

GAMEDAY AND SPECIAL EVENT PARKING ON NON-PUBLIC PROPERTY

A. PURPOSE

This ordinance is created in order to regulate the legal use of private property for the purpose of charging a fee or for requiring, requesting or suggesting a donation in return for parking for Clemson football home games and City-approved special events.

B. DEFINITIONS

City-approved special events. City-approved special events (“special events”) are those events for which the City officially approves the legal, registered use of non-public property for the purpose of charging a fee or for requiring, requesting or suggesting a donation in return for parking.

Currently, City-approved special events include Clemson University’s spring scrimmage (the Orange and White Game); Clemson University graduations; NCAA intercollegiate tournament, playoff or championship competitions in any sport; and ACC tournament, playoff, or championship competitions in any sport.

When in doubt as to whether an event is a City-approved special event for purposes of this ordinance, persons wishing to conduct parking should contact the City before doing so.

Private property. Private property is property other than that owned by a governmental entity. It includes property owned by individuals and non-governmental entities, commercial property, and property owned by nonprofit entities.

Nonprofit. Nonprofit organizations are legitimate not-for-profit, religious, charitable, and/or service organizations.

Covered vehicles. This ordinance covers all vehicles used for transportation, whether motorized, licensed, or unlicensed, if a fee or donation is charged, required, requested, or suggested in return for parking. Property owners may determine what type of vehicles may be parked on their property. However, this ordinance is not intended to allow overnight stays of persons in vehicles.

C. REQUIREMENTS

1. Registration. Persons or entities desiring to charge a fee or to require, request, or suggest a donation in return for a parking space or spaces on non-public property for Clemson football home games and/or City-approved special events must do so only on non-public property that has been registered in advance with the City for that calendar year.

The legal owner or owners of the property must complete and sign the registration form, and provide information concerning ownership, contact information, the number of spaces

on the property, and must agree to comply with the requirements of this ordinance. The City may request additional registration information, as it deems necessary.

2. Registration year. The registration year runs from January 1 to December 31. All registrations expire on December 31 each year, regardless of when they were purchased during the year. Property owners must register each calendar year, in advance of any parking activities covered by this ordinance.

3. Business License. Persons or entities wishing to conduct gameday parking must apply for and obtain a valid annual business license from the City of Clemson's Business License Office before any gameday parking takes place on a registered property.

Businesses already operating in the City that have valid business licenses need not obtain an additional business license in order to conduct gameday parking. However, gameday parking revenue for such businesses must be included in annual business license applications.

Similarly, property owners that are nonprofits or that allow nonprofit organizations to conduct parking for football games and special events must register annually, but need not apply for a business license.

Only one business license is required for persons or entities operating more than one gameday parking location; however, each piece of property used for gameday parking must be registered by its property owner(s),

4. Registration signage. All non-public properties used for parking for football games and special events must display a City-provided sign bearing a current registration decal visible from the street during all times that any vehicle is parked on the property in return for a fee or a donation. It may be removed once the last parking customer has left the property following a game or special event. The sign may only be displayed from ~~6~~4 a.m. on the day of a football game or special event until 10 a.m. on the day immediately following the day of the game or event. Any signs advertising parking may be displayed on the property from ~~6~~4 a.m. on the day of a football game or special event until 10 a.m. on the day immediately following the day of the game or event. Signs may not be displayed on the property or right-of-way of another person or entity without permission from the owner(s) of that property.

5. Parking times. Licensed businesses and nonprofit operations that are not located in residential areas may set their own hours for parking. Parking on properties located in residential areas may park vehicles from 6 a.m. on the day of the event until 4 p.m. on the day immediately following the day of the game or event. Property owners may set an earlier time for departure from their property.

6. Parking locations. Property owners must ensure that vehicles for which payment or donation has been made for parking on their property are not parked on any street or sidewalk, and that such vehicles do not block any fire hydrant. Property owners may not

permit parking on property owned by another without permission of the legal owner(s) of the property. Property owners may not allow vehicles to park or travel across property owned by another without permission of the legal owner(s) of the property. Parking on property owned by another must be in accordance with this ordinance, and requires separate registration of that property.

7. Fire extinguishers. The maintenance of a charged fire extinguisher in working order is encouraged for all registered properties. However, if the property owner allows tailgating on site, the property owner must maintain at least one accessible, charged fire extinguisher in working order on the property at any time that a vehicle is parked on the property for football games or special events.

8. Litter. Property owners are responsible for ensuring that all litter on their property and upon all abutting rights-of-way is removed by 8 a.m. on the Monday following a Saturday Clemson home football game and by noon on the next day after a ~~weekday or weeknight~~ home football game or special event on any other day.

9. Mud/trash/vegetative materials. Any mud, trash, and/or vegetative materials tracked onto roadways and sidewalks from gameday parking properties must be removed, ~~weather permitting,~~ within 48 hours after the end of the football game or special event, unless unusual weather conditions delay removal.

10. Repairs, maintenance, and damages. ~~Weather permitting, damage~~Damage to grass and unimproved and improved parking surfaces is to be repaired between events, but in no case later than 48 hours after the end of the football game or special event. ~~For example, exposed,~~ unless unusual weather conditions delay repairs. Exposed dirt, ruts, or mud should be raked, filled, reseeded, sodded, covered with straw or sand, and/or otherwise repaired. The appearance of property used for parking must meet all applicable zoning requirements and conditions when not in active use for parking, and must not otherwise constitute a nuisance or safety hazard to neighboring properties and/or passers-by.

Property owners are responsible for the cost of repairing or replacing any damages to public signs, sidewalks, water meters, utility poles, water/sewer/utility lines, roads, and all other public property if caused by their parking customers.

Property owners are also responsible for their own safety and insurance needs. By providing a registration process allowing property owners to park vehicles for football games and special events, the City is not assuming responsibility for safety or liability related to such parking.

11. Taxes. All persons and entities registering to park vehicles for football games and special events are responsible for paying all applicable federal, state, and/or county taxes. The City does not collect or accept these taxes.

D. VIOLATIONS

All City ordinances and State laws remain in effect at all times.

Depending on severity, a violation of this ordinance and/or a violation of other laws or ordinances related to the parking activity may result in immediate revocation of the registration of a piece of property. Absent circumstances requiring immediate revocation, formal written warning shall be issued for a first violation in a 12-month period. However, if there is an additional violation at the same property within the 12-month period immediately following issuance of a warning, registration for that property shall be revoked for 12 months, to begin with the start of the next registration year. A revocation shall run with the property rather than with the property owner. This means that transferring a property to another person or entity shall not void any revocation period for that same property.

Warnings, citations, and registration revocations may be issued to property owners, and parking operators, customers, and guests depending on the nature of the violation. Property owners are ultimately responsible for the conduct of persons present on their property.

Examples of violations of this ordinance include, but are not limited to:

1. Lying and/or providing false information or documentation to the City;
2. Failure to have a valid registration for any property used for football or special event parking;
3. Failure to display a City registration sign with a current registration decal while any vehicle is parked on the property pursuant to this ordinance;
4. Falsifying or altering a registration sign or decal (for example, using a sign and/or decal issued for one property at another location or altering the date on the decal);
5. Violation of any part of this ordinance; and,
6. Violation of any applicable ordinance or law by property owners, parking operators, or parking customers or guests.

E. REVOCATION OF REGISTRATION

If it is determined that a property's registration for gameday parking should be revoked, a revocation hearing notification will be sent to the property owner(s) at the contact address provided in the registration application. Notice shall include the time and place for the hearing, which shall take place before City Council for the purpose of determining whether to revoke registration.

After the hearing, the City shall notify the property owner(s) of the Council's decision by written notice sent by certified mail or delivered in person. The notice shall set forth the

effective dates of any revocation, the reason for any revocation, the penalties that may be imposed for violation of any revocation, and any applicable appeal rights, deadlines, and filing procedures.

F. SEVERABILITY, SAVINGS, AND EFFECTIVE DATE

1. Severability.

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this ordinance shall not affect the validity of the remaining parts of the ordinance.

2. Savings.

Any enforcement action which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

3. Effective date.

This ordinance is effective on _____.