

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "The Code of Ordinances City of Lowell, Massachusetts" With Respect to various articles in Chapter 266 as they relate to parking rates and fines: Article VII Entitled, "Parking Meters"; Article IX Entitled "Public Off-Street Parking Areas"; and Article XI entitled "Miscellaneous Parking Fines".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code for the City of Lowell," hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 266 thereof, by amending certain sections relating to parking rates and or fines.

It is recommended to update some Parking Rates and Fines in the Parking Department.

1. **§266-90. Parking meter rate.**

A. Notwithstanding anything in this Article VII to the contrary, the parking meter rate for all parking meters in all areas of the City is \$0.25 for each 15 minutes and \$1.00 for each hour is hereby amended to read as follows:

“A. Notwithstanding anything in this Article VII to the contrary, the parking meter rate for all parking meters in all areas of the City is \$0.30 for each 12 minutes and \$1.50 for each hour.”

B. For the purpose of regulating parking on streets designated in this article and the time parking is permitted thereon, the Parking Director is hereby authorized to provide bags or other devices to cover meters for the purpose of prohibiting parking at the associated space when requested. The rate shall be \$10 per day per metered space where parking is prohibited for any portion of a day is hereby amended as follows:

“B. For the purpose of regulating parking on streets designated in this article and the time parking is permitted thereon, the Parking Director is hereby authorized to provide bags or other devices to cover meters for the purpose of prohibiting parking at the associated space when

requested. The rate shall be \$14 per day per metered space where parking is prohibited for any portion of a day.”

2. §266-120. Davidson Street Lot.

The schedules of parking rates at the Davidson Street Lot for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018, shall be amended as follows:

A. Monthly pass card rates.

- (1) Individual pass card: \$87, market rate.
- (2) Pass cards, group billing (20 or more): \$71, 81% of market rate.
- (3) Residents of central business district: \$66, 75% of market rate.
- (4) Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per month per space.

B. Transient (hourly) rates.

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50
Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50
Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section C which shall read as follows:

“C. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

3. §266-121. Joseph Downes Parking Garage.

By Amending Section B as follows:

B. Parking Rates. The schedules of parking rates at the Joseph Downes Parking Garage for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018 shall be amended as follows:

(1) Monthly pass card rates.

- a. Individual pass card: \$87, market rate
- b. Pass cards, group billing (20 or more): \$71, 81% of market rate
- c. Residents of the central business district: \$66, 75% of market rate
- d. Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per space per month

(2) Transient (hourly) rates

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50
Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50
Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section C which shall read as follows:

“C. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

4. **§266-122. Leo A. Roy Parking Garage.**

The schedules of parking rates at the Leo A. Roy Parking Garage for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018, shall be amended as follows:

A. Monthly pass card rates.

- (1) Individual pass card: \$87, market rate
- (2) Pass cards, group billing (20 or more): \$71, 81% of market rate
- (3) Residents of the central business district: \$66, 75% of market rate
- (4) Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per space per month.

B. Transient (hourly) rates

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50
Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50
Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section C which shall read as follows:

“C. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

5. §266-123. Lower Locks Parking Facility.

The schedules of parking rates at the Lower Locks Parking Facility for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018, shall be amended as follows:

A. Monthly pass card rates.

- (1) Individual pass card: \$87, market rate
- (2) Pass cards, group billing (20 or more): \$71, 81% of market rate
- (3) Residents of the central business district: \$66, 75% of market rate
- (4) Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per space per month.

B. Transient (hourly) rates

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50

Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50
Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section C which shall read as follows:

“C. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

6. §266-124. George A. Ayotte Parking Facility.

The schedules of parking rates at the Lower Locks Parking Facility for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018, shall be amended as follows:

A. Monthly pass card rates.

- (1) Individual pass card: \$87, market rate
- (2) Pass cards, group billing (20 or more): \$71, 81% of market rate
- (3) Residents of the central business district: \$66, 75% of market rate
- (4) All students within the City of Lowell public school system shall pay \$24 per month per space. Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per space per month.
- (5) Seven hundred fifty spaces shall be provided to the Wannalancit Tech Center at the rate of \$16.75 per month as adjusted annually based on the Consumer Price Index.

B. Transient (hourly) rates

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50
Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50

Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section C which shall read as follows:

“C. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

7. §266-125. Edward J. Early Parking Garage.

By Amending Section B as follows:

B. Parking Rates. The schedules of parking rates at the Edward J. Early Parking Garage for monthly pass card holders and transient (hourly) rate parking, effective July 1, 2018 shall be amended as follows:

(1) Monthly pass card rates.

- a. Individual pass card: \$87, market rate
- b. Pass cards, group billing (20 or more): \$71, 81% of market rate
- c. Residents of the central business district: \$66, 75% of market rate
- d. Persons 62 years of age and over residing in downtown Lowell and handicapped or disabled persons residing in downtown Lowell shall pay \$36 per space per month

(2) Transient (hourly) rates

Hours	Fee
Up to 1 hr	\$1.50
Up to 2 hrs	\$3.00
Up to 3 hrs	\$4.50
Up to 4 hrs	\$6.00
Up to 5 hrs	\$7.50
Up to 6 hrs	\$9.00
6 to 24 hrs	\$11.00

And inserting a new section E as follows:

“E. CPI Adjustment. All parking rates in this section shall be adjusted upward (but not downward) annually based on the Consumer Price Index each July 1. Adjustments shall be rounded to the nearest quarter.”

8. Amending Article XI-Miscellaneous Parking Fines

§266-132. Fines established as follows: By deleting 266 Attachment 2 Schedule of Basic Parking Fines in its entirety and inserting the following Attachment in its place:

VEHICLES AND TRAFFIC

266 Attachment 2

City of Lowell

Schedule of Basic Parking Fines

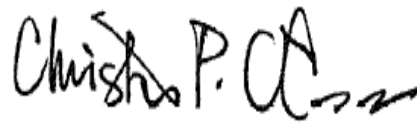
City of Lowell Parking Violations	Violation Code	Parking Fine
Category 1 (Parking Meter Violations)		
Parking Meter Violation	1	\$25.00
Meter Feeding - Overtime	2	\$25.00
Overtime Parking (Except at Meter)	3	\$25.00
Category 2 (Frequently Written Non-Meter Violations)		
Not parked within marked spaces or not at a meter	4	\$25.00
Parked in restricted or tow-away area	5	\$30.00
Residential Sticker Parking	23	\$40.00
Parking on Sidewalk	11	\$50.00
Parking within 20 feet of intersection	13	\$30.00
Parking in or blocking fire lane	21	\$60.00
Parking illegally in a handicapped person’s zone	24	\$300.00
Category 3 (Low Volume Non-Meter Violations)		
Parking in wrong direction	6	\$20.00
Parking more than 12 inches from the curb	7	\$20.00
Parking in taxi stand	8	\$30.00
Improper angle parking	9	\$20.00
Parking other than at designated space in a municipal lot	10	\$15.00
Parking on crosswalk	12	\$40.00
Parking in bus stop	14	\$100.00
Parking double	15	\$30.00
Parking in front of private way or driveway	16	\$30.00
Parking within 10 feet of fire hydrant	17	\$60.00
Parking without leaving 10 feet of unobstructed lane	18	\$30.00
Fire station entrance or accessibility parking violation	19	\$100.00

Snow emergency parking violation	20	\$40.00
Parking in or in front of alley	22	\$20.00
Storage parking/abandoned parking §266-73	26	\$200.00
Street cleaning	27	\$40.00
Commercial vehicle	30	\$75.00
Other violations	29	
Loading Zone	31	\$40.00
Expired or No Valid Plate	32	\$50.00
Expired Inspection	33	\$50.00

9. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

10. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the Massachusetts General Laws.

APPROVED AS TO FORM:



Christine P. O'Connor
City Solicitor




Conor Baldwin
Chief Financial Officer

Heather Varney
Deputy CFO

MEMORANDUM

TO: Kevin J. Murphy, City Manager

FROM: Conor Baldwin, Chief Financial Officer 

CC: Nick Navin, Parking Director

DATE: March 12, 2018

RE: Ordinance Amending Various Section of Chapter 266: Vehicles & Parking

In June of 2016, the City Council approved the first of two loan orders needed to fund the design and architectural work for a 940 space garage in the heart of the Hamilton Canal Innovation District. To date, design has neared completion and the city is poised to solicit bids for the construction of the facility. The finance department has worked closely with Walker Consultants, the project team of city officials from DPD, and the parking department to analyze cost estimates and compile the project budget.

After analyzing the forecast for the garage enterprise and including the forecasted debt service from bonds to fund the construction of the new garage, the need for additional revenue above that which will be received from users of the new garage became apparent. In order to sustain the enterprise fund and afford the city the opportunity to invest in preventative maintenance in the other garage facilities, an initial plan was developed and presented to the City Council in the summer of 2017. The matter was referred to the City Council's finance subcommittee for further deliberation, at which time a number of residents came to express their concern with the structure of the rate increases. Several members of the subcommittee and Councilors present at the meeting concurred and referred the matter back to the City Manager's Office for revision.

Since that time, the finance department has carefully reviewed the existing rates and worked with the project team to value engineer the project towards a more affordable budget. By doing so, we have revised the Ordinance in such a way so as to achieve the delicate balance of raising the much needed revenue without overly burdening the city's valued customers.

The current proposal maintains all existing discounts for groups like downtown residents and businesses. It also scales back, significantly, the future increase proposed previously. Rather than increasing the rate over a 4 year period by amounts equal to approximately 10-15% per year, the current proposal chains the rate to the Consumer Price Index (CPI) listing for parking rates and fees. For the most recent period of January 2017 – January 2018, the CPI was equal to 2.2%. This strategy will safeguard the affordability of the rates in the future.



Conor Baldwin
Chief Financial Officer

Heather Varney
Deputy CFO

This rate increase is critical in tandem with a loan order for the garage construction. This large-scale capital project will result in debt service payments of approximately \$2.1 million annually for the next thirty years, once permanently financed. The true purpose of enterprise fund accounting is such that the users pay for the costs of the service in a way that is proportional to their usage. It is a commonly accepted financial best practice throughout the Commonwealth to operate public utilities or garage operations in this manner and far more appropriate than the alternative, which would be to spread the burden across all taxpayers uniformly.

Attached please find a vote to amend the parking rate, beginning in FY19. The current year rates were calculated by adjusting the previous rate to today's dollars using U.S. Bureau of Labor Statistics' CPI. In essence, the proposed amounts represent the same buying power that the previous rates had when they were first made effective. For the amendments to the fines related to violations of the various sections of the ordinance, the proposed fees were determined by surveying comparable Massachusetts communities. The amounts included in the revised schedule would adjust Lowell's fines to the average.

The ordinary expenses and current debt payments in the Parking Enterprise are projected to exceed revenues this year and will gradually reduce the fund balance. If the proposed rate increase is not adopted, the Parking Enterprise Fund is projected to require taxpayer support as early as FY21. The purpose of enterprise accounting is for the users of the service to support the operations in a way that is proportional to usage. The revenue plan included in the revised fee schedule will make considerable progress in maintaining the fiscal health of the fund.



Kevin J. Murphy
City Manager

March 15, 2018

Mayor William Samaras
And
Members of the Lowell City Council

Dear Mayor Samaras and Members of the Lowell City Council,

The Finance Subcommittee referred the Parking Rate proposal back to the City Manager's Office in September 2017. Many residents attended the meeting and expressed their concerns regarding the increase. Since then, the Finance Team has worked with the Parking Director to modify proposal to provide affordable budget for the Parking Enterprise. The revised Ordinance achieves a delicate balance of raising the much needed revenue without overly burdening the city's valued customers. The current proposal maintains all existing discounts for groups like downtown residents and seniors. The previous proposal increased the rates by 10-15% annually, while the current proposal ties the parking rates to the Consumer Price Index (CPI).

This rate increase is critical in order to fund the loan order for the new garage as well as repair and maintaining the conditions at the current garages. I have attached a memorandum from the Chief Financial Officer for additional information regarding the rate proposal.

Sincerely,

Kevin J. Murphy
City Manager

CC: Conor Baldwin, Chief Financial Officer
Nick Navin, Parking Director