

(ii) intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation;

(c) Continuing to solicit within five (5) feet of the person being solicited after the person has given a negative response, if continuing the solicitation is:

(i) intended to, or is likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation;

(d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person or the driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation;

(e) Intentionally or recklessly using obscene or abusive language or gestures that are:

(i) intended to, or likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation; and

(f) Approaching the person being solicited in a manner that is:

(i) intended to, or is likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation.

"Automated Teller Machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

"Automated Teller Machine Facility" means the area comprised of one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

"Bank" means any business establishment authorized to perform one (1) or more of the following services: receive and safeguard money and other valuables; lend money at an interest; execute bills of exchange, such as checks and drafts; purchase and exchange foreign currency; and issue notes of circulation or currency.

"Check Cashing Business" means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

"Public Area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings and the grounds enclosing them. (Enacted 1997-69)

9.70.020. Prohibited Acts.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(a) In an aggressive manner in a public area.

(b) In any public transportation vehicle or passenger terminal for such vehicles.

(c) Within thirty (30) feet of any entrance or exit of any bank or check cashing business or within thirty (30) feet of

any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities.

(i) When an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility.

(d) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

(e) From any operator or occupant of a motor vehicle that is in traffic on a public street, whether in exchange for (i) cleaning the vehicle's windows, (ii) blocking, occupying, or reserving a public parking space, or (iii) directing the occupant to a public parking space.

(i) This Subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of a disabled vehicle.

(f) From any person sitting in a parked motor vehicle. (Enacted 1997-69)

9.70.030. Penalties.

(1) A violation of this Chapter may be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment for a term not to exceed thirty (30) days, or by both. If the person has been convicted of a violation of this Chapter within the previous one (1) year, the person shall be fined not more than two hundred and fifty (\$250.00) or imprisoned for not more than ninety (90) days, or both.

(2) In lieu of, or in addition to the penalty provided in this Section, a person in violation of this Chapter may be required to perform community service work as described by a court of competent jurisdiction. (Enacted 1997-69)

9.70.040. Construction and Severability.

(1) Severability is intended throughout and within the provisions of the Chapter. If any section, sentence, clause, or phrase of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Chapter.

(2) This Chapter is not intended to prescribe any demand for payment for services rendered or goods delivered.

(3) This Chapter is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Chapter shall be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Utah or the Constitution of the United States of America. (Enacted 1997-69)

Chapter 9.80 Permit Parking Areas.

9.80.010. Purpose.

9.80.020. Legislative Findings.

9.80.030. Scope.

9.80.040. Definitions.

9.80.050. Designation of Permit Parking Areas--Parking Restrictions.

9.80.060. Designation Criteria.

9.80.070. Designation Process.

9.80.080. Modification or Removal of Permit Parking Area Designation.

9.80.090. Posting of Permit Parking Area.

9.80.100. Permit Fees.

9.80.110. Penalty Provisions.

9.80.120. Revocation of Permit.

9.80.010. Purpose.

This Chapter is enacted to establish a regulatory framework to address serious adverse effects caused in certain areas of the City by motor vehicle congestion, particularly the parking of motor vehicles on the streets where on- and off-site parking is inadequate to meet the demand for parking. As set forth in more specific detail in Section 9.80.020 of this Chapter, parking by non-residents of such areas threatens the health, safety and welfare of all the residents of the City. In order to protect and promote the integrity of these areas, parking regulations are needed to restrict unlimited parking therein by non-residents, while also providing the opportunity for residents to park near their homes. For the reasons set forth in this Chapter, a system of preferential resident parking is enacted. (Enacted 2002-45, Am 2007-39)

9.80.020. Legislative Findings.

(1) The Municipal Council finds that continued vitality of the City depends on the preservation of safe and attractive neighborhoods. Demand for parking in certain areas of the City regularly exceeds available on- and off-street parking spaces and undermines neighborhood viability. A system allowing preferential resident on-street parking in various areas of the City will promote the stability of such neighborhoods and thus promote the general public welfare.

(2) The following specific legislative findings of the Municipal Council in support of preferential resident on-street parking are set forth as illustrations of the need for the enactment of such parking regulations. They are intended as illustrations only and do not provide the sole basis supporting their adoption.

(a) The safety, health and welfare of the residents of the City can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other areas.

(b) A majority of City residents possess automobiles and as a result are daily faced with the need to store these automobiles at or near their residences.

(c) Certain neighborhoods in the City are often burdened by the presence of motor vehicles owned by non-residents which compete for on-street parking spaces, congest City streets, and detract from neighborhood values. The presence of non-resident vehicle parking often disrupts the delivery of basic essential services, such as trash collection and mail delivery by blocking access.

(d) There further exist certain parking "attractors" within the City, i.e., hospitals, schools, industrial and educational facilities, employment centers, UTA stops and stations, and locations convenient for commuter parking, which further aggravate resident parking problems.

(e) Unnecessary vehicle miles, noise, pollution, and strains on relationships between residents and non-residents caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods by causing the deterioration of air quality, safety, tranquility, aesthetics and other values normally available in a residential environment.

(f) If allowed to continue unchecked, the adverse effects of excessive parking demand on City residents will contribute to a further decline of living conditions, a reduction in the attractiveness of residing in such areas, and consequent injury to the general public welfare.

(g) A system of preferential on-street parking as provided in this Chapter will increase pedestrian and traffic safety by reducing traffic congestion; improve traffic circulation, promote the health and welfare of all City residents by reducing unnecessary motor vehicle travel, noise and pollution; promote improvements in air quality, the convenience and attractiveness of residential areas, and the increased use of public mass transit facilities available now and in the future; and encourage the use

of car pools. The public welfare will also be served by insuring a more stable and valuable property tax base in order to generate revenues necessary to provide essential public services. (Enacted 2002-45, Am 2007-39)

9.80.030. Scope.

The provisions of this Chapter shall apply to any permit parking area established under the authority of this Chapter. The provisions of this Chapter are not intended to regulate parking on private property. (Enacted 2002-45, Am 2007-39)

9.80.040. Definitions.

In the construction of this Chapter the following words and phrases shall be defined as set forth in this section.

"**Authorized vehicle**" means a motor vehicle which:

(i) displays a valid parking permit issued pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or

(ii) is authorized by the regulations of a permit parking area to park within such area without a permit.

"**Dwelling**" means a building or portion thereof designed and used for residential occupancy, including one-family, two family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

"**Motor vehicle**" means an automobile, truck, motorcycle or other motor driven or self-propelled form of transportation intended primarily for use and operation on a public street.

"**Parking permit**" means a permit issued by the City affixed to or displayed by a qualifying motor vehicle pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the permit is used.

"**Permit parking area**" means a contiguous or nearly contiguous area where the Municipal Council has imposed parking limitations as provided in this Chapter, and any chapter adopted under the authority of this Chapter, for a specific permit parking area.

"**Unauthorized vehicle**" means a motor vehicle which:

(i) does not display a valid parking permit issued pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or

(ii) is not authorized by the regulations of a permit parking area to park within such an area without a permit.

(Enacted 2002-45, Am 2007-39, Am 2007-40)

9.80.050. Designation of Permit Parking Areas—Parking Restrictions.

(1) The Municipal Council in its discretion may by ordinance:

(a) designate permit parking areas pursuant to the requirements of this Chapter, and

(b) prohibit or restrict parking on any public street as the Council may deem necessary to address parking problems, protect public safety and promote public welfare.

(2) The boundaries of any permit parking area shall be shown on an Official Permit Parking Area Map adopted by the Municipal Council. (Enacted 2002-45, Am 2007-39, Am 2007-40)

9.80.060. Designation Criteria.

(1) An area shall be eligible for permit parking if an investigation establishes the area is impacted by:

(a) nonresident vehicles for any extended period during the day or night, on weekends, or during holidays, or

(b) continuous use of on-street parking due to inadequate on-site parking.

(2) In determining whether to designate a permit parking area, the Municipal Council shall consider:

(a) the desire and need of residents for permit parking and their willingness to bear administrative costs in connection therewith;

(b) the extent to which:

(i) legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

(ii) motor vehicles parking in the area during the period proposed for parking restriction are non-resident vehicles rather than resident vehicles;

(iii) motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces; and

(c) any other factor which contributes to the need for a permit parking area. (Enacted 2002-45, Am 2006-49, Am 2007-08, Am 2007-39)

9.80.070. Designation Process.

(1) Each permit parking area shall be established by ordinance consistent with the provisions of this Chapter.

(2) A proposal to designate a permit parking area may be initiated by a Municipal Council member, the Mayor, or a resident of the area where a permit parking program is proposed and shall include at least the following information:

(a) a brief description of the current parking circumstances in the area; and

(b) a conceptual description of the proposed permit program which includes at least the following information:

(i) boundaries of the area, which shall be logical in configuration and be in increments of block faces,

(ii) parking time restrictions,

(iii) time restriction exemptions, if any,

(iv) any other aspect the initiator wishes to propose, and

(c) if proposed by a resident, a petition which shows the names of residents in the proposed permit parking area who favor the proposal. The petition shall be on a form approved by the City Permit Parking Coordinator and shall include at least the following information:

(i) a statement at the top of each page summarizing the proposal; and

(ii) the name and address of each person signing the petition.

(3) Following receipt of a proposed permit parking program, the Municipal Council shall hold a public hearing to determine the level of public interest in the proposed program and may thereafter vote to direct that a study of the proposed permit parking area be undertaken.

(4) Within one hundred twenty (120) days after directing that a study of the proposed permit parking area be undertaken, the City Permit Parking Coordinator shall review the application and submit a report to the Mayor and Municipal Council which:

(a) verifies and quantifies petition signatures, if applicable,

(b) analyzes the proposed permit parking area in light of designation criteria set forth in Section 9.80.060, Provo City Code, and

(c) at a minimum, makes recommendations regarding the following:

(i) permit parking area boundaries,

(ii) parking time restrictions on public streets,

(iii) time restriction exemptions, if any,

(iv) permit cost,

(v) permit design/type,

(vi) planned enforcement method, and

(vii) time line for implementing the program.

(5) Within ninety (90) days after receiving such report, the Municipal Council shall hold a public hearing to consider a resolution of intent to create a permit parking area. The Municipal Council may adopt, reject, or adopt with modifications the terms and conditions of the proposed permit parking area. If the Municipal Council adopts a resolution of intent which sets forth the details of the program to be considered a copy of the resolution shall thereafter be mailed to:

(a) each address of record within the proposed permit parking area through a mailing sent to "postal patron"; and

(b) each property owner of record within the area as shown in Utah County land records.

(6) Within ninety (90) days after adopting a resolution of intent, the Municipal Council shall conduct a public hearing on the proposal. The City Recorder shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation in the City. The first publication shall be not less than ten (10) days prior to the date of such hearing. The notice of the public hearing shall be conspicuously posted in the proposed permit parking area. The notice shall clearly state the purpose of the hearing, the location and boundaries proposed as a permit parking area, any prohibition or time limitation under which permit parking will be exempt therefrom and, if applicable, the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to ordinary rules of order.

(7) Following the public hearing, the Municipal Council may enact an ordinance which establishes the boundaries of a permit parking area and any time or other restrictions imposed on the area. In order to establish a permit parking area, the Council shall find that the designation will contribute to the health, safety, and general welfare of persons residing in the area designated. In making such finding the Council shall consider resident support for permit parking, existing parking conditions, expected effectiveness of a permit parking area in improving parking conditions, and the location and size of the permit parking area.

(8) A permit parking program shall balance affected interests, as determined by the Municipal Council, including public safety, neighborhood concerns, and the welfare of the general public. A particular permit parking program shall specify the permit area and the duration of parking restrictions applicable within the parking permit area. Such restrictions may be different than those in a request to establish a permit parking area.

(9) Following adoption of an ordinance establishing a permit parking area, a summary of the ordinance and its effective date shall be mailed to:

(a) each address of record within the proposed permit parking area through a mailing sent to "postal patron", and

(b) each property owner of record within the areas as shown in Utah County land records.. (Enacted 2002-45, Am 2006-49, Am 2007-08, Am 2007-39)

9.80.080. Modification or Removal of Permit Parking Area Designation.

After holding a public hearing the Municipal Council may by ordinance modify or remove a designated permit parking area or any associated program requirement in any manner consistent with this Chapter. (Enacted 2002-45, Am 2007-39, Am 2008-15)

9.80.090. Posting of Permit Parking Area.

Upon the adoption by the Municipal Council of an ordinance designating a permit parking area, the Mayor shall cause appropriate signs to be erected in the area indicating prominently thereon the area prohibition or time limitation, period of the day for its application, and conditions, if any, when permit parking rules apply. (Enacted 2002-45, Am 2006-49, Am 2007-39)

9.80.100. Permit Fees.

Permit fees shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Enacted 2002-45, Am 2006-49, Am 2007-39)

9.80.110. Penalty Provisions.

(1) No person may park a motor vehicle in violation of a permit parking area ordinance.

(2) It shall be unlawful for a person to falsely claim eligibility for a parking permit or to furnish false information in an application therefor.

(3) It shall be unlawful for a person holding a valid parking area permit to allow the use or display of such permit on a motor vehicle in a manner not permitted by this Chapter or any ordinance adopted under the authority of this Chapter for the specific permit parking area where the permit is used. Such conduct shall constitute an unlawful act and violation of this Chapter both by the person holding the parking permit and the person who so uses or displays the permit on an unauthorized vehicle.

(4) It shall be unlawful and a violation of this Chapter for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful and a violation of this Chapter for a person to transfer the beneficial ownership of or a continuous right to use a visitor parking permit or to knowingly use or display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a permit parking area.

(5) Violation of a parking area permit requirement shall be a civil infraction and shall be enforced as provided in Chapter 9.17 of this code.

(6) Any motor vehicle for which four (4) or more citations are issued is hereby declared to be a public nuisance and the City may authorize said motor vehicle to be towed from a public street at the expense and risk of the registered owner. Said motor vehicle shall be held and not released until the reasonable costs of towing and storage have been paid.

(7) If a motor vehicle has been towed from a public street pursuant to the provisions of this Chapter and is being held for the payment of fees and charges, the owner thereof, or the agent of the owner, may in writing request a hearing to determine the validity of the action taken with respect to said motor vehicle. Such hearing shall take place within seventy-two (72) hours from the date of the request unless the applicant agrees to a longer period of time before the hearing. The Mayor or the Mayor's designee shall designate a hearing officer who shall conduct the hearing as provided in Chapter 17.02, Provo City Code, except as otherwise provided in this Section. The Hearing Officer may order the release of any motor vehicle without cost to the owner or the owner's agent if the officer determines the motor vehicle was towed from a public street in violation of this Chapter or other applicable law. (Enacted 2002-45, Am 2006-49, Am 2007-39, Am 2008-05)

9.80.120. Revocation of Permit.

(1) The Mayor or the Mayor's designee is authorized to revoke a parking permit of any person found to be in violation of this Chapter or any provision of an ordinance which establishes a specific permit parking area, and, upon written notification thereof, the person shall surrender such permit to the Police Chief or the Chief's designee.

Failure, to surrender a parking permit so revoked shall constitute a violation of law and of this Chapter.

(2) A permit holder found to violate the terms of this Chapter may have parking privileges revoked and the permit holder may be prohibited from obtaining a parking permit for one (1) year from the date of the violation. (Enacted 2002-45, Am 2007-39)

Chapter 9.83 Foothill Park Permit Parking Area.

9.83.010. Purpose.

9.83.020. Definitions.

9.83.030. Permit Parking Area Authorized - Boundaries.

9.83.040. On-Street Parking Restrictions.

9.83.050. Enforcement of Parking Restrictions.

9.83.060. Limit on Available Number of Permits.

9.83.070. Permit Eligibility - Issuance and Display.

9.83.080. Fees.

9.83.090. Transferability.

9.83.100. Temporary Permits.

9.83.110. Expiration.

9.83.120. Signs.

9.83.130. Handicapped Parking.

9.83.140. Other Parking Regulations.

9.83.010. Purpose.

The Provo Municipal Council finds that the geographic area described in Section 9.83.030 of this Chapter meets the criteria for designating a permit parking area as provided in Section 9.80.060 and Subsections 9.80.070(7) and 9.80.070(8), Provo City Code. (Enacted 2007-41)

9.83.020. Definitions.

Words and phrases defined in Chapter 9.80 of this Title, as amended, which are used in this Chapter shall have the meanings set forth in Chapter 9.80. (Enacted 2007-41)

9.83.030. Permit Parking Area Authorized - Boundaries.

(1) A permit parking area is hereby established within the geographic area encompassed by the following boundaries and applying to both sides of a street unless otherwise provided: Commencing at the intersection of 580 North and Belmont Place; thence east along 580 North to Summit Drive; thence north along Summit Drive to 1420 East; thence south along 1420 East to the corner of 1480 East; thence southeast along 1480 East to the corner of 300 North; thence west on 300 North until the corner of Belmont Place on the north side of the street only; thence north on Belmont Place to 580 North, including dwelling units located only to the east.

(2) The foregoing described area shall be known as the Foothill Park Permit Parking Area and the boundaries thereof, as described in Subsection (1) above, shall be shown on the Official Permit Parking Area Map. (Enacted 2007-41)

9.83.040. On-Street Parking Restrictions.

(1) Parking on a public street within the Foothill Park Permit Parking Area shall be restricted as follows:

(a) Except as otherwise set forth in Subsection (2) of this Section, between the hours of 5:30 a.m. and 12:30 a.m. only authorized motor vehicles shall be parked on a public street within the Foothill Park Permit Parking Area. Between the hours of 12:30 a.m. and 5:30 a.m. no motor vehicle shall be parked on a public street within the Foothill Park Permit Parking Area.

(b) A motor vehicle being used to provide repair, service, or emergency assistance within the Foothill Park Permit Parking Area shall be exempt from the provisions of Subsection (a) of this Section. Such exemption shall terminate upon completion