

ORDINANCE NO. 2009-08-053

AN ORDINANCE RELATING TO CITY ADVISORY BOARDS AND COMMITTEES PURSUANT TO BELLINGHAM CITY CHARTER, SECTION 7.01, ADDING A NEW CHAPTER 2.44 TO THE BELLINGHAM MUNICIPAL CODE AND ESTABLISHING A CITY TRANSPORTATION COMMISSION, ELIMINATING THE PARKING COMMISSION, ELIMINATING THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE, AND TRANSFERRING THE ADMINISTRATION OF RESIDENTIAL PARKING ZONES FROM THE FINANCE DEPARTMENT TO THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, at present there is no citizen advisory group charged with taking a broad, long-term, and in-depth look at the full range of transportation issues facing the City of Bellingham, and;

WHEREAS, achievement of the goals set forth in the City's Climate Protection Action Plan dated May 2007 will only be possible with a strengthened focus on alternatives to single occupancy automobile travel, and;

WHEREAS, in order to reach the City's Comprehensive Plan goal of a mode shift from 85 percent of trips by auto to 75 percent of trips by auto by the year 2022, a strengthened commitment to developing bicycle and pedestrian facilities, increased transit service, and the full integration of all modes of transportation will be necessary, and;

WHEREAS, the City and the Whatcom Transportation Authority (WTA) must work closely together to best shape WTA's planning and service operations in a way that accounts for the interest of the City, both inside the city and through intercity transit projects of importance to the City, and;

WHEREAS, such an advisory group could assist the City in aligning transportation capital expenditures to the achievement of long-term city transportation goals, including facilitating mode shift and supporting urban infill;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new Bellingham Municipal Code Chapter 2.44 is adopted to read as follows:

2.44.010—TRANSPORTATION COMMISSION—AUTHORIZATION AND PURPOSE

A. Pursuant to Section 7.01 of the City Charter there is established a Transportation Commission (the "Commission") which shall provide citizen advice regarding all aspects of City transportation policy.

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B. The Commission shall consist of nine members appointed and removed by the Mayor, and confirmed by the City Council, and shall serve terms as defined in Section 2.44.020. Each member shall be a citizen of the United States and an elector of the City of Bellingham, a resident of the State of Washington for at least three years and of the City of Bellingham for at least two years prior to appointment as a member of the Commission.

C. The purpose of the Commission is to provide specific transportation policy recommendations and advice on strategic transportation investment priorities to the City Council.

D. The Commission may make recommendations to City staff or the City Council regarding some or all of the issues that come before the Commission. City staff or City Council may adopt, modify, or reject any such recommendations. Recommendations of the Commission shall be transmitted to the City Council together with any attendant staff recommendation.

2.44.020—MEMBERSHIP—TERMS OF APPOINTMENT

A. Membership shall encompass a diversity of perspectives and efforts shall be made to include individuals with interest or expertise in public transit, bicycle facilities and planning, community-wide automobile parking needs, pedestrian facilities and planning, neighborhood interests, student needs, commercial business, and freight transport.

B. Each member shall serve for a period of three years, however, so as to provide for staggered terms, the Mayor shall initially assign a one year term to three members, and a two year term to three members, with the three remaining members assigned a three year term. Members may serve for no more than two full three year consecutive terms. Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term.

2.44.030—ORGANIZATION

A. The Commission shall annually elect a chair and vice-chair from among its members and shall adopt its own rules of procedure.

B. The Commission shall hold at least one regular meeting each month. Additional meetings may be held as the Commission deems necessary. All meetings of the Commission shall be public meetings.

C. Written records of meetings and actions of the Commission shall be kept. Such records shall be public.

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D. The City staff shall provide appropriate staff support to the Commission.

E. The Commission may choose to create, and to dissolve, any Task Group of its choosing, to more efficiently carry out its duties. Task Groups may include additional citizens who are not members of the Transportation Commission, although at least one member of any Task Group shall be a member of the Commission.

2.44.040—COMPENSATION—CONFLICTS OF INTEREST

Commission members shall serve without compensation from the City, or from any trust, donation or legacy to the City for their services; this limitation shall not preclude a member of his/her firm receiving compensation from the City under contract or otherwise for services rendered outside his/her duties as a Commission member; provided, that any Commission member having an interest or who contemplates acquiring an interest in any particular transaction, contract, or project must disqualify himself/herself from any official action contributing towards an official recommendation to the City on that subject.

2.44.050—AUTHORITY AND DUTIES

A. The Transportation Commission shall be authorized to do the following:

1. Advise the City Council regarding transportation policy and proposed transportation projects, and provide advice concerning transportation policy and its relation to Comprehensive Plan policies and goals.
2. Provide advice to the City Council and the City Planning Commission on revisions to the Comprehensive Plan.
3. Provide a list of investment priorities to inform the development of the Transportation Improvement Plan (TIP) and annual revisions thereof, and provide review and advice on this plan to the Department of Public Works and the City Council. This list shall be consistent with the Transportation Element of the Comprehensive Plan, and shall be transmitted to the Department of Public Works on a schedule consistent with their work plan to revise the TIP.
4. Upon request by the City Council, oversee the creation or review of detailed investment plans to advance city transportation goals as stated in the Comprehensive Plan, including but not limited to bicycle and pedestrian investment plans, and downtown or citywide circulation plans.
5. Provide advice to the Council on Concurrency Planning.
6. Provide information to the City Council and to the WTA to ensure that routes and schedules support City plans for infill and mode shift.
7. Develop parking policies for on and off-street facilities that support both business vitality and mode shift.
8. Advise the City on intercity transportation issues.

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9. Facilitate citizen and neighborhood involvement in transportation policy decision-making.
10. The Transportation Commission is authorized to work with City departments and any public development authorities established by the City, in order to assist in planning and development of mixed-use parking structures, and to ensure that the development of such facilities remains consistent with mode shift goals as stated in the Comprehensive Plan.

2.44.060—PARKING MANAGEMENT

- A. The following decisions shall be made by the Director of the Department of Public Works, or his/her designee, and sent to the City Council for approval. In addition, these decisions shall be reported in a timely fashion to the Transportation Commission, which, at its sole discretion, may choose to also provide a recommendation on the following to the City Council.
 1. On-street and City-owned off-street parking rates;
 2. Contracting decisions for City-owned off-street parking;
 3. Penalties for parking violations;
 4. Setting collection methods for on-street and City-owned off-street parking, such as whether to use meters, pay stations, or some other means of collecting parking rates, subject to requirements for internal controls over collection as established by the City;
 5. Establishing and administering Residential Parking Zones.

Section 2. The current City Council Resolution creating the Bicycle and Pedestrian Advisory Committee 2001-11 is hereby repealed as of December 31, 2009.

Section 3. The current Chapter subsections 2.02.050, 2.02.055, and 2.02.060, and 2.02.070 of the Bellingham Municipal Code creating the Parking Commission are hereby repealed.

Section 4. Subsections 2.02.005, 2.02.010, 2.02.020, 2.02.030, 2.02.040, and 2.02.080 of current Chapter 2.02 of the Bellingham Municipal Code are hereby repealed as of December 31, 2009.

Section 5. BMC Section 11.33.090 related to commercial vehicle mechanics permits is hereby amended as follows:

A. Any person, firm or corporation licensed and registered to perform plumbing, electrical, construction, refrigeration, repair, or similar trades within the city limits, requiring the use of a motor vehicle in connection with any work being performed by said person, firm, corporation,

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or any of their employees, may obtain a permit designated as a Mechanic's Vehicle Permit. The Mechanic's Vehicle Permit may be issued upon the approval of the Transportation Manager and upon the payment of the applicable annual fee as set by the Transportation Manager. A Mechanic's Vehicle Permit shall be renewed annually.

B. Application for a Mechanic's Vehicle Permit shall be made to the Transportation Manager on such forms as are prescribed. The applicant shall set forth the applicant's business and the necessity for such permit. The Transportation Manager shall investigate the facts as necessary. If it appears a necessity exists and the applicant has complied with the applicable rules and regulations, the Transportation Manager may authorize the issuance of such permit.

C. Any motor vehicle with a Mechanic's Vehicle Permit shall have a decal or lettering of a permanent nature identifying the person, firm, or corporation using said vehicle, prominently affixed to some portion of the exterior of said vehicle.

Section 6. BMC Section 11.33.175 related to taxicab stands is hereby amended as follows:

A. Taxicab stands in the Central Business District shall be designated by the Director of Department of Public Works, or his/her designee, subject to review by the City Council. Designated taxicab stands shall be appropriately signed. Taxicab stands may be located adjacent to fire hydrants only with the written authorization of the Fire Chief for each stand so located.

B. No operator of a taxicab shall permit the taxicab to remain unattended, at any time, at a taxicab stand. A taxicab shall be considered unattended if its operator is not located in or immediately adjacent to the taxicab.

C. No person shall stop, stand or park a taxicab at a taxicab stand which is adjacent, or within 15', of a fire hydrant without first obtaining a revocable permit from the Fire Chief. Such permits shall be issued to taxicab operators and owners which are licensed under the provisions of Chapter 6.54 of the Bellingham Municipal Code provided such operators and owners agree to abide by conditions established by the Fire Chief for the use of such taxicab stands.

D. Any vehicle left unattended at a taxicab stand which is adjacent to or within 15' of a fire hydrant may be immediately impounded at the owner's expense and in the manner provided by this title for unauthorized vehicles.

Section 7. BMC Section 13.56.010 related to commercial driveways in metered parking zones is hereby amended as follows:

As used in this chapter:

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A. Commercial driveway means any access way for vehicular traffic from a city street to a parcel of real property, provided that the term shall not include driveways serving parcels occupied exclusively by residences or governmental buildings.

B. Parking management zone means an area defined by geographical boundaries that include a portion or all of the Central Business District and some surrounding areas, as approved by the Mayor and City Council. This area is designated by a map entitled Exhibit A - Downtown Parking Area and is incorporated into this chapter.

C. Owner means the person holding record title to a parcel.

D. Parcel means any piece of real property in a single ownership.

Section 8. BMC Section 13.56.030 related to permit fees for commercial driveways in metered parking zones is hereby amended as follows:

For the use of commercial driveways in the parking management zone of the city, the Parking Systems Manager shall charge a permit fee as follows:

A. Each parcel shall be permitted one commercial driveway of not more than 20' in width without the payment of a fee if that driveway provides access to more than 10 parking spaces.

B. In the case of all commercial driveways other than those described in subsection 'A' above, the fee shall be set by the City Council.

Section 9. BMC Section 11.38.030 related to eligibility for residential parking permits is hereby amended as follows:

A. Eligibility. Permits may be issued only to persons who reside in a legal dwelling unit in the residential parking zone, who own and/or have legal control of a motor vehicle and only for those non-commercial motor vehicles not exceeding 10,000 pounds licensed gross vehicle weight which are owned by or under the legal control of the resident. Visitor's permits may be issued only to persons who reside in a dwelling unit in the residential parking zone.

B. Proof of Residence. Proof of residence shall be established by:

1. Display of a valid driver's license reflecting a current address in a legal dwelling unit in the residential parking zone, or

2. Display of a deed, lease, rental agreement or other document which, in the discretion of the Director of the Department of Public Works, establishes residency, and which shows

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residency in the residential parking zone.

C. Ownership of Motor Vehicle. Proof of ownership and/or legal control of a motor vehicle may be established by display of a valid vehicle registration in the applicant's name, or by display of a valid vehicle registration together with a lease agreement or other documentation which, in the discretion of the Director of the Department of Public Works, establishes that the applicant has legal use and control of the vehicle.

Section 10. BMC Section 11.38.035 related to eligibility of residents and nonresidents for residential parking permits is hereby amended as follows:

Permits may be issued to the owner or manager of occupancies within the residential parking zones other than dwelling units, including, but not limited to, boarding and rooming houses, churches, conditional uses, day care and day treatment centers, schools and nonconforming uses other than dwelling units; provided that no more than two residential parking permits and two annual visitor's permits per each dwelling unit equivalent shall be issued for use of each occupancy; and provided further that the Director of the Department of Public Works shall have the authority and unfettered discretion to allow substitution of additional residential permits in lieu of visitor's permits upon a demonstration by the applicant that an additional residential permit is needed by the occupancy for a vehicle belonging to a legal resident of the occupancy who has not already been assigned to a residential permit, that the vehicle cannot reasonably be accommodated on site and that substitution of the residential permit for a visitor's permit will not be unduly detrimental to the parking needs of the surrounding neighborhood. The owner or manager may distribute the permits to residents of the occupancy. Permits shall not be used except by residents and the owner and manager of the property, and, in the case of visitor's permits, by visitors of the occupancy. Both the permit applicant and the resident using a permit are responsible for its use. "Dwelling unit equivalent" for purposes of this section shall mean the number of dwelling units which would be permitted on the property under the zoning in effect at the time the permits are issued. Together with a permit application, the permit applicant shall present to the Director of the Department of Public Works a form signed by the Planning Director, or designee, which indicates, solely for the purposes of this ordinance, the number of dwelling unit equivalents for the occupancy for which permits are requested. The property located at 501-505 N. Garden Street, which is not located within the residential parking zone but is adjacent to it, shall be allowed up to a total of five residential parking permits for zone 1, to be issued to the owner or manager of the property. The entire condominium complex located at 415 N. State Street and 414 Boulevard shall be considered to be within the zone for purposes of obtaining residential and visitor parking permits.

Section 11. BMC section 11.38.040 related to application for residential parking permits is hereby amended as follows:

A. The Director of the Department of Public Works is authorized to issue residential parking permits to eligible residents who own or have legal control of a motor vehicle.

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B. Application shall be made on forms provided by the Director of the Department of Public Works which shall include:

1. The name, address and telephone number of the applicant;
2. Make, model, color, year and license plate number (and state) of the vehicle for which the permit is sought;
3. The number of vehicles owned by or under the control of the applicant;
4. Signature of the applicant and an acknowledgment that the applicant is familiar with the terms of this chapter.

C. Each application shall be accompanied by payment of a fee established by Council Resolution.

D. If the information required in paragraph B is unchanged, the permit may be renewed by mail.

Section 12. BMC 11.38.050 related to issuance of residential parking permits is hereby amended as follows:

Upon receipt of a completed application form and presentation of satisfactory proof of eligibility the Director of the Department of Public Works shall issue a residential parking permit for the vehicle described in the permit, provided that no more than a total of two permits may be issued to all persons in any one legal dwelling unit. Residents of any building containing more than two legal dwelling units shall be limited to one residential parking permit and one visitor parking permit per legal dwelling unit. Director of the Department of Public Works shall send copies of all permits to the Police Department promptly upon issuance.

Each permit shall contain the number of the residential parking zone for which it was issued and the serial number of the permit, together with such other information as may be determined by the Director of the Department of Public Works.

Section 13. BMC 11.38.070 related to visitors permits for residential parking zones is hereby amended as follows:

A. The Director of the Department of Public Works is authorized to issue visitor's permits. No more than two annual visitor permits may be issued per residential address. Visitor's permits may be issued to persons who establish proof of residence as provided in 11.38.030. An application for a visitor's permit shall be on forms provided by the Director of the Department

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of Public Works and shall, at a minimum, contain the name, address and telephone number of the applicant, an acknowledgment that the applicant is familiar with the terms of this Chapter, and a signature of the applicant. Visitor's permits shall be valid only for vehicles not exceeding 10,000 pounds gross vehicle weight.

B. The fee for an annual visitor's permit shall be established by Council Resolution.

C. Visitor's permits are for the temporary use of guests of the permit holder while visiting the permit holder and for use of a borrowed or rented vehicle by the resident. Any other use is prohibited.

D. Annual Visitor's permits expire on October 1 after the date of issuance, provided that permits issued in August or September of 1997, shall expire on October 1, 1998, and permits issued in September of a later year shall expire on October 1 of the following year.

E. Visitor's permits must be displayed in the vehicle in the location stated on the permit. They shall contain the number of the residential parking zone for which it was issued, a serial number of the permit and the expiration date of the permit.

F. Eligible residents may also be issued any number of temporary visitor's permits, which shall be valid for not more than six months after the date of issuance, which permits shall be subject to the same application procedure and terms of use (except for expiration date) as for other visitor's permits. The fee for a temporary visitor's permit shall be established by Council Resolution.

Section 14. BMC 11.38.080 relating to revocation of permits for residential parking permits is hereby amended as follows:

Permits and/or visitor's permits may be revoked by the Director of the Department of Public Works for any of the following reasons:

A. The permit holder has made any false, misleading or incomplete statement in the application.

B. Violation of any of the provisions of this chapter or ineligibility of the permit holder.

C. Termination of the residential parking zone. If the Director of the Department of Public Works finds that a residential permit or a visitor's permit should be revoked for any of the reasons set forth above, the Director of the Department of Public Works shall send a written notice to the permit holder, which notice shall contain the following information:

1. That the permit will be revoked not sooner than 10 days from the date of the letter.
2. That unless a written notice of appeal is filed with the Hearing Examiner not later than 10 days from the date of the letter, the permit will be deemed revoked.

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3. That if a written notice of appeal is filed within the required time, a hearing will be set.
4. The reasons for the revocation.

Section 15. BMC 11.38.090 related to appeals of decisions regarding Residential Parking permits is hereby amended as follows:

An applicant aggrieved by action of the Director of the Department of Public Works under this chapter may file a notice of appeal with the Hearing Examiner. The Hearing Examiner may affirm, reverse or modify the revocation decision, or order suspension for a specified period.

Section 16. BMC 11.33.230 regarding penalties for parking infractions and revenues is hereby amended as follows.

11.33.230 - PENALTIES FOR PARKING INFRACTIONS — PROCEDURE AND PENALTY ON FAILURE TO APPEAR—PARKING REVENUES AND EXPENDITURES

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 City's designated Parking Fund to be spent on parking related activities and for such other expenditures as Council may find appropriate; provided that the Parking Fund shall make monthly transfers to the General Fund in an amount sufficient to cover the City's cost of parking enforcement and collection. Revenue generated from disabled parking infractions shall be accounted for pursuant to state law, as currently adopted or hereafter amended. All other revenues received from parking related activities shall be paid to the Finance Director and credited to the Parking Fund. Any expenditures from the Parking Fund shall be made in accordance with the budget adopted by the City Council.

B. If the person committing a parking infraction fails to respond as directed on the citation within 15 days, the civil penalty shall increase 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 increase by an additional \$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.

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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.

PASSED by the Council this 10th day of August, 2009.



Council President


APPROVED by me this 20th day of August, 2009.



Mayor

ATTEST: 

for Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

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