

Municipal Regulation of Parking Lots

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TABLE OF CONTENTS

<i>Title</i>	<i>Page</i>
CHAPTER I—INTRODUCTION	2
Conduct of Study	5
CHAPTER II—PARKING LOT LICENSES	9
Information Required in Application	9
Description	12
Titles and type of organization	13
Capacity	14
Rate schedule	14
Hours of operation	15
License Fees	15
Fixed	18
Variable	19
Lot Employees Licensed	25
CHAPTER III—SIGNS REQUIRED FOR PARKING LOTS	28
Information on Sign	28
Size of Letters Regulated	29
Size of Sign	29
Elevation of Sign	29
CHAPTER IV—PHYSICAL REQUIREMENTS	32
Barriers	32
Sidewalks and Snow Removal	34
Dust Abatement and Surfacing	34
Parking Lot Shelters	35
Lighting	36
Entrances and Exits	37
CHAPTER V—PROTECTION REQUIRED	41
Insurance Coverage	41
Fire Protection	42
Illegal Use or Movement of Cars	42
Claim Checks	45

<i>Title</i>	<i>Page</i>
CHAPTER VI—MISCELLANEOUS REGULATIONS	47
Damage to Vehicles	47
Notify Police of Claims	47
Report to Police on Overtime Parkers	48
Revocation of Lot Licenses	48
Penalties for Violation of Ordinance	49
CHAPTER VII—EXPERIENCES IN REGULATION LOTS	51
Reactions of Lot Operators	51
Legality of Regulations	53
Public Reaction	54
Effect of Regulations on Parking Rates	54
Enforcement of Regulations	55
CHAPTER VIII—ORDINANCE REGULATING PARKING LOTS	57
Notes Relative to Ordinance	66

LIST OF TABLES

<i>Number</i>	<i>Page</i>
I Parking Spaces Available in Lots in Central Business Districts	3
II Sources of Information	6
III Number and Effective Dates of Ordinances Reviewed	6
IV Cities Requiring Licenses and Regulations	10
V Information Required in Written Application for Parking Lot License	12
VI Basis for Licensing Lots	16
VII Fixed City License Fees for Parking Lots	18
VIII City Parking Lot License Fees Based on Lot Area	19
IX Application of Different License Fees to a Typical Parking Lot	21
X Parking Lot License Fees Which Vary with Capacity of Lot	22
XI Bases for Determining Car Capacity of Lots in Cities Charging License Fees Computed on Car Capacity	24
XII City License Fees Based on Gross Receipts of Parking Lots	25
XIII Identification Required to Be Worn by Lot Attendants	27
XIV Regulation of Signs at Parking Lots	31
XV Parking Lot Entrances and Exits	38
XVI Physical Requirements Imposed on Parking Lots by Various Cities	39
XVII Fire Protection Equipment Required for Parking Lots	43
XVIII Ordinance Prohibiting Movement or Use of Cars Stored in Parking Lot	44
XIX Cities Requiring Claim Checks for Parking Lots	46
XX Penalties for Violation of Parking Lot Ordinances	49

FOREWORD

Many city governments have come to realize the importance and necessity for some form of ordinance for the licensing of parking lots, with provision for a reasonable control of their operation.

While the operation of parking lots as a well-established and well-recognized form of business is not new, it has grown in recent years to alarming proportions. It is definitely regarded by most communities and the public as a desirable and economic means of removing vehicles from our overloaded and crowded city streets. It is one of the most simple ways to provide a place to park your car.

Available records indicate it is a profitable business if fairly and efficiently conducted. Unfortunately, and in large measure due to the mushroom nature of its expansion along with increasing demand by the driving public, it, as a business, has been justly criticized for taking advantage of the public parker. This has resulted in some cases in severe regulation. This again is unfortunate if continued to the point of being out of line with similar regulatory measures. It will result in discouragement to a healthy growth of an activity so essential to the general public welfare.

Ordinances should not be drawn to include measures or requirements to indirectly accomplish some purpose that should have been specifically provided in some more appropriate ordinance or regulation. An example of this type of requirement is that on litter and waste where it is well known that vacant lots are seldom a contribution to the aesthetic character of our cities.

CHAPTER I

In most large cities, more than half of the parking spaces available in the downtown district are in parking lots and garages. Of the two types of off-street parking facilities, lots invariably provide a greater proportion of parking spaces. Many cities under 100,000 population do not have a single commercial parking garage, and in even larger cities it is seldom that garages provide more than 20 per cent of the available parking spaces in the central business district. These facts alone emphasize the importance of the parking lot in the over-all parking program of any city.

Parking lots might provide private parking spaces for the exclusive use of persons visiting or employed in a particular establishment; they might be municipally operated for the motoring public; more frequently they are commercially owned and operated as private business enterprises. Table I indicates that from 22 to 86 per cent of off-street parking spaces are in lots commercially operated. As the size of the city increases, this percentage increases. In only two of the cities do commercial lots provide less than 50 per cent of available spaces.

Since commercial parking lots are found in every city, and are in general use by motorists, the question of reasonable regulation and control is of the utmost importance to both operator and user. The need for such regulation is further emphasized by many conditions: poor planning, poor layout, makeshift operation, and inadequate maintenance frequently develop "eyesore" conditions. Cars are parked in a manner to obstruct sidewalks and to infringe upon adjacent properties; lot operators fail to assume responsibility for vehicles or contents thereof while under their supervision and in their charge; parking rates vary in a lot without reasonable notice and sometimes more than once in a day, so as to "charge as much as the traffic will bear"; damages such as dented fenders are common; and over-crowding causes undue confusion and delays.

The case is not entirely one-sided, however, for the parking lot operator is confronted with many problems not readily apparent to the public. Leases with ninety-day cancellation clauses are

Table I

PARKING SPACES AVAILABLE IN LOTS IN CENTRAL BUSINESS DISTRICTS

City	Total Pkg.		Commercial Parking				Municipal Parking				Private Parking			
	Lots	Spaces	Lots		Spaces		Lots		Spaces		Lots		Spaces	
			No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Pittsburgh, Pa.	120	7301	91	76%	6297	86%	1	1%	600	8%	28	23%	404	6%
New Haven, Conn.	—	1952	—	—	1555	80	—	—	—	—	—	—	397	20
Wilmington, Del.	57	2005	28	49	1505	75	6	11	105	5	23	40	395	20
Glendale, Cal.	—	2699	—	—	1008	37	—	—	1071	40	—	—	620	23
Topeka, Kan.	17	—	14	82	—	—	—	—	—	—	3	18	—	—
Williamsport, Pa.	42	938	15	36	519	55	12	28	231	25	15	36	188	20
Morristown, N. J.	—	701	—	—	156	22	—	—	75	11	—	—	470	67

common, making it unsound business procedure to provide needed and desirable improvements; high rental and operating costs necessitate rates out of line with those demanded by the general motoring public; variances in parking demands develop spasmodic lot usage and parkers insist on proximity to their ultimate destinations.

A headline appearing in a prominent New York City newspaper, "Parking Violence and Graft Charged," is typical of charges leveled at commercial parking lots. The story appearing under the headline was one of a series which reported the investigations into charges of racketeering by parking lot operators. This investigation culminated in the passage of an ordinance regulating parking lot operations.

Such municipal ordinances to regulate the operation of commercial parking lots are a growing recent development. One of the first ordinances appeared on the west coast—Pasadena, California—in September 1926. This ordinance regulated only the type of surfaces for parking lots, requiring cement, crushed rock, or sand "laid in such manner that said premises shall be free from dust."

Following enactment of early ordinances regulating parking lots in the middle twenties, rapid increases in numbers of motor vehicles and their use developed. Many cities recognized the need for broader control of operation of parking lots, which was rapidly expanding as a nation-wide business. Among the first cities to adopt a comprehensive ordinance of this type was Royal Oak, Michigan, which passed an ordinance in September 1928 regulating the majority of items which will be discussed in this report. Highland Park, Michigan adopted a similar ordinance in February 1934, followed by Toledo, Ohio in March of the same year. Other cities known to adopt such ordinances at an early date were East Orange, New Jersey; Atlantic City, New Jersey; and Washington, D. C.

Many cities have subsequently followed suit, though their ordinances vary widely. In some cities it is only a matter of obtaining a license, while in others practically all aspects of physical layout and operation are prescribed or controlled. Some ordi-



FIGURE 1. This Lot Complies with All Requirements of Physical Layout, Even Though Parking Is Free.



FIGURE 2. This Type of Parking Lot Congestion Can Be Eliminated Through Proper Regulation.

nances have met with marked success, while others have been ineffective. One result is outstanding in the analysis of experience with such ordinances—public reaction is enthusiastic.

It is the purpose of this report to review available ordinances and to present experiences encountered in the administration and enforcement of the regulations imposed upon the operation of parking lots.

Conduct of Study

In order to review the development of ordinances controlling parking lots, the Eno Foundation contacted all cities with 1940 populations of 10,000 and over to determine whether such ordinances were in effect. The response of public officials was excellent. As shown in Table II, of the 651 cities in the population group 10,000 to 25,000, a total of 409 submitted information. Eighty-four per cent of cities with populations from 25,000 to 50,000 replied. Eighty-seven per cent of cities between 50,000 and 100,000 submitted answers; and 97 per cent of the largest cities answered inquiries concerning ordinances. Combining all population groups, the return of 72 per cent of all cities contacted is indicative of the general interest in the subject of this study. Their generous participation is greatly appreciated.

Of the cities furnishing information, 59 reported ordinances enacted to license or control parking lots. Of these, 19 cities require only that parking lots have a business license and no control is exercised over layout or operation of lots. The remaining 40 cities regulate other aspects of parking lot operation. The degree of such control varies greatly, as shown in subsequent sections of this report.

The items and activities controlled by ordinances have been tabulated and are discussed, with comparisons and differences indicated. In addition to reviewing the ordinances, information was sought from several cities which have the most comprehensive lot regulations as to the successes and failures; and the changes which have resulted from the controls. These should be especially helpful in considering the enactment of a successful ordinance, and in planning administrative and enforcement activities.

Table II
SOURCES OF INFORMATION

<i>Population Group</i>	<i>Cities Contacted</i>	<i>Cities Furnishing Information</i>	<i>Per Cent Cities Furnishing Information</i>
10,000 to 25,000	651	409	62%
25,000 to 50,000	210	176	84
50,000 to 100,000	109	95	87
100,000 and over	92	89	97
	1062	769	72%

Table III
NUMBERS AND EFFECTIVE DATES OF ORDINANCES REVIEWED

<i>City</i>	<i>Ordinance No.</i>	<i>Date Effective</i>
ARIZONA		
Phoenix	4455	December 30, 1946
CALIFORNIA		
Burbank	684	November 18, 1941
Fresno	3220	
	1994	
Los Angeles	89,677	September 19, 1945
	90,430	
Oakland	Sec. 5-12.08 } 5-12.10 } 5-2.02 }	Municipal Code
Pasadena	2533	September 29, 1926
COLORADO		
Denver	45	May 29, 1946
CONNECTICUT		
East Hartford		June 23, 1942
DISTRICT OF COLUMBIA		
Washington	Article 29, Police Regulations	February 26, 1937
ILLINOIS		
Chicago	Sec. 156-13 thru 156-28 City Codes	
Rockford	Chapt. 32K Revised City Ord.	September 6, 1946

<i>City</i>	<i>Ordinance No.</i>	<i>Date Effective</i>
MASSACHUSETTS		
Boston	Sec. 56, Chapt. 148 General Laws	June 5, 1939
Worcester	Sec. 25, Chap. 21 Revised ord. of 1943	April 14, 1947
MICHIGAN		
Grand Rapids	1054	July 17, 1939
Highland Park	507	February 19, 1934
	577	May 26, 1941
	590	April 27, 1942
Jackson	198	April 22, 1947
Pontiac	1932	September 1, 1944
	979	April 11, 1941
Royal Oak	206	September 10, 1928
MINNESOTA		
St. Paul	8031	
	8896	April 29, 1947
MISSOURI		
Kansas City	10905	May 15, 1947
Maplewood	2960	March 27, 1946
NEW JERSEY		
Atlantic City	12	May 6, 1937
	11	July 27, 1939
East Orange	16	December 1, 1936
	11	September 18, 1941
	9	April 29, 1947
	13	May 26, 1947
	14	May 27, 1947
Elizabeth		February 6, 1942
Newark		June 15, 1932
Orange	1430	October 3, 1939
Paterson		December 18, 1946
NEW YORK		
New York	359-378	June 3, 1947
OHIO		
Canton	2735-47	March 31, 1947
Cincinnati	188-1945	August 1, 1945
	73-1947	February 19, 1947
Toledo	9934	March 19, 1934

<i>City</i>	<i>Ordinance No.</i>	<i>Date Effective</i>
OREGON		
Portland	Article 21	
PENNSYLVANIA		
Philadelphia	"Parking Lot" Amended	March 7, 1941 April 29, 1941
Wilkes-Barre	1134	January 1, 1947
WISCONSIN		
Shorewood	574	October 16, 1939

ORDINANCE NUMBER NOT KNOWN

Dobbs Ferry, N. Y.
 Mineola, N. Y.
 Miami Beach, Fla.
 Baltimore, Md.
 Detroit, Mich.

CHAPTER II

PARKING LOT LICENSES

Of the 59 cities reporting any form of municipal control over commercial parking lots, 45 require that the lots obtain a city license. The regulation of lots is most common in the larger cities, as reflected by the fact that only five cities in the population group 10,000 to 25,000 require any form of license. See Table IV. The requirement is reported by six cities in the population group 25,000 to 50,000; by 13 cities with populations between 50,000 and 100,000; and by 21 cities with populations of 100,000 and over.

Twenty-six cities require a business license in addition to imposing other regulations for their operations. Of this number, 15 cities are in the group with populations of 100,000 and over. The population group 50,000 to 100,000 reports six cities with license requirements as well as other regulations. Only four cities in the population range 25,000 to 50,000 have both requirements; and Shorewood, Wisconsin is the lone city in the group with populations from 10,000 to 25,000 reporting both licensing requirements and other regulations.

Fourteen cities regulate certain aspects of parking lot layout or operation, but do not require a business license. Four of these cities range in population between 10,000 and 25,000; Miami Beach, Florida is the only city in this category with population between 25,000 and 50,000. Three cities in the population group 50,000 to 100,000, and six cities in the group with populations of 100,000 and over complete the group reporting regulation of commercial parking lots, but not requiring business licenses.

INFORMATION REQUIRED IN APPLICATION

The ordinances of at least 22 cities require filing of a written application before the issuance of a license.

The more common items of information requested on the form

Table IV

CITIES REQUIRING LICENSES AND REGULATIONS

<i>Cities by Population Group</i>	<i>License and Other Regulations</i>	<i>License Only</i>	<i>Regulation But No License</i>
10,000 to 25,000			
Santa Rosa, Cal.		x	
East Hartford, Conn.			x
Maplewood, Missouri			x
Dobbs Ferry, N. Y.			x
Long Beach, N. Y.		x	
Mineola, N. Y.			x
Greenwood, S. C.		x	
Shorewood, Wis.	x		
Cheyenne, Wyoming		x	
25,000 to 50,000			
Burbank, Cal.	x		
Miami Beach, Fla.			x
Jackson, Mich.	x		
Muskegon, Mich.		x	
Royal Oak, Mich.	x		
Orange, N. J.	x		
Spartanburg, S. C.		x	
50,000 to 100,000			
Phoenix, Ariz.			x
Berkeley, Cal.		x	
Fresno, Cal.	x		
Glendale, Cal.		x	
Pasadena, Cal.			x
Macon, Georgia		x	
Augusta, Ga.		x	
E. St. Louis, Ill.		x	
Rockford, Ill.	x		
Highland Park, Mich.	x		
Pontiac, Mich.	x		
Atlantic City, N. J.			x
E. Orange, N. J.	x		
Harrisburg, Pa.		x	
Wilkes-Barre, Pa.	x		
Columbia, S. C.		x	

<i>Cities by Population Group</i>	<i>License and Other Regulations</i>	<i>License Only</i>	<i>Regulation But No License</i>
100,000 and Over			
Los Angeles, Cal.	x		
Oakland, Cal.			x
Denver, Colo.	x		
Wilmington, Del.		x	
Washington, D. C.	x		
Jacksonville, Fla.		x	
Chicago, Ill.	x		
Wichita, Kansas		x	
Baltimore, Md.			x
Boston, Mass.	x		
Worcester, Mass.			x
Detroit, Michigan	x		
Flint, Mich.		x	
Grand Rapids, Mich.	x		
St. Paul, Minn.	x		
Kansas City, Mo.			x
Elizabeth, N. J.	x		
Newark, N. J.	x		
Paterson, N. J.	x		
New York, N.Y.	x		
Canton, Ohio			x
Cincinnati, Ohio	x		
Toledo, Ohio	x		
Portland, Oregon			x
Philadelphia, Pa.	x		
Seattle, Washington		x	
Milwaukee, Wisconsin		x	
Totals	<hr/> 26	<hr/> 19	<hr/> 14

include: 1) the name of the person or organization requesting the license; 2) a description of the premises to be used; 3) if the license is requested by a corporation, the names of all officers and directors as well as the amount of capital stock; 4) if requested by a partnership, the names and addresses of the partners; 5) the capacity of the facility; 6) the hours of operation; and 7) a complete schedule of the rates to be charged. Cities requiring this form of license application are listed in Table V.

Table V
 INFORMATION REQUIRED IN WRITTEN APPLICATION FOR
 PARKING LOT LICENSE

City	Required Information						
	Description of Premises	If Corporation, Names of all Officers and Directors, Amount of Stock	If Partnership, Names and Addresses of Partners	Capacity of Lot	Complete Schedule of Rates Charged	Hours of Operation	All Items Required
Burbank, California	x						
Los Angeles, California	x	x	x	x			
Oakland, California	x	x	x				
Denver, Colorado	x	x	x				
Washington, D. C.	x						
Rockford, Illinois	x	x	x				
Detroit, Michigan	x	x	x	x	x	x	x
Grand Rapids, Michigan	x	x	x	x	x	x	x
Highland Park, Michigan	x	x	x	x	x	x	x
Jackson, Michigan	x	x	x	x	x	x	x
Pontiac, Michigan	x	x	x	x	x	x	x
Royal Oak, Michigan	x	x	x	x	x	x	x
St. Paul, Minnesota	x			x			
Kansas City, Missouri		x	x		x		
Atlantic City, New Jersey	x	x	x		x		
East Orange, New Jersey	x						
Elizabeth, New Jersey	x	x	x	x	x	x	x
Orange, New Jersey	x						
Paterson, New Jersey	x	x	x	x	x	x	x
Mineola, New York	x						
Cincinnati, Ohio	x	x	x				
Wilkes-Barre, Pennsylvania	x	x	x	x	x		
Milwaukee, Wisconsin	x						
Totals	22	16	16	11	11	8	8

Description of Lot

Twenty-two cities require a written description of the premises to be filed with the application. In most cases this description

takes the form of a plat or drawing of the premises. Kansas City, Missouri for example, covers that point in its ordinance, which reads:

No person shall conduct, operate or maintain a parking station without first obtaining a license therefor from the Commissioner of Licenses, and no license shall be granted until the applicant shall file with said Commissioner a plat or drawing of said parking station, approved by the City Traffic Engineer of the City of Kansas City, Missouri, showing the location, size, capacity, location and size of drive-ways, kind of floor or ground surface, location, size and construction of attendant's station, wall or railing surrounding said station, and all other necessary details which said City Traffic Engineer may require.¹

It will be noted that the traffic engineer of Kansas City is required to examine and pass upon the proposed layout and construction of parking lots *before* licenses are issued. The ordinance further provides that two copies of the drawing be submitted, one of which is retained by the traffic engineer. This permits subsequent investigations to assure compliance with requirements.

Titles and Type of Organization

All cities require the name and address of the organization or individual requesting the license. If a corporation or partnership is involved, sixteen cities require additional information. The ordinance of Jackson, Michigan is typical of the requirements. It reads as follows:

Applications for licenses hereunder shall be made to the City Clerk upon blanks furnished by him, and shall set forth the name under which and the place where the open parking station is to be operated; whether the applicant is an individual, partnership, or corporation; if an individual, the name and business and residence address of the applicant; if a partnership, the name and business and residence address of each partner; if a corporation, the name, date, and State under which such corporation was organized, the amount and value of the capital stock issued by such corporation and the names and business and residence addresses of the officers, managers in charge and directors thereof.²

¹ Section 12.1-2; Ordinance No. 10905; Kansas City, Missouri, May 15, 1947

² Section 3, Ordinance No. 198, Jackson, Michigan, April 22, 1947

Capacity of Lot

Only eleven cities require that the written application must specify the maximum number of cars which may be parked on the lot. Other cities, although not requiring a written application, authorize certain municipal agencies to pass upon the proposed capacity of a lot before the issuance of a license. Philadelphia is typical of these cities; a portion of its ordinance covering the point reads as follows:

. . . The Director of Public Safety is hereby authorized to establish a car capacity for all open air parking spaces or garages permitted to operate under this ordinance. The capacity of an open air parking space or garage, licensed to operate hereunder, shall be the number of cars that can be stored or parked on the premises in accordance with a plan for parking submitted by the owner, operator, or maintainer at the time of the issuance of the license and to be approved by the Director of Public Safety.¹

Rate Schedule

Many ordinances attempt to stabilize rates and prevent unwarranted changes. With this in mind, eleven cities require the operator to submit a complete schedule of rates with his application for a license. He is then required to conform to this rate schedule until such time as he may file and obtain approval of changes.

In June 1947, New York City passed an ordinance requiring the filing of rates with the city, and providing that a sixty-day written notice must be given before changing parking rates. A portion of the New York ordinance follows:

Every applicant for a license to maintain, conduct, or operate a parking lot or garage shall file with the Commissioner a schedule of rates showing the prices charged for daily, weekly, and monthly parking or storage of motor vehicles. . . . No licensee shall make any charge for parking or storing in a garage or parking lot in excess of the rates set forth in the schedule filed with the Commissioner, unless and until at least sixty days prior to the effective date of such changed rates such

¹ Section 10, Parking Lot Ordinance, as amended April 29, 1941; Philadelphia, Pa.

licensee has filed with the Commissioner in writing, such change in rates.¹

Most ordinances allow operators considerable flexibility in the determination of rates and rate schedules. The operator can prescribe day and night rates; week-day and week-end rates; and rates for holidays or other special events. The schedule of rates for a given lot can include daily, weekly, and monthly parking plans as well as hourly fees. The New York ordinance just cited is one of the most rigid with a sixty-day notice required when the rate schedules are changed. Even here, however, a variety of rates is possible so long as they conform with the approved over-all schedule. In other cities, the rates can be changed more frequently, provided they are properly posted and provided the daily schedule is not changed for a period of less than 24 hours.

Hours of Operation

Eight cities require in the written application for licenses, a schedule of the hours of operation. It is significant that six of these cities are in Michigan.

Lot operators are allowed as much flexibility as they desire in fixing their hours of operation. The intent of the regulations is to assure the public adequate announcement of such hours. This is usually accomplished by having the hours, particularly the closing time, conspicuously posted.

LICENSE FEES

Forty-five cities require license fees, as shown in Table VI. In many of them, parking operations are grouped with other types of businesses, and license fees are similarly required. In others, fees are based on physical or operational features of the lot.

Usually fees are fixed on one of four bases:

1. Fixed fee
2. Area of lot
3. Car spaces in lot
4. Gross receipts

¹ Article 34, Administrative Code of the City of New York, June 3, 1947

Table VI
BASIS FOR LICENSING LOTS

<i>Cities by Population Groups</i>	LICENSING REQUIREMENTS				
	<i>Fixed Fee</i>	<i>Based on Lot Area</i>	<i>Based on Car Spaces</i>	<i>Based on Gross Receipts</i>	<i>No License Required</i>
10,000 to 25,000					
Santa Rosa, Cal.				x	
East Hartford, Conn.					x
Maplewood, Mo.					x
Dobbs Ferry, N. Y.					x
Long Beach, N. Y.	x				
Mineola, N. Y.					x
Greenwood, S. C.			x		
Shorewood, Wis.		x			
Cheyenne, Wyo.	x				
Total	2	1	1	1	4
25,000 to 50,000					
Burbank, Cal.	x				
Miami Beach, Fla.					x
Jackson, Mich.			x		
Muskegon, Mich.			x		
Royal Oak, Mich.	x				
Orange, N. J.			x		
Spartanburg, S. C.				x	
Total	2	0	3	1	1
50,000 to 100,000					
Phoenix, Ariz.					x
Berkeley, Cal.	x				
Fresno, Cal.		x			
Glendale, Cal.	x				
Pasadena, Cal.					x
Macon, Ga.	x				
Augusta, Ga.		x			
E. St. Louis, Ill.	x				
Rockford, Ill.		x			
Highland Park, Mich.	x				
Pontiac, Mich.			x		
Atlantic City, N. J.					x

LICENSING REQUIREMENTS

<i>Cities by Population Groups</i>	<i>Fixed Fee</i>	<i>Based on Lot Area</i>	<i>Based on Car Spaces</i>	<i>Based on Gross Receipts</i>	<i>No License Required</i>
E. Orange, N. J.		x			
Harrisburg, Pa.	x				
Wilkes-Barre, Pa.			x		
Columbia, S. C.	x				
Total	7	4	2	0	3
100,000 and Over					
Los Angeles, Cal.	x				
Oakland, Cal.					x
Denver, Colorado			x		
Wilmington, Del.	x				
Washington, D. C.		x			
Jacksonville, Fla.		x			
Chicago, Ill.			x		
Wichita, Kan.	x				
Baltimore, Md.					x
Boston, Mass.			x		
Worcester, Mass.					x
Detroit, Mich.			x		
Flint, Mich.			x		
Grand Rapids, Mich.			x		
St. Paul, Minn.	x				
Kansas City, Mo.					x
Elizabeth, N. J.	x				
Newark, N. J.		x			
Paterson, N. J.			x		
New York, N. Y.			x		
Canton, Ohio					x
Cincinnati, Ohio	x				
Toledo, Ohio		x			
Portland, Oregon					x
Philadelphia, Pa.			x		
Seattle, Wash.	x				
Milwaukee, Wis.	x				
Total	8	4	9	0	6
Total All Cities	19	9	15	2	14

Fixed Fees

Fixed license fees are reported in nineteen cities, which vary in size from small to the largest. Annual fees range from \$2 in Highland Park, Michigan to \$45 in Macon, Georgia. Cheyenne, Wyoming charges \$250 for the first license, all subsequent licenses being \$25. The most common license fee is \$5 per year, reported by 7 of the 19 cities charging fixed fees. Twenty-five dollars is the amount fixed by four cities (including Cheyenne). Table VII shows the annual fixed charges of other cities. The modal fee is \$5 per year and the median value is \$10. While not statistically significant, these values do further indicate the reasonableness of annual business license fees charged parking lots.

Table VII

FIXED CITY LICENSE FEES FOR PARKING LOTS

<i>City</i>	<i>Annual License Fee</i>
Macon, Georgia	\$ 45
Wilmington, Delaware	40
Harrisburg, Pennsylvania	25 **
E. St. Louis, Illinois	25
Columbia, South Carolina	25
Cheyenne, Wyoming	25 *
Wichita, Kansas	20
Seattle, Washington	20
Burbank, California	12
St. Paul, Minnesota	10
Glendale, California	5
Los Angeles, California	5
Royal Oak, Michigan	5
Elizabeth, New Jersey	5
Long Beach, New York	5
Cincinnati, Ohio	5
Milwaukee, Wisconsin	5
Berkeley, California	4
Highland Park, Michigan	2

* First license for a lot in this city is \$250.

** The fee is \$50 if automotive services are provided at the lot.

There is no relation between the size of a city and the amount of the fee. The largest city in the group—Los Angeles, and the smallest city—Long Beach, New York charge the same \$5 license fee to parking lot operators. Macon, Georgia, reporting the largest fixed fee, has a population of approximately 60,000, whereas several towns of much larger size—Milwaukee, Minneapolis, St. Paul, Seattle—assess a smaller license fee.

Variable Fees

Nine cities base license fees on the area of the lot. These cities vary in size from 15,000 (Shorewood, Wisconsin) to 600,000 (Washington, D.C.).

Jacksonville, Florida and East Orange, New Jersey charge license fees of one-half cent per square foot; Newark, New Jersey doubles this rate. Rates and the range in charges are shown in Table VIII.

Six cities determine the license fee on a sliding scale based on the area of the lot. Three cities assess a fee of \$5 for the smallest lots. In Toledo, Ohio this fee covers all lots with total areas up to 1,500 square feet. The same fee in Shorewood, Wisconsin and Rockford, Illinois covers lots up to 5,000 square feet. As the lot area increases, the rate charged per square foot generally decreases.

Table VIII
CITY PARKING LOT LICENSE FEES BASED ON LOT AREA

<i>City</i>	<i>Area Requirements</i>	<i>Annual Fee</i>
CALIFORNIA		
Fresno	7,500 sq. ft. or less	\$ 50.00
	7,500 to 15,000 sq. ft.	75.00
	Over 15,000 sq. ft.	100.00
DISTRICT OF COLUMBIA		
Washington	500 to 4,000 sq. ft.	10.00
	4,000 to 16,000 sq. ft.	15.00
	Over 16,000 sq. ft.	25.00
GEORGIA		
Augusta	Less than 4,000 sq. ft.	21.00
	Each additional 4,000 sq. ft.	
	or fraction	26.00

<i>City</i>	<i>Area Requirements</i>	<i>Annual Fee</i>
FLORIDA		
Jacksonville	Per sq. ft.	.005
ILLINOIS		
Rockford	Less than 5,000 sq. ft.	5.00
	5,000 to 10,000 sq. ft.	10.00
	10,000 to 20,000 sq. ft.	15.00
	Over 20,000 sq. ft.	25.00
NEW JERSEY		
East Orange	Per sq. ft.	.005
Newark	Per sq. ft.	.01
OHIO		
Toledo	Less than 1,500 sq. ft.	5.00
	1,500 to 6,000 sq. ft.	15.00
	Over 6,000 sq. ft.	35.00
WISCONSIN		
Shorewood	Less than 5,000 sq. ft.	5.00
	5,000 to 10,000 sq. ft.	10.00
	Over 10,000 sq. ft.	15.00

The highest fee of this type was reported in Augusta, Georgia, with a population of 66,000, where a charge of \$21 is made for a lot of any size up to 4,000 square feet. For each additional 4,000 square feet, the fee is \$26. The license fee for a parking lot of 16,000 square feet would be \$99. Fresno, California has a similar scale, and charges a generally higher fee than most cities of this group. A fee of \$50 is charged in this city for the first 7,500 square feet, and a total fee of \$75 is charged if the land area is between 7,500 and 15,000 square feet. For Fresno lots with more than 15,000 square feet, the fee is \$100—the highest fee for the group of cities, except Augusta, where lots with areas greater than 16,000 square feet would exceed this amount.

One city charges a maximum of \$15 as an annual license; two cities charge up to \$25, depending upon the area; and Toledo, Ohio has a maximum license fee of \$35 for lots with more than 6,000 square feet of land area.

Interesting results are obtained when license fees for an "average" lot are compared on the basis of the flat fees listed in Table

VII and based on the varying rates shown in Table VIII computed on the area of the lot. In a recent report published by the Eno Foundation,¹ the "average" lot of a group of 25 was 22,500 square feet in area. This area was devoted exclusively to parking, none was used for servicing. License fees on this lot computed for the nine cities in Table VIII vary from a low of \$15 in Shorewood, Wisconsin to a high of \$225 in Newark, New Jersey. The average fee for a lot in this group of cities is \$78. This is almost twice the highest value of \$45 reported by any city charging a fixed fee.

Fifteen cities base license fees on the car capacity of the lot. These cities, shown in Table X, vary in size from Greenwood, South Carolina, with a population of only 13,000, to New York City. Jackson, Michigan provides a charge of 50¢ per car space, with the stipulation that the fee is reduced to 25¢ for each car space rented to regular customers.

Table IX
APPLICATION OF DIFFERENT LICENSE FEES TO A
TYPICAL PARKING LOT

<i>Base for Determining License Fee</i>	<i>Ranges for Cities Charging Annual Fees*</i>			<i>No. Cities on Which Average Is Based</i>
	<i>High</i>	<i>Low</i>	<i>Average</i>	
Flat Rate	\$ 45.00	\$ 2.00	\$15.16	19
Fee Based on Area	225.00	15.00	77.87	9
Fee Based on Car Spaces	448.00	15.00	76.63	15

* Based on a lot 22,500 square feet in area, accommodating 112 cars.

The Jackson ordinance pertaining to reduced license fees for space rented to regular customers reads as follows:

License Fees. An annual license fee of Fifty Cents (\$.50) per car of capacity, based on the unit of measurement heretofore set forth, shall be paid for each Open Parking Station; provided, however, that in case spaces or areas for parking are rented by written lease to a particular person for specific periods of time, the fee shall be Twenty-Five Cents (\$.25) per year per space or area thus leased.²

¹ Parking Lot Operation, Eno Foundation, 1948

² Ordinance No. 198, Jackson, Michigan; April 22, 1947.

Boston, Massachusetts has a sliding scale on which annual license fees average \$3 per car space for very small lots, decreasing as the size of lot increases until a fee of \$1 per car is charged for each car space in excess of 500. Some cities charge a fee on the basis of car spaces with a stipulated maximum fee. Orange, New Jersey for example charges \$2 each for the first five car spaces, \$1 per car space for each additional space, with a maximum license fee of \$50. Philadelphia distinguishes between commercial parking lots and those lots operated privately in connection with a specific business or building. With fees for commercial lots ranging up to \$20, the fee for lots "not for hire" is only \$2. Table X shows the detailed charges levied by the cities with this type fee.

Table X
PARKING LOT LICENSE FEES WHICH VARY WITH CAPACITY OF LOT

<i>City</i>	<i>Number of Cars</i>	<i>Annual License Fee</i>
COLORADO		
Denver	3 to 10	\$ 10.00
	11 to 25	25.00
	26 to 40	40.00
	Over 40	50.00
ILLINOIS		
Chicago	First 25 vehicles	100.00
	Each car	4.00
MASSACHUSETTS		
Boston	5 or less	15.00
	6 to 10	30.00
	11 to 25	50.00
	26 to 50	80.00
	51 to 75	110.00
	76 to 100	140.00
	101 to 150	200.00
	151 to 300	300.00
	301 to 500	500.00
Over 500	500.00	
		plus \$1 per car over 500
MICHIGAN		
Detroit	10	5.00
	11 to 25	15.00
	26 to 50	30.00
	Over 50	40.00

<i>City</i>	<i>Number of Cars</i>	<i>Annual License Fee</i>
Flint	11 to 25	2.50
	26 to 50	7.50
	51 to 250	15.00
	Over 250	25.00
Grand Rapids	10 to 25	5.00
	26 to 50	15.00
	51 or more	25.00
Jackson		.50
		per car space
		.25
		per space if rented to regular customer
Muskegon	25 or less	10.00
	26 to 50	15.00
	51 to 75	20.00
	76 or more	25.00
Pontiac	25 or less	7.50
	26 to 40	10.00
	Over 40	15.00
NEW JERSEY		
Orange	First 5	2.00 each
	Each additional	1.00 each
	Maximum fee	50.00
Paterson	First 20	10.00
	21st to 50th	.50 each
	All over 50	.25 each
NEW YORK		
New York City	25 or less	5.00
	26 to 50	25.00
	51 to 100	50.00
	Over 100	100.00
PENNSYLVANIA		
Philadelphia	25 or less	5.00
	25 to 50	10.00
	50 and over	20.00
	Lots not for hire	2.00
Wilkes-Barre	10 to 50	25.00
	50 to 100	50.00
SOUTH CAROLINA		
Greenwood	Less than 50	7.50
	50 or more	15.00

The problem of determining an adequate capacity for each lot to be licensed is assumed by six of the 15 cities basing license fees on lot capacity. As shown in Table XI, the requirements range from 140 square feet per car in Grand Rapids, Michigan, to 200 square feet in Chicago, Illinois. The latter requirement provides sufficient space for lots in which cars are stored by parking attendants. In a recent study conducted by the Eno Foundation,¹ the average area requirement of 24 parking lots employing parking attendants was found to be 200 square feet per car. Lots permitting customers to park their own cars, however, should be required to provide additional space. A study of eleven such lots revealed the average area to be 243 square feet per car. Jackson, Michigan computes parking lot capacities on the basis of 150 square feet per car space plus aisles and maneuver area. While this basis may be a difficult one to enforce, it nevertheless provides ample space. The average *stall* area in 24 parking lots allowing customers to park their own cars was 138 square feet. Where trained attendants park cars, the average varied from 124 to 129 square feet, depending upon whether cars were driven head-in or backed into the stalls.

Table XI

BASES FOR DETERMINING CAR CAPACITY OF LOTS IN CITIES
CHARGING LICENSE FEES COMPUTED ON CAR CAPACITY

<i>City</i>	<i>Basis</i>
Denver, Colorado	Not established by city
Chicago, Illinois	200 sq. ft. gross area per car
Boston, Massachusetts	7 car spaces per 1,000 sq. ft. gross area
Detroit, Michigan	So laid out that cars not required to be maneuvered in streets. Traffic Engineering Bureau approves plans.
Grand Rapids, Michigan	140 sq. ft. gross area per car
Jackson, Michigan	150 sq. ft. plus ingress and egress
Muskegon, Michigan	Not established by city
Pontiac, Michigan	Not established by city
Orange, New Jersey	Not established by city
Paterson, New Jersey	Not established by city
New York, New York	Not established by city
Philadelphia, Pennsylvania	Established by Director of Public Safety
Wilkes-Barre, Pennsylvania	Not established by city
Greenwood, South Carolina	Not established by city

¹ Parking Lot Operation, Eno Foundation, 1948

Detroit requires that capacities of parking lots be established on an area basis sufficient to avoid the necessity for cars to be maneuvered on the streets. Such a plan must be prepared by the licensee and approved by the City Traffic Engineering Bureau. Philadelphia specifies that the capacity of lots shall be established by the Director of Public Safety of the city.

Only two cities charge for parking lot licenses on the basis of gross income. Their rates are shown in Table XII. Santa Rosa, California charges \$25 for a license fee for a lot with gross receipts between \$5,000 and \$10,000. The license fee increases to a maximum of \$1,000 in the case of a lot having gross receipts of \$400,000 or more. Spartanburg, South Carolina has a flat license fee of \$5 per \$1,000 gross receipts, with a minimum license fee of \$50.

Table XII

CITY LICENSE FEES BASED ON GROSS RECEIPTS OF PARKING LOTS

<i>City</i>	<i>Gross Receipts</i>		<i>License</i>
	<i>At Least</i>	<i>But Less Than</i>	
Santa Rosa, California	\$ 0	\$ 1,000	\$ 4.00
	1,000	5,000	12.00
	5,000	10,000	25.00
	10,000	20,000	37.50
	20,000	30,000	62.50
	30,000	40,000	87.50
	40,000	50,000	112.50
	50,000	70,000	150.00
	70,000	90,000	200.00
	90,000	110,000	250.00
	110,000	140,000	312.50
	140,000	170,000	387.50
	170,000	200,000	462.50
	200,000	300,000	625.00
300,000	400,000	875.00	
	400,000 or over	1,000.00	
Spartanburg, South Carolina	10,000 or less per annum		50.00
	Each additional \$1,000		
	or fraction		5.00

LOT EMPLOYEES LICENSED

Three cities require parking lot employees to be licensed. Detroit, Michigan is the largest of the cities, and Pontiac and Royal Oak,

Michigan have patterned their requirements after the Detroit ordinance. The Detroit ordinance reads as follows:

Each person employed in the operation of an open parking station must be licensed as such. Each applicant for an open parking station employee's license must fill out upon a blank form to be provided by the Police Department a statement giving his full name, residence, place of residence for five years previous to moving to his present address, age, color, height, color of eyes and hair, place of birth, length of residence in the City of Detroit, whether married or single, and whether he has ever been convicted of a felony or misdemeanor. The Police Department is hereby authorized and empowered to establish such additional rules and regulations governing the issuance of employee's licenses, not inconsistent herewith, as may be reasonable and necessary. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a license for one year and expiring on the first of January next succeeding. No person, firm, or corporation shall permit any person to be employed on an open parking station without first obtaining a license from the Mayor. A fee of \$1 shall be charged therefor and there shall be delivered to each licensee a metal badge of such form and style as the Police Department may prescribe, with his license number thereon, which must be constantly and conspicuously displayed on the outside of the employee's clothing when he is engaged in his employment.¹

Several cities, listed in Table XIII, require that parking lot attendants wear distinctive identification. The type of identification varies from a parcel of clothing on which the name of the lot is clearly visible to an official metal badge which must be obtained from the city. The badges are of the type specified in the above ordinance. The requirement that the name of the lot must be conspicuous on the clothing of all attendants is obviously another means of assuring lot patrons that they are dealing with qualified employees of the lot.

¹ Section 12, "Open Parking Stations," Ordinance, City of Detroit, August 4, 1944

Table XIII

IDENTIFICATION REQUIRED TO BE WORN BY LOT ATTENDANTS

<i>City</i>	<i>Type Identification</i>	<i>By Whom Provided</i>	<i>Fee Charged</i>	<i>Written Application Required</i>
ILLINOIS				
Rockford	Distinctive badge, cap, shirt or uniform bearing name of station	Operator	No	No
MICHIGAN				
Detroit	Metal badge	Police Dept.	\$1 yr.	Yes
Pontiac	Metal badge	Police Dept.	\$1 yr.	Yes
Royal Oak	Metal badge	City Clerk	\$1 yr.	Yes

CHAPTER III

SIGNS REQUIRED FOR PARKING LOTS

Many criticisms are made of the signs used at parking lots to notify motorists of rates and services. A common practice reported at many lots is to advertise in large, bold letters a very low rate for parking. This practice is intended to attract motorists to the lot, and after parking they find that the cost for parking is higher than they had expected. The higher rate is frequently not mentioned on the sign, or it may appear in very small letters, or it might develop from the calculated wording on the sign.

In order to minimize such activities, 25 cities have incorporated into ordinances provisions regulating the use of signs at parking lots.

INFORMATION TO APPEAR ON SIGN

The most common regulation requires that a complete schedule of rates be posted on the sign. Of the 25 cities reporting regulation of signs, 23 require the posting of rates.

The ordinance passed in 1945 by Los Angeles, California is very specific with respect to signs at lots. A portion of the ordinance reads:

Each permittee must install and maintain at each entrance and exit of the lot for which the permit has been issued, a sign plainly visible from the street with letters and numerals at least six inches high and one inch stroke in black print on yellow or orange background showing the time such lot closes, the prices, changes in prices and the hours such changes become effective. The permit number must appear also on the sign in letters and numerals of like size and color. It shall be unlawful for any permittee to charge or collect any parking fee for the parking of any vehicle at a rate in excess of the rate posted at the time the vehicle was accepted for storage, nor shall any permittee alter or change his posted schedule of fees by superimposing another and different sign thereon, or otherwise, during the course of any business day while the lot is open for business; provided, however, that any posted schedule of fees may be changed prior to the opening of any lot for business at the beginning of any business day.¹

¹ Ordinance No. 89,677; Los Angeles, California, September 19, 1945



FIGURE 3. This Sign Gives All Information Required by the Los Angeles Ordinance for Parking Lot Signs.

The operating hours of the lot must be shown on signs in 16 cities varying in size from 25,000 to New York City. Eleven cities require that signs specifically state the closing hour of the parking lot.

The Los Angeles ordinance quoted above requires the permit number to be indicated on the sign. The more common practice, however, requires the name of the operator to be displayed. This requirement is imposed by 15 cities.

SIZE OF LETTERS REGULATED

In order to regulate the manner in which parking rates are advertised on signs, 16 cities prescribe a minimum size of letters to be used. Fourteen of the cities require letters of a minimum height of six inches; two cities require that all lettering be at least five inches high.

Los Angeles, California requires by ordinance that all lettering on signs be at least one inch wide. Kansas City, Missouri prescribes the width of lettering as three inches. In both cases, the required height of lettering is six inches.

SIZE OF SIGN

Detroit, Michigan, and Maplewood, Missouri have ordinances which regulate the maximum dimensions of parking lot signs. Maplewood permits signs to be a maximum of 20 square feet; Detroit allows such signs to be as much as 50 square feet. Atlantic City, New Jersey prescribes a minimum size of two feet by two feet for parking lots signs. No maximum dimensions are included in this ordinance.

HEIGHT OF SIGN

Four cities prescribe heights at which parking lot signs must be displayed in order to make them visible to motorists. Detroit, Michigan requires a minimum mounting height of 6½ feet, whereas Maplewood, Missouri prescribes a maximum height of 10 feet. Orange, New Jersey and Toledo, Ohio prescribe both a

minimum and a maximum mounting height. The minimum in each case is 8 feet; the maximum varies with the size of lettering used on the sign. For five-inch lettering, the maximum permitted height of the sign in both cities is 10 feet. A maximum mounting height of 12 feet is permitted for signs bearing six-inch lettering.

Table XIV provides a summary of cities regulating parking lot signs and the specific items regulated by each.

Table XIV
REGULATION OF SIGNS AT PARKING LOTS

City	Max. Size of Sign	Min. Size of Letters	Operating Hours	Required on Sign:		Name of Operator
				Rate Schedule	Closing Hours	
Burbank, Cal.		6"	x	x	x	
Fresno, Cal.		6"			x	
Los Angeles, Cal.		6"		x	x	
Denver, Colo.		6"	x	x		
Rockford, Ill.			x	x		x
Boston, Mass.		6"	x	x	x	x
Detroit, Mich.	50 sq. ft.	6"	x	x	x	x
Grand Rapids, Mich.			(Sign Mounting Height, 6½ ft. min.)			
		6"	x	x	x	x
Highland Park, Mich.			x	x		x
Jackson, Mich.		6"	x	x	x	x
Pontiac, Mich.		6"	x	x	x	x
Royal Oak, Mich.			x	x		x
St. Paul, Minn.				x		
Kansas City, Mo.		6"	x	x		x
Maplewood, Mo.	20 sq. ft.		(Sign Mounting Height, 10 ft. max.)			
Atlantic City, N. J.	2' x 2' min.			x		
Elizabeth, N. J.		6"	x	x	x	x
Orange, N. J.		5"		x		
			(Sign Mounting Height, 8 ft. min., 10 ft. max. for 5" letters, 12 ft. max. for 6" letters)			
Paterson, N. J.		6"	x	x	x	x
New York, N. Y.		6"	x	x		
Cincinnati, Ohio			x	x		x
Toledo, Ohio		5"		x		
			(Sign Mounting Height, 8 ft. min., 10 ft. max. for 5" letters, 12 ft. max. for 6" letters)			
Philadelphia, Pa.				x		x
Wilkes-Barre, Pa.		6"	x	x	x	x
Milwaukee, Wis.				x		x

CHAPTER IV

PHYSICAL REQUIREMENTS

The physical layout and maintenance of lots is given major attention in municipal regulations. In order to prevent poor layouts; unsuitable surfacing with dust, mud and lack of proper drainage; as well as other undesirable conditions tending to make them a community nuisance, or interfering with sidewalk or street traffic; 34 cities have adopted ordinances regulating the layout, physical requirements and maintenance of parking lots.

Three cities regulate shelters erected in connection with parking lots. Lighting of parking lots during evening hours is also included in the matters covered by such ordinances. Entrances and exits present another problem which has been treated by a number of cities.

BARRIERS

The most frequent physical requirement specifies that a barrier be provided between the parking lot and adjoining properties. The purpose of such a requirement is usually to protect pedestrians along sidewalks and to screen adjoining properties. The first mentioned objective is the more common, for of the 23 cities reporting such ordinances only three have regulations worded to indicate that the screening of residences or adjacent developments was the primary purpose of the ordinances. Twenty cities require barriers of various types primarily to prevent encroachments on adjacent public or private property. Most cities specify the height of barriers: eight cities do not specify dimensions of the barriers, but require "suitable" barriers. The ordinance of Toledo, Ohio is one of these. It reads as follows:

Barriers: Persons operating open parking places shall keep the same enclosed with a proper or suitable fence, wall or other barrier, so that motor vehicles cannot be removed from such place except at the regular established entrances and exits.¹

¹ No. 9934--An Ordinance Regulating Parking Places: Toledo, Ohio; March 19, 1934



FIGURE 4. A Fence Is Required for Unpaved Parking Lots in Portland, Oregon.

In the other cities which specify only the height of the barrier, wide variances are noted. East Orange, New Jersey, and Canton, Ohio require a minimum height of 18 inches; Detroit, Michigan provides that the barrier be at least 3 feet high. Phoenix, Arizona requires a "solid wall of wood or masonry not more than 5 nor less than 4 feet in height."

Philadelphia permits construction of a masonry wall or the erection of a fence. A portion of the ordinance reads:

All open air parking spaces shall maintain a permanent substantial barrier, constructed of metal or masonry, either as a wall, not less than two feet above ground, or metal or masonry posts placed not more than five feet apart nor less than thirty inches above the ground and connected with metal pipes, rods, fencing or chains on or adjacent to lines abutting on any public highway . . .¹

The Department of Public Safety issues minimum requirements in connection with the ordinance quoted above. The wall is required to be ten inches thick if constructed of reinforced concrete; 16 inches thick if made of stone; and 12 inches in thickness if made of brick. Posts must be at least four inches in diameter and at least 30 inches above the ground. If a wire fence is used for the barrier, it shall be on metal studs the maximum spacing between which shall be five feet.

Portland, Oregon has an interesting ordinance. Barricades or fences are prescribed for unpaved parking lots. A maximum height of five feet is permitted, unless the fence is within three feet of the street line, in which case the maximum height is 20 inches.

In Portland, lots with paved surfaces, however, are not required to provide barriers; a yellow paint line may be substituted. Details of this section of the ordinance follow:

On all parking lots paved with a hard surface paving material to the property line or lines adjoining a street or streets, that portion used for parking or sale purposes shall have painted and maintained thereon a yellow strip 12 inches wide for the entire length of that portion adjoining the street and used for parking or sale purposes. This yellow strip shall be so located that its outer edge is upon private property. It

¹ Parking Lot Ordinance, Philadelphia, April 29, 1941.

shall be unlawful for any part of a parked or for sale motor vehicle to extend beyond the outer edge of the above stated yellow strip.¹

SIDEWALKS AND SNOW REMOVAL

The problem of keeping sidewalks adjacent to parking lots cleared has been recognized in the ordinances of 15 cities. It is interesting to observe that all cities with such provisions are located in northern sections of the United States, probably indicating that snow storage and removal have been responsible for the development of such ordinances. The ordinance of Elizabeth, New Jersey may be considered typical of such requirements. It reads as follows:

Each licensee shall keep the sidewalks surrounding the open air parking station free from dirt, ice, sleet, and snow and shall keep the sidewalks in safe condition for the travel of pedestrians.²

Grand Rapids, and Jackson, Michigan prescribe restrictions on snow removal. In addition to a section of the ordinance identical with that quoted above, each of these cities has the following sentence:

Snow shall not be removed from open parking stations into the public streets or alleys.

Such an ordinance prevents the piling of snow at the curb after a heavy snowfall; avoiding a traffic hazard as well as much inconvenience. There have been some instances of cases where the piling of snow at the curb after an unusually heavy snowfall has created serious problems and has even brought about emergency public safety conditions.

DUST ABATEMENT AND SURFACING

Eighteen of 34 cities require a definite program of dust abatement. Ten of the cities require "frequent" sprinkling. The

¹ Article 21, Parking Lots, City Ordinances, Portland, Oregon

² Open Air Parking Stations Ordinance, Elizabeth, New Jersey, February 6, 1942

wording of the majority of these ordinances follows that of Paterson, New Jersey, which reads:

Persons operating open air parking stations shall keep the same free from dust by frequent sprinkling or the use of calcium chloride or other means so that the same shall not become a nuisance to adjacent property owners or others.¹

Other cities require certain minimum standards of surfacing. The ordinance of Kansas City, Missouri authorizes the city traffic engineer to see that "ground surfaces are paved or adequately treated to keep dust, dirt and mud at a minimum."

Baltimore, Maryland requires that the entire area of a parking lot must be "paved with a hard or semi-hard dustless surface."

Other cities specify a variety of surface types, allowing the operator to make a selection. Los Angeles requires a dust-proof surface on all lots operated within 25 feet of any dwelling. A section of the ordinance reads:

No person shall keep, operate or maintain any automobile parking lot or other place for the parking of any vehicle, within 25 feet of any building or structure used as or for the living quarters or place of abode of any person, unless the surface of the ground of the entire lot used for the parking of vehicles is covered with oil, gravel, concrete, or other material of such a character as will not permit dust to rise therefrom, or to be blown therefrom.²

PARKING LOT SHELTERS

Small shelters used to house parking lot employees are frequently unsightly and constitute an eyesore. Generally such shelters are made of relatively inexpensive construction material. Sections regulating shelters are not common. However, in order to assure some control over such shelters, three cities have incorporated sections into their ordinances regulating them.

Detroit requires shelters to be of masonry construction or frame construction covered with asbestos shingle, stucco on metal

¹ An Ordinance Concerning the Operation, Maintenance and Licensing of Open Air Parking Stations in the City of Paterson; Paterson, New Jersey, December 18, 1946

² Ordinance No. 89,677, Los Angeles, California, September 19, 1945

lath, or comparable material. Sheet metal construction is expressly forbidden in the Detroit ordinance, which requires shelters having an area of fifty or more square feet to be of masonry construction. Heating of shelters is restricted in this city to the use of electricity, gas or oil.

Maplewood, Missouri restricts the floor area and height of shelters in its ordinance, a portion of which follows:

No building used for any purpose shall be erected upon a lot used for open air parking, except that not to exceed one building for the use of attendants and operation of each parking lot may be permitted provided that such building is of permanent construction, does not exceed 80 square feet in ground area or one story in height and that the plans for same have been approved by the council or its designated agent.¹

Washington, D. C. restricts the size of shelters to 40 square feet and requires a special permit for the construction of any shelter on a parking lot.

It is interesting to note that none of the ordinances studied have gone so far as to require the construction of shelters on parking lots. Also, none of the cities have specified in the ordinances that rest rooms or other facilities which would necessitate a building on the lot must be provided.

LIGHTING

One of the most important aspects of parking lot operation is the amount and type of lighting used by those operating at night. Experience has indicated there is a direct relation between lighting and the safety of vehicles and their contents during night hours. Only four cities reported ordinances which regulate lighting standards; and only one of these provides for a minimum amount of lighting. The ordinances of Phoenix, Arizona and Maplewood, Missouri require that lights "be so arranged as to reflect the light away from adjoining lots in residence districts." Philadelphia requires all parking lots to install "shielded floodlights" in such a way "as will permit owners of cars to have reasonable access to all portions of such space during the hours of

¹ Ordinance No. 2960, Maplewood, Missouri, March 27, 1946

darkness." All such installations must receive the approval of the Electrical Bureau of the Department of Public Safety.

Kansas City, Missouri prescribes that parking stations operating during hours of darkness after 6 P. M. shall be provided with not less than two-tenths lumens of light per square foot, measured on the pavement (lot) surface.

ENTRANCES AND EXITS

The regulation of entrances and exits for parking lots is reported by 13 cities. Eight cities indicated the regulation of the number of entrances and exits permitted at parking lots. Toledo, Ohio; Detroit, Michigan; and Royal Oak, Michigan prescribe a maximum of one entrance and one exit for any parking lot. East Hartford, Connecticut allows one of each on any street accessible to the lot. Washington, D. C. allows two driveways for lots abutting on one street, and prescribes a maximum of three driveways for lots abutting on two or more streets. Grand Rapids and Jackson, Michigan provide a maximum of two entrances and one exit which "may or may not be combined" for any lot. Pontiac, Michigan permits two entrances and two exits and also allows them to be combined.

Only three cities furnished ordinances which establish a maximum width for parking lot driveways. Maplewood, Missouri requires 20 feet; Baltimore prescribes 25 feet; and Kansas City allows driveways to be up to 26 feet in width. The latter two cities also prescribe minimum distances between drives, and between any drive and an intersection. Baltimore requires 25 feet between drives and 10 feet between any drive and the property line of an intersecting street. Kansas City requires only six feet between drives, but prohibits entrances or exits within 25 feet of intersections.

Table XV summarizes the requirements of the various cities for entrances and exits, and includes Atlantic City, New Jersey which has a general requirement that driveways must be "properly graded and surfaced"; as well as Dobbs Ferry, New York which provides that lot entrances and exits shall be on business streets.

Table XV
PARKING LOT ENTRANCES AND EXITS

<i>City</i>	<i>Maximum No. Allowed</i>	<i>Maximum Width</i>	<i>Distance Between Drives</i>	<i>Distance Between Drives and Intersections</i>	<i>Miscel- laneous</i>
E. Hartford, Conn.	1 each on 1 street				
Washington, D. C.	2 on 1 street Maximum 3				
Baltimore, Md.		25 feet	25 feet	10 feet from building line of cross street	
Detroit, Mich.	1 entrance 1 exit				
Grand Rapids, Mich.	2 entrances 1 exit				
Jackson, Mich.	2 entrances 1 exit				
Pontiac, Mich.	2 entrances 2 exits				
Royal Oak, Mich.	1 entrance 1 exit				
Kansas City, Mo.		26 feet	6 feet	25 feet	
Maplewood, Mo.		20 feet			
Atlantic City, N. J.					Properly graded and surfaced
Dobbs Ferry, N. Y.					Open on business streets
Toledo, Ohio	1 entrance 1 exit				

Table XVI presents a summary of the requirements of 34 cities covering all aspects of physical standards.

Table XVI
PHYSICAL REQUIREMENTS IMPOSED ON PARKING LOTS BY VARIOUS CITIES

City	Barriers	Sidewalk to be Kept Clean	Snow Removal Required	Dust Abatement	Surface	Shelter	Lights	Entrances and Exits
ARIZONA Phoenix	4-5 ft. high				Must be paved		Must be directed from residences	
CALIFORNIA Burbank	6" min. curb or retaining wall			Road oil, gravel or concrete				
Los Angeles				Oil, gravel or concrete				
Pasadena				Concrete, crushed rock or sand				
COLORADO Denver				Sprinkled or treated with oil or suitable mixture				
CONNECTICUT East Hartford	Permanent							One each on any street
DIST. OF COLUMBIA	8" coping or 2' 6" fence	Free of dirt, gravel, mud, stones				Max. 40 sq. ft.		2 on 1 street. Max. of 3
FLORIDA Miami Beach	5' wall or dense hedge			Rock and oil				
ILLINOIS Rockford	Fence, wall or other	Free of dirt, ice, sleet and snow						
MARYLAND Baltimore	Masonry or shrubbery Min. 2' high 6" thick				Hard or semi-hard			Width 25'. 25' apart. 10' from building line at intersection
MASSACHUSETTS Boston	Wall or other type	Free of dirt, ice, sleet and snow						
Worcester				To be approved by city				
MICHIGAN Detroit	Post, chain or fence 3' high	Free of dirt, ice, sleet and snow		Sprinkling required	Smooth bituminous surface	Not sheet metal. Over 50 sq. ft. must be masonry		One each
Grand Rapids	Suitable fence, wall or other	Free of dirt, ice, sleet and snow	Not into streets or alleys	Frequent sprinkling				Max. of 2 entrances, 1 exit
Highland Park	Suitable			Frequent sprinkling				
Jackson	Suitable fence, wall or other	Free of dirt, ice, sleet and snow	Not into streets or alleys	Frequent sprinkling				Max. of 2 entrances, 1 exit
Pontiac	6" diam. 4' apart	Free of dirt, ice, sleet and snow	Yes	Frequent sprinkling				2 entrances, 2 exits
Royal Oak	Suitable fence, wall or other	Free of dirt, ice, sleet and snow						1 of each
MINNESOTA St. Paul	12" wall 6" timbers or fence. Posts to be 8' apart	Free of snow, ice, rubbish		Sprinkle, oil or other material				
MISSOURI Kansas City	Wall or hand-rail			Paved or otherwise surfaced to prevent dust			Min. of 0.2 lumens per sq. ft. measured at pavement surface	26' max. width, 6' between drives; 25' bet. drives and intersections
Maplewood					Hard or semi-hard, dustless	80 sq. ft. max. of 1 floor	Must be directed from residences	20' max. width
NEW JERSEY Atlantic City								Driveway properly graded and surfaced
East Orange	18" high, fire-proof				Gravel, cinders or cement			
Elizabeth		Free of dirt, ice, sleet and snow		Frequent sprinkling				
Paterson		Free of dirt, ice, sleet and snow		Frequent sprinkling				
NEW YORK Dobbs Ferry	Fenced and screened from residences				Hard or semi-dustless			Open on business streets
OHIO Canton	18" high; conform with surrounding structures							
Cincinnati		Free for pedestrian use		Free of dust and mud				
Toledo	Suitable fence, wall or other	Free of dirt, ice, sleet and snow						Maximum of one each
OREGON Portland	12" yellow paint line on paved lot. Fence not over 5' high on unpaved lot. Not less than 20" high if within 3' of street line							
PENNSYLVANIA Philadelphia	Wall min. 2' high, 10" thick. Posts 4" diam. min. 30" high. Fence on metal studs 5' apart						Shielded flood-lights	
Wilkes-Barre		Free of dirt, ice, sleet and snow		Frequent sprinkling				
WISCONSIN Shorewood					Hard-surfaced or cinders			
Milwaukee	Suitable fence, wall or other	Free of dirt, ice, sleet and snow						

CHAPTER V

PROTECTION REQUIRED

Much consideration has been given to ways and means of protecting the rights and property of operators and parking lot patrons. Requirements aimed at these accomplishments are of four general types:

1. Insurance coverage
2. Fire protection
3. Prohibitions against illegal use or movement of cars
4. Use of claim checks

Ordinances were carefully reviewed to ascertain the extent to which these and other items have been included.

INSURANCE COVERAGE

Inasmuch as many parking lots are operated on a small capital and are financially unable to satisfy judgments which might be brought against them in liability cases, it is especially important from the standpoint of patrons that the financial responsibility of operators be fixed by law. It is for this reason that some cities have covered the matter of insurance protection in their ordinances regulating parking lots. This coverage requirement is not common.

Only five of the cities furnishing information require posting a bond or carrying insurance covering the lot against claims for which it is found liable by the courts. Three cities—Los Angeles; Denver; and Jackson, Michigan require proof of bond or insurance before a license to operate is issued. Los Angeles and Denver require coverage of \$1,000; Los Angeles permits a maximum coverage of \$5,000 for all lots under one operator. Jackson, Michigan requires \$5,000 bond or insurance for each lot.

Philadelphia and Milwaukee require a bond of \$2,000 but provide that it shall be necessary only if the parking lot operator fails to satisfy all judgments against him. The ordinance specifies

that the license of a lot shall not be renewed until the bond or insurance coverage is obtained. These provisions would likely operate along the lines of most automobile financial responsibility laws and would not insure payment of claims in so-called "first" offenses.

FIRE PROTECTION

The need for proper fire apparatus and protective devices at parking lots was recognized as early as 1928 when Detroit enacted an ordinance which included:

Open parking stations shall be equipped with proper fire extinguishing apparatus subject to the approval of the Detroit Fire Department and all motor vehicles shall be stored so that they may be reached readily in case of fire or other emergency.¹

Seven other cities have followed the example of Detroit. Five ordinances specify "proper fire extinguishing apparatus, to be approved by the Fire Department." Burbank, California, however, requires that only one fire extinguisher of an approved type be kept at any parking lot. The District of Columbia has enacted the most specific ordinance of this type, prescribing a minimum number of fire extinguishers based on the area of the lot. Two extinguishers are required for lots of 4,000 square feet or less; four on areas of 4,000 to 16,000 square feet; and six in excess of 16,000 square feet.

While considerable thought has been given to the matter of requiring lots to have adequate fire protection equipment, only a few cases were found in which the arrangement of vehicles on the lots has been associated with fire protection. Boston and Detroit, however, are two cities which do in a general way allow fire prevention authorities to control the layout and capacity of lots in line with fire protection practices.

ILLEGAL USE OR MOVEMENT OF CARS

The practice of a single management operating two parking lots—one in an area of heavy parking demand and another outside

¹ Section 14, "Open Parking Stations" Ordinance, Detroit, March 26, 1928



FIGURE 5. This Layout Permits Access to Vehicles in Event of Fire.

this area—is becoming more common. The operator accepts cars for storage at one of the lots—usually the one in the area of heaviest demand. As this lot becomes filled, cars are accepted, but are driven to the other lot for storage. In most cases, this action is unknown to the car owner. In some cases, patrons' cars have been used for other purposes during periods of storage.

Examples are known where a car left at a lot was used by attendants to run errands or other unauthorized purposes. Instances have been reported in which a customer's vehicle was used to push other vehicles about the lot and even to push them several blocks on public streets.

Table XVII

FIRE PROTECTION EQUIPMENT REQUIRED FOR PARKING LOTS

<i>City</i>	<i>Minimum Equipment</i>
CALIFORNIA	
Burbank	1 fire extinguisher
DISTRICT OF COLUMBIA	Lots 4,000 sq. ft. or less: 2 extinguishers Lots 4,000 sq. ft. to 16,000 sq. ft.: 4 extinguishers Lots 16,000 sq. ft. and over: 6 extinguishers
MASSACHUSETTS	
Boston	Proper equipment, approved by city fire commissioner
MICHIGAN	
Detroit	Proper extinguishing apparatus, approved by fire department
Pontiac	Proper apparatus, approved by fire department
Royal Oak	Proper apparatus, approved by fire department
NEW JERSEY	
Atlantic City	Sufficient extinguishers to prevent hazard
PENNSYLVANIA	
Wilkes-Barre	Fire extinguishers, sand to absorb waste oil

In order to prevent such occurrences, 16 of the cities studied have enacted ordinances. Fourteen cities prescribe that parked cars shall not be used without the consent of the owner. Nine

cities have ordinances prohibiting the movement of a car from its original storage place to another lot. Three cities have qualified this provision, however, permitting the movement of cars to other storage places under certain conditions. Cincinnati, Ohio provides that the car owner's written consent must be obtained before a car may be moved. This, however, does not apply at closing time, when the operator is authorized to move cars to another lot provided signs have been posted stating the closing hour and the address of the transfer station.

Most of the ordinances are generally construed to allow the lot operator to move cars about on the lot for the purpose of parking and unparking other cars and to provide services which

Table XVIII
ORDINANCE PROHIBITING MOVEMENT OR USE OF CARS
STORED IN PARKING LOT

<i>City</i>	<i>Cars Not to Be Moved from Lot to Other Storage Space</i>	<i>Cars Not to Be Used Without Consent of Owner</i>
Denver, Colo.		x
Rockford, Ill.	x	x
Boston, Mass.		x
Grand Rapids, Mich.		x
Jackson, Mich.		x
Pontiac, Mich.	x	x
Royal Oak, Mich.		x
Kansas City, Mo.	x	x
Elizabeth, N. J.	x	x
Paterson, N. J.	x	x
Cincinnati, Ohio	x ¹	
Toledo, Ohio	x	x
Philadelphia, Pa.	x ²	x
Wilkes-Barre, Pa.		x
Milwaukee, Wis.		x
Washington, D. C.	x ³	

¹ May be moved to transfer station at closing time, provided signs to this effect are posted; otherwise, owner's written consent required.

² Operator authorized to obtain owner's signature to "consent card" which approves transfer of car from lot to lot.

³ May be moved to "overflow" premises, provided signs to this effect are posted.

might be requested by the car owner. Many lots are so arranged that each vehicle can be locked by the owner and thereby not molested during his absence. Such desirable provisions are generally considered a matter of good business wherever land areas and turnover characteristics permit.

Philadelphia requires parking lots to retain a file of "consent" cards on which shall appear in writing a car owner's authorization to move his car from one parking lot to another. This requirement does not apply from midnight to 7 A.M.

Parking lot operators in Washington, D.C. are permitted to remove cars to "overflow premises" provided "a sign shall be erected and maintained in a conspicuous place notifying the public of such facts."

CLAIM CHECKS

Another provision in some ordinances which is designed to protect the car owner or parker is the required use of claim checks. Sixteen cities ranging in size from New York to Royal Oak, Michigan require that the claim check given to the car owner must be printed and must show the name and address of the parking lot. A distinctive number, corresponding to a number on a coupon placed upon the car is required by 14 of the cities. Eight ordinances require the date to be stamped or written on the claim check, and lot operators in six cities are required by ordinance to write the car license number on the claim check before giving it to the car owner. Thirteen cities specify that monthly or "contract" parkers need not be given a parking ticket each time they park.

Rockford, Illinois requires the operator to print on the parking ticket the hours during which he is open for business. New York City requires the business license number of the parking lot to be printed on all parking tickets. Los Angeles provides additional protection to car owners who leave the keys in their cars when they are parked. The lot owner is required to lock each car at closing time, and deposit the keys "with a responsible person at a safe and convenient place."

While standard procedures are undoubtedly assumed, most ordinances are not specific as to how the claim checks shall be used. It is logical to expect, however, that where numbered claim checks are required they will be used by the lot operators to authenticate calls for cars and to supplement other records of daily operation.

Table XIX
CITIES REQUIRING CLAIM CHECKS FOR PARKING LOTS

City	<i>Required Minimum Information on Check</i>				<i>Checks Not Required for Monthly Parkers</i>
	<i>Name and Address of Lot</i>	<i>Distinctive Number</i>	<i>Car License Number</i>	<i>Date</i>	
CALIFORNIA					
Los Angeles	x				
COLORADO					
Denver	x	x			x
ILLINOIS					
Rockford	x	x		x	x
MICHIGAN					
Detroit	x	x	x	x	x
Grand Rapids	x	x	x	x	x
Jackson	x	x	x	x	x
Pontiac	x	x	x	x	x
Royal Oak	x	x	x	x	x
MISSOURI					
Kansas City	x	x			x
NEW JERSEY					
Elizabeth	x	x			
Paterson	x	x			
NEW YORK					
New York	x			x	x
OHIO					
Cincinnati	x	x			x
Toledo	x	x	x	x	x
PENNSYLVANIA					
Wilkes-Barre	x	x			x
WISCONSIN					
Milwaukee	x	x			x

CHAPTER VI

MISCELLANEOUS REGULATIONS

In addition to the more common lot regulations which have been discussed, ordinances cover additional items. These vary greatly from city to city and cover such things as the liability of lot operators for damage to vehicles parked in the lot; the procedure to be followed when claims are filed against the lot; and action to be taken in notifying police when parked vehicles are not claimed. Inasmuch as business licenses are required in the majority of cities, it is assumed the city has the right to revoke licenses for cause. Some ordinances contain special provisions on this subject. Most ordinances prescribe penalties for violation of regulations.

DAMAGE TO VEHICLES

The ordinances of three cities specifically hold parking lot operators liable for damages occurring to cars while parked in a lot. Pontiac, Michigan has an ordinance typical of these:

Each licensee shall be presumed to be liable for any damage to any motor vehicle stored or parked in his open parking station. This presumption shall not apply while the vehicle is under direction and control of the owner.¹

Detroit, Michigan has a similar ordinance but it exempts lot operators from liability for loss of or damage to personal property contained in cars. In order to be so exempt, the lot operator must print an appropriate statement on all parking tickets.

NOTIFY POLICE OF CLAIMS

Immediate notification to the police of any claim made against a parking lot is required by ordinance in nine cities. Wilkes-Barre, Pennsylvania has an ordinance which is representative of

¹ Ordinance No. 979, Pontiac, Michigan, April 11, 1941

all others with such requirements. A section of the ordinance reads as follows:

Each licensee shall keep a record and immediately notify the Chief of Police of any claim made by reason of any loss, theft or conversion occurring upon his premises or of any claim for damages arising from the operation of his own parking station.¹

It is obvious that the primary intent is to enable the police to obtain early information concerning criminal actions and wanton violation of the city's regulatory ordinances. Reports which are made to the police in such cases, when filed promptly, can be invaluable in connection with thefts. Thefts of cars and of contents left in cars stored on parking lots are major police problems in many cities.

REPORT TO POLICE ON OVERTIME PARKERS

Six cities require parking lot operators to notify the police of cars stored for excessive periods of time. Again, these reports are valuable to the police in tracing stolen cars and frequently they provide leads in other criminal cases. Fresno, California; Grand Rapids and Jackson, Michigan; and St. Paul, Minnesota require operators to notify the police of every car parked for more than 48 hours. Jackson, Michigan exempts from this requirement lots operated in connection with hotels, tourist houses, motor courts, or transient rooming houses, "unless the circumstances reasonably indicate that the car has been abandoned."

Kansas City, Missouri and Denver, Colorado require that the police be notified of cars stored for 72 hours, but only if the person storing the car is not known to the lot operator or his employees. This would seem to be a more logical ordinance, for many occasions arise where cars are stored for several days and the owner is well-known to the operator.

REVOCATION OF LOT LICENSES

Fifteen cities reserve through ordinances the right to revoke parking lot licenses. Where this is covered by ordinance, any of

¹ Ordinance No. 1134, Wilkes-Barre, Pennsylvania, January 1, 1947

five conditions is generally listed as sufficient cause for revocation. These are:

1. The licensee has knowingly made any false or materially incorrect statement in his application.
2. The licensee has made any charge for storing any motor vehicle in an open parking lot other than those set forth in his license application.
3. The licensee has knowingly violated or knowingly permitted or countenanced the violation of any provision of the parking lot ordinance.
4. The licensee has knowingly violated or knowingly permitted or countenanced the violation of any penal law or ordinance regarding theft, larceny, or conversion of a motor vehicle, or the operation of a motor vehicle without the owner's consent; whether or not such licensee or other person has been convicted of such offense.
5. The license of the licensee or any of its members, officers, managers, or employees has been revoked within five years prior thereto.¹

Such specific provisions to revoke lot licenses is not general. Regulations in the lot ordinances might make the revocation processes more simple in cases where relatively minor violation or infractions are the basis.

PENALTIES FOR VIOLATION OF ORDINANCE

Penalties imposed for violations of parking lot ordinances varied from a low of \$25 for a first offense in Canton, Ohio to \$500 in Burbank and Pasadena, California. Fifteen cities have maximum fines of \$100. Six cities have maximum fines varying from \$200 to \$300, and seven provide a maximum penalty of \$500.

A summary of maximum fines is shown in Table XX.

Table XX

PENALTIES FOR VIOLATION OF PARKING LOT ORDINANCES

<i>Maximum Fine or Imprisonment</i>	<i>Cities Reporting</i>
\$25 first offense; \$50 second offense	Canton, Ohio
\$50 per day or 30 days	Philadelphia, Pa.
\$100	Rockford, Illinois Milwaukee, Wisconsin Cheyenne, Wyoming

¹ Ordinance No. 1054, Grand Rapids, Michigan, July 17, 1939

Maximum Fine or Imprisonment

\$100 or 30 days

\$100 plus \$25 per day of violation, or
30 days

\$100 or 90 days

\$100 per week of violation

\$200

\$200 or 90 days

\$250 or 30 days

\$290 or 30 days

\$300 or 90 days

\$500

\$500 or 90 days

\$500 or 6 months

Miscellaneous

Jacksonville, Florida

E. Orange, New Jersey

Toledo, Ohio

Shorewood, Wisconsin

Newark, New Jersey

Orange, New Jersey

Pontiac, Michigan

Royal Oak, Michigan

St. Paul, Minnesota

Elizabeth, New Jersey

Wilkes-Barre, Pennsylvania

E. Hartford, Connecticut

Chicago, Illinois

Atlantic City, New Jersey

New York, New York

Fresno, California

Denver, Colorado

Kansas City, Missouri

Detroit, Michigan

Grand Rapids, Michigan

Highland Park, Michigan

Jackson, Michigan

Burbank, California

Pasadena, California

CHAPTER VII

EXPERIENCES IN REGULATING LOTS

In traffic, as in most other fields of public endeavor, there are often marked differences between theory and practice. It is relatively simple to prepare a comprehensive and "air-tight" ordinance or regulation controlling the physical features and basic operating practices of parking lots. The enforcement and practical administration of the provisions of the ordinance are never simple. With this in mind, an attempt has been made to summarize the experiences of representative cities having such ordinances.

REACTIONS OF LOT OPERATORS

Many cities report that no opposition was encountered from existing lot operators when comprehensive regulatory ordinances were proposed and enacted. The absence of protest is invariably due to a thorough orientation of the lot operators by city officials as to the basic purposes of the various sections of the ordinance. This is usually done through personal contacts between a city representative, often the traffic engineer, and the individual lot operators. In other cases, hearings are arranged for the purpose of discussing the proposal with the operators and their legal representatives so that the full intent of the regulations will be thoroughly understood, and so that minor differences can be adjusted in advance of formal legislative action.

From one city, the following comment was received. It shows the attitude which the operators are likely to express when the proposed regulations appear to be a matter of good business:

A majority of the parking lot operators supported this ordinance when it was up for hearing by the committee of the city council. This probably was due to the fact that the restrictions proposed in our ordinance were recognized as good business and did not require much, if any, change on the part of the more responsible operators.

A statement from another large city shows the value of hearings and care in drafting the ordinances.

A considerable length of time was consumed in preparing the final and accepted draft of the Parking Lot Ordinance because of our meetings with the legal representatives of parking lot operators. Through these meetings, we were able to reach compromises that did not materially weaken the public safety protection features but which more nearly satisfied the operators from a practical operating standpoint. I would say the general reaction of the parking lot and garage operators was and is favorable.

In some cases, when important changes are proposed in ordinances regulating lots, operators register strong protests and both individually and collectively employ legal counsel to "protect their rights." Experience indicates that these protests can be overcome and that they usually disappear either before the regulations are enacted or shortly after compliance with them. One report on experiences:

The reaction of lot operators to the new ordinance has been very favorable on the whole, although prior to the enactment of this ordinance there was some opposition, not because of the regulations but because of certain bonding requirements, which were later changed in accordance with the wishes of the majority of the operators.

In another instance the opposition was not entirely overcome until after the ordinance was in force:

Opposition was spirited when the ordinance was under consideration and immediately after its passage. Several of the operators threatened non-compliance and court action on grounds of constitutionality. Some of their attorneys studied the ordinance with this intention, but failed to contest, no court action ever having been taken. There have been few complaints from the operators since passage of the ordinance.

In a few of the instances studied, the opposition continued for some time after passage of the regulation. Even in these cases, however, the operators approved the regulations and in fact strongly supported them after they had complied. One report stated:

In the early years after passage of this code, several lot operators entered vigorous protests; later, after compliance, they found no serious

cause of complaint and several found improvements to have been an excellent investment in creating more orderly use of space, better appearance and greater safety.

The importance of advance personal contacts with lot operators and a thorough educational program as to the need for and value of the regulations is repeatedly evidenced. Such activities on the part of the city traffic engineer, planning commission, city engineer, or police department have often resulted not only in securing the whole-hearted cooperation of operators in the passage of and compliance with the regulations, but have also developed valuable contacts and working relations that affect not only parking but other traffic matters as well. In other words, the operators frequently assume the viewpoint that the city is rendering them a service rather than invoking another governmental control.

A further measure of the reactions of lot operators to the ordinances was obtained through an inquiry as to whether or not any lots had ceased operation as a result of passage of the regulations. In only one of 15 cities was there any indication that such was the case. In this city of approximately 500,000 population, it was reported that "three very small and inadequate lots ceased operation rather than comply with the requirements of the ordinance." In other cases, it was reported not only that all lots continued operation but that other lots came into being shortly after passage of the regulations.

LEGALITY OF REGULATIONS

Cities with comprehensive regulations were asked whether or not the legality of the regulations had been tested. Thirteen stated there had been no contest as to legality of the regulations. Two cities reported legal tests involving a few of the points covered by the over-all ordinances. In both cities, cases were brought against lot operators for using city streets to park overflow vehicles which could not be accommodated in the lot. The cases were won by the cities.

In general it can be said that from the information obtained

relative to the legality of ordinances regulating parking lots, the city officials have broad powers. It is reiterated, however, that few instances are known where the question of legality has been raised.

PUBLIC REACTION

Public reaction to changes brought about by regulations is invariably favorable. In most cases, the public's attitude was judged by the decrease in the number of protests and complaints. It is another case of the average citizen not taking the time to comment on operations with which he is satisfied, whereas he is inclined to complain about things he dislikes. Where the operation of parking lots is up to standards generally demanded by the public, the lot is usually not required to make significant changes when municipal regulations are enacted.

One city reported that the public was quick to recognize non-compliance with the regulations and insisted that the officials take action to have the regulations enforced.

EFFECT OF REGULATIONS ON PARKING RATES

Frequently claims are made that the enactment of comprehensive ordinances regulating parking lots inevitably results in an increase in parking rates. This claim is not supported by the findings of this study. Fifteen cities which reported experiences with such regulations indicated that there is no evidence that enforcement of the regulations has resulted in any increase in parking rates. It is pointed out that in most cases the lot operators are put to little additional expense in complying with the regulations. In other cases it was stated that compliance with the regulations had resulted in more efficient operations, tending to lower rather than increase the rates.

In discussing the matter of rates, it was usually pointed out that the law of supply and demand is the determining factor and that reasonable requirements by the ordinances would in most cases have no effect.

ENFORCEMENT OF REGULATIONS

Officials of 80 per cent of the cities studied are of the opinion that the regulations applicable to parking lots are being enforced. Others admitted some laxity and gave as a reason the newness of the ordinance. One report stated that "the ordinance is not strictly enforced and there are numerous marked deviations therefrom because the police department has never been given the necessary backing from city officials for adequate enforcement of the code."

As an aid to enforcement of the ordinance, some cities make periodic inspections of the lots. One large city has a very formal plan for checking lots. Once a year, ten traffic policemen are assigned the duty of inspecting all parking lots within the city. This duty requires about one month for completion. Violations of regulations are reported and action is taken to have them corrected. In addition, this city has inspectors assigned to the traffic engineering bureau who investigate complaints from citizens relative to parking lots. The plan of annual inspections and investigations of complaints is reported to be an effective administrative procedure in lot regulation. The routine check of all lots, as well as the investigation of complaints from the public, is normally under the jurisdiction of the city police department. While the traffic engineering bureau and other city departments are often assigned responsibilities in the ordinance, the enforcement is properly regarded as primarily a police function.

One city reports that periodic checks are made of all lots, and public complaints are investigated by the license department which has jurisdiction over the licensing of parking lots.

Enforcement practices vary. Some cities have a planned program of inspections. Others in effect keep the lots under constant surveillance by requiring certain members of the traffic division to make daily observations of the lots. A few cities accomplish enforcement in an informal way by simply depending upon all members of the police department as well as personnel of the traffic engineering department to report all violations which are observed.

Apparently penalties are rarely invoked in connection with the enforcement of regulations. Correctives are usually applied when inspections are made and violations are shown. Some cities indicate that to secure compliance with the code it has been necessary to have a police officer warn the operators that citations would be issued if violations continued, with the result that operators comply rather than have a penalty invoked against them.

Several cities stated that when prosecutions were made for violations of the regulations, convictions were obtained. In other cases, licenses or permits have been revoked for failure to comply with the ordinance. The most extreme penalty reported involved the actual roping-off of the lots by city authorities until compliance had been obtained with existing regulations. As expected, this drastic action produced quick results and developed a healthy respect for the regulations.

In connection with the enforcement of regulations, one interesting example was given showing the value of the regulations to the police.

One large city states that the most valuable provision of its ordinance is that which requires the locking of all cars left on the lot after closing time and the delivery of the keys and ticket stub to an advertised location where the key may be obtained by the owner for an additional 50¢ charge. This provision has resulted in a reduction of auto thefts from parking lots from an average of ten or twelve nightly to an average of one or two.

CHAPTER VIII

ORDINANCE REGULATING PARKING LOTS

Based on a thorough study of all ordinances collected, an attempt has been made to prepare an ordinance which incorporates the best practices of existing ordinances, to serve as a guide to cities interested in the matter of regulating the operations of parking lots. In addition to the review of ordinances, experiences of representative cities and the comments of outstanding urban administrators were utilized in developing this ordinance. It is hoped that the ordinance will be found useful to legislative agencies of city governments.

It is recognized that there are many variations in the organization of city government and in the delegation of responsibilities to various city departments and officials. To frame an ordinance that would meet all conditions would be difficult. Other regulations affecting the layout and operation of parking lots, which are normally covered in building codes and zoning regulations, have not been repeated in this ordinance.

At the end of the ordinance will be found a list of comments pertinent to specific sections. These are intended to raise points and suggest matters which might be considered by the city attorney or other city officials when using the ordinance, as a guide in the development of local regulations.

The ordinance includes the following sections, the principal ones of which have been fully discussed in the preceding chapters:

- Section 1. Definitions
- Section 2. License Required
- Section 3. Application for License
- Section 4. Bond
- Section 5. License Fee
- Section 6. Revocation of License
- Section 7. Licensing of Employees
- Section 8. Signs
- Section 9. Barriers
- Section 10. Ground Maintenance

- Section 11. Shelters
- Section 12. Lighting
- Section 13. Entrances and Exits
- Section 14. Fire Equipment
- Section 15. Illegal Use or Movement of Cars
- Section 16. Claim Checks
- Section 17. Change of Rates
- Section 18. Liability of Licensee
- Section 19. Penalty
- Section 20. Validity.

**AN ORDINANCE RELATING TO
AUTOMOBILE PARKING LOTS: PROVIDING FOR THE
REGULATION AND LICENSING THEREOF:
AND A PENALTY FOR THE VIOLATION THEREOF**

SECTION 1. DEFINITIONS

A parking lot is hereby defined as meaning any place, lot, parcel, yard, or enclosure used in whole or in part for storing or parking three or more motor vehicles where a storage or parking fee is charged therefor. Provided, however, that garages and other places where motor vehicles are stored for hire within a building and for which a license fee is paid under other ordinances of the City of———shall be exempt from the provisions hereof.¹

Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Person. The word “person” shall be construed to mean for the purpose of this ordinance, an individual, firm, partnership, or corporation.

SECTION 2. LICENSE REQUIRED

No person shall conduct, operate or maintain a parking lot without first obtaining a license therefor from the (governing body of the city) . . . and no license shall be granted until the applicant shall file with the City Clerk a plat or drawing of said parking lot, approved by the City Traffic Engineer (or City Engineer) of the

[EDITOR'S NOTE: Footnote references, *not part of ordinance*; refer to author's comments on p. 66.]

City of———, showing the location, size, capacity, location and size of driveways, kind of floor or ground surface, location, size and construction of attendants' shelter, wall or railing surrounding the lot, location and type of lighting units, and all other necessary details which said City Traffic Engineer (or City Engineer) may require. The above plan shall be submitted in duplicate, one copy to be retained by the City Traffic Engineer (or City Engineer) and the other copy, if approved within 10 days, to be forwarded to the City Clerk.

SECTION 3. APPLICATION FOR LICENSE

Application for parking lot license shall be made by the persons intending to operate parking lot upon forms drawn and furnished by (City Clerk) , and shall set forth the following:

- a. The name under which, and the place where, the parking lot is to be operated;
- b. Whether the applicant is an individual, partnership, or corporation; if an individual, the name and business and residence address of the applicant; if a partnership, the name and business and residence address of each partner; if a corporation, the name, date and state under which such corporation was organized; the amount and value of the capital stock issued by such corporation and the names and business and residence addresses of the officers, managers in charge, and directors thereof;
- c. Whether the premises are owned or leased by the applicant, and if leased, the name and residence and business address of each owner or part-owner thereof;²
- d. The number of motor vehicles which may at any one time be stored upon the premises;
- e. The hours during which the motor vehicles may be stored.
- f. The hours during which parking attendants will be on duty at the lot.
- g. A complete schedule of the rates to be charged for storing motor vehicles.
- h. Such other information as the Council may deem advisable.

Each application shall be signed and verified under oath by the applicant if an individual, or by a duly authorized agent, if a partnership or corporation.

SECTION 4. BOND

Each application shall be accompanied by a bond, in such form as may be required by the City Attorney, executed by a bonding or surety company authorized to do business in the State of———, in the penal sum of Five Thousand Dollars (\$5,000.00),³ conditioned upon the payment by the licensee of any and all final judgments for damages resulting to persons or property, including judgments for damages resulting to persons or property including the theft of any motor vehicle or any part or accessory thereof, arising out of the operation or maintenance of the parking lot. Such bond shall run to the City of———for the benefit of any person who may receive injuries, and for the benefit of any person, partnership, association or corporation who may claim redress for property damage or theft, resulting from the operation or maintenance of such parking lot. Such bond shall remain in full force and effect for the full period of time for which the license is effective. In lieu of such bond, the application may be accompanied by a certificate of insurance in a like amount, which to the satisfaction of the City Attorney, will be adequate to satisfy any judgments for the aforementioned hazards.

SECTION 5. LICENSE FEE

The license fee for the operation of a parking lot shall be in accordance with the following schedule of capacities:

3 to 10 cars	\$10.00
11 to 25 cars	25.00
26 to 50 cars	40.00
Over 50 cars	50.00

SECTION 6. REVOCATION OF LICENSE

The City Council, subject to right of appeal, may revoke license upon proof at any time, where

1. The licensee has knowingly made any false or materially incorrect statement in his application;
2. The licensee has made any charge for storing any motor vehicle in a parking lot other than those set forth in his license application;

3. The licensee has knowingly violated or knowingly permitted or countenanced the violation of any provision of this ordinance;
4. The licensee has knowingly violated or knowingly permitted or countenanced the violation of any provision of any penal law or ordinance regarding theft, larceny, or conversion of a motor vehicle, or the operation of a motor vehicle without the owner's consent; whether or not such licensee or other person has been convicted of such offense;
5. The licensee fails to keep an attendant on duty during the times specified on his application.
6. The license of the licensee or any of its members, officers, managers or employees has been revoked within five years prior thereto.⁴

SECTION 7. LICENSING OF EMPLOYEES⁵

Each person employed in the operation of a parking lot must be licensed as such. Each applicant for a parking lot employee's license must fill out upon a blank form to be provided by the Police Department, a statement giving his full name, residence, place of residence for five (5) years previous to moving to his present address, age, color, height, color of eyes and hair, place of birth, length of residence in the City of———, whether married or single, and whether he has ever been convicted of a felony or a misdemeanor. The Police Department is hereby authorized and empowered to establish such additional rules and regulations governing the issuance of employee's licenses, not inconsistent herewith, as may be reasonable and necessary. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued by the City Clerk to the applicant, a license for one year and expiring on the 1st of January next succeeding. No person, firm, or corporation shall permit any person to be employed on a parking lot without first obtaining a license from the City Clerk. A fee of \$1.00 shall be charged therefor and there shall be delivered to each licensee a metal badge of such form and style as the Police Department may prescribe, with his license number thereon, which must be constantly and conspicuously displayed on the outside of the employee's clothing when he is engaged in his employment.

SECTION 8. SIGNS

a. Each licensee shall maintain at each entrance to such parking lot a permanently affixed sign suitable to apprise persons using such parking lot, the name of the licensee; the hours of the day and / or night during which such places are open for storing motor vehicles; the rates charged and the closing hour of such station. Where more than one rate is charged for parking, the figures for each rate shall be of the same size and dimensions and such figures shall measure not less than six (6) inches in height.

b. Where separate rates or charges are made for day parking and for night parking, the change in rate shall become effective at 6 P.M. and notice thereof shall be posted on the signs described in the preceding paragraph.

c. Signs giving information as to ownership, rates and operation of the lot shall be erected on private property only at points of ingress and egress and on shelter buildings and not on enclosures. They shall be of sheet metal or comparable material and shall be displayed at a height of not less than eight feet and not more than twelve feet above the street level, and under no conditions shall signs be erected in such a manner as to obstruct the vision of traffic.

SECTION 9. BARRIERS

All parking lots shall maintain a permanent substantial barrier on or adjacent to lines abutting on any public highway. Barriers shall be so designed that no portion of the vehicles parked on the lot shall extend over the property lines.

SECTION 10. GROUND MAINTENANCE

Each licensee shall keep the sidewalks surrounding the parking lot free from dirt, ice, sleet and snow and shall keep the sidewalks in safe condition for the travel of pedestrians.

Persons operating parking lots shall keep the same free from dust by frequent sprinkling or the use of calcium chloride or other

means so that the same shall not become a nuisance to adjacent property owners or others. Parking lots shall have a smooth and durable surface, adequately drained, that will not retain water and that will remain free of dust or loose particles.

SECTION 11. SHELTERS

No building used for any purpose shall be erected on a parking lot, except that not to exceed one building for the use of attendants and operation of each parking lot may be permitted provided that such building is of permanent construction, does not exceed 80 square feet in ground area or one story in height and that the plans for same have been approved by the building inspector. Heating of these shelters shall be only by means of heat generated through the use of electricity, gas or oil. Shelters are to be maintained in a neat, orderly manner.

SECTION 12. LIGHTING

All owners, operators or maintainers of parking lots shall place shielded flood-lights or other type of approved lighting at such locations, and to such an extent as will permit owners of cars to have reasonable access to all portions of such space during the hours of darkness. A certificate approving the lighting installation and service shall be obtained from the city electrician.

SECTION 13. ENTRANCES AND EXITS

Each parking lot shall have not more than two entrances and one common exit over the public sidewalks, which may or may not be combined, and the licensee shall keep such entrances and exits properly attended at all times during the period the parking lot is in operation. Driveways shall not exceed twenty-six (26) feet in width at the curb or gutter line; adjacent driveways must be separated by an island at least six (6) feet in width, and driveways shall be at least twenty-five (25) feet from the curb line of any intersecting street.

SECTION 14. FIRE EQUIPMENT

Parking lots shall be equipped with proper fire extinguishing apparatus subject to the approval of the Fire Department of the City of——— and all motor vehicles shall be so stored that they may be reached readily in case of fire or other emergency.

SECTION 15. ILLEGAL USE OR MOVEMENT OF CARS

It shall be unlawful for the owner or operator of any parking lot to move or transfer or cause to be moved or transferred, any parked motor vehicle through or upon the streets or alleys of the City of———, without the written consent of the owner or bailor of the parked car. All owners or operators of parking lots shall keep consent cards on hand for the purpose of obtaining permission from the owner or bailor of a parked car to transfer same to a new location. All such consent cards shall be kept in a permanent file by the owners or operators of parking lots, subject at all times to inspection.

It shall be unlawful to make any use for any purpose whatsoever of any motor vehicle parked on the premises of any parking place unless such use shall first be authorized by the owner or bailor of such vehicle.

SECTION 16. CLAIM CHECKS

At the time of accepting a motor vehicle for storing or parking in a parking lot, the person conducting the same, his agent, servant or employee, shall furnish to such person parking his motor vehicle, a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the parking lot and upon which shall be written, or stamped, the date and the license number of the motor vehicle.

The above provision shall not apply where cars are stored on a monthly fee basis.

It shall be unlawful to affix any parking tags on any motor

vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plates on such vehicles.

SECTION 17. CHANGE OF RATES

No licensee shall make any charge for storing any motor vehicle in a parking lot in excess of that set forth in his application for license unless and until he has (a) notified the (City Clerk) in writing of the change, and (b) posted signs showing such increase in the same manner as set forth in Section 8.

SECTION 18. LIABILITY OF LICENSEE

Each licensee shall be liable for any damage to any motor vehicle stored or parked in his parking lot, by or through his own negligence or that of his employees. This liability shall not apply while the vehicle is under direction and control of the owner. This provision shall have no application to loss of or damage to personal property left or contained in motor vehicles, the liability for which may be disclaimed, limited or regulated by appropriate contractual provisions contained in the parking ticket, provided a sign giving notice to that effect is posted on the parking lot.

Each licensee shall immediately notify the police of any claim made by reason of any loss, theft or conversion occurring upon his premises or of any claim for damages arising from the operation of his parking lot.

The obligations herein created of any person operating or conducting a parking lot under the terms of this ordinance to the owner of a motor vehicle parked therein, shall not extend beyond the regular posted hours of attendance as posted upon such parking lot.

SECTION 19. PENALTY

Any person, partnership, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than ——— or imprisonment for a period of not more than ——— or both, such fine and imprisonment in the discretion of the court.

SECTION 20. VALIDITY

Should the courts of this city or state declare any section or provision of this ordinance unconstitutional or unauthorized or in conflict with any other section or provision of this ordinance, then such decision shall affect only the section or provision as declared to be unconstitutional or unauthorized, and shall not affect any other section or part of this ordinance.

NOTES RELATIVE TO MODEL ORDINANCE

1. A question might arise in defining a "parking lot" as to whether or not lots operated solely in connection with a business and in which parking is permitted on the basis of patronage to the business should be regulated. It would appear that this type lot should normally be excluded from the regulations, inasmuch as it is not operated as a separate commercial enterprise. However, there are many factors which must be considered in each instance, and any payment of parking fees, whether by the merchant (as an individual) or the motorist, might be construed as requiring the classification of the lot as a commercial activity.
2. Some cities have found it desirable to have applications signed by both the owner of the ground at the time the parking facility is constructed and also the lessee.
3. The amount of financial protection which may be required of the lot operator can of course be varied by the size of lot, the type of services provided, and other factors peculiar to a given city.
4. Other specific reasons may be listed for revoking licenses, i. e. the failure to keep lot lighted at all times that cars are stored thereon.
5. Many ordinances do not include this provision of licensing parking lot employees, on the basis that the entire responsibility for operation of the lot is upon the licensee. Also, liability coverage is usually of a blanket type, including all employees and operators of the lot.