

Ordinance No. 122761

Council Bill No. 116281

AN ORDINANCE relating to the Traffic Code, amending Section 11.72.230 to prohibit a person from moving a motor vehicle not lawfully under his or her control when the motor vehicle is occupying a parking stall or space on City property, and amending Section 11.31.121 to specify a monetary penalty for violation of Section 11.72.230.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <u>7-21-08</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>8-4-08</u>	Date Presented to Mayor: <u>8-5-08</u>
Date Signed by Mayor: <u>8-12-08</u>	Date Returned to City Clerk: <u>8-12-08</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <u>✓ 2</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

### The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by ~~Greg V. Lewis~~  
Jan Drago

#### Committee Action:

Date	Recommendation	Vote
<u>7-29</u>	<u>PASS</u>	<u>2-0 JD, SC</u>

This file is complete and ready for presentation to Full Council.

#### Full Council Action:

Date	Decision	Vote
<u>8-4-08</u>	<u>Passed</u>	<u>7-0 (Excused: Malin; Absent: Rasmussen)</u>

*Law Department*

ORDINANCE 122761

1  
2 AN ORDINANCE relating to the Traffic Code, amending Section 11.72.230 to prohibit a person  
3 from moving a motor vehicle not lawfully under his or her control when the motor  
4 vehicle is occupying a parking stall or space on City property, and amending Section  
5 11.31.121 to specify a monetary penalty for violation of Section 11.72.230.

6 WHEREAS, motorized scooter owners and operators report that their vehicles are often moved  
7 by persons other than the driver of the scooter after the scooter is parked in a parking stall  
8 or space; and

9 WHEREAS, the City of Seattle seeks to address this growing public concern because the  
10 motorized scooter is becoming a consistently more popular mode of transportation as a  
11 result of the rising price of gasoline; and

12 WHEREAS, expanding protections to scooter riders supports one of the overall goals of the City  
13 of Seattle's Comprehensive Plan to increase transportation choices; and

14 WHEREAS, the Seattle Municipal Code currently does not include a regulation that prevents a  
15 person from moving a motor vehicle not lawfully under his or her control when the motor  
16 vehicle is occupying a parking stall or space on City property; NOW, THEREFORE,

17 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

18 Section 1. Section 11.72.230 of the Seattle Municipal Code is amended as follows:

19 **SMC 11.72.230 Moving vehicle of another.**

20 A. Except as provided in SMC Chapter 11.30, no person shall move a motor vehicle not  
21 lawfully under his or her control when the motor vehicle is occupying a parking stall or space on  
22 City property.

23 B. No person shall move a vehicle not lawfully under his or her control into any area  
24 where stopping, standing or parking is prohibited or restricted.

25  
26 Section 2. Section 11.31.121 of the Seattle Municipal Code is amended to add a  
27 monetary penalty for violation of Section 11.72.230 of the Seattle Municipal Code as follows:  
28



**SMC 11.31.121 Monetary penalties – Parking infractions.**

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table shall be as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code Reference	Parking Infraction Short Description	Base Penalty Amount
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<u>11.72.230</u>	<u>MOVING VEHICLE OF ANOTHER</u>	<u>\$38.00</u>
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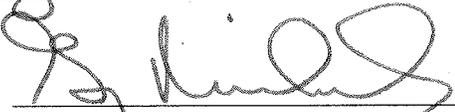
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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

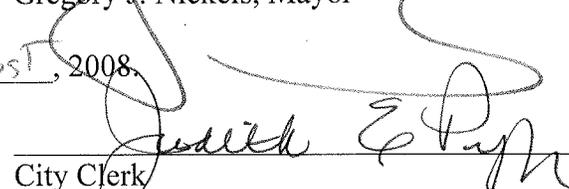
Passed by the City Council the 4<sup>th</sup> day of August, 2008, and signed by me in open session in authentication of its passage this 4<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 12<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 12<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
City Clerk

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Dan Nolte / 684-5327	n/a

**Legislation Title:**

AN ORDINANCE relating to the Traffic Code, amending Section 11.72.230 to prohibit a person from moving a motor vehicle not lawfully under his or her control when the motor vehicle is occupying a parking stall or space on City property, and amending Section 11.31.121 to specify a monetary penalty for violation of Section 11.72.230.

- **Summary of the Legislation:** The attached legislation would make it unlawful to move another person's motor vehicle that is legally parked in a city-owned parking space or stall.
- **Background:** Motorized scooter riders have reported that drivers of cars and trucks will move a lawfully parked scooter within a parking space so the car driver may park in the space. In the Seattle Municipal Code there is currently no prohibition to move the vehicle of another when the vehicle is in a legally parked space or stall:
- *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

Note: The number of infractions expected would have a de minimis impact on the Seattle Municipal Court and not require additional court personnel.



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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227924  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

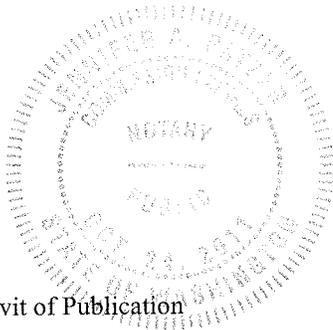
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122761 ORDINANCE

was published on

08/14/08

The amount of the fee charged for the foregoing publication is the sum of \$ 140.50, which amount has been paid in full.



Affidavit of Publication

*[Handwritten signature]*

Subscribed and sworn to before me on

08/14/08

*[Handwritten signature]*  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122761

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WHEREAS, motorized scooter owners and operators report that their vehicles are often moved by persons other than the driver of the scooter after the scooter is parked in a parking stall or space; and

WHEREAS, the City of Seattle seeks to address this growing public concern because the motorized scooter is becoming a consistently more popular mode of transportation as a result of the rising price of gasoline; and

WHEREAS, expanding protections to scooter riders supports one of the overall goals of the City of Seattle's Comprehensive Plan to increase transportation choices; and

WHEREAS, the Seattle Municipal Code currently does not include a regulation that prevents a person from moving a motor vehicle not lawfully under his or her control when the motor vehicle is occupying a parking stall or space on City property; NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.72.230 of the Seattle Municipal Code is amended as follows:

**SMC 11.72.230 Moving vehicle of another.**

A. Except as provided in SMC Chapter 11.30, no person shall move a motor vehicle not lawfully under his or her control when the motor vehicle is occupying a parking stall or space on City property.

B. No person shall move a vehicle not lawfully under his or her control into any area where stopping, standing or parking is prohibited or restricted.

Section 2. Section 11.31.121 of the Seattle Municipal Code is amended to add a monetary penalty for violation of Section 11.72.230 of the Seattle Municipal Code as follows:

**SMC 11.31.121 Monetary penalties - Parking infractions.**

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table shall be as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code Reference -- Parking Infraction Short Description -- Base Penalty Amount

\*\*\*

**11.72.230 MOVING VEHICLE OF ANOTHER \$38.00**

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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 4th day of August, 2008, and signed by me in open session in authentication of its passage this 4th day of August, 2008.

Richard Conlin

President of the City Council

Approved by me this 12th day of August, 2008.

Gregory J. Nickels, Mayor

Filed by me this 12th day of August, 2008.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, August 14, 2008.  
8/14(227924)