

ORDINANCE NO. 2006-01-003

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING ORDINANCE NO. 2005-07-060, WHICH MODIFIED BELLINGHAM MUNICIPAL CODE SECTION 11.33.230 RELATING TO THE PENALTIES FOR PARKING INFRACTIONS.**

**WHEREAS**, Ordinance No. 2005-07-060 amended, in part, BMC 11.33.230 to increase the civil penalty for parking meter and overtime infractions from five dollars to ten dollars; and,

**WHEREAS**, Ordinance No. 2005-07-060 provided that five dollars of the ten dollar civil penalty for each parking meter and overtime infraction be deposited in the City's designated parking fund; and,

**WHEREAS**, the intent of this amendment was to maintain a revenue neutral approach to the City's General Fund by providing that the original penalty amount continue to be credited to the General Fund but the increased penalty amount be deposited in the designated parking fund; and,

**WHEREAS**, this Ordinance is intended to modify Ordinance No. 2005-07-060 to implement that original intent in a clearer and more workable manner; and,

**WHEREAS**, this ordinance is in the best interests of the City of Bellingham;

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1. Bellingham Municipal Code Section 11.33.230 is amended to read as follows:**

**11.33.230 – Penalties For Parking Infractions – Procedure and Penalty on Failure to Appear**

Civil penalties for parking infractions and procedures on failure to appear are as follows:

**A.** The civil penalty for parking meter and overtime infractions shall be \$10; for disabled parking infractions, \$250; and for all other parking infractions, \$20. All revenue generated by the civil penalty for parking meter and overtime infractions and other parking infractions, except for disabled parking infractions, shall be deposited in the General Fund to be spent on parking related activities and for such other expenditures as Council may appropriate; provided that all such funds over the first \$475,000.00 of such revenue in 2006 shall be transferred into the City's designated parking fund. Revenue generated from disabled parking infractions shall be accounted for pursuant to state law, as currently adopted or hereafter amended. The \$475,000.00 threshold in 2006 shall increase each year, starting in January 2007 and continuing each January thereafter, by three percent or the annual average for the Consumer Price Index for All Urban Consumers for the prior year, whichever is higher. Five-dollars (\$5) of the ten-dollar (\$10) civil penalty for each parking meter and overtime infraction shall be deposited in the City's designated parking fund.

Ordinance Amending BMC 11.33.230 (1)

C:\DOCUME\1\City\LOCAL S...Title of ordinance: Penalties - Deposit of parking penalty revenue - 11.33.230 (1) do: 2006-01-003 Ordinance - Civil Pen - Deposit of parking penalty revenue - 11.33.230 (1) do: 2006-01-003 Ordinance - Parking - Deposit of parking penalty revenue - 11.33.230 (1) do: 2006-01-003

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

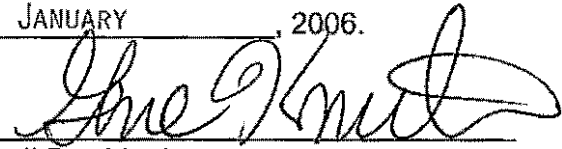
B. If the person committing a parking infraction fails to respond as directed on the citation within 15 days, the civil penalty shall be increased by a late fee of \$10. The Municipal Court shall send said person notification of the increased penalty, advising that failure to respond before the 30th day will result in an additional civil penalty of \$25. If the person fails to respond to the notice of parking infraction before the 30th day, the civil penalty shall be increased by an additional late fee of \$25. When an infraction is delinquent and the Court has obtained the name and address of the vehicle's registered owner from the Department of Licensing or other out-of-state licensing agency, the Court shall mail the registered owner a notice advising the person of the current status of the ticket, all applicable late fees, and the City's intention to assign the matter to a collection agency.

C. Failure to respond within 30 days from the date of issuance of the citation to 5 or more parking infractions shall be punishable by a fine not to exceed \$25 per parking infraction.

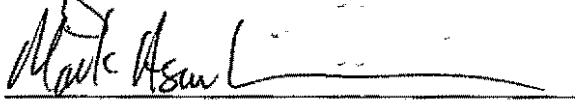
**Section 2: Retroactive Effect.**

Notwithstanding the effective date of this Ordinance, the City Council intends for the modifications included herein to be retroactive to January 1, 2006 for accounting purposes.

PASSED by the Council this 9TH day of JANUARY, 2006.

  
Council President

APPROVED by me this 12th day of Jan, 2006.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

  
Office of the City Attorney

PUBLISHED: JANUARY 13, 2006

Ordinance Amending BMC 11.33.230 (2)

C:\DOCUME~1\LOCAL E~1\Temp\folder14351\Ordinance Parking - Deposit of parking penalty revenue - 11.33.230.doc

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903