

Ordinance No. 123035

Council Bill No. 116569

AN ORDINANCE relating to parking infraction enforcement for invalid disabled placard use, expired tabs and code clarification, amending Seattle Municipal Code Sections 11.23.400, 11.30.040, 11.31.121, 11.72.051, 11.72.065 and 11.72.460; and adding Section 11.14.146.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jan Diego
Councilmember

Committee Action:

PASS JD, JG, SC

7-13-09 Passed 9-0

CF No. _____

Date Introduced:	<u>6-22-09</u>	
Date 1st Referred:	<u>6-22-09</u>	To: (committee) <u>Transportation</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>7-13-09</u>	Full Council Vote:
Date Presented to Mayor:	<u>7-13-09</u>	Date Approved: <u>7-20-09</u> 7-13-09
Date Returned to City Clerk:	<u>7-20-09</u>	Date Published: <u>S</u> T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

This file is complete and ready for presentation to Full Council. Committee: KM 7/17/09
(initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 123035

1
2 AN ORDINANCE relating to parking infraction enforcement for invalid disabled placard use,
3 expired license tabs and code clarification; amending Seattle Municipal Code Sections
4 11.23.400, 11.30.040, 11.31.121, 11.72.051, 11.72.065 and 11.72.460; and adding
5 Section 11.14.146.

6 WHEREAS, traffic citations have been ineffective at achieving the desired level of compliance
7 with the City's disabled parking laws and policies; and

8 WHEREAS, parking in the public right-of-way is regulated to promote traffic safety, enhance
9 traffic flow and, in certain areas of high demand for parking such as business districts, to
10 fairly allocate parking spaces by charging for and limiting parking time; and

11 WHEREAS, a high percentage of disabled placard abuse is associated with the use of invalid
12 placards; and

13 WHEREAS, to improve parking enforcement and provide consistency with state law house-
14 keeping changes are needed to the Seattle Municipal Code sections regarding certain
15 parking infractions; NOW, THEREFORE,

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

17 Section 1. A new section, 11.14.146, of the Seattle Municipal Code is hereby added:

18 **SMC 11.14.146 Curb Bulb**

19 “Curb bulb” means an extension of the curb and sidewalk into the street at a pedestrian
20 crossing point.

21 Section 2. Section 11.23.400, as last amended by Ordinance 119011, is amended as
22 follows:

23 **SMC 11.23.400 Disabled parking – Enforcement.**

24 ***

25 B. Except as provided by subsection A of this section, it is a traffic infraction, with a
26 monetary penalty of Two Hundred Fifty Dollars (\$250) for any person willfully to obtain a
27



1 disabled parking placard, license plate, license tab or photo identification card in a manner other
2 than that established by RCW 46.16.381.

3 C. The unauthorized use of a disabled parking placard, license plate, license tab or photo
4 identification card issued by the Washington State Department of Licensing under RCW
5 46.16.381 is a traffic infraction with a monetary penalty of Two Hundred Fifty Dollars (\$250).

6 D. The court may not suspend more than one-half (1/2) of any fine imposed under
7 subsection B or C of this section. For a second or subsequent violation of subsection of B or C
8 of this section, in addition to a monetary penalty, a violator must complete a minimum of forty
9 (40) hours of either community service for a nonprofit organization that serves the disabled
10 community or persons having disabling diseases or any other community service that may
11 sensitize the violator to the needs and obstacles faced by persons who have disabilities.

12 E. Any peace officer or parking enforcement officer (~~checker~~) finding any
13 unauthorized use of such placard(~~s~~) or license plate shall issue and affix a notice indicating the
14 unauthorized uses thereof in the form and in the manner required by Section 11.31.030.
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18 Section 3. Section 11.30.040, as last amended by Ordinance 121525, is amended as
19 follows:
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21 **SMC 11.30.040 When a vehicle may be impounded without prior notice.**

22 A. A vehicle may be impounded with or without citation and without giving prior notice
23 to its owner as required in Section 11.30.060 hereof only under the following circumstances:
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25 ***
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27



1 10. When a vehicle with an expired registration of more than forty-five days is parked on
2 a public street.

3 ***

4 Section 5. Section 11.31.121, as last amended by Ordinance 122779, is amended as
5 follows:

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

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

12 Municipal Code Reference Parking Infraction Short Description Base Penalty Amount

13 ***

14 11.23.400 UNAUTHORIZED USE – DISABLED ((~~\$38.00~~)) \$250.00

15 ***

16 11.72.065 IN MARKED DISABLED, INVALID PLACARD \$250.00

17 ***

18 Section 6. Section 11.72.051, as last amended by Ordinance 117043, is amended as
19 follows:

20 **SMC 11.72.051 Curb bulbs.**

21 No person shall stop, stand or park a vehicle in areas adjacent to curb bulbs so that such
22 vehicle blocks access to ((a metered))an adjacent parking space or protrudes into a traffic lane.



1
2 Section 7. Section 11.72.065, as last amended by Ordinance 122742, is amended as
3 follows:

4 **SMC 11.72.065 Disabled parking, Invalid Placard -- Violation.**

5
6 ***

7 E. The use or display of a disabled placard or license plate that is stolen, expired, issued
8 to a person who is now deceased, or is otherwise invalid in or upon a vehicle parked in a public
9 right-of-way or on other publicly owned or controlled property is a parking infraction with a
10 monetary penalty of Two Hundred Fifty Dollars (\$250).

11
12 ~~((E.))~~ F. The court may not suspend more than one-half (1/2) of any fine imposed for a
13 first violation under subsection C, D or E of this section. For a second or subsequent violation of
14 subsection C, D or E of this section, no portion of the monetary penalty shall be suspended by
15 the court and in addition to the penalty, a violator must complete a minimum of forty (40) hours
16 of either community service for a nonprofit organization that serves the disabled community or
17 persons having disabling diseases or any other community service that may sensitize the violator
18 to the needs and obstacles faced by persons who have disabilities.

19
20
21 Section 8. Section 11.72.460, as last amended by Ordinance 108200, is amended as
22 follows:

23 **SMC 11.72.460 Wall or fence.**

24
25 No person shall stand or park a vehicle alongside any wall, fence or other physical
26 obstructions where there is no sufficient sidewalk for the use of pedestrians in a reasonable
27

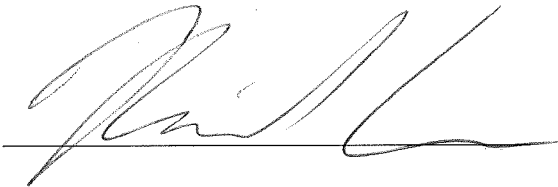


1 manner ((as provided in Section 11.70.080-))to permit persons to exit from the vehicle on the
2 sidewalk side thereof.

3 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

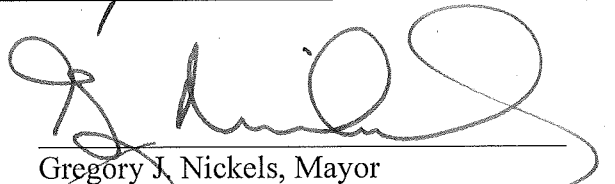
6 Passed by the City Council the 13th day of July, 2009, and signed by
7 me in open session in authentication of its passage this
8

9 13th day of July, 2009.

10
11 


12 President _____ of the City Council

13
14 Approved by me this 20th day of July, 2009.

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16 

17 Gregory J. Nickels, Mayor

18
19 Filed by me this 20th day of July, 2009.

20
21 
22 Carol Stent
23 Acting City Clerk

24 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
SDOT/SPD	William Edwards 5-0822	Steve Barham 3-9084

Legislation Title: AN ORDINANCE relating to parking infraction enforcement for invalid disabled placard use; expired license tabs and code clarification; amending Seattle Municipal Code Sections 11.23.400, 11.30.040, 11.31.121, 11.72.051, 11.72.065 and 11.72.460; and adding Section 11.14.146.

• **Summary of the Legislation:**

This Ordinance amends the Seattle Municipal Code sections concerning parking infractions and establishes consistency with relevant state law. The changes are associated with improving compliance with City disabled parking, short-term parking, and restricted parking zone laws through clarified ticketing authority and vehicle impound procedures. This legislation accomplishes the following:

- Allows vehicles displaying an invalid disabled parking placard to be issued a parking citation;
- In accordance with RCW 46.55.113, allows vehicles parked on streets with expired registration of more than 45 days to be impounded without prior notice; and
- Cleans-up and clarifies various sections, including the \$250 penalty for unauthorized use of disabled placards.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

A segment of the public uses invalid disabled placards to ignore posted parking regulations. Others are storing vehicles with expired vehicle license tabs in City right-of-way, in disregard of legal parking regulations, defeating the purpose of these parking regulations.

Current disabled placard regulations require that a traffic citation be issued to the vehicle driver in cases of suspected placard abuse. This requires that an officer is present when the driver returns to the parked vehicle, even in cases where an officer can verify that the placard is invalid, (i.e. expired, reported lost or stolen or permit holder listed as deceased).

This proposed legislation will create incentives for voluntary compliance with current parking control regulations. Increased compliance with right-of-way regulations will improve traffic flow, traffic safety, and support customer access to local businesses. These changes are jointly supported by the Seattle Police Department and the Seattle Department of Transportation.

• *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.)*





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 9, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill to amend the Seattle Municipal Code (SMC) to clarify ticketing authority consistent with relevant state law and improve compliance with City disabled parking, short-term parking, and restricted parking zone laws.

Parking in the public right-of-way is regulated to promote traffic safety, enhance traffic flow, and fairly allocate parking spaces to the public. This legislation strengthens these regulations by giving parking enforcement personnel tools to address the misuse of disabled placards and the storage of vehicles with expired license tabs on city streets. The attached legislation allows vehicles displaying an invalid disabled placard to be issued a parking citation; allows vehicles parked on streets with expired registration of more than 45 days to be impounded without prior notice; and clarifies various Municipal Code sections, including the \$250 penalty for unauthorized use of disabled placards.

This proposed Council Bill will create incentives for voluntary compliance with current parking control regulations. Enhanced compliance will improve traffic flow and support customer access to local businesses. These changes are jointly supported by the Seattle Police Department (SPD) and the Seattle Department of Transportation.

Thank you for your consideration of this legislation. Should you have questions, please contact SPD Parking Enforcement Director William Edwards at 615-0822.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp or watermark.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

242308
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

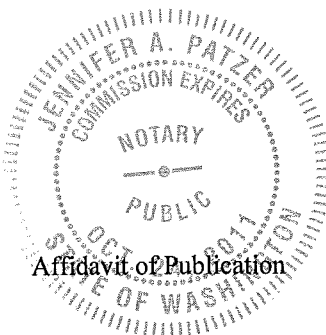
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123035 ORDINANCE

was published on

07/24/09

The amount of the fee charged for the foregoing publication is the sum of \$ 268.85, which amount has been paid in full.



Affidavit of Publication

[Handwritten Signature]
Subscribed and sworn to before me on
07/24/09
[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123035

AN ORDINANCE relating to parking infraction enforcement for invalid disabled placard use, expired license tabs and code clarification; amending Seattle Municipal Code Sections 11.23.400, 11.30.040, 11.31.121, 11.72.051, 11.72.065 and 11.72.460; and adding Section 11.14.146.

WHEREAS, traffic citations have been ineffective at achieving the desired level of compliance with the City's disabled parking laws and policies; and

WHEREAS, parking in the public right-of-way is regulated to promote traffic safety, enhance traffic flow and, in certain areas of high demand for parking such as business districts, to fairly allocate parking spaces by charging for and limiting parking time; and

WHEREAS, a high percentage of disabled placard abuse is associated with the use of invalid placards; and

WHEREAS, to improve parking enforcement and provide consistency with state law house-keeping changes are needed to the Seattle Municipal Code sections regarding certain parking infractions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section, 11.14.146, of the Seattle Municipal Code is hereby added:

SMC 11.14.146 Curb Bulb

"Curb bulb" means an extension of the curb and sidewalk into the street at a pedestrian crossing point.

Section 2. Section 11.23.400, as last amended by Ordinance 119011, is amended as follows:

SMC 11.23.400 Disabled parking - Enforcement.

B. Except as provided by subsection A of this section, it is a traffic infraction, with a monetary penalty of Two Hundred Fifty Dollars (\$250) for any person willfully to obtain a disabled parking placard, license plate, license tab or photo identification card in a manner other than that established by RCW 46.16.381.

C. The unauthorized use of a disabled parking placard, license plate, license tab or photo identification card issued by the Washington State Department of Licensing under RCW 46.16.381 is a traffic infraction with a monetary penalty of Two Hundred Fifty Dollars (\$250).

D. The court may not suspend more than one-half (1/2) of any fine imposed under subsection B or C of this section. For a second or subsequent violation of subsection B or C of this section, in addition to a monetary penalty, a violator must complete a minimum of forty (40) hours of either community service for a nonprofit organization that serves the disabled community or persons having disabling diseases or any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

E. Any peace officer or parking enforcement officer (checker) finding any unauthorized use of such placard(s) or license plate shall issue and affix a notice indicating the unauthorized uses thereof in the form and in the manner required by Section 11.31.030.

Section 3. Section 11.30.040, as last amended by Ordinance 121525, is amended as follows:

SMC 11.30.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:

10. When a vehicle with an expired registration of more than forty-five days is parked on a public street.

Section 5. Section 11.31.121, as last amended by Ordinance 122779, is amended 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

11.23.400 UNAUTHORIZED USE -
DISABLED (~~(\$98.00)~~) \$250.00

11.72.065 IN MARKED DISABLED,
INVALID PLACARD \$250.00

Section 6. Section 11.72.051, as last amended by Ordinance 117043, is amended as follows:

SMC 11.72.051 Curb bulbs.

No person shall stop, stand or park a vehicle in areas adjacent to curb bulbs so that such vehicle blocks access to (a-metered) an adjacent parking space or protrudes into a traffic lane.

Section 7. Section 11.72.065, as last amended by Ordinance 122742, is amended as follows:

**SMC 11.72.065 Disabled parking,
Invalid Placard -- Violation.**

E. The use or display of a disabled placard or license plate that is stolen, expired, issued to a person who is now deceased, or is otherwise invalid in or upon a vehicle parked in a public right-of-way or on other publicly owned or controlled property is a parking infraction with a monetary penalty of Two Hundred Fifty Dollars (\$250).

((E:)) E. The court may not suspend more than one-half (1/2) of any fine imposed for a first violation under subsection C, D or E of this section. For a second or subsequent violation of subsection C, D or E of this section, no portion of the monetary penalty shall be suspended by the court and in addition to the penalty, a violator must complete a minimum of forty (40) hours of either community service for a nonprofit organization that serves the disabled community or persons having disabling diseases or any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

Section 8. Section 11.72.460, as last amended by Ordinance 108200, is amended as follows:

SMC 11.72.460 Wall or fence.

No person shall stand or park a vehicle alongside any wall, fence or other physical obstructions where there is no sufficient sidewalk for the use of pedestrians in a reasonable manner ((as provided in Section 11.70.080)) to permit persons to exit from the vehicle on the sidewalk side thereof.

Section 9. 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 13th day of July, 2009, and signed by me in open session in authentication of its passage this 13th day of July, 2009.

Richard Conlin

President of the City Council

Approved by me this 20th day of July, 2009.

Gregory J. Nickels, Mayor

Filed by me this 20th day of July, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, July 24, 2009.

7/24(242308)

State of Washington County