

ORDINANCE NO. 2014-11-060

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON RELATING TO PARKING: INCREASING THE MAXIMUM ON-STREET PARKING TIME LIMIT TO SEVENTY-TWO HOURS; INCREASING PARKING INFRACTION PENALTIES; UPDATING AND CLARIFYING VARIOUS REGULATORY AND ADMINISTRATIVE PROVISIONS OF THE PARKING CODE; AND AMENDING CHAPTERS 11.18, 11.33, AND 11.36 OF THE BELLINGHAM MUNICIPAL CODE

WHEREAS, it is the policy of the City of Bellingham to encourage citizens to utilize alternative forms of transportation that replace single-occupancy vehicle trips, including walking, biking, sharing a ride, or riding the bus; and

WHEREAS, affording citizens greater flexibility in leaving their vehicles parked on public streets for more than twenty-four hours may encourage them to utilize alternative forms of transportation; and

WHEREAS, for the reasons stated, City Council desires to increase the maximum on-street parking time limit from twenty-four hours to seventy-two hours; and

WHEREAS, the current parking infraction penalties are less than the cost of issuing and processing the infractions; and

WHEREAS, City Council desires to increase the parking infraction penalties to provide enhanced cost recovery to the City and increased incentive for drivers to comply with City parking regulations; and

WHEREAS, City Council desires to further amend the Bellingham Municipal Code to delegate authority to the City's traffic engineer to prohibit or limit parking on City streets or City-owned or controlled property at all times or during such times as indicated by official signs; and

WHEREAS, City Council desires to amend Chapters 11.18, 11.33 and 11.36 of the Bellingham Municipal Code to improve the clarity, efficacy and efficiency of the City's parking regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. Section 11.33.060 of the Bellingham Municipal Code is amended as follows:

11.33.060 - Stopping, standing or parking prohibited in specified places - Reserving portion of highway prohibited.

A. Except when necessary to avoid conflict with other traffic or in compliance with

law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle:

1.- 24. [UNCHANGED]

25. In one place upon the city street for a consecutive period in excess of the maximum time limit designated on an official posted sign controlling such parking space; or, for parking spaces not controlled by an official posted sign, for a consecutive period of time in excess of seventy-two hours; For a consecutive period of longer than 24 hours in one place upon the city street;

26.-39. [UNCHANGED]

B. Parking or standing shall be permitted in the manner provided by law at all other places except a time limit or other parking restriction may be imposed ~~or parking restrictions~~ at other places by the City's traffic engineer under the supervision of the public works director ~~but such limitation and restriction shall be by city ordinance or county resolution or order of the State Highway Commission upon highways under the respective jurisdictions.~~ Official signs, including temporary signs, that establish time-limited parking or prohibit parking at certain times or entirely shall be enforceable according to their terms twenty-four hours after posting, including in areas where parking is otherwise permitted up to seventy-two hours.

C.-E. [Unchanged.]

Section 2. Section 11.33.110 of the Bellingham Municipal Code is amended as follows:

11.33.110 - Parking in public off-street parking facility.

A. It shall be considered a violation of the provisions herein regarding parking, standing, or stopping for a motor vehicle to park in ~~leave~~ a public off-street parking facility without the required fee for the use of said facility having first been paid; provided that this provision shall not apply to the act of parking or the necessary time which is required to deposit the required fee immediately thereafter and thereafter for the motor vehicle to be housed in a public off-street parking facility while such fee remains unpaid.

B.-C. [UNCHANGED]

Section 3. Section 11.33.190 of the Bellingham Municipal Code is amended as follows:

11.33.190 - Parking meter hoods.

The parking services manager is authorized to issue a permit for parking meter hoods upon payment of the fee as set forth herein and upon the following conditions:

A.-F. [UNCHANGED]

G. ~~The permittee shall also pay a deposit in an amount prescribed by the parking services manager at the time of issuance of the hood, which shall remain the property of the city of Bellingham. In case~~ If a hood or other property issued with the hood becomes lost or destroyed or so defaced that it is no longer usable, the parking services manager shall determine, and the permittee shall pay, the replacement cost of the lost or damaged item, forfeit such deposit or a portion thereof.

Section 4. Section 11.33.200 of the Bellingham Municipal Code is amended as follows:

11.33.200 - Presumption in reference to illegal parking.

A. In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner or such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. The foregoing stated presumption shall apply only when the procedure as prescribed in RCW ~~46.63.03046.90.720~~ and BMC 11.33.220 has been followed.

Section 5. Section 11.33.220 of the Bellingham Municipal Code is amended as follows:

11.33.220 - Parking violations civil infractions - Procedure.

Violations of Chapters 11.33 and 11.36 BMC are civil infractions, and shall be processed in accordance with the following procedure:

A. [UNCHANGED]

B. Any person cited for an infraction under Chapters 11.33 and 11.36 BMC may pay the prescribed penalty within 15 days:

1. Directly to the municipal court;
2. At any collection box or other authorized point marked as such; ~~or~~
3. By deposit in the U.S. mail; or
4. On-line.

C.-E. [UNCHANGED]

Section 6. Section 11.33.230 of the Bellingham Municipal Code is 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 \$10.00; for disabled parking infractions shall be, \$250.00; and for all other parking infractions, \$20.00.~~ In addition to any civil penalty imposed under this subsection for disabled parking infractions, \$200.00 shall be assessed, which assessment shall be allocated as provided by RCW 46.19.050. Any reduction in any penalty and assessment imposed under this subsection shall be applied proportionally between the penalty and the assessment.

B. The civil penalty for parking meter and overtime infractions shall be \$15.00. All other parking infractions, except as otherwise provide herein, shall be \$30.00. The maximum penalty amounts established under this subsection shall not exceed the penalty limits set forth in any applicable state law or court rules.

C. 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.

DB. 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 \$25.00.~~\$10.00.~~ The municipal court shall send said person notification of the increased penalty, advising that failure to respond before the thirtieth day will result in an additional civil penalty of \$25.00. If the person fails to respond to the notice of parking infraction before the thirtieth day, the civil penalty shall increase by an additional \$25.00. 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 five or more parking infractions shall be punishable by a fine not to exceed \$25.00 per parking infraction.~~


Section 7. Section 11.36.030 of the Bellingham Municipal Code is amended as follows:

11.36.030 - Parking meters - Pay Stations - ~~Deposit of coins~~ Payment and time limits (WAC 308-330-610)

A. No person shall park a vehicle in any parking ~~meter-space~~ controlled by a parking meter or pay station beyond the amount of time purchased for that space or beyond the maximum time limit designated on the parking meter or pay station controlling such parking space; provided this prohibition does not apply during times when parking is not regulated as indicated on the parking meter, pay station, or official sign controlling such parking space, alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the approximate denomination as indicated on the parking meter or a city-issued token shall have been deposited therein for unexpired intervals of time, and said meter has been placed in operation.

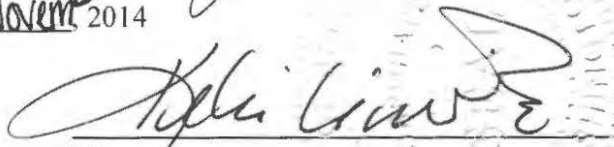
B.-D. [UNCHANGED]

PASSED by the Council this 10th day of November, 2014.




Council President *Pro TEM*

APPROVED by me this 17th day of November, 2014



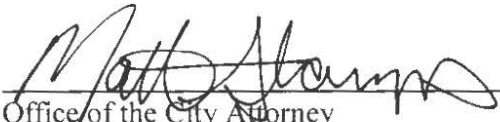
Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

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