

ORDINANCE O-4366

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DOWNTOWN EMPLOYEE PARKING FINES AND AMENDING CHAPTER 12.45 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 12.45.010 of the Kirkland Municipal Code is amended to read as follows:

12.45.010 Definitions.

For the purpose of this chapter:

(1) "Central Business District" means the combination of areas which the city of Kirkland Zoning Code designates as CBD-1A, CBD-1B, CBD-2, CBD-3 or CBD-8.

(2) "Central Business District Employee" means: (a) a person who is engaged for wages, credit or other consideration, or as a volunteer, for a business or nonprofit entity within the Central Business District, including temporary workers, contractors, and consultants; or (b) an employer of persons who work at a location within the Central Business District; or (c) a principal/owner of a business premises within the Central Business District.

(3) "Employee-restricted parking areas" shall mean all parking spaces within the Lake and Central parking lot or the Marina Park parking lot that are not municipal permit parking spaces and any stall not marked "permit parking" in the parking garage located at the corner of Kirkland Avenue and Third Street.

~~(1-4)~~ "Municipal permit or garage parking" is parking or standing of motor vehicles on property owned, leased or operated by the city requiring the obtaining of permits, depositing of ~~currency in a coin box~~ money or use of a credit or other payment card, or compliance with pavement designations for the privilege to park at that location and is subject to restrictions as enacted by the city.

~~(2-5)~~ "Operator" means every person who is in actual physical control of a vehicle as herein defined, upon a public street or highway of the city.

~~(3-6)~~ "Overnight parking" means the parking of a vehicle in one spot continuously for a period exceeding six hours at any time during the hours from ten p.m. of the day designated to eight a.m. of the following day.

~~(4-7)~~ "Parking payment device" means any device used to aid in management and control of the parking of vehicles on city streets or other rights-of-way, including pay stations.

~~(5-8)~~ "Parking pay station" means any electronic device placed or erected adjacent to a parking space which, after deposit of money or use of a credit or other payment card, dispenses a proof of payment receipt to be displayed on the vehicle.

(9) "Performing his or her duties" means being present at a place of the person's employment anytime between the hours of nine a.m. and nine p.m.

(6-10) "Person" means every natural person, firm, partnership, corporation, association or organization.

(7-11) "Street" or "public street" includes all public ways, streets, highways and off-street parking facilities owned or maintained by the city.

(8-12) To Park (or Stand) a Vehicle. There is a prima facie presumption that the registered owner of a violator vehicle was the person who parked such vehicle.

(9-13) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person, or property, shall or may be transported or drawn upon any public highway excepting devices moved by human power.

Section 2. Section 12.45.260 of the Kirkland Municipal Code is hereby deleted.

Section 3. Section 12.45.250 of the Kirkland Municipal Code is amended to read as follows:

12.45.250 Downtown employee parking prohibited.

(a) It is a civil infraction for an Central Business District ~~Employee~~ to park a vehicle within the hereinafter ~~defined area employee - restricted parking areas, described in subsection (d) of this section, while such person is performing his or her duties as defined herein.~~ ~~where employee parking is prohibited from the hours of eleven a.m. to five a.m. the following day, except as authorized by the city manager or designee pursuant to written policies which shall be consistently applied.~~

(1) ~~Subject to the foregoing authority of the city manager or designee and subject to the prohibition of subsection (d) of this section, employees may request a permit which allows them to park within the hereinafter defined prohibited parking area on their days off, which permit must match the license plate of the vehicle on which it is displayed and be visibly displayed in a window of the vehicle but shall only be used on such days off.~~

(2) ~~In addition to any other fines incurred under this section, displaying this permit while the employee is at their place of employment or is at the premises within the central business district as to which they are an employer or an owner, whether the employee is working or not, will result in the imposition of a one hundred dollar fine; second and all subsequent violations within a consecutive twelve-month period will result in the imposition of a two hundred dollar fine.~~

(b) The provisions of this Section shall be effective from the hours of nine a.m. to nine p.m., except Sundays and holidays. For purposes of this section and Section 12.45.260, "central business district" means the combination of areas which the city of Kirkland Zoning Code designates as CBD-1, CBD-2, CBD-3 or CBD-8.

~~(c) For purposes of this section and Section 12.45.260, "employee" includes being: (1) engaged for wages, credit or other consideration, or as a volunteer, for a business or nonprofit entity within the central business district; or (2) an employer of persons who work at a location within the central business district; or (3) an owner of a business premises within the central business district.~~

~~(dc) The prohibition of this s-Section shall apply whenever the Central Business District e-Employee, is at their place of employment within the e-Central b-Business d-District anytime between the hours of elevennine a.m. and five a.m.nine p.m. the following day.~~

~~(ed) The Employee-restricted parking areas where Central Business District e-Employee parking is prohibited includes- any portion of the following:~~

~~(1) Lake and Central Street-parking lot;~~

~~(2) Marina Park parking lot; or~~

~~(3) Any stall not marked "permit parking" in the parking garage located at the corner of Kirkland Avenue and Third Street, Central Way from its western end (the 10 block) easterly to its intersection with Third Street;~~

~~(4) Lake Street from its northern end southerly to its intersection with Fifth Avenue South;~~

~~(5) Kirkland Avenue from its western end (the 10 block) easterly through its 400 block to the point where Kirkland Way branches off from Kirkland Avenue;~~

~~(6) Main Street in its entirety;~~

~~(7) Park Lane in its entirety;~~

~~(8) First Street between Central Way and Fourth Avenue;~~

~~(9) Third Street between Central Way and Kirkland Avenue;~~

~~(10) State Street between Kirkland Avenue and Second Avenue South and any other portion of State Street where parking is restricted to either two hours or four hours;~~

~~(11) Second Avenue South, from Lake Street to Second Street South;~~

~~(12) Lake Avenue West in its entirety;~~

~~(13) CBD 1 and CBD 2. Employee parking is prohibited along all public alleys, streets, or other public parking spaces within the area which the city of Kirkland Zoning Code designates as CBD 1 or CBD 2;~~

~~(14) The upper level of the parking garage located at the corner of Kirkland Avenue and Third Street.~~

~~(fe) For imposition of the penalties provided in this section, there is a prima facie presumption that the registered owner of the violator vehicle at the time of the violation was the person who parked such vehicle. In addition, there is also a prima facie presumption that the employee who has been reported to the city as having control of a certain vehicle is the person who parked such vehicle in violation of this section.~~

~~(gf) For any violation of this section, the following penalties shall be imposed:~~

(1) First violation within any twelve consecutive months: ~~thirty-five dollars~~ warning;

(2) Second violation within any twelve consecutive months: ~~fifty thirty-five~~ dollars;

(3) Third violation within any twelve consecutive months: ~~seventy-five~~ fifty dollars;

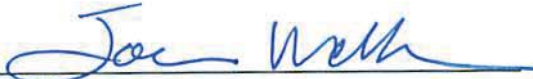
(4) Fourth violation and each succeeding violation within any twelve consecutive months: ~~one-hundred-twenty-five~~ seventy-five dollars.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of August, 2012.


Signed in authentication thereof this 7th day of August, 2012.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4366

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DOWNTOWN EMPLOYEE PARKING FINES AND AMENDING CHAPTER 12.45 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code (KMC) Section 12.45.020 relating to downtown employee parking definitions.

SECTION 2. Deletes KMC Section 12.45.260.

SECTION 3. Amends KMC Section 12.45.250 relating to where downtown employee parking is prohibited.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 7th day of August, 2012.

I certify that the foregoing is a summary of Ordinance O-4366 approved by the Kirkland City Council for summary publication.



City Clerk