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RECOMMENDED BY: THE TRANSPORTATION COMMITTEE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 20-30

AN ORDINANCE TO AMEND TITLE 10, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 9, “STOPPING, STANDING AND PARKING”, ARTICLE E, “PARKING METERS”, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, TO ACCEPT ON-STREET PARKING PAYMENTS BY ADDITIONAL MEANS, IN ADDITION TO COIN-OPERATED METERS; AND TO REPEAL SECTION 10-9-89, “ENFORCEMENT OF PARKING REGULATIONS AT FIVE POINTS SOUTH PUBLIC PARKING DECK”, AS OBSOLETE.

SECTION 1. BE IT ORDAINED by the Council of the City of Birmingham that Title 10, “Motor Vehicles and Traffic”, Chapter 9, “Stopping, Standing and Parking”, Article E, “Parking Meters”, of the General Code of the City of Birmingham, be and hereby is amended to accept on-street parking payments by additional means, in addition to coin-operated meters, and to read as follows:

“ARTICLE E. - PARKING METERS

“Sec. 10-9-80. - Definitions

“The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

“*Broken meter* means any parking meter that will not accept any form of payment, including by parking meter technology.

“*Operator* means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of a vehicle.

“Parking meter means and includes any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division, which device is designated to register, or issue printed and/or electronic confirmation of, the purchase and duration of the parking time and limit thereof, upon payment by United States coin or currency, payment card or any other alternative payment capability, including parking meter technology.

“Parking meter space means any space within a parking meter zone which is duly designed for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or otherwise designated by signage, which is either adjacent to a parking meter or which is in an area clearly marked by signs indicating the space is in a parking meter zone and indicating that payment may be made by the use of parking meter technology.

“Parking meter technology means technology that allows payment for parking in parking meter zones without the use of mechanical parking meters, including but not limited to telephone, smartphone applications, website, storefront payment, single or multi space meters, or any other technology as deemed appropriate by the city to pay for parking. Parking meter technology may utilize parking space numbers, license plates, sticker numbers, or any other means designated by the specific parking meter technology to process parking payment.

“Parking meter zone means and includes those areas established by the city traffic engineer upon those streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meter technology will be necessary to aid in the regulation, control and inspection of the parking of vehicles and to specify the time limitation on parking between the hours specified on any day except Sundays and the following public holidays: Christmas Day, New Year's Day, Martin Luther King, Jr.'s birthday, Good Friday, Memorial Day, the Fourth of July, Labor Day, Veterans Day and Thanksgiving.

“Sec. 10-9-81. - Parking meter zones established; days not in operation.

“(a) The city traffic engineer is hereby authorized to establish parking meter zones upon those streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters will be necessary to aid in the regulation, control and inspection of the parking of vehicles and to specify the time limitation on parking between the hours specified on any day except Sundays and the following public holidays: Christmas Day, New Year's Day, Martin Luther King, Jr.'s birthday, Good Friday, Memorial Day, the Fourth of July, Labor Day, Veterans Day and Thanksgiving.

“(b) The city traffic engineer shall maintain a current copy of a schedule designating the streets or parts of streets on which parking meter zones have been created and specifying the parking time limitation as regulated by parking meters and specifying the hours and days of which the regulation is to be effective, which schedule shall be on file in the office of the city clerk and in the office of the city traffic engineer.

“(c) The city traffic engineer may use parking meter technology covering more than one space.

“Sec. 10-9-82. - Installation of parking meters; parking time specified.

(a) The city traffic engineer shall install parking meters in the parking meter zones established as provided in section 10-9-81, upon the curb immediately adjacent to each designated parking space. For any parking space for which no meter is installed adjacent to the space, the traffic engineer shall install signage in the area and visible from the space indicating that payment of the parking meter rates for that space shall be made using parking meter technology and indicating the procedure for using said technology. The period of legal parking time established for any parking meter zone within the city shall be as fixed by ordinance. The parking meter rates shall be as follows and shall be indicated on the meter or by the parking meter technology:

“(1) *15-minute meters*: \$0.25.

“(2) *30-minute meters*: \$0.50.

“(3) *Two-hour meters*:

30 minutes: \$0.50.

Each additional 15 min.: \$0.25.

“(4) *Three-hour meters*.

First hour: \$1.00.

Each additional 15 min.: \$0.25.

“(5) *Ten-hour meters*.

Each hour: \$0.50.

“(b) When any vehicle is parked in any parking space alongside or next to which a parking meter is located, or that is located in a parking meter zone, the operator of such vehicle shall, upon entering the parking meter space, pay the parking meter rate either using the meter or by the use of parking meter technology.

“(1) If payment is made using the meter, the operator shall immediately deposit or cause to be deposited in the meter such proper coin of the United States as is required

for such parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, shall also set in operation the timing mechanism on such meter. The failure to deposit such proper coin and to set the timing mechanism in operation when so required shall constitute a violation of this division.

“(2) If payment is made using parking meter technology, the operator shall follow the directions posted for the use of such technology.

“(3) In the event of a broken meter parking is limited to the posted time limit or maximum of two hours, whichever is shorter.

“(c) Upon payment of the parking meter rate, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which the parking space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a coin-operated meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time. If parking meter technology was used to pay for parking, any unused time may be used in another parking space within the same parking meter zone.

“Sec. 10-9-83. - Legends.

“(a) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit payment therein shall apply, the value of the payment to be deposited in United States coin or currency, payment card or any other alternative payment capability, including parking meter technology, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which that meter is located.

“(b) For any parking space for which no meter is installed adjacent to the space, the traffic engineer shall install signage in the area and visible from the space indicating that payment of the parking meter rates for that space shall be made using parking meter technology, the limited period of time for which parking is lawfully permitted in the parking meter zone, and indicating the procedure for using said technology.

“Sec. 10-9-84. - Operation of signal.

“(a) Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of the appropriate United States coin or currency, payment card or any other alternative payment capability, for the period of time prescribed by this section, and shall

at all times indicate the balance of legal parking time. Each meter shall be arranged so that, upon the expiration of the lawful time limit, it will indicate by a proper visible signal that the lawful parking period has expired.

“(b) When parking meter technology is in use, it shall notify the user and the parking enforcement officer of the legal parking time for which payment has been made, the balance of legal parking time and shall notify the user when the legal parking time has expired.

“Sec. 10-9-85. - Designation of parking meter spaces; method of using spaces.

“(a) The city traffic engineer shall designate the parking space adjacent to each parking meter for which that meter is to be used by appropriate markings upon the curb or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of the street. For any parking space for which no meter is installed adjacent to the space, the traffic engineer shall install signage in the area and visible from the space indicating that payment of the parking meter rates for that space shall be made using parking meter technology and indicating the procedure for using said technology.

“(b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating the space; except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required in this division for the parking of other vehicles in that space.

“Sec. 10-9-86. - Payment for parking and time limits of parking.

“(a) No person shall cause, allow, or permit a vehicle operated by them or under their control or registered in their name to park a vehicle in any parking space within a parking meter zone unless payment for such parking has been made as required by this article.

“(b) No vehicle shall remain parked in a lawful, designated parking space longer than the maximum amount of time allowed for parking in such parking space, as indicated by appropriate markings of signs, printed receipts, or electronic messages, or as indicated by such parking meters. The provisions of this section shall apply during such hours and on such dates as established from time to time by the city traffic engineer. This provision shall not apply to the act of parking or the

necessary time which is required to deposit immediately thereafter coin or coins in the meter or make payment by other authorized means, such as parking meter technology.

“(c) No person shall cause, allow, or permit a vehicle operated by them or under their control or registered in their name to be parked on the same block in a parking meter zone for a consecutive period of time longer than the limited period of time for which parking is lawfully permitted in any single space on that block. It shall be unlawful to "feed the meter" or otherwise to attempt to avoid detection for parking longer than the maximum amount of parking time designated for that space.

“(d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter, other ordinances or the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

“(e) Failure to purchase parking time or failure to otherwise follow procedures required for confirming the purchase of time shall be considered a violation of this ordinance.

“Sec. 10-9-87. - Use of slugs prohibited.

“It shall be unlawful for any person to deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or to otherwise use any card or other device in a parking meter in lieu of a card of device lawful and appropriate to an alternative payment process at such parking meter.

“Sec. 10-9-88. - Tampering, etc., with meters.

“It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.”

SECTION 2. BE IT FURTHER ORDAINED by the Council of the City of Birmingham that Section 10-9-89, “Enforcement of parking regulations at Five Points South public parking deck”, be and hereby is repealed.

SECTION 3. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective when published as required by law.

