

CHAPTER SIX: VEHICLE AND TRAFFIC CODE

Subchapter 6.02: Preferential Parking

6.02.010 Scope.

This subchapter authorizes the establishment of preferential parking zones (also known as permit parking zones) and includes provisions for issuance of permits, and makes certain actions, such as the sale of a parking permit, a misdemeanor. The specific areas subject to preferential parking permits are set forth in the Parking Code of the Town of Colma.

[History: Adopted ORD 712, 10/10/12]

6.02.020 Findings.

The City Council finds that:

- (a) Commuter vehicles substantially and regularly interfere with the use of the majority of available public street parking spaces in the Sterling Park residential area by adjacent residents and merchants;
- (b) A shortage of reasonably available and convenient residential-related parking spaces exists in the Sterling Park residential area;
- (c) Commuter vehicles being driven or parked in the area of the Sterling Park residential area cause or are the source of unreasonable noise, traffic hazards, and environmental pollution;
- (d) The establishment of preferential parking zones is required to enhance or protect the quality of life in Sterling Park residential area and to make parking reasonably available and convenient for the benefit of adjacent residents and merchants;
- (e) The establishment of preferential parking zones in the Sterling Park residential area will also encourage the use of car pooling and mass transit by commuters; and
- (f) No alternative solution to the problems caused by commuter parking is reasonably feasible or practical.
- (g) Limits on the number of preferential parking permits and temporary parking permits is reasonable and necessary to provide greater harmony between the number of parking permits and the number of parking spaces within the preferential parking zone in order to ensure the effectiveness of the preferential parking program.

[History: Adopted Res. 99-19, 5/26/99, effective 6/30/99; Amended ORD 712, 10/10/12; Ord. 774, 9/27/17]

6.02.030 Definitions.

As used herein, the following words and phrases shall be given the meaning shown:

- (a) "Commuter vehicle" means a vehicle operated by a person whose destination is outside of the Sterling Park residential area;
- (b) "Preferential parking zone" shall mean the streets designated by the City Council for permit parking;
- (c) "Qualified merchant" shall mean a business fronting a preferential parking zone: and
- (d) "Qualified resident" shall mean a person who lives in a dwelling unit fronting a preferential parking zone.

[History: Adopted Res. 99-19, 5/26/99; Amended by Res. 2003-28, 6/25/03; Res. 2007-63, 10/10/07]]

6.02.040 Establishment of Preferential Parking Zones.

The City Council may, by resolution designate certain streets or portions thereof as a preferential parking zone for the benefit of qualified residents and merchants. In a preferential parking zone, vehicles displaying a permit shall be exempt from parking prohibitions or restrictions otherwise posted, marked or noticed.

[History: Adopted Res. 99-19, 5/26/99, effective 6/30/99; amended Res. 2003-28, effective 6/25/03]

6.02.050 Issuance of Permits.

(a) *Applications.* The Police Department shall issue permits, in a form to be determined by the Police Department and consistent with the provisions of this article, for preferential parking to qualified residents and qualified merchants who have completed an application form supplied by the Police Department. Applications for such permits shall present such proof as may be required by the Police Department of a residence or place of business adjacent to the area designated as a preferential parking zone.

(b) *Preferential Parking Permits.* Up to four (4) Preferential Parking Permits shall be issued per dwelling unit in a preferential parking zone, for each vehicle registered to a Qualified Resident that resides at the permitted dwelling unit. One Preferential Parking Permit may be issued to each non-resident employee of a Qualified Merchant upon request to the Chief of Police. A Preferential Parking Permit shall remain effective for a period of no more than two years, or until the preferential parking zone for which such permit was issued is eliminated, or the permits previously issued are re-issued under a different time-frame in the sole discretion of the Town, whichever is less.

- (1) *Medical Caregiver Parking Permits.* A Qualified Resident's medical caregiver (may include a medically trained individual or a family member) may also obtain one (1), or up to the maximum if necessary, of the maximum of four (4) Preferential Parking Permits per Qualified Resident's dwelling unit in the preferential parking zone. In order for a medical caregiver to obtain a Preferential Parking Permit, the medical caregiver must:

- (i) Obtain and provide the Town with the express written consent of a Qualified Resident;
- (ii) Complete an application form provided by the Colma Police Department;
- (iii) Provide evidence that the vehicle is registered in California and either: (1) registered to the medical caregiver or (2) authorized to be used by the medical caregiver; and
- (iv) Provide an affidavit signed under penalty of perjury by the Qualified Resident's physician indicating the Qualified Resident's general need for the medical caregiver.

Upon receipt of all of the required documentation above, the Chief of Police, or his or her designee, shall issue a parking permit to a Qualified Resident's medical caregiver. The permit shall be valid for up to six months from the date of issuance, or until such lesser time that the Qualified Resident indicates the medical caregiver's services are no longer required.

(c) *Temporary Permits.* The Police Department may also issue to any qualified resident or any qualified merchant a Temporary Permit for use by a bona fide visitor of the applicant, as follows:

- (1) The request can be made through the Town's website or in person and must include the license plate number of the visitor's vehicle. A Temporary Permit may be denied based on misuse (e.g., the qualified resident has used the Temporary Permit to facilitate repeated access to BART, rather than for a bona fide visitor of the qualified resident). Temporary Permits may be issued for up to fourteen (14) days. No more than fifteen temporary permits may be issued per dwelling per year regardless of the number of qualified residents residing at the dwelling, and no more than one permit may be in effect at one time. The resident/merchant must retrieve each Temporary Permit in person at the Police Department and show a California driver license with a Colma address (or other proof of residency deemed appropriate by the Chief of Police) or that he/she is a qualified merchant.

(d) *Placement.* Resident and Merchant Permits must be displayed from inside the rear window on the driver's side of the vehicle (except for convertibles in which case the Permit must be displayed inside the front windshield), with the permit number or vehicle license number clearly visible from the outside. Temporary Permits must be suspended from the rear view mirror of the automobile, with the permit number or vehicle license number clearly visible from the outside.

(e) *Conditions of permit.* Each parking permit shall be subject to all conditions and restrictions set forth in this section and of the preferential parking zone for which it is issued.

(f) *Other Laws and Regulations.* The issuance of a parking permit shall not be construed to be a permit for, or approval of, any violation of any provision of this Code or any other laws or regulations.

(g) *Fees.* No fee shall be charged for issuance of a permit except that the city council may, by resolution, set a fee for replacement of lost or destroyed permits.

(h) *Appeals.* Any person who has been denied a permit may appeal that decision to the City Manager by giving written notice thereof within ten (10) days after the decision of the Police Department.

[History: Adopted Res. 99-19, 5/26/99, effective 6/30/99; Res. 2007-63, 10/10/07; Ord. 774, 9/27/17; Ord. 788, 1/23/19]

6.02.060 Timed Parking in Preferential Parking Zone.

The City Council may, by resolution, restrict the standing, stopping, or parking of vehicles in a preferential parking zone, and may provide for exemptions from such restrictions.

[History: Adopted ORD 712, 10/10/12]

6.02.070 Unlawful Acts; Punishments.

(a) It shall be unlawful to do, or cause, any of the following, and any person who does or causes to be done any of the following shall be guilty of a misdemeanor:

- (1) During the hours between 8:00 AM and 9:00 PM from Monday through Friday, inclusive, except holidays, to stop, park or leave any vehicle standing for more than two hours in a preferential parking zone unless an unexpired permit validly issued pursuant to this ordinance is prominently displayed in the manner provided herein, except as otherwise provided in Municipal Code Section 6.02.325, or unless the vehicle is exempt from this prohibition;
- (2) To sell, rent or lease, or cause to be sold, rented or leased, for any value or consideration, any preferential parking permit;
- (3) To buy or otherwise acquire for value or use any preferential parking permit;
- (4) To falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application for a permit;
- (5) To copy, reproduce, or otherwise bring into existence a facsimile or counterfeit parking permit, or to alter a parking permit;
- (6) To display a Residential or Merchant Parking Permit in a vehicle other than the vehicle for which such Permit was issued; or
- (7) To remove chalk marks placed on tires by the Police Department.

(b) Violation of any of the provisions of the foregoing paragraph shall constitute a misdemeanor punishable as set forth in section 1.05.010 of the Colma Municipal Code and a public nuisance subject to the provisions of Subchapter 2.01 of Chapter One of the Colma Municipal Code (section 2.01.010, et seq). In addition to any other remedy provided by law or ordinance, upon proof of a violation of this ordinance, the Town may revoke all preferential

parking permits issued to the dwelling unit in which the person who violated this ordinance resided or the place of business in which the person who violated this ordinance is employed.

[History: Adopted Res. 99-19, 5/26/99, effective 6/30/99; Res. 2007-63, 10/10/07; Ord. 774, 9/27/17]