

LEGAL AUTHORITY FOR NEIGHBORHOOD PARKING PERMITS (NPPs)

Public Trust Doctrine:

The public highways and streets are acquired and held by the state in trust for the use of all the people. For ordinary and general transportation and traffic, they are free and common to all citizens. Thus, much is conclusively implied in their acquisition and maintenance, regardless of the estate or title by which they are held. Streets primarily are for the use of the people as a whole, and cannot be diverted for merely local or private use, or the rights of the public in them unreasonably curtailed or abridged. 10A McQuillin Mun. Corp. § 30:38 (3d ed.)

City of Boulder Charter:

Sec. 115. - Revocable permits.

The **council may grant a permit** at any time, in or upon any street, alley, or public place, provided such permit is **revocable by the council at its pleasure at any time**, whether such right to revoke be expressly reserved in every permit or not.

Sec. 64. - Special powers and duties as city manager.

The city manager shall have the special powers and duties hereinafter enumerated, and shall be directly responsible to the council for the proper administration thereof, to-wit:

- (a) To see that **all laws and ordinances governing the city are enforced**;
- (b) To appoint and to remove at pleasure, except as otherwise in this charter provided, all directors of departments and all subordinate officers and employees in such departments in both classified and unclassified service, such appointments and removals to be made upon the basis of merit and fitness alone, including proper subordination;
- (c) To exercise control and supervision over all departments herein created, except as otherwise in this charter provided;
- (d) To make a monthly report to the council, and to attend all meetings of the council with the right to take full part in the discussion, but having no vote;
- (e) To recommend to the council for adoption such measures as the manager deems necessary or expedient;
- (f) To keep the council fully advised as to the financial condition of the city;
- (g) To see that all franchise rights and provisions are justly enforced;

- (h) To prepare and submit to the council an annual budget as by this charter required;
- (i) To submit to the council at each meeting thereof an order of business covering the manager's recommendations;
- (j) To hire a clerk of the council with power to take acknowledgements and administer oaths, to approve documents under seal of the city, to make and keep a journal of proceedings of the council; to serve as the designated election official and to have custody of all public records of the city not specifically entrusted to any other department by this charter or by ordinance; and
- (k) To perform such other duties as may be prescribed by this charter or required of the manager by ordinance or resolution of the council.

(Amended by Ord. No. 7799 (2011), § 2, adopted by electorate on November 1, 2011)*

City of Boulder Code (ordinances):

2-2-11. - Traffic Engineering.

- (a) The **city manager** is appointed as traffic engineer for the City to perform the responsibilities provided in this section and other applicable ordinances of the City. It is the general duty of the traffic engineer to plan the installation, timing, and maintenance of traffic control devices; **to plan and direct the operation and parking of traffic on the streets of the City**; to conduct investigations of traffic conditions; to represent the City in dealing with officials of other governments on traffic and street improvements; to make agreements dividing responsibility for maintenance of streets and traffic control devices over which authority is exercised jointly with other governments; and to take such steps as are reasonably necessary and proper to carry out these plans subject to the availability of funds.
- (b) In addition to other duties prescribed by this code or other ordinances of the City, the city manager may, without limitation:
 - (1) Plan for and regulate the movement of traffic on the streets of the City, including parking areas;
 - (2) Investigate traffic conditions, conduct safety studies and study police and citizen accident reports;
 - (3) Determine when and where to install traffic control devices, including, without limitation, traffic signals, signs and markings;
 - (4) Determine the timing of traffic control signals;

- (5) Determine where certain types of traffic on certain streets or lanes of roadways should be restricted or prohibited;
- (6) Establish speed limits;
- (7) Determine where angle parking should be established;
- (8) Determine where loading zones should be established;
- (9) **Determine when stopping or parking should be prohibited or limited to certain times or certain classes of vehicles;**
- (10) Determine the need for and location of tow-away zones;
- (11) Determine where parking on streets or city parking lots should be metered and the amount to be charged;
- (12) Establish safety zones of such kind and character and at such places where the manager finds that there is particular danger to pedestrians and whose existence is reasonably likely to reduce that danger;
- (13) Close or prescribe methods for handling traffic impacts on streets during civil emergencies, construction projects or other activities impacting the public rights of way or easements;
- (14) Establish barricaded play streets if the manager finds that the public safety and convenience would be served thereby;
- (15) Close streets or portions of streets temporarily for community or neighborhood events, if the manager finds that the public safety and convenience would not be thereby adversely affected and subject to such conditions as the manager deems reasonable to protect public health, safety and welfare; and
- (16) Approve use of all or a portion of streets for bicycle or pedestrian racing events, and temporarily close all or a portion of such areas as reasonably necessary for the safety of racers, spectators and those who would otherwise use the facility, if the manager also determines that:
 - A. The event will not unreasonably interfere with other traffic or with access to affected properties;
 - B. If required by the manager, the organizers have secured the approval of the persons in possession of affected properties;
 - C. Approval of the Colorado Department of Highways has been secured by the race organizers if any portion of the event is on a state highway;

- D. The organizers have agreed to pay the reasonable costs, as determined by the manager, of the extra expenses, including, without limitation, salaries and overtime of city employees, reasonably occasioned by city participation in preparation, monitoring, directing traffic, securing areas and returning the areas to their normal use, and have paid such amounts in advance or have secured such payment obligation by a method acceptable to the manager;
 - E. The race organizers have presented a practical and detailed plan of the event which, if followed, will promote reasonable safety and minimize traffic disruption; and
 - F. The organizers have demonstrated an ability to comply with the plan.
- (c) The city manager may erect, install and maintain such traffic control devices as are reasonably necessary to effectuate the manager's determinations and to cover emergencies, tests, experiments and other special circumstances.
- (d) In exercising the discretion delegated by this section, the city manager shall consider the following factors that apply under the circumstances:
 - (1) The standards of the traffic engineering profession and of the state and federal governments;
 - (2) Public safety;
 - (3) The most efficient use of the streets and city parking areas; and
 - (4) The costs involved.
- (e) The city manager shall make and maintain records of the location, installation, functioning and maintenance of all traffic control devices. The manager shall maintain a record of all approvals made by the Colorado Highway Department of traffic control devices on state highways.
- (f) The city manager is authorized to produce or acquire and sell to the public handicapped parking permits which will serve in lieu of depositing money or tokens in parking meters, or purchasing time in a parking space in a pay station, on city streets and city parking lots by vehicles eligible to park in spaces designated for parking by the handicapped. If the Central Area General Improvement District or the University Hill General Improvement District determines to extend use of these permits to meters or pay stations on lots owned or leased by the district, or to attended parking on such lots, the general manager of the district shall enter into a written agreement with the city manager specifying how to divide the permit revenues equitably between the general fund and the district in proportion to the division which would occur were no permits sold. If the manager determines to institute such a program, the manager shall, by regulation, specify the form

of the permit, the method of its use and display, the method of application and purchase, the cost of the permit and any restrictions on its use.

(g) **Parking exemptions.**

- (1) The city manager is authorized to specify the circumstances under which authorized emergency vehicles of the city police and city fire departments, of the Boulder County Sheriff's Department, the University of Colorado Police Department and the Colorado State Patrol may park in metered parking spaces or spaces regulated by pay stations on city streets, alleys or parking lots for investigative and administrative purposes not rising to the level of an emergency governed by the parking exemption of Section 7-2-12, "Exemptions for Authorized Emergency Vehicles," B.R.C. 1981, without paying the fees specified and in excess of the time limit. With respect to city vehicles covered by this policy, the manager shall estimate the annual parking revenue loss occasioned thereby, and cause such an amount to be transferred from the amount appropriated for each such department into the parking meter revenue account.
- (2) The city manager is authorized to issue meter parking permits to public utility companies for display on marked service vehicles of such utility companies in lieu of depositing money in meters or pay stations on city streets, alleys or parking lots in return for prepayment of the parking meter revenue loss occasioned thereby, as estimated by the manager. Such permits may only be displayed when the service vehicle is parked in a metered space or space regulated by a pay station in response to a bona fide utility service necessity.

Ordinance Nos. 5233 (1989); 5241 (1989); 5920 (1997); 7294 (2003); 7687 (2009); 7996 (2014)

2-2-15. Neighborhood Permit Parking Zones.

- (a) Restricting parking on streets in certain areas zoned for residential uses primarily to persons residing within such areas will reduce hazardous traffic conditions, promote traffic safety and preserve the safety of children and other pedestrians in those areas; protect those areas from polluted air, excessive noise, trash and refuse; protect residents of those areas from unreasonable burdens in gaining access to their residences; preserve the character of those areas as residential; promote efficiency in the maintenance of those streets in a clean and safe condition; preserve the value of the property in those areas; and protect the peace, good order, comfort, convenience and welfare of the inhabitants of the city. **The city council also finds that, in some cases, residential streets serve an important parking function for nonresidents in the public and commercial life of the city. Some accommodation for parking by others may be appropriate in these cases.**
- (b) Upon receipt of a request by twenty-five adult residents of a neighborhood proposing a neighborhood permit parking zone, **the city manager will conduct studies to determine if a neighborhood permit parking permit zone should be established in that neighborhood, and what its boundaries should be.** The manager may, if the manager concludes it is in the public interest to do so, initiate this process without any request. The

manager may consider, without limitation, the extent to which parking spaces are occupied during working or other hours, the extent to which parked vehicles are registered to persons not apparently residing within the neighborhood, the impact that businesses and facilities located within or without the neighborhood have upon neighborhood parking within the neighborhood, **such other factors as the manager deems relevant to determine whether parking by nonresidents of the neighborhood substantially impacts the ability of residents of the proposed parking permit zone to park their vehicles on the streets of the proposed zone with reasonable convenience, and the extent to which a neighborhood permit parking zone would significantly reduce this impact.** The manager shall also determine the **need for reasonable public access to parking in the area, and the manner and extent that it should be provided,** along with the hours and days on which parking restrictions should apply. **No such parking restrictions shall apply on Sundays or holidays.**

- (c) If the manager determines that establishing a neighborhood permit parking zone is in the public interest, or that altering a residential parking zone in existence on January 1, 1997, or created thereafter, is in the public interest, **the manager shall prepare a proposal for the zone,** specifying the boundaries, the hours and days on which parking restrictions will apply, and the provisions, if any, for nonresident permit parking. The manager may **hold such public meetings** as deemed advisable to assist the manager in formulating such proposal. The manager shall present this proposal for the zone to the **Transportation Advisory Board.** The board, after including in its normal public notice these features of the manager's plan, shall **hold a public hearing** on the manager's proposal, and **shall recommend to the manager** that the zone be established, that it be established with certain modifications which are within the manager's authority under this code and any adopted regulations, or that it not be established. The manager shall, **within thirty days of the board's recommendation, provide the city council with the manager's proposal to the board, the board's recommendation and related comments, the manager's final plan,** and the reason for any difference between the recommendation and the final plan. If the **city council does not call up the manager's final plan within thirty days, the manager may establish the zone.** If the city council **calls up the manager's final plan, it shall hold a public hearing on the plan** and, by motion, direct the manager not to establish the zone, or to establish the zone with any modifications which are within the manager's authority, or to establish the zone in accordance with the manager's final plan. The manager shall establish the zone approved by regulation, but if the zone is established after a city council call-up, the manager shall not call for public comment in the notice of proposed regulation.
- (d) Upon establishment of a zone, the manager shall, subject to the availability of funds appropriated for the purpose, install the necessary traffic control devices within the zone and issue neighborhood parking zone permits pursuant to Chapter 4-23, "Neighborhood Parking Zone Permits," B.R.C. 1981.
- (e) The manager may by regulation prescribe additional standards, not inconsistent with those set out in this section, which must be met before the manager designates a neighborhood permit parking zone, or adds or deletes territory from an established zone. The **manager**

may issue regulations governing the issuance and use of neighborhood parking permits not inconsistent with Chapter 4-23, "Neighborhood Parking Zone Permits," B.R.C. 1981.

- (f) The city manager shall monitor the program on a regular basis and annually provide the city council with a report on the neighborhood permit parking program generally, including its relationship to parking supply and demand in adjacent areas of the city and the status of zone block faces under Subsection 4-23-2(j), B.R.C. 1981. The details of the monitoring effort shall be contained in administrative regulations promulgated by the city manager pursuant to Chapter 1-4, "Rulemaking," B.R.C. 1981.

Ordinance Nos. 4966 (1986); 5869 (1997)

Chapter 23 - Neighborhood Parking Zone Permits

4-23-1. - Legislative Intent.

The purpose of this chapter is to set the standards for issuance and administration of neighborhood parking zone permits.

4-23-2. - Permit Issuance.

- (a) Upon designation of a neighborhood permit parking zone pursuant to section 2-2-15, "Neighborhood Permit Parking Zones," B.R.C. 1981, the city manager shall issue parking permits for vehicles owned by or in the custody of and regularly used by residents of such zone, by persons employed by a business located within such zone, and, if provided in the zone, by individual nonresidents upon receipt of a completed application therefor and payment of the fees prescribed in section 4-20-49, "Neighborhood Parking Permit Fee," B.R.C. 1981.
- (b) A vehicle displaying a valid permit issued pursuant to this section may be parked in the zone specified in the permit without regard to the time limits prescribed for the zone.
- (c) No more than two resident permits shall be in effect at any time for any person. No person shall be deemed a resident of more than one zone, and no more than one permit may be issued for any one vehicle even if persons residing in different zones share ownership or use.
- (d) Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred, and shall be displayed thereon only as the manager by regulation may prescribe. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased or no longer in the custody of the permittee.
- (e) Business, for the purpose of this chapter, includes nonresidential institutions, but does not include home occupations. Three business employee permits may be in effect at any time for any business without regard to number of employees or off-street parking. In the alternative, upon application by the manager of the business, the city manager may issue employee permits to a business according to the following formula: half of the number of

full-time equivalent employees minus the number of off-street parking spaces under the control of the business at that location equals the maximum number of employee permits for the business. Full-time equivalent employees of the business are calculated based upon one such employee for every full forty hours worked at that location by employees of the business within the periods of time in a week during which the neighborhood permit parking restrictions are in effect. On its application, the employer shall designate the employee vehicles, not to exceed the number allowed, for which each permit is valid. A business permit is valid only for the vehicles listed thereon, and shall be displayed on the vehicle for which the permit is being used only as the manager by regulation may prescribe.

- (f) The manager shall by regulation declare when the permit year shall begin for each neighborhood parking permit zone. Permits issued based on new applications submitted during the last month of a permit year shall also be valid for the succeeding permit year. Otherwise there shall be no proration of the fee.
- (g) In considering applications for resident permits, the manager may require proof that the applicant has a legal right to possession of the premises claimed as a residence. If the manager has probable cause to believe that the occupancy limitations of subsection 9-8-5(a), B.R.C. 1981, are being violated, no further permits shall be issued under this section for the residence in question until the occupancy thereof is brought into compliance.
- (h) If the permit or the portion of the vehicle to which a resident permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement at a prorated cost. The manager may require display of the damaged permit before a new permit is issued.
- (i) No person shall use or display any permit issued under this section in violation of any provision of this code.
- (j) The maximum number of nonresident permits issued on any given block face within a zone shall be four. In addition, if the manager determines that the average daily percentage of unoccupied neighborhood parking spaces, on block faces where commuter permits have been allocated, drops below twenty-five percent for four consecutive hours between the hours of 9:00 a.m. and 5:00 p.m. of any given weekday, then the manager shall reduce the number of commuter permits by a number estimated to maintain an average daily percentage of unoccupied neighborhood parking spaces of twenty-five percent. But for any part of Goss Street or Circle, Grove Street or Circle or the portions of 16th Street through 23rd Street between Arapahoe Avenue and Canyon Boulevard, included within any neighborhood parking permit zone, the average daily percentage of unoccupied neighborhood parking spaces which must be maintained without reduction in commuter permits shall be fifteen percent. The manager may also, for this Goss-Grove zone, allocate commuter permits initially to educational institutions and organizations representing postal workers in rough proportion to the needs of these groups. Such groups may renew such permits. Distribution of such permits by such groups to their clientele shall be at a price not to exceed the cost of the permit.

Ordinance Nos. 5271 (1990); 7004 (1999); 7243 (2002); 7247 (2002); 7569 (2007); 7879 (2012)

4-23-3. - Guest Permits.

Residents issued a permit pursuant to this chapter may obtain two two-week permits per year for use by houseguests of the permittee. The permit shall be indelibly marked in the space provided thereon with the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days. The manager may by regulation define the circumstances under which additional guest permits may be issued in cases of reasonable need consistent with residential use of the dwelling.

4-23-4. - Temporary Permits.

Upon application to the manager, any person licensed or registered as a contractor in the City may obtain at no cost a reasonable number of temporary permits for the vehicles of the contractor and the contractor's employees for the period of time that the contractor is engaged in work within a neighborhood permit parking zone for which a permit has been issued under the provisions of title 10, "Structures," B.R.C. 1981.

4-23-5. - Revocation.

The manager, after notice and a hearing as set forth in section 4-1-10, "Revocation of Licenses," B.R.C. 1981, may revoke any permit issued pursuant to this chapter for any of the grounds set forth therein or on the ground that it has been misused. Revocation shall bar the permittee from holding any permit under this chapter for a period of one year thereafter.

NPP Regulations:

(attached)

NEIGHBORHOOD PERMIT PARKING ZONE REGULATIONS

These regulations implement the Neighborhood Parking Permit Zone provisions of Section 2-2-15 and Chapter 4-23, B.R.C. 1981, and are issued under the authority of Subsection 2-2-15(e) and Sections 4-23-2, 4-23-3, and 4-1-12, B.R.C. 1981.

I. General Guidelines

- (a) The Neighborhood Permit Parking (NPP) Program restrictions are primarily intended to address issues of resident access and use of on-street parking in residential areas. Parking restrictions are not considered an effective or primary means of addressing other types of neighborhood issues.
- (b) Permit parking restrictions should not be applied if cheaper, simpler solutions are found.
- (c) Permit parking restrictions will only be implemented if the residents affected support the proposed zone.
- (d) The baseline restrictions on parking without a permit in an NPP zone will be no more than two hours without moving the vehicle from 9:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. Departures from this baseline may include:
- (1) Nighttime restrictions which limit all parking to permit holders only during evening hours.
 - (2) Saturday restrictions which extend the basic parking restrictions for the zone to Saturdays.
 - (3) "Color Code" restrictions. This restriction prohibits a vehicle without a permit from being parked within such a zone at more than one place and for more than one allowed period of time. For instance, if a zone allowed two hours of parking, a vehicle which had been parked for two hours or any fraction of two hours could not be parked again anywhere within that zone during the times that restrictions are in effect on that day. This option might be used if people were using the zone for long term parking by moving the vehicle every two hours.
 - (4) The beginning and ending time for this restriction may be varied.
 - (5) The length of time a vehicle without a permit may be parked within a zone may be decreased or increased from two hours.

II. Criteria for Assessing Proposed Zone.

(a) In assessing the need for a zone, the type of restrictions that should be applied, the number of commuter permits to be sold, if any, the zone boundaries, and other details of zone design, the City Manager, through the Assistant Director of Public Works for Transportation and the Assistant Director's Traffic Engineer and other staff, will conduct parking surveys tailored to the identified parking concern within the area under consideration.

(b) The following general factors may be considered by the staff in deciding whether to pursue creation or alteration of a zone.

(1) Staff may consider the cost and availability of alternative parking (within the immediate vicinity of the proposed zone,) and the availability, proximity, and convenience of transit service.

(2) Staff may consider the extent to which a zone may impact adjacent neighborhoods and areas, and may recommend implementation of additional measures to mitigate these spillover parking or displaced parker impacts.

(c) In addition to the factors specified above and in Subsection 2-2-15(b), B.R.C. 1981, the following are considerations to be used in determining whether to designate an area as a neighborhood permit parking zone, and what its boundaries shall be:

(1) At least one block face with some residential street frontage should meet these criteria:

(A) A block face is one side of a street between two adjacent perpendicular roadways, or a dead end street or cul-de-sac. Where one block face as here defined consists of two or more blocks under the city addressing system specified at Section 9-3-28, B.R.C. 1981, it may be deemed to consist of the number of block faces so specified.

(B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 75% occupancy during at least four hours between 9:00 a.m. and 5:00 p.m. of a weekday selected by the traffic engineer.

(C) At least 25% of on-street parked vehicles during the period of a weekday selected by the traffic engineer for study are registered to addresses outside of the study area.

(2) If determining which other block faces may be included in the zone, staff may consider if the following criteria are met:

(A) They are directly contiguous to the area at (1) above or are indirectly contiguous through each other, and

(B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 60% occupancy during at least three hours between 9:00 a.m. and 5:00 p.m. on a weekday selected by the traffic engineer, and

(C) The requirements of (1)(C) above are met.

(D) If, in the opinion of the traffic engineer, posted legal restrictions on parking, including without limitation prohibitions on parking, on any block face render these survey methods invalid as indicators of the extent of the parking problems faced by residents or businesses located on such a block face, the traffic engineer may deem such block face to have met these criteria if the block face immediately across the street meets the criteria.

(3) The zone as a whole is:

(A) Primarily zoned HR, MR, or LR, or a combination thereof, and block faces to be included which are not so zoned are primarily used for residential purposes.

(B) Not located across a geographic barrier of a type which would serve to limit pedestrian movement, including, but not limited to, four lane arterial streets, major arterial streets which server as a pedestrian barrier, major drainage ways, and major ridges.

(d) Criteria for adding block faces to an existing zone:

(1) Each block face should be contiguous to the existing zone directly or through other added block faces.

(2) Each added block face should meet the criteria of (c)(2) above.

(3) Addition of the block face will not violate the criteria of (c)(3).

(4) The procedure for adding block faces to an existing zone shall be the same as the procedure for creating a zone but the request need contain no more than five signatures per block face or twenty-five signatures, whichever is the lesser number.

(e) If it appears from public testimony that there is no consensus on neighborhood support for a proposed zone, the manager may require further evaluation aimed at determining whether resident support for the proposed zone exists.

(f) Termination. In order to remove a block face from an existing zone at least 60% of the adult residents on the block face must sign a petition circulated in favor of such removal. No block face will be removed unless it has been in a zone for two years. If a block face has been removed, it may not be reincluded in a zone for two years. The manager is not required to remove any part of a zone if it is not in the public interest to do so. The manager may remove any part of a zone by following the zone creation process without the requirement of a petition.

III. Criteria for Applying Parking Restrictions within Zones

(a) NPP parking restrictions will be applied area by area, and tailored to the particular needs and attributes of each zone.

(b) A color-code restriction may be applied in residential areas if the manager believes that a traditional time limit will not effectively limit long-term parking in that area.

(c) The following guidelines apply to use of nighttime and Saturday parking restrictions:

(1) The manager may exempt certain short-term or once-a-year civic events from nighttime/Saturday restrictions, including but not limited to events such as the December Lights Parade, Fall Festival, and the Boulder Creek Festival.

(2) Nighttime and weekend restrictions may be imposed in residential areas to address the parking impacts associated with commercial and business uses or districts, but will not be used to prohibit public parking in residential areas abutting or adjacent to certain public and community uses, including but not limited to public schools, public parks, churches and other places of assembly, Chautauqua and Boulder Mountain Park, other large site parks and Open Space lands (including trail access points), and trail and greenway corridors.

(3) Staff should undertake a full assessment of potential impacts on affected non-resident users, including but not limited to an assessment of the availability of alternative parking and the availability of transit service (proximity, hours and frequency of operation) before the decision to implement a nighttime restriction. The nighttime restriction should be reconsidered in circumstances where such impacts cannot be remedied by any reasonable means or at a reasonable cost.

(4) Nighttime restrictions proposed for block faces where daytime commuter permits are also available will specifically exempt commuter permits from the posted restriction.

(5) Nighttime restrictions will not extend beyond the normal operating hours of any business located within a two block radius of the proposed restriction.

IV. Permits.

- (a) Applications for neighborhood parking permits shall be made on the attached form.
- (b) Unless there is evidence to the contrary, the manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone if the document so indicates. The manager may accept other documents of equivalent reliability. The City Manager may require that leases provide, in addition to a copy of the lease agreement, a dated rent receipt with the signature of the property owner. Date on receipt must be current (within three months) of application.
- (c) Unless there is evidence to the contrary, the manager will accept a notarized letter from the owner of a business in the zone as proof of employment within the zone. This letter must indicate the license plate numbers of those vehicles to be included on a business permit and verify that these vehicles are in the custody of employees of that business.
- (d) Unless there is evidence to the contrary, the manager will accept a vehicle title, a vehicle registration, a vehicle lease, or a notarized statement from the registered owner of the vehicle stating that the applicant is using the vehicle with the permission of the registered owner, together with a copy of proof of ownership in the person claiming to be the registered owner, as proof that the vehicle is lawfully in the custody and control of the applicant. The manager may accept other documents of equivalent reliability.

V. Display of Permit.

- (a) The neighborhood permit issued by the manager shall be displayed on the lower left-hand corner of the windshield of the vehicle for which the permit is issued in a position readily visible from the adjacent lane of travel when the vehicle is parked in the proper position on the right side of the street.
- (b) The zone business permit and: "embedded business," "commuter," "visitor pass," issued by the manager shall be displayed from the rear view mirror attachment inside the permitted vehicle. If there is no such attachment, the permit shall be displayed on the dash so that the permit is readily visible through the windshield.
- (c) House guest, additional guest, other, and temporary permits shall be displayed in accordance with the instructions contained on the permit or the application for such permit.

VI. Additional Guest Permits.

(a) Upon special application the manager may issue additional house guest permits, but not to exceed thirty days for any one vehicle per permit year. The applicant shall affirm that the house guest is temporarily residing in the applicant's home as a guest, and is not paying rent. In determining whether to issue an additional house guest permit the manager shall consider the purposes of the permit system in determining whether or not granting the permit will be detrimental to the goals of the permit system.

(b) Additional guest permits may be obtained for use by guests at social gatherings at the applicant's home. Such gatherings must be entirely unrelated to a home occupation, and must be of the sort normally associated with residential use. Permits will not be issued for more than twelve such gatherings in any permit year.

(c) Upon the annual purchase of a resident permit, two visitor's passes will be issued to the permit holder to be used on a temporary and transferable basis to accommodate visitors, including without limit health care workers, repairmen, and babysitters, who need access to the residence of the permit holder. Use of this pass is limited to those visitors whose stay will last longer than the time limit posted within the permit zone for parking by the general public, but shall not exceed twenty-four consecutive hours. Use of the pass is valid only while the visitor is on the residential premises. No more than two such permits will be issued per residence per year. It is the responsibility of the permittee to insure that this pass never leaves the zone, and that it is returned to the permittee at the end of each day of use. Use of the pass also falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and in these regulations.

VII. Basis for Allocating Commuter Permits

Commuter permits, if available within an NPP zone, will be allocated to individuals by a lottery system, unless some other fair and equitable method of allocation is specified for a specific zone as part of the zone creation process. Where a lottery is used, it will be held every two years within the final three months before the end of the two year period for the zone, and no commuter permits will carry over beyond the end of such two year period. No individual shall have more than one commuter permit anywhere in the City at any one time. No one who resides within a zone may receive a commuter permit within that zone.

VIII. Program Monitoring

Pursuant to the provisions of Section 2-2-15 (f), B.R.C., 1981, the city manager will annually provide City Council with information in the following areas:

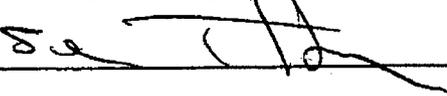
- (a) The status of the NPP Program in general, including:
- (1) A report on any new demand for NPP zones, and unforeseen (non-fiscal) impacts of Program implementation.
 - (2) A report on Program revenue and expenditures, including how many and where commuter permits have been sold in each zone.
 - (3) An examination of the relationship between the NPP Program and parking supply and demand in adjacent areas of the city, including the cost and availability of adjacent alternative parking.
 - (4) The status of other replacement strategies (parking and alternative modes), including:
 - (A) Estimated increases in alternative modes use.
 - (B) The advent (provision) of any new transit service (public or private) or alt modes facilities.
 - (C) Use of remote lot parking.
 - (D) The status of new parking structures downtown.
 - (5) A report on the enforcement of NPP zones.
- (b) The status of specific NPP zones, including:
- (1) A report on any significant spill-over parking into peripheral or other areas.
 - (2) A report on zone restrictions and how well they work to address the identified parking concerns, including any recommended adjustments.
 - (3) A report on how many, if any, zone block faces experience parking occupancy patterns that trigger the requirement to lower the number of commuter permits sold on that block face as specified in Section 4-23-2 (j), B.R.C., 1981.

These Regulations supersede all previous regulations on the same subject.

Proposed rules approved as to form and legality by the City Attorney's office on
5/9/97 by Walt Fische ASST. City

Attorney.

Proposed regulation approved prior to publication by the City Manager

 on May 9, 1997

Three copies of proposed rules filed with the City Clerk on May 9, 1997

Date of publication of notice in Daily Camera May 10, 1997

Approved by the City Manager without change after considering public comment

 on May 30, 1997

Adopted regulation filed with the City Clerk and effective on May 30, 1997

CITY OF BOULDER PARKING PERMIT APPLICATION

Please fill in name, address, phone number and up to three license plate numbers below:

Thank you for your cooperation.

Name: _____

Date: _____

License Plate Number of vehicles you will park:

1. _____ 2. _____ 3. _____

Address: _____

City/State: _____

ZIP: _____

Phone: Work: _____ Home: _____

State issued handicapped permit? yes no

Return to: City of Boulder Parking Services
1104 Spruce Street
Boulder, CO 80302

I have read and understood the attached parking permit guidelines.

Signature

Lot/Street Assignment _____ Initial Permit No. _____

[zone name] NPP

BUSINESS PARKING PERMIT APPLICATION

To Receive a Business Neighborhood Parking Permit:

1. **Fill out and sign this application.**
2. **Attach or bring a photocopy of proof that the business is located within the zone (i.e., lease, property tax receipt, copy of form filled out for tax I.D. number).**
3. **Attach a photocopy of vehicle registration(s). If the applicant is not the owner of the vehicle, attach a statement from the owner verifying that the vehicle is in the custody of the applicant and regularly used by the applicant. Statement must include the name, address, telephone number and signature of the vehicle owner.**
4. **Bring or mail all to: City of Boulder, Parking Services, 1104 Spruce Street, Boulder, CO 80302; (303) 413-7300**

NAME OF BUSINESS (printed): _____

OWNER'S NAME: _____

ADDRESS: _____

ZIP: _____

TELEPHONE NO: _____

TAXID NUMBER: _____

Under the Boulder Revised Code, 1981 a vehicle with a valid, properly affixed residential or business permit will be exempt from the NPP zone time limit restrictions where there is a "Permit Exempt" sign in the zone where the permit was issued. It does not exempt the vehicle from other parking restrictions or controls.

I will affix the permit issued to me to the lower left hand corner of the windshield in the vehicle for which it is issued. I will retain possession of the visitor pass(es) issued to me. I will remove the decal (permit) if the vehicle is sold or transferred to another. Should the decal (or pass) be lost, I will report it to Parking Services within three (3) business days. I understand that the properly affixed permit will exempt the permitted vehicle from parking restrictions posted in the NPP zone. I understand that the permit does not exempt the permitted vehicle from other posted parking restrictions or laws, or from restrictions posted in other NPP zones.

Signature: _____

OFFICE USE ONLY

Issued by _____ Date _____

Vehicle 1 Decal No. _____

Proof of Occupancy:

Vehicle 2 Decal No. _____

Proof of Vehicle Registration:

Vehicle 3 Decal No. _____

CITY OF BOULDER
PUBLIC PARKING PERMIT GUIDELINES

Listed below are guidelines which regulate the City's parking permit program:

1. Quarterly Permit fees for each lot are listed below. Note the fee is for three (3) months of parking.

Downtown Lots

Downtown Structures

University Hill

900 Walnut - \$110/Qtr	1100 Walnut - \$175/Qtr	1205 Pleasant - \$110/Qtr
1336 Canyon - \$110/Qtr	1400 Walnut - \$175/Qtr	
1745 14th - \$110/Qtr	11th & Spruce - \$175/Qtr	
1775 14th - \$110/Qtr		
1500 Pearl - \$110/Qtr		

NPP Commuter Permits
\$45/Qtr

2. Permit parking is available on a first-come, first-served basis. All parking structures have an uncovered roof and occasionally, permit-holders may have to park there. One parking space is allotted per vehicle. Any vehicle using more than one parking space will be ticketed. Overnight parking is not encouraged. Vehicles may not be parked in a lot or structure for more than 72 hours at a time and if found parked for more than 72 hours may be towed at owner's expense. Permit-holders in structures are not to park in areas signed for "customer parking only." Leasing a permit does not guarantee you a space in the lot you are assigned to unless this application is for a commuter permit. **If a permit-holder forgets his/her permit, then the permit-holder must pay for the amount of time spent in the structures.**
3. Permits must be renewed by the following deadlines for each quarter. Please keep a copy of this schedule, as **NO RENEWAL NOTICES ARE SENT.**

First Quarter - renew by December 31	Third Quarter - renew by June 30
Second Quarter - renew by March 31	Fourth Quarter - renew by September 30

Permits that are not renewed by the last day of each quarter will be revoked and offered to the next person on the waiting list. Once a permit card has been shut off for non-renewal, it cannot be renewed. Reminder notices will be placed in lots and structures and advertisements are run in the Daily Camera during the month prior to the renewal deadline. There are payment drop boxes in all three parking structures. Mail renewals should be sent by the 15th day of the renewal month. For surface lot permits, whether renewing by mail or in person, please remit the perforated renewal stub from the previous quarter permit with payment. For "Kontrol Kard" (structure parking) and commuter permit renewal, please write the card or permit number on your check. This will expedite the permit renewal process. Money orders and cash are accepted only in person with proper identification. Cash, checks and credit cards are accepted, however, checks are the preferred method of payment.

4. Prorated refunds are available to customers who return permits prior to the end of the quarter. A \$10.00 fee will be charged to replace any lost, misplaced, damaged or stolen permit.
5. **Permits are non-transferable. The permits are the property of the Central Area General Improvement District (CAGID) or the University Hill General Improvement District (UHGID) and must be returned if revoked.** Permits cannot be resold except by property management firms and then they can NOT be sold for a profit. Only one vehicle per permit may be parked in a lot or structure at one time. An individual permit card may not be passed back and forth for use by more than one vehicle parked in the structure at any one time. The permit may be used by the applicant in up to three different vehicles driven by the applicant as long as the vehicle license plate is noted at the time of the application. **Vehicle license plate number(s) must be provided in order to obtain a permit. Anyone suspected of permit transferring will be required to furnish car registration for vehicles owned and used by permittee.**

6. Carpool permits are issued at half-price for two persons per car and no charge for three persons per car. Proof of ridership is required and will be monitored. If you are interested, please ask for program guidelines. Individuals with carpool permits found not following the ridership requirements will have their permit revoked. Carpool permits are only available at the 1100 Walnut and 1400 Walnut structures. **This program is not available for commuter permits.**
7. If you have a state issued handicapped license plate or placard, please make note of such on the following application where indicated.
8. **Waiting List Policy:** Permit space(s) will be assigned on a first-come, first-served basis. Applicants needing space may request space in up to three lots according to the applicant's priority. There is a \$10.00 deposit per space, per lot to be placed on the waiting list. This deposit will be applied toward permit payment if the permit is taken when offered and the individual's name is removed from the waiting list. If the permit is not taken when offered, the deposit is not refunded. Once permits are issued, the applicant's name will be removed from all waiting lists unless Parking Services is otherwise directed. In the event a permit is issued for a lot or structure which is not the applicant's first choice, the applicant's name will remain on his/her preferred list, and the permit will be converted to that structure or lot when it becomes available.
9. Where hangtag permits are required, permits must be hung from the rear view mirror with the lot name facing out at all times the vehicle is in the permit facility.
10. Parking Services reserves the right to temporarily or permanently reassign any permit holder due to maintenance, construction or parking space/structure reorganization. Occasionally the lots or structures may fill up and permit-holders may be diverted to another lot or structure.
11. Individuals and vehicles not following these guidelines will be subject to ticketing and/or towing, or revocation of permit. Any person who knowingly allows his/her permit to be used in violation of these regulations shall have such permit revoked and shall be ineligible for a permit for any vehicle for a period of one year.

Parking Services reserves the right to revoke any permit issued for nonpayment or returned checks.

12. Cars are parked in City lots/streets and structures at the owner's risk. Articles left in car are at owner's risk. The City of Boulder is not liable for damages caused by vandalism, theft, driver's negligence or acts of God, and is not liable for personal safety.
13. **Pursuant to Chapter 4-23-2 (a) of the Boulder Revised Code, 1981, commuter permits issued for use in Neighborhood Permit Parking Zones may not be available after December 31, 2002. Any commuter permits issued prior to that date will automatically expire on December 31, 2002 unless re-authorized for use by the Boulder City Council on or before that date.**
14. Please feel free to contact us if you have any questions about the parking permit program at 413-7300, City of Boulder Parking Services, 1104 Spruce Street, Boulder, CO 80302.
15. Please complete the attached application form when purchasing a permit.