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Title: A substitute ordinance relating to residential daytime parking privilege permits.

Sponsors: ALD. KOVAC

Indexes: PARKING PERMITS

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Date	Ver.	Action By	Action	Result	Tally
3/3/2020	0	COMMON COUNCIL	ASSIGNED TO		
3/13/2020	1	PUBLIC SAFETY AND HEALTH COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
3/24/2020	1	COMMON COUNCIL	PASSED	Pass	15:0
4/2/2020	1	MAYOR	SIGNED		
4/10/2020	1	CITY CLERK	PUBLISHED		

191839
SUBSTITUTE 1

ALD. KOVAC

A substitute ordinance relating to residential daytime parking privilege permits.

- 101-27.5-1 am
- 101-27.5-2-a am
- 101-27.5-2-b am
- 101-27.5-2-c am
- 101-27.5-3 rc
- 101-27.5-4 rc
- 101-27.5-6 am
- 101-27.5-7 am
- 101-27.5-9 am
- 101-27.5-10 rp
- 101-27.7-7 am
- 101-27.7-8-b-1 rc
- 101-27.7-8-b-3 am
- 101-27.7-8-c am
- 101-27.7-11-c-1 am
- 101-27.7-12-b am
- 101-27.7-12-c am

This ordinance makes various revisions to the regulations and procedures for 2 types of residential daytime parking privilege permits (nonconforming residential use and commuter parking impacted area). These

revisions include:

1. Application for a permit shall be made by means approved by the commissioner of public works, rather than to the police department. The department of public works, rather than the police department, shall also be responsible for reviewing permit applications and determining compliance with eligibility requirements.
2. At the sole discretion of the commissioner of public works, a permit holder may be issued either a physical permit to be displayed on the vehicle named in the permit application or a paperless permit solely held by and on file with the department of public works.
3. Additional means of proof of residency for a residential daytime parking privilege permit for a commuter parking impacted area are provided, namely a valid Wisconsin driver's license and a utility bill with the same address stated on the application, or a valid Wisconsin driver's license and another form of identification which verifies residency which is approved by the commissioner of public works.
4. The proof of applicant residency requirements for a residential daytime parking privilege permit for a nonconforming residential use is changed from requiring a sworn affidavit, to be consistent with the requirements for proof of residency for a residential daytime parking permit for a commuter parking impacted area.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-27.5-1 of the code is amended to read:

101-27.5. Residential Daytime Parking Privilege for Nonconforming Residential Uses.

1. Any person who qualifies under sub. 2 may apply [[to the police department]] >>by means approved by the commissioner of public works<< for a special privilege parking permit authorizing the applicant to park one vehicle in excess of any posted time limits on the street in the block where the applicant lives during those hours when all-night parking regulations are not in effect. If an applicant lives in a block where parking limits are regulated by meters, the applicant will be assigned to the nearest block available without metered parking as determined by the department of public works.

Part 2. Section 101-27.5-2-a to c of the code is amended to read:

2.

a. The applicant's residence is located in a dwelling that does not provide [[the minimum number of parking spaces required by table 295-403-2-a]] >>at least one off-street parking space per dwelling unit<< .

b. The physical dimensions of the parking space provided for the applicant's dwelling unit are inadequate to accommodate the applicant's vehicle. >>The applicant shall provide physical dimensions of the parking space and of the applicant's vehicle, including photographs of each.<<

c. The applicant's vehicle is needed to transport a person with a mental or physical disability. >>The applicant shall provide a statement from a physician for the disabled person that the applicant's vehicle is needed to transport that person.<<

Part 3. Section 101-27.5-3 of the code is repealed and recreated to read:

3. The application form shall contain the name, address and Wisconsin driver's license number of the owner or operator of each vehicle, as well as the make, model and registration number of each vehicle. At the time of application, the applicant shall present a current and valid motor vehicle registration for each vehicle listed on the application, as well as a valid Wisconsin driver's license with the same address as that stated on the application, a valid Wisconsin driver's license and a utility bill with the same address stated on the application, or a valid Wisconsin driver's license and another form of identification which verifies residency which is approved by the commissioner of public works. Each vehicle shall have valid Wisconsin motor vehicle license plates. Temporary plates issued by the state of Wisconsin are valid and it is the responsibility of the permit applicant to request a plate change if different plates are issued. Permits will not be issued for vehicles without current license plates.

Part 4. Section 101-27.5-4 of the code is repealed and recreated to read:

4. If the applicant owns or operates 2 vehicles, both may be registered on one permit; however, the permit may be used in only one vehicle at a time.

Part 5. Section 101-27.5-6, 7 and 9 of the code is amended to read:

6. In those cases where the [[police]] department >>of public works<< is unable to determine if an applicant meets all the requirements of [[either]] sub. 2-b [[or 4-b]], the application shall be referred to the department of neighborhood services for verification. Such verification shall be completed within 5 business days and a report made to the [[police]] department >>of public works<< .

7. Upon verification that the applicant meets all requirements under this section and payment of the applicable fee under ch. 81, the [[police]] department >>of public works<< shall issue a permit as soon as practicable for [[either 3 months or]] >>up to<< one year from the date of issuance. The permit shall display the number, date of issue, and expiration date of the permit, the license number, make and year of each vehicle, and the block in which the permit allows parking. The permit shall be placed in the lower left hand corner of the windshield or in such other conspicuous place as the department of public works may designate, while the motor vehicle is in a parked position. >>At the sole discretion of the commissioner of public works, a permit holder may be issued either a physical permit to be displayed on the vehicle named in the permit application or a paperless permit solely held by and on file with the department of public works.<<

9. Falsification of any of the information required under this section shall be grounds for the immediate revocation of the parking permit [[by the police department]] .

Part 6. Section 101-27.5-10 of the code is repealed.

(Note: The provision being repealed reads as follows:

10. All monies received from permit fees issued under this section shall be placed in a fund for off-street parking purposes only.)

Part 7. Section 101-27.7-7 of the code is amended to read:

101-27.7. Residential Daytime Parking Privilege for Commuter Parking Impacted Areas.

7. ISSUANCE OF PERMIT. Following council approval of the designation of a residential permit parking

area, the [[police]] department >>of public works<< shall issue appropriate permits and [[the commissioner of public works]] shall cause parking signs to be erected in the area, indicating the time, locations and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue or other location within the residential permit parking area.

Part 8. Section 101-27.7-8-b-1 of the code is repealed and recreated to read:

8. APPLICATION AND PERMIT.

b. Application and Permit Information.

b-1. The application form shall contain the name, address and Wisconsin driver's license number of the owner or operator of each vehicle, as well as the make, model and registration number of each vehicle. At the time of application, the applicant shall present a current and valid motor vehicle registration for each vehicle listed on the application, as well as a valid Wisconsin driver's license with the same address as that stated on the application, a valid Wisconsin driver's license and a utility bill with the same address stated on the application, or a valid Wisconsin driver's license and another form of identification which verifies residency which is approved by the commissioner of public works. Each vehicle shall have valid Wisconsin motor vehicle license plates. Temporary plates issued by the state of Wisconsin are valid and it is the responsibility of the permit applicant to request a plate change if different plates are issued. Permits will not be issued for vehicles without current license plates.

Part 9. Section 101-27.7-8-b-3 and c of the code is amended to read:

b-3. Permits may be renewed annually by [[the police department]] >>means approved by the commissioner of public works<< .

c. Lost or Stolen Permit. If a valid permit is lost or stolen, the permit shall be replaced free of charge provided the permit holder submits [[to the police department]] an affidavit attesting that, to the best of the permit holder's knowledge, the permit has been lost or stolen.

Part 10. Section 101-27.7-11-c-1 of the code is amended to read:

11. RESIDENT-ONLY PARKING PERMIT.

c. Parking Permitted.

c-1. A person whose residence lies within a resident-only parking zone may apply for a resident-only parking permit. During designated times, the holder of a resident-only parking permit shall be permitted to stand or park the vehicle to which the permit applies in a resident-only parking zone on the street in the block where the applicant lives or in a resident-only parking zone on a block immediately adjacent to the block where the applicant lives without regard to posted parking prohibitions. While a vehicle for which a >>physical<< resident-only parking permit has been issued is so parked, the permit shall be displayed so as to be clearly visible through the lower left side of the windshield of the vehicle. A resident-only parking permit shall not guarantee or reserve to the holder a parking space within a resident-only parking zone.

Part 11. Section 101-27.7-12-b and c of the code is amended to read:

12. TRANSFERABILITY.

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 city clerk]] in order to obtain a residential parking permit.

c. The [[police]] department >>of public works<< is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this regulation and, upon written notification thereof, the permittee shall surrender [[such permit to the police department]] >>the permit<< . Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this regulation.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Public Works - Operations Division
LRB175835-2
Jeff Osterman
03/09/2020