Sec. 114-578. - Residential permit parking.

(a)

Residential permit parking area designation: A residential permit parking area may only be established in areas of the city zoned R-O, R-2, R-4, R-6, and R-8. A residential permit parking area may be established by filing a petition with the city traffic engineering department upon a form to be prescribed by the traffic engineering department and approved by the city council streets and traffic committee. The cost of the permits must be stated on the form.

(1)

The petition must contain the boundaries of the area sought for residential permit parking, the number of residential units in the area, the address of each residential unit in the area, the license numbers for all vehicles owned by the residents of each residential unit in the proposed area, and the reason that the residential permit parking area is requested. The petition must be signed by at least one resident of a minimum of 67 percent of the residential units in the proposed area. The petition must set forth the hours during which the applicant is seeking restricted residential permit parking.

(2)

Residential permit parking may be sought for day time hours (8:00 a.m. to 6:00 p.m.), night time hours (6:00 p.m. to 8:00 a.m.), or on a 24-hour basis. A nonrefundable filing fee of $100.00 must accompany the petition. Upon filing, a copy of the petition shall be promptly provided to the ward councilperson.

(3)

Upon receipt of the petition and the filing fee, the City of Charleston Traffic Engineering Department shall verify the names, addresses, and vehicle information on the petition. The traffic engineering department shall then cause appropriate traffic surveys to be conducted in the area sought for residential permit parking. If the traffic engineering surveys find that on average 80 percent of the available on street parking spaces are occupied and more than 50 percent of the vehicles parked in the area belong to nonresidents, then the area is eligible for designation as a residential permit parking area, and the petition and the results of the survey shall be transmitted to the ward councilperson. The ward councilperson shall submit a bill to designate the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on streets and traffic which will report to council its recommendation. City council shall make its decision on whether to designate area based upon the recommendation from its committee on streets and traffic, the recommendation from traffic engineering, input from members of the public and any other material information.

(b)

Authorized permits: If a residential permit parking area is established by city council, each residential unit in the residential permit parking area may obtain a maximum of two permits for specific vehicles owned by the residents. One visitor permit per residential unit may also be obtained. Owners of nonresidential buildings within the designated areas may purchase one visitor permit to be used by the owner or his or her designee. Exception: A resident experiencing a health condition or disability which substantially impairs the resident and results in a need for special in-home medical care and attention, including, but not limited to, assistance by family members or other caregivers, may request up to three additional visitor permits. The request shall be made by the resident to the Traffic Commander of the Charleston Police Department. Additional permits shall not be issued unless the resident is able to provide credible evidence satisfactory to the city of the qualifying health condition or disability and the necessity of special in-home medical care, attention and assistance; said evidence shall, at a minimum, consist of a signed statement from a physician verifying the health condition or disability and the necessity of the special in-home medical care, attention and assistance. The issuance of additional permits shall be at the discretion of the Traffic Commander of the Charleston Police Department based on the circumstances and evidence provided by the resident. Any additional permits issued pursuant to this exception shall be valid for the period of time approved by the traffic commander not to exceed a year. Additional permits shall cost $25.00 per year. A resident may apply hereunder each year.

(1)

Each permit will be valid for one year. The cost for each residential parking permit and visitor permit is $25.00 per permit annually.

(2)

The permits shall be issued and used in accordance with the residential permit parking policy established by council.

Notwithstanding the foregoing provisions, the Traffic Commander of the Charleston Police Department shall have discretion to issue a temporary permit, at no cost and not to exceed one calendar year unless thereafter renewed, to a licensed health care provider, including, but not limited to, a hospital, Hospice, doctor, nurse, or physical therapist, upon request by the provider and upon sufficient proof satisfactory to the city that the certified health care provider is administering necessary in-home medical care, attention or assistance to a person who resides in a residential permit parking area.

(c)

Violations: Any vehicle parking in a residential permit parking area in violation of the terms of this ordinance shall be subject to a fine of $75.00 and/or shall be impounded in accordance with section 31-209. Vehicles of persons making deliveries or providing service, including but not limited to, home maintenance or repair, utility installation or repair, medical treatment or care, yard maintenance, or other similar services, to residential units within the permit area may be parked without a permit for the duration of the delivery or the provision of service.

(1)

Any residential permit parking area in the City of Charleston established prior to the adoption of this ordinance shall be subject to the provisions of subparagraphs (b) and (c).

(d)

Decertification procedure: A residential parking area may be decertified if at least one resident of a minimum of 67 percent of the residential units in the designated area sign and file a petition with the city traffic engineering department requesting elimination of the residential permit parking area designation. Such an application for decertification must be accompanied by a nonrefundable filing fee of $100.00. Upon receipt of the petition and the filing fee, the city traffic engineering department shall verify the names and addresses on the petition. Once the names and addresses are verified as area residential unit owners, a copy of the petition shall be promptly provided to the ward councilperson. The ward councilperson shall submit a bill to decertify the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on streets and traffic which will report to council its recommendation. City council shall make its decision on whether to decertify the area based upon the recommendation from its committee on streets and traffic, the recommendation from traffic engineering, input from members of the public and any other material information.