

ORDINANCE 3952

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARKING PAY STATIONS; AMENDING SECTIONS 12.04.050, 12.45.010, 12.45.020, 12.45.110, 12.45.300 OF THE KIRKLAND MUNICIPAL CODE TO PROVIDE REGULATIONS FOR PAYMENT FOR PARKING AT PAY STATIONS.

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

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

**12.04.050 Parking ~~meter~~ payment device, and municipal permit and garage parking revenue.**

The fee required to be paid for municipal garage parking and the ~~coins~~ payments required to be deposited in parking ~~meters~~ payment devices as provided by this code 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 Finance & Administration shall, from time to time, collect and deposit the same in a special fund for parking revenue, as directed by the Director of Finance & Administration.

Section 2. Section 12.45.010 of the Kirkland Municipal Code, entitled "Definitions," is hereby amended to read as follows:

**12.45.010 Definitions.**

For the purpose of this chapter.

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(5) "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 parking meters and pay stations.

(6) "Parking pay station" means any electronic device, except a parking meter, 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.

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

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

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

(810) "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.

(911) "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 12.45.020 of the Kirkland Municipal Code, entitled "Parking restrictions-Designation," is amended as follows:

**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~~ payment device 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.

Section 4. Section 12.45.110 of the Kirkland Municipal Code, entitled "Illegal use-Parking meters," is amended as follows:

**12.45.110 Illegal use—Parking meters payment devices.**

It is a traffic infraction for any person to tamper with or open any parking payment device, deposit or cause to be deposited in any parking ~~meter~~ payment device, any slug, button, or any other device or substance as substitution for ~~coins~~ legal tender of the United States or City of Kirkland parking tokens, or counterfeit or alter any parking pay station receipt.

Section 5. Section 12.45.300 of the Kirkland Municipal Code, entitled "Time restrictions," is hereby amended as follows:

**12.45.300 Time restrictions.**

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(c) In any space regulated by a parking pay station in any of the following circumstances: provided this subsection shall not apply to the act of parking or time necessary to obtain a proof of payment receipt from the parking pay station:

(1) Unless an unexpired proof of payment receipt is properly displayed, in accordance with the directions on the receipt, in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed where clearly visible.

(2) 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 pay station, irrespective of the amount paid.

(ed) 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

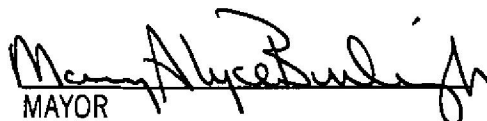
(2) For a consecutive period of time longer than that limited period of time for which parking is lawfully permitted as in such space, irrespective of the currency deposited in the coin-box.

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, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of July, 2004.

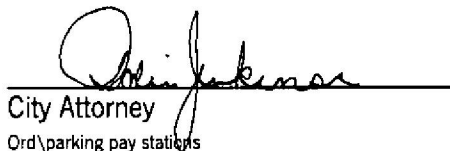
Signed in authentication thereof this 20th day of July, 2004.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney  
Ord\parking pay stations