

ORDINANCE 3416

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO  
MUNICIPAL PERMIT AND GARAGE PARKING

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

Section 1. Section 12.04.050 of the Kirkland Municipal Code entitled "Parking meter revenue," is hereby amended to read as follows:

**12.04.050 Parking meter and municipal permit and garage parking revenue.**

The fee required to be paid for municipal garage parking and the coins required to be deposited in parking meters as provided in Chapter 12.44 are levied and assessed as fees to cover the costs of installations, inspections, supervision, regulation and maintenance involved in the control of traffic and parking upon the streets and municipal property and the duly authorized agents of the Director of Administration and Finance shall, from time to time, collect, and deposit the same in the a special fund for parking revenue, as directed by the Director of Administration and Finance.

Section 2. Section 12.44.050 of the Kirkland Municipal Code entitled "Restricted parking zones - Definitions," is hereby amended to read as follows:

**12.44.050 Restricted parking zones — Definitions.**

For the purpose of Sections 12.44.060 through 12.44.100:

(1) "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, or compliance with pavement designations for the privilege to park at that location and is subject to restrictions as enacted by the City;

(1)(2) "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;

(2)(3) "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;

(3)(4) "Parking meter" means a coin-operated timing device placed or erected adjacent to a parking space which,

after deposit of specified coinage and activation of the timer, where required, measures the period of time that occupancy of such parking space is allowed;

(4)(5) "Person" means every natural person, firm, copartnership, corporation, association or organization;

(5)(6) "Service parking meter hood" means a device to cover a parking meter while the parking space is being utilized for service parking.

(6)(7) "Street" or "public street" includes all public ways, streets, highways and off-street parking facilities owned or maintained by the City;

(7)(8) "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 3. Section 12.44.060 of the Kirkland Municipal Code, entitled "Parking Restrictions — Violations", is hereby amended as follows:

#### 12.44.060 Parking Restrictions -- Violations

The chief of police and the traffic engineer, by and with the consent of the city council, may from time to time designate portions of streets of the City and property of the City as restricted parking zones, municipal permit or garage parking, and/or parking meter spaces. It is unlawful for any person to park or stand a vehicle or vehicles on those streets within the zones in violation of the provisions of this section and Sections 12.44.070 through 12.44.100 or to park a vehicle in any parking meter space longer than that limited period of time for which parking is lawfully permitted in the parking meter space as indicated in the legend on the parking meter irrespective of the number or amounts of the coins deposited in such meter or to park a vehicle in any municipal garage space or space requiring a municipal permit in violation of the conditions under which parking is lawfully permitted in such space.

Section 4. Section 12.44.070 of the Kirkland Municipal code, entitled "Overtime parking -- Violations," is hereby amended as follows:

#### 12.44.070 Overtime parking--Violations

(a) 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 12.44.070 through 12.44.100.

(b) No person shall stop, stand, or park, or permit a vehicle within his control to be parked in any space upon a street alongside of and next to a parking

meter in any of the following circumstances provided that this subsection shall not apply to the act of parking or the time necessary to activate the timer on the parking meter:

(1) Unless a coin or coins of United States Currency of the appropriate denomination or City of Kirkland parking meter token, as indicated in the legend on the meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and the meter has been placed in operation; or

(2) While the parking meter for such space displays the words "Violation," or "Expired," or

(3) For a consecutive period of time longer than that limited period of time for which parking is lawfully permitted as indicated on the legend on the parking meter, irrespective of the number or amounts of the coins deposited in such meter.

(c) No person shall park a vehicle or permit a vehicle under his or her control to be parked in a designated municipal permit or garage parking space:

(1) Unless a parking permit is displayed in a conspicuous place able to be seen from outside the vehicle allowing for such parking; or

(2) Unless the required amount of currency has been deposited in the coin-box as provided for such parking; or

(3) Where signs or pavement marking prohibit or restrict parking; or

(4) For a consecutive period of time longer than that limited period of time for which parking is lawfully permitted as indicated on the parking permit, coin-box, or signs or pavement markings, irrespective of the currency deposited in the coin-box.

(d) (e) 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 5. There is hereby created a new section to be known as Sections 12.44.098 and to read as follows:

12.44.098 Illegal Use - Parking Permits

It is a traffic infraction, with a monetary penalty of one hundred dollars to display upon any vehicle a parking permit at a time or place in a manner not consistent

with the terms of such permit, and in addition to any other penalty prescribed by the provisions of this Chapter, such unlawful display shall be sufficient cause for revocation of such permit.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

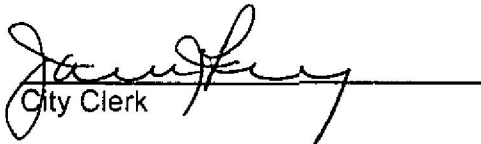
Section 7. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 of the Kirkland Municipal Code in summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of June, 1994.


Signed in authentication thereof this 21st day of June, 1994.

  
MAYOR pro tem

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

6city94\parkperm\jtg:lg

SUMMARY OF ORDINANCE NO. 3416

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO  
MUNICIPAL PERMIT AND GARAGE PARKING

SECTION 1. Amends a subsection 12.04.050

SECTION 2. Amends subsection 12.44.050 by adding a new definition.

SECTION 3. Amends subsection 12.44.060

SECTION 4. Amends subsection 12.44.070

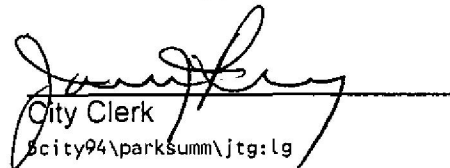
SECTION 5. Adds a new subsection 12.44.098 which defines illegal use of parking permit as a traffic infraction with a monetary penalty.

SECTION 6. Contains a savings clause.

SECTION 7. 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 regular meeting on the 21st day of June, 1994.

I certify that the foregoing is a summary of Ordinance 3416 approved by the Kirkland City Council for summary publication.

  
City Clerk  
city94\parksumm\jtg:lg