

ORDINANCE 3377

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
PARKING VIOLATIONS AND OVERTIME PARKING.

Be it ordained by the City Council of the
City of Kirkland as follows:

Section 1. KMC Section 12.44.085 is hereby
amended by the repeal of subparagraph 12.44.085
(a) and the creation of a new subparagraph
12.44.085(a) to read as follows:

12.44.085(a) For any violation of
Sections 12.44.060, 12.44.070, or 12.44.080
the following penalties shall be imposed:

- (1) First violation within any sixty
consecutive calendar days -- \$10.00;
- (2) Second violation and each
succeeding violation within any sixty
consecutive calendar days -- \$25.00.

Section 2. KMC Section 12.44.070 is hereby
repealed and there is hereby created a new
section 12.44.070 to read as follows:

12.44.070 Overtime Parking-Violations.

No person shall park a vehicle or
permit a vehicle under his or her control
to be or remain parked on the streets in
violation of parking zone restrictions or
the provisions of Sections 12.44.060
through 12.44.100. For imposition of the
penalties provided in Section 12.44.085,
there shall be 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.

Section 3. There is hereby created a new
section 12.44.095 to read as follows:

12.44.095 Erasing Chalk Marks.

(a) It is a traffic infraction,
with a monetary penalty of one hundred
dollars, for any person to park a vehicle
or permit a vehicle to remain parked on the
streets knowing that time marks had been
erased from such vehicle within the
preceding ten hours. A registered owner
and/or last operator of a vehicle shall be
presumed to know when and whether time
marks had been erased from such vehicle.

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(b) For the purposes of this section, the phrase "time marks had been erased" shall mean that a City of Kirkland officer, agent, or employee had placed chalk marks or other reference indicators of the time at which a vehicle was parked, on the tires or other portion of a vehicle and, because of their meaning in parking enforcement, such marks were erased, removed, or obscured, or an attempt was made to erase, remove, or obscure them. There shall be a prima facie presumption that time marks which are missing were erased because of their meaning in parking enforcement.

Section 4. There is hereby created a new section 12.04.040 to read as follows:

12.04.040 Responsibility for vehicle.

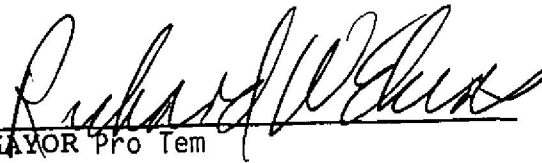
In any traffic infraction case under this Chapter, a showing that the particular vehicle described in the Notice of Traffic Infraction was in violation of a provision of this Chapter relating to stopping, standing or parking of a vehicle, together with a showing of registered ownership of the vehicle at the time of the violation, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

Section 5. Severability. 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 6. This ordinance shall be in force and effect September 1, 1993, provided that is at least five days after its passage and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of July, 1993.


Signed in authentication thereof this 20th day of July, 1993.


MAYOR Pro Tem

Attest:


City Clerk

Approved as to Form:


City Attorney

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