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REVIEWED BY  
PREPARED BY

[Signature]

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CITY ATTORNEYS OFFICE

[Signature]

AN ORDINANCE AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING STOPPING, STANDING, AND PARKING

BE IT ORDAINED by the Governing Body of the City of Rock Hill in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30 and Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That the Proposed Amendment to **Chapter 18, MOTOR VEHICLES AND TRAFFIC, Article IV, STOPPING, STANDING AND PARKING, Division 1. Generally, Section 18-190; Division 2. Off-Street Parking in Downtown Business Area, Sections 18-211 through 18-213; and Division 3. Parking Tickets and Fines, Sections 18-221 through 18-224** be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit "A" attached hereto.

SECTION 4. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
A. Douglas Echols, Jr., Mayor

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Kevin H. Sutton, Mayor Pro Tempore

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John P. Gettys, Jr., Councilmember

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Susie B. Hinton, Councilmember

\_\_\_\_\_  
Kathy S. Pender, Councilmember

\_\_\_\_\_  
James C. Reno, Jr., Councilmember

\_\_\_\_\_  
Osbey Roddey, Councilmember

ATTEST:

\_\_\_\_\_  
David B. Vehaun  
Municipal Clerk

ARTICLE IV. STOPPING, STANDING AND PARKING\*

Division 1. GENERALLY

**Sec. 18-190. Parking Management Plan for Downtown Rock Hill.**

(a) *Intent.* The purpose of this plan is to provide specific guidelines for the management of parking resources in the downtown area of the City of Rock Hill. The urban character and unique configuration of the downtown presents specific challenges to providing safe, convenient, and accessible parking for visitors and employees. It is recognized that parking in dense, urban areas is different in scale from the less dense, auto-oriented suburbs. Visitors to downtown areas often park in one place and conduct business at several different locations. This fact and limited space makes parking the collective concern of all those located in downtown. This plan shall address the current and projected needs for downtown parking and provide a parking management system to make the most efficient use of public parking resources. This section, among other things, is designed to collect revenue for parking from building owners. However, for purposes of this article, all references to Owner or Owners (whether capitalized or not), shall also apply to any lessee, sub-lessee, occupant, or tenant of any building within the downtown parking district. The Downtown Parking Management Commission (the "Commission"), as set forth below, shall determine the most appropriate party from whom to collect any monies due and payable under this section.

(b) *Boundaries of the Downtown Parking District.* The area affected by this plan shall be the Downtown Parking District (the "District"), defined as: Beginning at the intersection of Johnston Street and the Southern Railway Line running northeast parallel to Dave Lyle Boulevard; thence to its intersection with the easternmost edge of the right of way of Charlotte Avenue marked by bridge edge; thence running with the right of way of Charlotte Avenue in a southerly direction to its intersection with the southern most edge of right of way for E. White Street; thence turning and running with such E. White Street right of way in a southeasterly direction to its intersection with the westernmost edge of the right of way for Reid Street; thence turning and running in a southwesterly direction along such Reid Street right of way to its intersection with the southerly edge of the Main Street right of way; thence turning and running in an easterly direction along such Main Street right of way to its intersection with the westernmost right of way of Orange Street; thence turning and running with the westernmost right of way of Orange Street in

a southwesterly direction through and beyond Black Street to its intersection with the southern most edge of right of way for Flint Street; thence turning and running with the southernmost right of way of Flint Street in a northwesterly direction to its intersection with the easternmost right of way of Elizabeth Lane; thence turning and running with the easternmost right of way of Elizabeth Lane through and beyond the name change to Johnston Street, to its intersection with the Southern Railway Line, the point of beginning. See Map 1 for the boundaries of the District.

(c) *Parking policy.* Building owners are normally required by zoning to provide adequate parking for building users. Some buildings are unable to achieve this requirement due to the unique character of the downtown. The City of Rock Hill owns certain municipal public parking lots and parking structures that many downtown buildings currently depend on for parking spaces to meet this requirement. For the continued success of downtown and its businesses, it has become necessary for those building owners to share in the responsibility of maintaining and managing these parking lots and structures. To maximize parking resources, all of the public parking spaces within the District shall be considered part of a collective pool that will be managed as a unit.

(d) *Parking Management Plan.* The Rock Hill City Council, in cooperation with property owners, tenants, residents, and public agencies with a direct financial or property interest in downtown ("Stakeholders"), shall establish a Parking Management Plan (as further detailed in Section 18-212) within the District. The Parking Management Plan (the "Plan") shall provide the framework to regulate existing parking, establish guidelines for the equitable distribution of parking, accommodate parking requirements under this article, establish fees, and plan for future needs. To effectively oversee downtown parking concerns, the responsibility for administering parking within the district will be shared by the Parking Management Administrator and the Commission.

(1) *Parking Management Administrator.* An administrator, known as the Parking Management Administrator (the "Administrator"), shall be appointed by the City Manager to work with the Commission in order to establish and implement the Plan. The Administrator shall be responsible for preparing a five-year plan and budget which shall be updated annually. The Administrator shall also supervise parking in the District on a daily basis, including working with the enforcement officer, resolving problems when possible, and reviewing the parking situation to determine if any changes should be recommended to the Commission. The Administrator shall also serve as a resource for those needing information regarding the parking policies for the District.

(2) *Downtown Parking Management Commission.* Stakeholders are eligible for participation on the Commission which shall consist of no less than five and no more than nine members. Members of the Commission shall be appointed by Rock Hill City Council. Members shall serve on the Commission for a term of three (3) years. The duties of the Commission shall be: to oversee parking in the District on a long term basis; to hear appeals and grievances on a regular basis; to review the availability of adequate parking and its allocation between long and short term uses; and to make recommendations to the City Manager and City Council on such areas as the fee structure and methods used to assess fees for District parking. In addition, the Commission is authorized to adjust fees in the event an undue hardship or unjust result will occur unless the Commission makes such adjustment. Notwithstanding such authority, the Commission may not make any adjustments if it would circumvent this section or impair the purposes of this section. The Commission shall prepare and adopt bylaws as necessary to carry out their role. Any changes the Commission makes to the Plan must be approved by City Council.

(3) *Parking blocks.* Downtown is divided into seven parking blocks for purposes of the Plan. Within these seven parking blocks are a wide variety of businesses with their own special needs. It is generally expected that the parking spaces located within each block will be sufficient to satisfy the parking demand generated from uses within that block. However, when the parking spaces located within a particular block do not meet the parking demand generated within that block, the block has a parking deficit. This deficit may be resolved by allocating parking from adjoining blocks that may have a surplus of parking spaces or by other means as determined by the Commission.

(4) *Parking designation.* In order to make the best use of the public parking spaces available and to ensure that businesses, customers and other uses are being adequately served, it is necessary to divide the available spaces into three types: (i) short term parking available for a limited amount of time for visitors and customers; (ii) long term parking for those who need to leave their cars while at work, at a residence, or on business or other purposes for extended time periods; and (iii) special event parking for temporary needs.

a. *Short-term parking.* The Plan shall designate specific public areas for short-term parking. Parking in short-term parking spaces shall be limited to two-hour increments. The intent of providing and designating short-term parking spaces is to provide parking for customers and clients of downtown businesses. Parking will be

considered communal and will not be designated for any specific business.

Customer parking is a valuable asset for all businesses in the District. Therefore, a fee will be charged to all Owners in the District for the maintenance of parking facilities, development of additional parking capacity, and parking enforcement. The Administrator and the Commission shall recommend to City Council the amount of such fees (see subsection (g), Fees and fines). The initial fee shall be based upon the formula provided in subsection (g), however, if a building is shown to use more spaces than the assessment indicates, the building may be assessed a proportionally higher fee in the discretion of City Council. If a parking block contains an inadequate number of parking spaces in the future, a review shall be made to determine the best management practice for that block. Fees collected shall be used to maintain parking facilities, develop additional parking capacity, and provide parking enforcement.

b. *Long-term parking.* The Plan shall designate specific public parking areas for long-term parking. Subject to the exception in (g) below, Owners in the District shall pay a fee for public parking. The Owner's fee shall be used for the maintenance of parking facilities, development of additional parking capacity, and parking enforcement. The Administrator and the Commission shall recommend the fee and method of assessments to City Council. The amount of spaces assessed for each building shall be based upon the formula adopted by City Council (see subsection (g), Fees and fines). However, if a building is shown to use more spaces than the amount established under the formula, the building may be assessed a proportionally higher fee.

c. *Parking agreement with a private provider.* Property owners may arrange for parking with a private provider of parking spaces. Evidence of the agreement and terms, which may be reviewed annually, must be provided to the City of Rock Hill as proof that parking has been arranged with a private provider.

d. *Special event parking.* At various times, downtown businesses, organizations, or governments may hold special events that bring large numbers of temporary visitors to downtown who will stay longer than two hours. The Administrator shall have the authority to temporarily suspend parking enforcement activities and waive the two-hour parking limitation associated with short-term parking spaces

(e) *Location of short-term and long-term parking spaces.* Parking spaces shall be available for the use of residents, customers,

visitors, and employees. Given the variety of reasons why the operator of a vehicle may be in the District, both short-term and long-term parking spaces will be provided to accommodate competing needs.

Short-term parking spaces shall generally be located and designated at all on-street parking locations and within some portions of various surface parking lots and parking structures. The portions of the parking structures and surface parking lots that will be designated for short-term parking shall be generally located close to buildings to allow for convenient customer and client parking.

Long-term parking spaces shall be located within portions of various surface parking lots and parking structures. The portions of the surface parking lots and parking structures that will be designated for long-term parking shall be generally located away from buildings to allow for convenient customer and client parking. Employees will be able to park in the long-term parking spaces with no limitation on the time duration that the vehicle is allowed to be parked.

A map showing the location of short-term and long-term parking will be prepared and reviewed annually. The Administrator shall recommend the location of short-term and long-term parking types to the Commission for approval.

(f) *Enforcement.* All publicly owned parking spaces within the District shall be regulated and be subject to parking enforcement activities. The Commission, as detailed in the Plan, shall utilize Parking Enforcement Officers in order to enforce parking regulations within the District. Parking enforcement shall occur from the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Short-term parking shall be identified by the use of signage and/or other markings and will be strictly monitored. A Parking Enforcement Officer will be designated to enforce parking limits. This Officer shall have the authority to issue parking tickets to anyone parking over the two hour time limit or otherwise illegally (facing wrong direction, parking in a crosswalk, etc.) in the parking spaces designated for short-term use. Individuals who park in short-term parking spaces in excess of two hours may be fined.

(g) *Fees and fines.* Buildings located in the District must demonstrate the ability to provide adequate parking as determined by Table 3, Parking Generation Rates for Downtown Rock Hill, contained in a document entitled "Update of the Parking Model and a Projection of Future Parking Needs for Downtown Rock Hill." Buildings which demonstrate that they do not require the use of

public parking spaces to meet their calculated parking needs will not be charged a fee for use of public parking. These buildings will, however, be subject to annual review of their parking status to determine any change of use that might impact parking demand. Buildings located in the District that cannot supply sufficient private parking to meet their calculated parking needs will be charged an annual fee for the non-exclusive use of City-owned parking. The fee structure for the Plan will be recommended by the Administrator and the Commission subject to City Council approval. The parking needs for each downtown building will be calculated using the following formula:

Building Sq. Ft./1000 × Parking Demand Multiplier = # of spaces required - Private parking provided by owner = Public spaces to be provided by City of Rock Hill (Demand on Public Parking)

Demand on Public Parking × Annual Rate = Total Annual Assessment

The Parking Demand Multipliers, also known as the parking generation rates, are provided in Table 1, Currently Adopted Parking Generation Rates.

(1) *Schedule of fees.* All fees will be billed to the building owner on an annual basis.

Schedule of Fees (subject to change)

Annual Rate: \$5.00 per space per month

(2) *Schedule of fines.*

For violations of time limits by vehicles parking in short-term parking spaces, the violator shall be fined as detailed in Section 18-223.

(3) *Administration of fees and fines collected.* All monies collected from fees and fines shall be used to pay for one or more of the following: parking enforcement, parking system operational costs, parking maintenance and improvement expenses, and the development of parking facilities. The money collected will be deposited into a City fund established solely for the District. An annual budget will be prepared by the Commission and recommended to the City Manager.

(h) *Review of process.* The Commission will establish and periodically update a five-year Capital Improvement Plan for public parking in the District. No less than once every five years, the Commission shall conduct a review of the parking supply and demand in the District to determine if there is an adequate number of parking spaces to meet parking demands. The results of this review will be shared with the City Manager. In addition, the Commission

shall periodically review and adjust the allocation of parking spaces between long-term and short-term parking uses. The Commission shall be empowered to make adjustments to the allocation of parking spaces between long and short term uses subject to the review and approval of the City Manager.

## DIVISION 2. OFF-STREET PARKING IN DOWNTOWN BUSINESS AREA

### **Sec. 18-211. Findings.**

The establishment and maintenance of off-street parking in the Downtown Parking District ("District") has been found to be and is hereby declared to be necessary and proper for the security, welfare and convenience of this portion of the city, and for preserving property therein, and securing the peace and good government of the City.

### **Sec. 18-212. Parking Management Plan.**

City Council shall establish a Parking Management Plan ("Plan") upon recommendation of the Planning Commission to manage and regulate public parking resources within an area designated as the District. The Plan will establish the type, location, fees and fines for all public parking in the District. Parking requirements as stipulated in the Zoning Ordinance of the City of Rock Hill may be modified to ensure fairness and efficiency in this District due to the unique urban character of the downtown area. A Parking Administrator will be designated by the City Manager and will oversee the ("Administrator") administration of the Plan on a daily basis. A Downtown Parking Commission ("Commission") will be established to work with the Parking Administrator to oversee the parking. The Plan will be reviewed annually by the Administrator and the Commission to determine its effectiveness. Any proposed changes to any policy aspect of the Plan must be approved by City Council.

### **Sec. 18-213. Removal and immobilization of illegally parked vehicles.**

Pursuant to section 18-182, officers of the law shall have the right to remove vehicles by means of towing from spaces within designated time limits within the District. In addition, officers of the law shall have the right to immobilize by means of a mechanical boot any vehicle to which five or more parking citations have been issued, where the appeal period on those citations has expired with no action taken toward their disposition. Such

vehicle shall not be released until all outstanding parking tickets and fines have been paid to city central collections. The owner or custodian of such vehicle may appeal the immobilization to municipal court within ten calendar days. Submitting an appeal is not a substitute for payment of outstanding parking tickets and fines; however, an appropriate refund will be issued if such appeal is successful. If payment or payment arrangements are not made by the end of the business day (5:00 p.m.), the vehicle may be towed by 6:00 p.m.

A "mechanical boot" is hereby defined to be a device consisting of metal clamps or jaws, screws and a padlocking device, which, when attached to a wheel of the motor vehicle, prevents that vehicle from being driven.

**Secs. 18-214--18-220. Reserved.**

### DIVISION 3. PARKING TICKETS AND FINES

**Sec. 18-221. Authorization to issue tickets.**

An officer of the law may issue a ticket for any parking violations as set forth in the provisions of this Code. The Chief of Police or the City Manager may authorize individuals to issue parking tickets for parking violations, excluding handicapped violations, in accordance with the provisions of this chapter.

**Sec. 18-222. Assessment of bonds and fines.**

The City may assess or designate a fine based on the violation of the provisions of this chapter. The fine and cash bond assessed for parking violations shall be based on the schedule of parking violation fines in section 18-223.

**Sec. 18-223. Schedule of bonds and fines.**

(a) The following cash bonds and fines shall apply to the violations listed:

(1) Parking violations of sections 18-172 through 18-190 (excluding sections 18-183 and 18-184):

a. Cash bond, \$10.00 (\$5.00 if paid within 30 days).

(2) Parking/stopping in fire lane in violation of section 16-2:

- a. Cash bond, \$50.00 (\$25.00 if paid within ~~14~~ 30 days).
- b. Fine, \$75.00.

(3) Changing parking places to avoid time limitation in violation of section 18-184:

- a. Cash bond, \$50.00 (\$25.00 if paid within ~~14~~ 30 days).
- b. Fine, \$75.00.

**Sec. 18-224. Payment of bonds and fines.**

All bonds must be paid to city central collections within 30 days of the issuance of the ticket. A bond paid ~~prior to 14~~ **within 30** calendar days will result in a reduced bond as indicated in section 18-223. Failure to pay and forfeit a bond within 30 calendar days after issuance of the ticket will result in the offender being required to appear for trial in municipal court. Conviction or trial in absentia will result in the imposition of fines equal to the bond, any added fines, and court costs within the jurisdiction of the court. The date set for court appearance will be indicated on the ticket.

**Secs. 18-225--18-240. Reserved.**