parking spaces by commuter vehicles at the same hours and on the same days, but shall not mean parking for events which by their nature are expected to occur on a frequency of less than once every two weeks.

(b) In carrying the functions assigned to him by this division, the ~~planning official~~ parking official shall consult with and ~~seek obtain~~ the concurrence of the traffic engineer.

Sec. 45-412. Request for designation.

(a) A request for designation of a residential parking permit area shall be initiated by petition of residents within the proposed residential parking permit area. The minimum residential area for which a petition for designation may be submitted is one blockface, including both sides of the street if both sides are residential or one residential blockface if the opposing blockface is not residential. The request shall be filed with the ~~planning official~~ parking official upon a form promulgated for that purpose by the ~~planning official~~ parking official, and shall include, at a minimum, the following:

- (1) A description of the residential area proposed to be included in the residential parking permit area;
- (2) A description of the chronic parking problem or condition to be remedied;
- (3) Evidence of neighborhood support for the project;
- (4) The name, address and telephone number of a resident in the proposed residential parking permit area who shall be the contact for the request;
- (5) The names and addresses of all residents within the proposed residential parking permit area;
- (6) Any other information reasonably required by the ~~planning official~~ parking official to make any determination required under this article.

The parking official shall immediately forward a copy of all information relating to the request to the traffic engineer.

(b) The ~~planning official~~ parking official initially shall review each request for completeness. If the ~~planning official~~ parking official determines that the request is complete, the request shall be acted upon as further provided in this article. If the ~~planning~~

~~official~~ parking official determines that the request is incomplete, he shall return the request with written notice of the deficiencies.

Sec. 45-413. Parking survey.

Upon receipt of a complete application for designation of a residential parking permit area, the ~~planning official~~ parking official shall conduct or cause to be conducted a parking survey of the proposed residential parking permit area. The parking survey shall be conducted in the manner prescribed by the traffic engineer. The parking survey shall determine the following information, as well as any other information that the ~~planning official~~ parking official or the traffic engineer determines will be useful to verify the chronic commuter parking problem identified in the application:

- (1) The total number of legal curbside parking spaces in the proposed residential parking permit area;
- (2) The number of legal curbside parking spaces that are occupied by motor vehicles;
- (3) The number of curbside parking spaces that are occupied by commuter vehicles; and
- (4) The general hours of occupancy of curbside parking spaces by commuter vehicles.

Sec. 45-414. Criteria for designation.

The ~~planning official~~ parking official, in making a determination of approval or disapproval with respect to designation, and the city council, in making a designation, shall consider the results of the parking survey and the following criteria:

- (1) The extent to which curbside parking spaces are occupied by motor vehicles. The total number of curbside parking spaces occupied by motor vehicles at the minimum must exceed 60 percent of the number of curbside parking spaces on the public streets of the proposed residential parking permit area for the area to be eligible for designation;
- (2) The extent to which motor vehicles parking in the area are commuter vehicles. The total number of curbside parking spaces occupied by commuter vehicles during any one-hour period must equal or exceed 25 percent of the total number of curbside parking spaces occupied by motor vehicles in the proposed residential parking permit area for the area to be eligible for designation;

- (3) The extent to which residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by commuter vehicles;
- (4) The time or times of day of greatest commuter parking in the period surveyed;
- (5) The effect on the safety of the residents from intensive commuter vehicle parking;
- (6) The existence of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (7) The extent and availability to the general public of parking in the residential district;
- (8) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems identified in this section;
- (9) Evidence of support 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 article; ~~and~~
- (10) Whether the problems identified in this section can reasonably and feasibly be solved at no additional cost to the city through an alternative to the designation of a residential parking permit area; and
- (11) Any other traffic issue identified by the traffic engineer.

Sec. 45-415. Parking regulations.

If the ~~planning official~~ parking official determines that an application for designation meets the criteria for designation, he shall so notify the traffic engineer, ~~with the advice of the planning official,~~ who shall develop for the proposed residential parking permit area proposed parking regulations that shall establish the days of the week and the times of day that parking by commuter vehicles shall be prohibited in the residential parking permit area. Nothing in this article shall require the traffic engineer to develop any parking regulations for a proposed residential parking permit area for days and times the traffic engineer determines parking would interfere with traffic mobility. The parking official may include his recommendations regarding the residential parking permit area in the notification to the traffic engineer.

Sec. 45-416. Public hearing.

(a) After determining that an application for designation meets the criteria for designation and developing the proposed regulations for the residential parking permit area, the ~~planning official~~ parking official shall conduct a public hearing to receive comment on the designation of the proposed residential parking permit area and the proposed parking regulations.

(b) The ~~planning official~~ parking official shall give notice of the public hearing no less than 15 days before the date of the public hearing as follows:

- (1) Notice shall be given by mail, addressed to "Occupant," of property within the boundaries of the proposed residential parking permit area; and
- (2) Notice in the form prescribed by the ~~planning official~~ parking official shall be published once in a newspaper of general circulation in the city at least 10 days prior to the hearing.

(c) The notice shall clearly state the purpose, date, time and location of the public hearing; the location and boundaries of the proposed residential parking permit area; the regulations proposed for the area; and the parking permit fees that will be charged.

(d) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed is prima facie evidence that notice has been given as required by this section.

(e) At the public hearing, any interested person, including the traffic engineer, may present testimony, orally or in writing, with respect to the proposed residential parking permit area, the proposed regulations and the permit fees. The ~~planning official~~ parking official may establish rules for the conduct of the public hearing.

Sec. 45-417. ~~Planning official~~ Parking official action.

Following the close of the public hearing, the ~~planning official~~ parking official shall approve or disapprove the proposed residential parking permit area or modify the proposal in response to public comment. If the ~~planning official~~ parking official approves the proposal, with or without modification, he shall recommend the application and the parking regulations developed by the traffic engineer to the city council for designation of the residential parking permit area. If the ~~planning official~~ parking official does not approve the proposal, he shall so advise the applicant, and the application shall not be submitted to the city council.

Sec. 45-418. City council action.

City council designation of a residential parking permit area shall be by motion. Designation of a residential parking permit area shall be effective 60 days after passage of the motion designating the district.

Sec. 45-419. Notice to residents.

As soon as practicable following the designation of a residential parking permit area, the ~~planning official~~ parking official shall mail to the occupant of every address within the designated residential parking permit area a written notice that shall contain the following information:

- (1) The existence, boundaries and numerical designation of the residential parking permit area;
- (2) The parking restrictions applicable to all motor vehicles in curbside parking spaces along public streets in the designated area that do not properly display a permit authorized by this article;
- (3) The effective date of the regulations;
- (4) The procedures and associated fees to obtain a residential or visitor permit; and
- (5) An application for a residential permit on the form to be prescribed by ~~parking management~~ the parking official.

Secs. 45-420--45-429. Reserved.

DIVISION 3. PERMITS

Sec. 45-430. Residential permits.

(a) Upon submission of a complete residential permit application to ~~parking management~~ the parking official by a resident of a residential parking permit area, and payment of the fee prescribed in this article, an applicant shall be entitled to receive one residential permit for each motor vehicle described in the application in accordance with the schedule set forth in section 45-433.

(b) A residential permit shall be valid for one year from its date of issuance and may be renewed for as long as the motor vehicle qualifies for a residential permit; provided, that no permit that has been revoked pursuant to section 45-404 of this Code shall be reissued for a period of two years from the date of such revocation.

(c) No residential permit shall be issued for a motor vehicle whose owner or principal operator does not reside within the designated residential parking permit area.

(d) A residential permit issued for a motor vehicle that no longer qualifies for a residential permit is void.

(e) An applicant may obtain a replacement residential permit in the same manner and for the same fee as the original residential permit upon providing evidence satisfactory to ~~parking management~~ the parking official that the original permit has been destroyed.

Sec. 45-431. Visitor permits.

Upon application of any resident of a residential parking permit area, ~~parking management~~ the parking official shall issue to the resident no more than the number of visitor permits determined from the schedule in section 45-433 that will allow motor vehicles displaying the visitor permit to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited. Each visitor permit shall be valid for one year from the date of issuance. For purposes of this article, the resident shall be the holder of and responsible for the use of any visitor permit issued to the resident.

Sec. 45-432. Permit fees.

The schedule of fees established pursuant to section 45-433 shall be applicable initially to the permits authorized to be issued pursuant to this article. ~~The planning official and parking management~~ the parking official shall determine annually in connection with the city's fiscal year whether an increase or decrease in these fees is required for the continued operation of the residential parking permit program and are hereby authorized to make adjustments annually to the schedule of fees. ~~Parking management~~ The parking official shall not issue any permit unless and until the applicable fee has been paid.

Sec. 45-433. Schedule of permits and fees.

Number of Motor Vehicles Registered				
	0	1	2	2+
Residential Permits Allowed Per Residential Unit				
Number	0	1	2	2+
Cost of each permit	NA	\$20	\$20	\$20
Visitor Permits Allowed Per Residential Unit				
Number	4	3	2	2
Cost of first permit	\$20	\$20	\$2	\$2
Cost of second permit	\$20	\$2	\$2	\$2

Cost of each additional permit	\$2	\$2	NA	NA
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Sec. 45-434. Display of permits.

(a) Each residential permit shall be permanently adhered to the inside bottom driver side corner of the rear window of the motor vehicle. A permit that is not permanently adhered shall not be a valid permit.

(b) All visitor permits shall be displayed inside the motor vehicle hanging from the rear view mirror so that the permit is easily visible from outside the motor vehicle.

Sec. 45-435. Effect of issuance of permit.

(a) A residential or visitor permit shall not guarantee or reserve a curbside parking space within a residential parking permit area. A permit issued pursuant to this article shall not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

(b) Whenever the holder of a permit, or the motor vehicle for which a residential permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance or renewal of permits, the holder shall notify ~~parking management~~ the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

(c) Until its expiration, surrender or revocation, a permit shall remain valid for the length of time the holder continues to reside within the designated residential parking permit area.

(d) A permit shall be valid only in the residential parking permit area for which it is issued.

Secs. 45-436--45-450. Reserved.