

ORDINANCE NO. 2023-02-003

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, REGARDING PARKING ENFORCEMENT; AMENDING TITLES 2 AND 11 OF THE BELLINGHAM MUNICIPAL CODE

WHEREAS, City enforcement of parking regulations is necessary to ensure the safe and equitable use of public rights of way; and

WHEREAS, the Public Works Department has responsibility, with support from the Finance and Information Technology departments and the Bellingham Municipal court, for budgeting, management and operation of on-street parking and off-street parking lots and structures in the city including the collection of coins from parking meters and electronic payment options and the support for the technology and software used to issue and track parking citations; and

WHEREAS, the Public Works Department has responsibility for traffic management, regulatory signage, markings, striping, lighting and signal operations, use of public rights of way, including all parking meters, pay stations and electronic payment methods; and

WHEREAS, historically the Bellingham Police Department has been responsible for enforcement of the City's parking regulations; and

WHEREAS, parking violations are classified as civil (non-criminal) infractions; and

WHEREAS, the City desires to shift primary responsibility for the enforcement of civil parking infractions to the Public Works Department, with the Bellingham Police Department retaining concurrent authority; and

WHEREAS, revisions to the Bellingham Municipal Code are necessary to grant the Public Works director authority to issue limited commissions to Public Works employees to enforce parking regulations within the City of Bellingham.

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

SECTION 1: **Bellingham Municipal Code Section 2.27.010** is hereby amended as follows:

There is created an administrative department of the city known as the public works department, which shall be under the supervision of the director of public works who shall have the responsibilities and duties of the maintenance and operation of the plants, streets, and services to the city, including, but not limited to:

A. – H. [UNCHANGED]

I. The establishment of, and supervision over, parking enforcement officers within the public works department, authorized to enforce the City's non-criminal parking regulations in Title 11 of the Bellingham Municipal Code, including the issuance of citations for civil infractions established therein and the impoundment of vehicles authorized under BMC 11.18.020. Said officers shall be considered "citing officers" as defined in IRLJ 1.2(j).

SECTION 2: A new Chapter 11.17 – Parking Enforcement - is added to Title 11 of the Bellingham Municipal Code as follows:

11.17 PARKING ENFORCEMENT

11.17.010 Authority

A. Parking enforcement officers established within the public works department pursuant to BMC 2.27.010 are authorized to enforce the non-criminal parking regulations contained in Title 11 of the Bellingham Municipal Code, including the issuance of citations for civil infractions established therein and the impoundment of vehicles authorized under BMC 11.18.020.

B. Nothing herein shall be construed to limit the general authority of Bellingham police officers to enforce the laws of the city, including parking regulations.

SECTION 3: Bellingham Municipal Code Section 11.18.020, regarding impounds, is hereby amended as follows:

11.18.020 Impounds authorized in addition to RCW 46.55.113.

In addition to the impound situations that are authorized pursuant to RCW 46.55.113, a Bellingham police officer or parking enforcement officer established in BMC 2.27.010 ~~or any person authorized in writing by the chief of police to enforce city parking ordinances~~ may take custody of a vehicle and provide for its prompt removal to a place of safety under the following circumstances:

A. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or

B. When the vehicle is illegally occupying a truck, commercial load zone, bus, loading, taxi, or other similar zone where, by order of the director of engineering or chiefs of police or fire, parking is limited to designated classes of vehicles or is prohibited during certain hours on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or

C. When a vehicle is parked in a public right-of-way or on publicly owned or controlled property in violation of any law, ordinance, or regulation and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least 45 days from the date of the filing of the notice of infraction.

SECTION 4: Bellingham Municipal Code Section 11.36.010, regarding parking meters, is hereby amended as follows:

11.36.010 Management and enforcement of parking meters.

Parking meters shall be managed and enforced by the public works department ~~and enforced by the police department~~ within the parking management zones established under Chapter 11.33 BMC.


SECTION 5: Bellingham Municipal Code Sections 11.33.210, regarding parking, standing and stopping, is hereby repealed as follows:

~~Designated employees other than police officers may be deputized to issue citations for violations of parking regulations and those persons designated as meter persons or meter officers shall be considered employees of the police department.~~

SECTION 6 – SEVERABILITY:

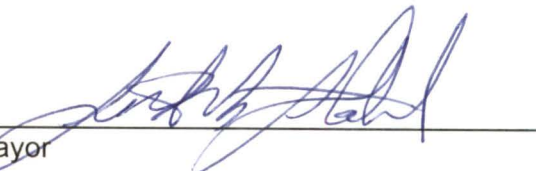
If any sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, phrase, or word of this ordinance.

PASSED by the Council this 13th day of February, 2023.




Council President

APPROVED by me this 28th day of Feb., 2023




Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

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