

ORDINANCE 3997

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE PARK SMART PROGRAM.

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

Section 1. Section 12.45.250 of the Kirkland Municipal Code is hereby amended to read as follows:

**12.45.250 Downtown employee parking prohibited.**

(a) It is a traffic infraction for an employee to park a vehicle within the hereinafter defined area 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; a second and all subsequent violations within a consecutive twelve month period will result in the imposition of a two-hundred-dollar fine and suspension of the permit.

(b) 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.

(d) The prohibition of this section shall apply whenever 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 between the hours of eleven a.m. and five a.m. the following day.

(e) The area where employee parking is prohibited includes any portion of the following:

- (1) Lake Street parking lot;

- (2) Marina Park parking lot;
- (3) 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 ~~Second~~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 ~~First~~ Second Avenue South and any other portion of State Street where parking is restricted to either two hours or four hours;
- (11) 2<sup>nd</sup> Avenue South, from Lake Street to Second Street South;
- (~~11~~12) Lake Avenue West in its entirety;
- (~~12~~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;
- (~~13~~14) The upper level of the parking garage located at the corner of Kirkland Avenue and Third Street.

(f) 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.

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

- (1) First violation within any ~~thirty-six~~ twelve consecutive months: twenty-five dollars;
- (2) Second violation within any ~~thirty-six~~ twelve consecutive months: ~~thirty-five~~ fifty dollars;
- (3) Third violation within any ~~thirty-six~~ twelve consecutive months: ~~forty-five~~ seventy-five dollars;
- (4) Fourth violation and each succeeding violation within any ~~thirty-six~~ twelve consecutive months: ~~fifty-five~~ one hundred twenty-five dollars;
- (~~5~~) ~~Fifth violation and each succeeding violation within any thirty-six consecutive months: one hundred five dollars.~~

Section 2. Section 12.45.260 of the Kirkland Municipal Code is hereby amended to read as follows:

**12.45.260 Reporting of employee vehicles.**

(a) Every employer or owner with premises located within the central business district shall provide to the city their own and their employees' names

and vehicle license numbers of vehicle owned, operated, or controlled by each employee, employer or owner who comes to such premises.

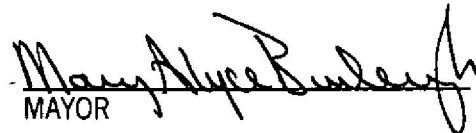
(b) The information required by this section shall be sworn to and submitted at the same time as registration and application for a new business license occurs under Chapter 7.02 and updated within 30 days of hiring/termination of an employee, and each year thereafter at the same time as the business license is renewed in the manner prescribed and on forms provided by the city. Those partially exempt from the provisions of Chapter 7.02 shall report this information at the same time as required to file an application form as required in Chapter 7.02 and updated within 30 days of new hire/termination of an employee and annually thereafter as requested by the city.

(c) It is a traffic infraction for any person to be in violation of the reporting requirements of this section. For any violation of this section, penalties shall be imposed as provided in Section 12.45.250.


Section 3. 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 21st day of June, 2005.

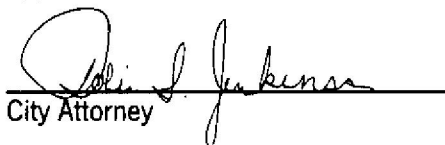
Signed in authentication thereof this 21st day of June, 2005.

  
MAYOR

Attest:

  
Acting City Clerk

Approved as to Form:

  
City Attorney

Ord\Park Smart Amendments 2005