

AN ORDINANCE TO AMEND CHAPTER 50, TRAFFIC, ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES AND TO AMEND THE OFFICIAL CITY PARKING MAP

WHEREAS, the City of Hendersonville is implementing new parking measures within the City; and

WHEREAS, the City Council finds that the public convenience and necessity mandates that these new parking measures be implemented; and

WHEREAS, on March 2, 2023, City Council adopted amendments to CHAPTER 50, TRAFFIC, ARTICLE IV TRAFFIC CONTROL DEVICES, AND ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES to implement the new parking measures; and

WHEREAS, City Council now desires to make some additional amendments Chapter 50, Article V and to the Official City Parking Map,

IT IS THEREFORE ORDAINED by the City Council for the City of Hendersonville, North Carolina, as follows:

1. CHAPTER 50, TRAFFIC, ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES is amended as follows:

Sec. 50-235. Prohibited in specified places.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following prohibited places. In addition to issuing a parking citation to the violator, any person enforcing this Article shall be authorized to cause any vehicle parked in any of the following prohibited places to be towed:

- (1) On a sidewalk.
- (2) Within an intersection, or within 20 feet thereof.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
- (5) No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, however, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if the parking does not interfere with the view in either direction of an approaching locomotive or train.
- (7) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (8) Upon any bridge or other elevated structure or within any underpass structure.

- (9) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanitarium or any other public building, where the street is so marked.
- (10) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (11) Within ten feet of any fire hydrant, or in a fire lane, including public vehicular areas as defined by .
- (12) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.
- (13) At any place where signs prohibit parking.
- (14) In any space designated as a passenger or freight loading zone except as allowed by sec. 50-259.
- (15) In front of, or in any manner, so as to block a driveway, in whole or in part.
- (16) Parking a vehicle of a different type than specified for a parking space, where a space is reserved for a certain type of vehicle. As an example, parking a non-electric vehicle in an electric-vehicles only space is prohibited. As another example, parking a non-law enforcement vehicle in a space reserved for law-enforcement is prohibited.
- (17) Parking a vehicle in a parking space, lot or zone reserved for vehicles having a particular permit with out having the required permit.
- (18) The simultaneous parking of 2 or more vehicles assigned to the same parking permit within the parking facilities authorized by the parking permit. As an example, if Car A and Car B are assigned to the same parking permit for the interior surface lot paid parking zone, either Car A or Car B may be parked in an interior surface lot at any given time, but not both at the same time.

(Code 1971, § 31-169)

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DIVISION 2. PARKING METERS AND PAY-FOR-PARKING KIOSKS

Sec. 50-285. Use of meters, kiosks and spaces in paid and metered parking zones.

- (a) When a vehicle shall be parked in any space in a paid or metered parking zone during regulated parking hours, the operator of such vehicle shall immediately upon entering the parking space check in as required by sec. 50-317(g)(1). The operator shall also immediately deposit or cause to be deposited the appropriate designated coin or pay at a meter, kiosk or through the mobile parking app designated by the City for the acceptance of meter fees and payments to activate the meter or pay for the parking at the established rate if the vehicle will remain parked beyond the applicable grace period granted by sec. 50-317.
- (b) It shall be unlawful for any person to deposit or cause to be deposited additional coins or make additional payments for the purpose of extending the parking session for the same vehicle beyond the time limits established for the metered or paid parking zone if such time limits have been established pursuant to sec. 50-281.
- (c) It shall be lawful for city employees and officials, while in the immediate discharge of the responsibilities of their employment by the city, to park and place motor vehicles belonging to the city, appropriately marked or otherwise identified, in any space in a paid or metered parking zone, either in a facility of on-street or off-street parking, without complying with the requirements of this division, and no citation or summons shall be issued by any police officer for any such noncompliance.
- (d) It shall be lawful for the city manager, in his discretion, and from time to time, to hood, or otherwise obscure so as to render the same inoperative, meters or kiosks for the purpose of providing unlimited parking privileges to the general public during City sponsored events or on holidays during

which City offices are closed; provided, however, that such obscuring device shall be plainly marked in a manner sufficient to indicate its official origin and purpose.

(e) The City Manager shall have the authority to invoke, for any parking facility, the flat rate for parking contained with the City's adopted fee schedule for special events, holidays, or where in the Manager's discretion a flat rate is warranted in the management of one or more City parking facilities due to traffic, overcrowding, or other public safety concerns.

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DIVISION 3. MUNICIPAL PARKING FACILITIES; PARKING ZONES

Sec. 50-317. Parking zones regulations.

All parking facilities within a parking zone will be open for parking either by permit holders or the general public, or both, 24 hours per day, 7 days per week, in accordance with this section 50-317, except during such times when a parking facility is closed or reserved pursuant to subsection 50-181(d).

- (a) On-street metered parking zones. The City may elect to have a pay-for-parking kiosk serve as the parking meter for on-street metered parking zones. In such event, all parking meter fees established shall be paid using the parking kiosk or parking app made available by the City.
- (1) During regulated parking hours, all owners or operators parking a vehicle in a parking space for a parking session in an on-street metered parking zone that is more than 30 minutes will be required to pay the parking meter fee at the rate established by the Hendersonville City Council as part of its fee schedule for the entire parking session. As an example, if a parking session is 25 consecutive minutes in the on-street metered parking zone, no parking meter fee will be owed. If, however, a parking session is 45 minutes, a parking meter fee will be owed for the entire 45 minute parking session.
 - (2) During regulated parking hours, there shall be a limit of one free 30-minute parking session per vehicle per 5 hours in an on-street metered parking zone. As an example, if a car is parked in an on-street metered parking zone at 10:00 a.m. for 15 minutes, there will be no meter fee owed for that park. If however the same car is parked in the same on street metered parking zone at 1:00 pm for 20 minutes, a meter fee is owed for the 20 minute parking session because it is occurring within 5 hours of the first parking session in the same on-street metered parking zone.
 - (3) During regulated parking hours, each parking session in the on-street metered parking zone shall be limited to no more than 5 consecutive hours. Additionally, only one 5-hour parking session shall be allowed per vehicle per day during regulated parking hours. As an example, a vehicle could park in the on-street metered parking zone from 9am – 2pm (5 consecutive hours), and then park again from 3pm-5pm; however the same vehicle could not park again from 3pm-8pm because only one 5-hour parking session is permitted per vehicle per day during regulated hours.
 - (4) The meter fee for parking within the on-street metered parking zone shall be applied on a parking zone basis. This means that during regulated parking hours, movement of a vehicle from one space to another within a paid parking session in said metered parking zone shall not require a separate check in or separate payment. As an example, if an operator pays the meter fee for a 4-hour parking session in the on street metered parking zone, they may move their car from one space to another within the on street metered parking zone during the 4-hour paid parking session without further payment of meter fees and without having to check in again.
 - (5) Parking sessions in the on-street metered parking zone must be at least 30 minutes apart. As an example, if a parking session in the on-street metered parking zone is from 10:00 am – 12:00 pm, a new parking session would not be allowed until 12:30 p.m., 30 minutes later than the first parking session.
- (b) Interior or exterior surface lot paid parking zones.

- (1) Permits may be issued for interior or exterior surface lot paid parking zones. The cost for such permit shall be as provided in the City's duly adopted fee schedule. Persons having a valid interior or exterior surface lot permit shall be permitted to park a permitted vehicle in any lot in the same paid parking zone at any time with no time limit per park and no requirement for checking in at a parking kiosk.
 - (2) Permit only parking. City Council may establish permit-only lots in the interior or exterior lot paid parking zones.
 - i. Interior surface lot paid parking zone. If a permit only parking zone is established in an interior surface lot paid parking zone, parking shall be by the appropriate permit only, twenty-four (24) hours per day, seven (7) days per week. There shall be no time limit per park, and no requirement for checking in at a parking kiosk for vehicles with a valid parking permit.
 - ii. Exterior surface lot paid parking zone. If a permit only parking zone is established in an exterior surface lot paid parking zone, parking shall be by permit only from 12:00 am Monday through 11:59 pm Saturday. Any person may park in a permit-only lot in an interior or exterior paid parking zone on Sunday from 12:00 am through 11:59 pm without charge, without a time limit per park and without a requirement to check-in at a parking kiosk.
 - (3) Mixed lots. For lots in an interior or exterior surface paid parking zone which are not restricted to permit only parking, hereinafter "mixed lots," during regulated parking hours all owners or operators not having a valid permit parking a vehicles, who park in a mixed lot that is in an interior or exterior surface lot paid parking zone for a parking session that is more than 1 hour will be required to pay for parking for the entire parking session at the City-adopted rate for the paid parking zone. As an example, if a car is parked for 45 consecutive minutes in a parking space in a mixed lot, no payment will be owed. If, however, a car is parked for 75 consecutive minutes in a parking space in a mixed lot, payment will be owed for the entire 75 minutes.
 - (4) In a mixed lot, unpermitted parking must be paid for on a per parking lot basis. During regulated parking hours, a separate check-in and payment shall be required at each mixed lot within the interior or exterior surface lot paid parking zone. However, movement of the vehicle to another parking space with the same mixed lot during the parking session shall not require a separate check in or separate payment. As an example, if the operator of a pickup truck pays for a 4-hour parking session in a mixed lot but decides to move the truck to another mixed lot after only 2 hours, the operator will be required to check in and pay separately for a new parking session at the second mixed lot. If the operator of the pickup truck instead parked the truck in another space in the same mixed lot that the truck originally parked in after only 2 hours, no further payment or check in would be required for the remainder of the 4-hour parking session.
 - (5) During regulated parking hours, there shall be a limit of one free 1-hour parking session per vehicle per 5 hours per mixed lot. As an example, if a car is parked in a mixed lot at 10:00 a.m. for 45 minutes, there will be no fee owed for that park. If, however, the same car is parked in the same mixed lot at 1:00 pm for 30 minutes, the 30 minute parking session must be paid for because it is occurring within 5 hours of the first parking session in the same mixed lot.
- (c) Parking deck paid parking zone.
- (1) Permits may be issued for the parking deck paid parking zone. The cost for such permit shall be as provided in the City's duly adopted fee schedule. Persons having a valid parking deck permit shall be permitted to park a permitted vehicle in the parking deck paid parking zone at any time with no time limit per park.
 - (2) During regulated parking hours, all owners or operators not having a valid permit parking in the parking deck paid parking zone for more than one hour per park will be required to pay for the entire parking session at the City-adopted rate in the parking deck paid parking zone. As an example, if a car is parked for 45 consecutive minutes within the parking deck paid parking zone, no payment will be owed. If, however, a car is parked for 75 consecutive minutes within the parking deck paid parking zone, payment will be owed for the entire 75 minutes.

- (3) Unpermitted parking within the parking deck paid parking zone shall be applied on a parking zone basis. During regulated parking hours, upon entry into the parking deck paid parking zone, a vehicle may be moved from one space to another space within the parking deck prior to exiting the deck. Upon exiting the parking deck, payment will be required based on the total time the vehicle was parked in the parking deck without regards to whether or not the vehicle was moved to different spaces within the deck prior to exiting the deck.
- (4) The City Manager shall have the authority to designate parking spaces on the lowest level of the parking deck as reserved spaces, 24 hours per day, 7 days per week, in the parking deck paid parking zone. Parking in such spaces shall require a valid permit.
- (5) The following shall apply to any parking deck located within a parking deck paid parking zone:
- i. When the parking deck is open to the general public for parking, exclusive use shall be for those persons who park their vehicles there, along with passengers of such vehicles, and it shall be unlawful for any person to be present in a city parking garage unless the person is
 - a. In a vehicle which is in a parking space or on its way to or from a parking space;
 - b. Walking to or from a parked vehicle, having entered or returning to the garage as a driver or a passenger of the vehicle; or
 - c. An employee or agent of the city whose presence in the garage is required in connection with his duties.
 - ii. The City Manager, Chief of Police, or Public Works Director, or their designee may close the parking deck, or any floor, level or area of the parking deck, on a temporary basis. It shall be unlawful for any person or vehicle to be present in any such closed area, except authorized personnel of the city.
 - iii. The City Council may close or limit parking or entry in the parking deck (or any floor, level or area of the parking deck) as part of a special events permit or for special events sponsored by the City. In such case, use of, or presence in, the parking deck shall be limited in accordance with the special event permit, or the special event sponsored by the City, and any other use or presence during any such special event is hereby declared to be unlawful.
 - iv. City police officers are hereby empowered to order any person(s) whose use of or presence in the deck is made unlawful by this section 50-317(c)(5)(i)-(iii) to leave the deck. Unlawful use of or presence in a city parking deck and subsequent refusal to leave after being ordered to do so by a police officer shall constitute trespass.
- (d) Unmetered on-street limited time zones. Parking in a parking space within an unmetered on-street limited time zone shall be limited to the stated number of consecutive minutes or hours per park in a parking space. No meter fee shall be owed.
- (e) Unmetered on-street unlimited time zones. Parking within an unmetered on-street unlimited time zone shall be unlimited. No meter fee shall be owed. Continuous parking within a spot for more than 24 consecutive hours may result in a vehicle being determined to be abandoned and towed Chapter 36, Article VI Abandoned, Nuisance and Junked Motor Vehicles.
- (f) Generally applicable requirements.
- (1) Check-in required. It shall be unlawful to park in an on street metered parking zone or in a mixed or hourly parking lot located within an interior or exterior surface lot paid parking zone during regulated parking hours without checking in for a parking session using the parked vehicle's license plate number. Check in shall require the correct entry of the parked vehicle's license plate number at a meter or parking kiosk or using the mobile app provided by the City, and shall require the entry of the duration of the parking session. The City may elect to have a pay-for-parking kiosk serve as the parking meter for on-street metered parking zones. In such event, check-in for metered parking shall be at the parking kiosks or parking app provided by the City.

- (2) Parking permits. All parking permits issued pursuant to this sec 50-317 shall be issued in accordance with rules adopted by the Chief of Police in addition to the following:
- i. All permits will be issued on a first come, first serve basis up to the maximum number of permits per parking facility as determined by the City Manager.
 - ii. Each parking permit must be registered to a person, by name and address, who will be responsible for compliance with the terms of this Article as applied to use of permits and parking by permit, in addition to the owner or operator of the vehicles, if different from the permit holder. The permit holder shall be responsible for keeping all information relative to a permit current, including but not limited the person's address and the vehicles assigned to the permit. Failure to keep all information current shall be a violation of this Article by the permit holder.
 - iii. Parking permits are not transferable to another person, and may not be leased or hired out to another for a fee.
 - iv. Each permit may be assigned to no more than ~~2~~ 3 vehicles, and such assignment shall be by the vehicle's license plate numbers. It shall be unlawful to use a permit for any unassigned vehicle. Only one of the vehicles assigned to a permit may be parked in the permitted parking zone(s) at any given time (ref. sec. 50-235(18)).
 - v. The City Council shall adopt parking permit fees as part of the City's fee schedule. All fees for parking permits must be timely paid. Failure to timely pay parking permit fees may result in a parking permit being revoked by the Chief of Police.
 - vi. Violation of this Article by a permit holder, or by owners or operators of a vehicle assigned to a permit, shall be grounds for revocation of a permit by the Chief of Police.
 - vii. All unpaid parking permit fees may be collected by any remedy for collection of a debt allowed at law.
- (3) Pay -by- plate. All parking paid at a parking kiosk or by the mobile app provided by the city shall be paid by vehicle license plate number.
- (4) Electric vehicle parking spaces. All parking spaces containing a charging station for electric vehicles in a paid parking zone shall be reserved for electric vehicles only, shall be paid for at the applicable parking rate for the paid parking zone, and shall be limited to three consecutive hours of parking per park in such a parking space, regardless of the duration of the parking session paid for. Moving the vehicle to another unreserved parking space during the paid parking session in the same parking lot (for interior or exterior lot paid parking zones), within the same parking zone (for on-street metered parking zones) or within the parking deck (for the parking deck paid parking zone), shall be allowed.
- (5) Parking fees and meter fees. Parking fees and meter fees will be charged and must be paid in ~~one-hour~~ in the following increments for consecutive hours.
- i. On-street metered parking zones parking fees and meter fees will be charged in 15-minute increments.
 - ii. All surface lots and parking deck paid parking zones parking fees and meter fees will be charged in 30-minute increments.
- (6) No refunds. No refunds shall be paid by the City where an owner or operator moves a vehicle out of a paid or metered parking zone prior to the expiration of the parking time that would have been allowed based on the parking or meter fees paid.
- (7) Consecutive units of time. Unless specifically stated otherwise in this Article, where a time limit is imposed in a parking zone, the time limit shall be deemed to refer to consecutive units of time. As an example, if time is limited to five (5) hours, it shall be deemed to refer to five consecutive hours. A time limit of thirty minutes shall be deemed to refer to thirty (30) consecutive minutes.

- (8) It shall be unlawful for any person to park a vehicle not having a state license plate visible from outside the vehicle within a parking zone established by this Article; however, nothing herein shall preclude a bicycle from parking in a designated bicycle parking area within a parking zone.
- (9) Paid parking time or paid meter time shall be deemed actual parking time for purposes of this Article.
- (Code 1971, § 31-212)

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DIVISION 4. CIVIL PENALTIES FOR PARKING VIOLATIONS

Sec. 50-341. Schedule of civil penalties for stopping, standing, parking and parking meter violations climbing.

(a) Civil penalties for violations of divisions 1, 2 and 3 of this article shall be as established from time to time by the city council in the city's schedule of fees, or as stated in this Chapter 50.

(b) There shall be a civil penalty of \$500.00 for climbing or sitting on the walls of any parking deck owned or operated by the City. Climbing or sitting on the walls of any parking deck owned or operated by the City shall also constitute a misdemeanor (ref. sec. 1-6 of the City code).

~~(b)(c)~~ ~~This violation~~ Parking violations and any associated delinquent penalty are not subject to the penalty provisions of G.S. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of debt when the violator does not pay the penalty within the prescribed period of time set forth, pursuant to G.S. 160A-175(c).

(Code 1971, § 31-221; Ord. No. 04-0746, § 6, 7-8-04; Ord. No. 11-0101, § 1, 1-6-11; Ord. No. 15-0951, § 3, 9-3-15)

3. Amendments to the Official City Parking Map, removing the 30 minute time limitation from those parking spaces on Main Street, previously limited to 30 minutes, is adopted as presented.
4. This Ordinance shall be effective upon adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____ 20____.

Attest:
Hendersonville

Barbara G. Volk, Mayor, City of

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

