

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STOPPING, STANDING AND PARKING OF VEHICLES; ADDING A NEW CHAPTER 12.45 TO THE KIRKLAND MUNICIPAL CODE; AND REPEALING CHAPTER 12.44.

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

Section 1. A new Chapter 12.45 is added to the Kirkland Municipal Code to read as follows:

12.45
PARKING ORDINANCE

PART I. GENERAL PROVISIONS

12.45.010 Definitions.

For the purpose of this chapter:

(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;

(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;

(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;

(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;

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

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

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

(8) "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) "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.

12.45.020 Parking restrictions -- Designation.

The chief of police or delegate, the director of public works or delegate, or the traffic engineer, may from time to time designate portions of streets of the city and property of the city as prohibited parking areas, restricted parking zones, municipal permit or garage parking, and/or parking meter spaces. Such designation shall be shown by signage or other appropriate indicators. The same procedure may be followed in altering or abandoning a designation relating to parking.

12.45.030 Penalty schedule.

The court of competent jurisdiction for the city shall establish a schedule for monetary penalties for violations of this Chapter which are traffic infractions. The schedule shall incorporate any penalty amount which has been specified in this Chapter. If no other penalty amount for a traffic infraction under this Chapter is specified on the penalty schedule or in this Chapter, then the amount of the penalty shall be \$25.

12.45.040 Failure to respond -- Unlawful.

It is unlawful for a person who has been issued a traffic infraction relating to parking, standing, stopping, or pedestrian infractions, defined by city ordinance, to fail to respond in the manner directed on the notice of infraction. Unless otherwise specified by state law or city ordinance, the penalty for such failure to respond shall be twenty-five dollars. This penalty is in addition to penalties imposed for the underlying infraction.

PART II. MISCELLANEOUS RULES

12.45.110 Illegal use -- Parking meters.

It is a traffic infraction for any person to deposit or cause to be deposited in any parking meter, any slug, button, or any other device or substance as substitution for coins of the United States or City of Kirkland parking tokens.

12.45.120 Illegal use -- Parking permits.

It is a traffic infraction 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.

12.45.130 Meter -- Hooded.

It is a traffic infraction for any person, without proper authority, to stop, stand or park a vehicle where the parking meter is covered by a service parking meter hood.

12.45.140 Erasing chalk marks.

(a) It is a traffic infraction 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.

(b) For the purpose of this section, the phrase "time marks had been erased" means that a city 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.

12.45.150 Parking places reserved for physically disabled persons.

Except as otherwise provided in this section, it is a traffic infraction for any person to park a vehicle in a parking place provided on private property, in a roadway, way open to the public or public right-of-way or on public property reserved for physically disabled persons. Such parking space shall be indicated by a pavement marking or vertical sign including the international symbol of access as portrayed in RCW 70.92.120. RCW Chapter 46.16 provides for state issuance of special license plates or placards for vehicles used to transport disabled persons. A person may park a vehicle which is displaying the special plate or card in such reserved parking space for purposes of transporting a physically disabled person.

Nothing in this section limits the right of the city to pursue other lawful criminal, civil or equitable remedies to abate or correct violations relating to parking places reserved for physically disabled persons. Furthermore, a vehicle which is in violation of this section for the second time within one week after an interval of at least four hours may be impounded according to the procedure set forth in Section 12.40.020.

12.45.160 No parking for certain purposes.

It is a traffic infraction to park a vehicle upon any roadway, public right-of-way, publicly owned and operated parking facility, or other public property for the principal purpose of:

- (1) Displaying such vehicle for sale or for advertising services for vehicles;
- (2) Greasing, or repairing such vehicle except repairs necessitated by an emergency;
- (3) Displaying advertising, without a city permit;
- (4) Displaying or selling merchandise from such vehicle, without a city permit.

In addition to other remedies which the city may pursue, a motor vehicle which is in violation of this section for the second time within one week, after an interval of at least four hours, may be impounded according to the procedure set forth in Section 12.40.020.

PART III. PROHIBITED PARKING

12.45.200 Parking in alleys.

It is a traffic infraction to park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and to stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Any motor vehicle parked or standing in violation of this section may be impounded immediately in the manner provided for in Section 12.40.020.

12.45.210 Parking and storage of trailers, truck tractors and large vehicles prohibited.

(a) It is a traffic infraction for any person to park or store a trailer upon any street, highway, off-street public parking facility, or way open to the public within the city, except as provided in this subsection.

(1) For the purpose of this subsection, the word "trailer" includes boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or conveyance designed to be connected to or drawn by a motor vehicle or dray animal;

(2) The traffic engineer is authorized to designate by proper signs off-street parking facilities adjacent to public parks, recreational areas, and boat launching sites where recreational trailers may be parked.

(b) It is a traffic infraction for any person to park or store a truck tractor or a vehicle of twenty-five thousand pounds gross weight or more upon any street, highway, off-street public parking facility, or way open to the public except as provided in this subsection.

(1) For the purpose of this subsection, the words "truck tractor" include any vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(2) The planning director is authorized to designate areas which do not include or abut residential uses where vehicles regulated by this subsection may be parked or stored.

A map indicating any such designated areas will be kept on file with the police department and will be available for public inspection.

(c) A vehicle, trailer, or truck tractor which is in violation of this section may be impounded, according to the procedure set forth in Section 12.40.020, if the impoundment occurs at least twenty-four hours after tagging with notification of intent to impound for violation of this section.

12.45.220 Parking prohibited on certain streets at certain times.

It is a traffic infraction to park or stand a motor vehicle in violation of the following parking prohibitions:

Prohibited Parking Areas.

(a) No Parking At Any Time (in effect at all times):

- (1) East side of Lake Street between Central Way and Kirkland Avenue;
- (2) East side of Lake Street South between Kirkland Avenue and a point 125 feet south of the centerline of Kirkland Avenue (the alley south of Kirkland Avenue);
- (3) South side of Central Way between Lake Street and Sixth Street;
- (4) South side of Northeast 85th Street between Sixth Street and 120th Avenue Northeast;
- (5) North side of Northeast 85th Street between 122nd Avenue Northeast and Sixth Street;
- (6) North side of Third Avenue between First Street and Second Street.

(b) No parking between the hours of 4 p.m. to 6 p.m. (except on Saturdays, Sundays and legal holidays):

- (1) West side of Lake Street between Commercial Avenue and Kirkland Avenue;
- (2) East side of Lake Street between a point 125 feet south of the centerline of Kirkland Avenue (alley south of Kirkland Avenue) and a point 100 feet south of Second Avenue.

(c) On streets or in a designated municipal permit or garage parking area where signs or pavement marking prohibit parking or standing.

(d) In a no parking area designated per Section 12.45.020.

Furthermore, a motor vehicle left standing or parked in violation of this section constitutes an immediate safety hazard to the users of the public right-of-way and the general public. Such vehicle may be impounded and removed from the area under the supervision and authority of any city police officer.

12.45.230 Restricted parking.

It is a traffic infraction to park or stand a motor vehicle in a street zone where a sign or pavement markings restrict parking, in violation of the applicable restrictions, which include the following:

May be referred to as
"Zone Number":

	<u>Restriction</u>
Zone 8	No parking - 7 a.m. to 9 a.m. (except on Saturdays, Sundays and legal holidays)
Zone 10	No overnight parking
Zone 11	No overnight parking on Sunday, Tuesday or Thursday
Zone 12	No overnight parking on Monday, Wednesday or Friday
Zone 13	Loading zone only - No parking allowed between the hours of 9 a.m. and 6 p.m., except that bona fide delivery vehicles may be allowed to stand in this zone for such time as may be reasonably necessary for the making of delivery or pickup of goods at a destination within eighty feet of that portion of the street occupied by the delivery vehicle
Zone 14	No parking permitted except that vehicles with boat trailer attached may stand for a period not to exceed twenty minutes for the purpose of rigging and securing boat to trailer
Zone 15	No parking - 8:00 a.m. to 2:00 p.m., (except on Saturdays, Sundays and legal holidays)
Zone 17	No parking - 10:00 p.m. to 6:00 a.m.
Zone 18	No parking - 8:00 a.m. to 2:00 p.m., on school days, except by Zone 18 permit, on both sides of the specified portion of the following streets: 111th Avenue NE between NE 128th Street and NE 132nd Street; NE 131st Street between 110th Avenue NE and 111th Avenue NE; 110th Avenue NE between NE 128th Street and NE 131st Street; NE 128th Street between 110th Avenue NE and 112th Place NE; and NE 128th Street west of 110th Avenue NE to a line which is the southerly extension of the western boundary of the power line easement which lies west of and parallel to 110th Avenue NE.

In addition to the other remedies which the city may pursue, a motor vehicle which is in violation of this section for the second time within one week after an interval of at least four hours may be impounded according to the procedure set forth in Section 12.40.020.

12.45.240 Off-street parking areas.

It is a traffic infraction to park or stand a motor vehicle as follows:

- (a) In a portion of a designated municipal garage or off-street parking area which is not marked as a parking space;
- (b) In a parking space in a municipal garage or off-street parking area which requires a permit unless a parking permit allowing for such parking is displayed in a conspicuous place able to be seen from outside the vehicle.

In addition to other remedies which the city may pursue, a motor vehicle which is in violation of this section for the second time within one week, after an interval of at least four hours, may be impounded according to the procedure set forth in Section 12.40.020.

Part IV. OVERTIME PARKING

12.45.300 Time restrictions.

It is a traffic infraction called "overtime parking", for a person to park a vehicle or permit a vehicle under his or her control to be or remain parked on the street (including all public ways and off-street parking facilities owned or maintained by the City) in violation of the following:

(a) Parking time restrictions including zones in which parking is restricted to: 30 minutes; 1 hour; 2 hours; 3 hours; 4 hours; or 6 hours.

(b) In any space upon a street alongside of or next to a parking meter in any of the following circumstances; provided, this subsection shall not apply to the act of parking or time necessary to activate the time 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 spaces 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 of amounts of the coins deposited in such meter.

(c) In any municipal off-street parking facility space where payment into a coin-box is required:

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

(2) For a consecutive period of time longer than that limited period of time for which parking is lawfully permitted as in such space, irrespective of the currency deposited in the coin-box.

12.45.310 Prohibitions apply.

The provisions of "Part IV - Overtime Parking" of this Chapter shall not relieve any person from the duty to observe other provisions of this Code regulating the stopping or parking of vehicles.

12.45.320 Overtime parking penalties.

(a) For any violation of Section 12.45.300 the following penalties shall be imposed:

- (1) First violation within any sixty consecutive calendar days—ten dollars;
- (2) Second violation within any sixty consecutive calendar days—twenty-five dollars;
- (3) Third violation within any sixty consecutive calendar days—Fifty dollars;
- (4) Fourth violation and each succeeding violation within any sixty consecutive calendar days—one hundred dollars.

(b) 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.

(c) The Kirkland Police Department, including the "parking enforcement person", is authorized to impound any vehicle determined to be in violation pursuant to Section 12.45.200; provided that such violation is the second violation within any nine-hour period. This provision is in addition to and an alternative to Subsection (a) of this section. Such impoundment shall be according to the procedure set forth in Section 12.40.020.

Section 2. Chapter 12.44 of the Kirkland Municipal Code, entitled "Stopping, Standing or Parking Prohibited In Specified Places", is hereby repealed; provided that this does not affect any pending or existing litigation and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of the formerly effective provisions.

Section 3. 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 4. This ordinance shall be in force and effect May 1, 1996, which is more than five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.107, 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 regular, open meeting this 16 day of April, 1996.

Signed in authentication thereof this 16 day of April, 1996.

Abraham Eddy
MAYOR

Attest:

Jenny Perry
City Clerk

Approved as to Form:

Esperanza Rey
City Attorney

7city95\Parking

PUBLICATION SUMMARY
OF ORDINANCE NO. 3534

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STOPPING, STANDING AND PARKING OF VEHICLES; ADDING A NEW CHAPTER 12.45 TO THE KIRKLAND MUNICIPAL CODE; AND REPEALING CHAPTER 12.44.

SECTION 1. So that existing parking rules may be more clearly organized, this ordinance adds a new Chapter 12.45 of the Kirkland Municipal Code to replace Chapter 12.44. The existing penalty schedule continues to apply to Overtime Parking. Minor wording changes have been made to clarify provisions relating to Prohibited Parking. Section 12.45.150, "Parking places reserved for physically disabled persons", has been revised due to changes in state law. The penalty schedule for Prohibited Parking would be updated by the Kirkland Municipal Court.

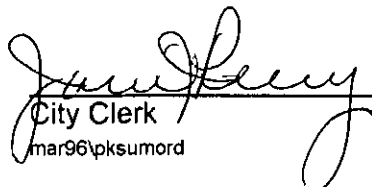
SECTION 2. Provides for the repeal of KMC Chapter 12.44.

SECTION 3. Contains a savings clause.

SECTION 4. 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 May 1, 1996.

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 16 day of April, 1996.

I certify that the foregoing is a summary of Ordinance 3534 approved by the Kirkland City Council for summary publication.



City Clerk
mar96\pksumord