

## Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities

## Exhibit A

## 7.25.030 Definitions.

Except where the context requires otherwise, the following words and phrases have the definitions given in this Section:

- A. **"Administrative Fee"** means a fee assessed by a department of motor vehicles for the purpose of determining the registered owner of a vehicle.
- B. **"Boot"** means a mechanical device attached to a vehicle to prevent its movement.
- C. **"Director"** means the Director of the Revenue Bureau or his or her designee.
- D. **"Operator"** means any person or entity whose business includes assessing and collecting penalties at registered parking facilities.
- E. **"Park"** means to leave a vehicle standing, while the driver has exited the registered parking facility, or to leave a vehicle standing for more than 5 minutes ~~with no driver at the wheel~~.
- F. **"Parker"** means any person in control of any vehicle that is parking at a registered parking facility.
- G. **"Payment device"** means any device capable of accepting or receiving parking fee payments by cash or credit card and issuing sequentially numbered receipts or tickets.
- H. **"Penalty"** means an amount assessed for failure to pay, or properly display proof of payment, for parking at a pay and park facility or for unauthorized or over-time parking at a non-pay private parking facility.
- I. **"Penalty payment letter"** means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 10 days of the date the penalty notice was affixed to a vehicle.
- J. **"Penalty notice"** means the notice affixed to vehicles parked without payment, parked without properly displaying proof of payment or parked without authorization at a registered facility, and which is the initial demand for payment.
- K. **"Registered Facility"** means a parking lot or structure that is accessible to the public that has been registered with the Revenue Bureau and is either:
1. A non-pay private parking facility at which the free parking or storage of vehicles is limited by time or authorization by the property owner/operator, where the limitations are enforced by issuance of penalty notices; or
  2. A pay and park facility that is open for parking or storage of vehicles by the general public, at which a fee must be paid for parking, where payment of parking fees is enforced by issuance of penalty notices, and where parkers receive a receipt or ticket at the time of payment that has the parking expiration time printed on it.

L. “Registered Facility” does not include property used for governmental purposes by any agency or special district.

M. “Second penalty payment letter” means the letter that must be sent by the operator to the registered owner if payment of the penalty is not received by the operator within 30 days of the mailing date of the first penalty demand for payment letter.

#### 7.25.050 Registration as the Operator of a Facility.

No person may assess any penalty at any facility unless that person is in compliance with the provisions of this Chapter.

A. Applications. An applicant for registration as an operator of a facility must submit to the Bureau:

1. The name, address and telephone number of the applicant;
2. The name, email address and telephone number of the person that will be the point of contact for the Bureau. This person will be available to respond to inquiries, informational requests, or complaints at all times during normal business hours from 9 a.m. to 5 p.m. Monday through Friday;
- ~~2.3.~~ Proof of valid insurance as described in this Chapter;
- ~~3.4.~~ A sample copy of the proposed penalty notice;
- ~~4.5.~~ A sample copy of the proposed penalty payment letters;
- ~~5.6.~~ The name, address and telephone number of any collection agency that may be employed by the operator for collection of delinquent payments;
- ~~6.7.~~ Such other information relating to the purposes of this Chapter as the Director may require.

B. Penalty notices, penalty payment letters and any subsequent demands for payment must include:

1. The name, address and telephone number of the operator;
2. The vehicle’s make, model, color and license plate number;
3. The time and date the penalty notice was issued;
4. The ~~exact~~ location of the facility, including the street address or the intersection nearest the entrance as provided on the original registration application;
5. Any facility number that may be assigned by the operator;
6. The amount of the penalty demanded;
7. Instructions describing deadlines and acceptable methods of payment;

8. Warning that an Administrative Fee may be assessed if the payment of the penalty is not received within 10 days of issuance of a penalty notice;

9. Any additional penalty that may be added if not paid within 30 days; and

10. A statement that the vehicle owner may submit a written complaint to the Revenue Bureau if attempts to resolve the complaint with the operator have been unsuccessful anytime within 90 days of the date of the first penalty payment letter. The Bureau's contact and mailing address and website address for complaints must be included on penalty payment letters.

C. The penalty notice must not represent to be a document issued by any government agency or government official, or otherwise simulate legal or judicial process. The penalty notice form is subject to review and approval by the City Attorney's Office.

D. The Bureau must approve all notices and letters. If a proposed penalty notice or penalty payment letter is rejected by the Bureau, it will be returned to the applicant for amendment and resubmission without additional fees. If such documents have previously been approved by the City and if no changes to the Section have been made, it is not necessary to resubmit them with each new location application. Changes to penalty notices and letters proposed by the operator must be approved by the Bureau before they are implemented.

E. The Director shall reject any incomplete application.

#### **7.25.080 Signage Requirements.**

All signs required pursuant to this Section must be unobstructed, reflectorized and visible during all hours of operation. All signs required to be posted at a facility entrance must be no more than 10 feet from the entrance, must be located within 2 feet of the property line, and the center of such sign must be at least 4 feet from the ground.

##### **A. Pay and Park Signage.**

1. Pay and Park facilities must have a sign posted at each entrance (in letters at least 7 inches high) stating either "PAY TO PARK ALL HOURS," or "PAY TO PARK POSTED HOURS." For facilities with a "POSTED HOURS" sign, the sign must also state (in letters at least 3 inches high) the exact hours that the facility is operated as a pay and park facility.

2. At each facility containing a payment device, there must be a sign (in letters at least 9 inches high) visible from every vehicle entrance stating "PAY HERE," indicating the location of the payment device.

3. At each payment location there must be a sign(s) that states (in letters at least 2 inches high):

a. all applicable charges for parking including the posted hours at a "PAY TO PARK POSTED HOURS" facility;

b. that proof of payment must be displayed and clearly visible through the windshield;

c. the phone number for the release of vehicles if they are subject to being towed;

- d. a warning that the facility may be monitored; and
- e. that vehicles parked without valid proof of payment or permit are subject to a parking penalty.

4. In spaces reserved for parkers with a disabled person parking permit, the operator must attach a sticker or sign to the disabled parking sign at the front of each space that notifies the disabled parking customer that he/she is responsible for payment, regardless of having a disabled person parking permit.

#### B. Non-Pay Private Parking Signage.

1. Non-pay facilities must have a sign posted at each entrance stating:
  - a. that parking is prohibited, reserved or otherwise restricted;
  - b. who is authorized to park;
  - c. all limitations on parking;
  - d. the hours during which parking is restricted;
  - e. that the facility may be monitored; and
  - f. that parking in violation of posted restrictions may result in assessment of a penalty or towing and storage of a vehicle at the vehicle owner's expense.
2. If a private parking facility is shared by more than one business, the parking spaces must be marked (or signs posted) clearly indicating which spaces are reserved for each business.

C. Notwithstanding Subsection 7.25.080 A. and B., if the Director determines that the requirements are not sufficient to protect the parking public due to a facility's site-specific conditions, configurations, or location, the Director may impose additional facility requirements. These requirements may include, but are not limited to, additional lighting, signage, landscaping, pavement markings, and restrictions on the hours during which penalties may be issued.

#### 7.25.110 Penalty Payment Letters.

A. If the operator does not receive payment within 10 days from the day the operator affixed the penalty notice to the vehicle, the operator may mail a penalty payment letter to the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle. The letter must be mailed no earlier than 10 days nor later than 30 days from the penalty notice issuance date. The letter must include:

1. The amount demanded;
2. Acceptable method(s) of payment;

3. The schedule of increases for continued non-payment as described in ~~Section 7.24.020~~ Chapter 7.25;
4. Space for the recipient to inform the operator that the person to whom the letter was sent is not the current registered owner of the vehicle;
5. A statement that the vehicle owner may submit a written complaint to the Bureau if attempts to resolve any disputes with the operator have been unsuccessful;
6. The mailing address of the Bureau, and
7. A statement to the effect that the Bureau will only investigate complaints by parkers regarding the issuance of a parking penalty notice filed within 90 days of the date of the first penalty payment letter.

**B. Administrative Fees.**

1. If an operator incurs costs from the Department of Motor Vehicles (DMV) in its efforts to obtain the name and address of a vehicle's registered owner, the operator may add a one-time administrative fee in addition to the penalty amount, provided that:
  - a. 10 days have elapsed since the penalty notice issuance;
  - b. The operator indicates the amount assessed as a separate itemized amount on the penalty payment letter;
  - c. The amount assessed is no more than the amount charged to the operator by the DMV.
2. Operators may not demand payment for an administrative fee until they have been charged said fee by the DMV.
3. Although operators may only charge the administrative fee once, the fee may be a combination of more than one DMV charge if the first attempt to obtain registered owner information resulted in invalid information. In no event may an operator charge for more than two attempts.

**7.25.130 Complaint Handling Procedures.**

**A.** Operators responding to the complaints of parkers or registered owners of vehicles must follow these guidelines:

1. The operator must be available by telephone, fax and e-mail to the public during normal business hours to accept and respond to public complaints. The operator must have voicemail and must respond to telephone messages by the end of the next business day.
2. The operator must respond in writing to written complaints within 10 days from the date the operator received the complaint.

3. The operator's written response must include the mailing address of the Revenue Bureau and a statement that the parker or registered owner of the vehicle may submit a written complaint to the Bureau if attempts to resolve the complaint with the operator are unsuccessful.

4. All efforts to collect the penalty and related amounts must be suspended upon the filing of a complaint with the operator or the Director, pending final resolution.

5. The operator must respond in writing within 10 days to inquiries from the Director regarding complaints or operations of a registered facility.

5.6. Penalties must not increase from the time a complaint is received by the operator or the Director, pending final resolution.

6.7. The operator must void the penalty if the parker or registered owner provides evidence within 30 days of issuance of the penalty notice that the parking fee payment was made at the time the vehicle was parked at the facility or that the parker was authorized to park.

7.8. The operator must notify appropriate credit agencies immediately upon voiding any penalty.

**B.** Upon receipt of a complaint the Director shall conduct an investigation.

1. Upon a finding by the Director or Bureau staff that a penalty is invalid, the operator must immediately cancel the penalty, cease all efforts to collect the penalty, and refund any payments that have been made.

2. If the investigation determines that a violation of this Chapter has occurred, the Director will initiate remedies provided in this Chapter.

3. The Director shall not investigate complaints by parkers regarding the issuance of a notice of demand for payment of penalties filed any time after 90 days from the date of the first mailed penalty payment letter.

#### **7.25.140 Maintenance of Records.**

A. The operator shall keep and maintain records of all penalties, any transactions relating to collection of past due accounts, written warnings, requests for vehicle towing, and any other transactions or written complaints relating to penalties or the impoundment of vehicles for a period of at least 1 year from the date the penalty notice was issued.

B. For the purpose of investigating complaints and to aid in enforcement of the requirements of this Chapter, the Director may require the operator to report financial and operating data listed in Subsection A. above, in such form as the Director requires.

C. The operator must compile the necessary data and submit reports to the Director within 10 days of a written request.



Examples of pay & park lots in downtown

