

Ordinance No. 123705

Council Bill No. 117280

AN ORDINANCE relating to the monetary penalty for parking infractions; amending Section 11.31.121 of the Seattle Municipal Code.

CF No. _____

| | | |
|------------------------------|----------------------|--|
| Date Introduced: | Sept. 6, 2011 | |
| Date 1st Referred: | Sept. 6, 2011 | |
| To: (committee) | Finance and Budget | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: | Full Council Vote: | |
| 9.12.11 | 9-0 | |
| Date Presented to Mayor: | Date Approved: | |
| 9.13.11 | Sept. 23, 2011 | |
| Date Returned to City Clerk: | Date Published: | T.O. <input checked="" type="checkbox"/> |
| Sept. 23, 2011 | | F.T. <input type="checkbox"/> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| | | |
| Date Passed Over Veto: | Veto Sustained: | |
| | | |

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Juan Gonzalez
Councilmember

Committee Action:

Do pass - JG, NL, MOR 9.9.11

9.12.11 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123705

AN ORDINANCE relating to the monetary penalty for parking infractions; amending Section 11.31.121 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.31.121 of the Seattle Municipal Code is amended as follows:

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 | \$250 |
| 11.23.410 | CARPOOL, FREE & PREFERENTIAL | \$47 ((\$42)) |
| 11.23.415 | CARPOOL PERMIT | \$47 ((\$42)) |
| 11.26.060 | SERVICE CONTROLLED PARKING AREA | \$47 ((\$42)) |
| 11.26.080 | HOOD, CONTROLLED PARKING AREA | \$47 ((\$42)) |
| 11.26.100 | HOOD, FREE PARKING AREA | \$47 ((\$42)) |
| 11.26.120 | HOOD ON OCCUPIED METER | \$47 ((\$42)) |
| 11.26.160 | HOODED METER, UNOCCUPIED | \$47 ((\$42)) |
| 11.26.180 | HOOD ON METER OVER 2 DAYS | \$47 ((\$42)) |
| 11.26.200 | HOOD, PROH. HOURS | \$47 ((\$42)) |
| 11.26.220 | HOOD, PASSENGER VEH | \$47 ((\$42)) |
| 11.26.240 | HOOD, REVOKED | \$47 ((\$42)) |
| 11.26.280 | HOOD, VIOLATION | \$47 ((\$42)) |
| 11.70.020 | ANGLE, GEN. | \$47 ((\$42)) |
| 11.70.040 | PARALLEL R. SIDE | \$47 ((\$42)) |
| 11.70.060 | PARALLEL 1 WAY ST. | \$47 ((\$42)) |
| 11.70.080 | SHOULDER | \$47 ((\$42)) |
| 11.70.100 | STALLS/SPACES | \$47 ((\$42)) |
| 11.70.120 | PARK, R/W | \$47 ((\$42)) |
| 11.70.140 | SECURE VEH. | \$44 ((\$39)) |
| 11.70.160 | KEYS IGNITION | \$47 ((\$42)) |
| 11.70.180 | REMOVE KEY, LOCK DOOR | \$47 ((\$42)) |



| | | | |
|----|-----------|-------------------------------------|---------------|
| | 11.70.200 | ILLEGAL ON STREET/ALLEY | \$47 ((\$42)) |
| | 11.72.010 | ADVERTISING | \$47 ((\$42)) |
| 1 | 11.72.020 | ALLEY | \$47 ((\$42)) |
| | 11.72.025 | ALLEY/DRIVEWAY | \$47 ((\$42)) |
| 2 | 11.72.030 | ANGLE/ARTERIAL OR BUS ROUTE | \$47 ((\$42)) |
| | 11.72.035 | BLOCK TRAF OR WALK UNOCCUPIED | \$47 ((\$42)) |
| 3 | 11.72.045 | BUS SHELTER | \$47 ((\$42)) |
| | 11.72.050 | BUS ZONE | \$47 ((\$42)) |
| 4 | 11.72.05 | CURB BULBS | \$47 ((\$42)) |
| | 11.72.053 | UNAUTHOR. VEH/CARPOOL | \$47 ((\$42)) |
| 5 | 11.72.054 | CAR SHARING VEH ZONE | \$47 ((\$42)) |
| | 11.72.055 | CLASS OF VEH. | \$47 ((\$42)) |
| 6 | 11.72.060 | CLEAR ROADWAY | \$47 ((\$42)) |
| | 11.72.065 | IN MARKED DISABLED, INVALID PLACARD | \$250 |
| 7 | 11.72.070 | COMMERCIAL VEH. | \$47 ((\$42)) |
| | 11.72.075 | RESTRICTIONS - COMM LOAD ZONE | \$53 ((\$48)) |
| 8 | 11.72.080 | CROSSWALK | \$47 ((\$42)) |
| | 11.72.090 | XWALK APPROACH | \$47 ((\$42)) |
| 9 | 11.72.100 | DOUBLE PARKED | \$47 ((\$42)) |
| | 11.72.110 | DRIVEWAY OR ALLEY ENTRANCE | \$47 ((\$42)) |
| 10 | 11.72.130 | ELEVATED STRUCTURE | \$47 ((\$42)) |
| | 11.72.140 | EXCAVATION OR OBSTRUCTION | \$47 ((\$42)) |
| 11 | 11.72.145 | EXPIRED/IMPROPER PLATES | \$47 ((\$42)) |
| | 11.72.150 | FIRE APPARATUS | \$47 ((\$42)) |
| 12 | 11.72.155 | FIRE EXIT DOOR | \$47 ((\$42)) |
| | 11.72.160 | FIRE HYDRANT | \$47 ((\$42)) |
| 13 | 11.72.170 | FIRE STATION DRIVEWAY | \$47 ((\$42)) |
| | 11.72.180 | FIRE AREA | \$47 ((\$42)) |
| 14 | 11.72.185 | FIRE LANE | \$47 ((\$42)) |
| | 11.72.190 | FLASHING SIGNAL | \$47 ((\$42)) |
| 15 | 11.72.200 | FUEL LOSS | \$47 ((\$42)) |
| | 11.72.205 | DROPPING OIL OR GREASE | \$47 ((\$42)) |
| 16 | 11.72.210 | INTERSECTION | \$47 ((\$42)) |
| | 11.72.215 | LOAD/UNLOAD ZONE | \$47 ((\$42)) |
| 17 | 11.72.220 | HOODED METERS, SIGNS | \$47 ((\$42)) |
| | 11.72.230 | MOVING VEHICLE OF ANOTHER | \$47 ((\$42)) |
| 18 | 11.72.240 | MOVE VEH. AVOID TIME LIMIT | \$47 ((\$42)) |
| | 11.72.250 | PARK, MUNICIPAL PROPERTY | \$44 ((\$39)) |
| 19 | 11.72.260 | OVERTIME | \$44 ((\$39)) |
| | 11.72.270 | REPEATED OVERTIME | \$47 ((\$42)) |
| 20 | 11.72.280 | IN PARK | \$47 ((\$42)) |
| | 11.72.285 | PASS. LOAD ZONE | \$47 ((\$42)) |
| 21 | 11.72.290 | PAVEMENT MARKINGS | \$47 ((\$42)) |
| | 11.72.300 | PEAK HOUR | \$47 ((\$42)) |
| 22 | 11.72.310 | PLANTED AREA | \$44 ((\$39)) |
| | 11.72.320 | PLANTING STRIP | \$44 ((\$39)) |



| | | | |
|----|------------|--|---------------|
| | 11.72.330 | SIGN POSTED LOCATIONS | \$47 ((\$42)) |
| | 11.72.350 | TOO CLOSE TO R.R. | \$47 ((\$42)) |
| 1 | 11.72.351A | RESTRICTED PARKING ZONE | \$53 ((\$48)) |
| 2 | 11.72.351B | RPZ PERMIT ON DISPLAY IN IMPROPER LOCATION ON VEHICLE | \$29 ((\$24)) |
| 3 | 11.72.351C | ILLEGAL SALE, PURCHASE OR POSSESSION OF RPZ PERMIT | \$250 |
| 4 | 11.72.352 | HUSKY STADIUM EVENT RESTRICTED PARKING | \$53 ((\$48)) |
| 5 | 11.72.353 | SCHOOL LOAD ZONE | \$47 ((\$42)) |
| | 11.72.355 | SERVICE VEH. IN ST. | \$47 ((\$42)) |
| 6 | 11.72.357 | SHUTTLE BUS LOAD ZONE | \$47 ((\$42)) |
| | 11.72.360 | SIDEWALK | \$47 ((\$42)) |
| 7 | 11.72.370 | STOP SIGN APPROACH (30') | \$47 ((\$42)) |
| | 11.72.390 | LIMITED ACCESS, STREET | \$47 ((\$42)) |
| 8 | 11.72.400 | TAXI CAB ZONE | \$47 ((\$42)) |
| | 11.72.410 | TOW AWAY ZONE | \$47 ((\$42)) |
| 9 | 11.72.415 | TRAIL OR PATH (VEH/BIKE) | \$47 ((\$42)) |
| | 11.72.420 | TRF. CONTROL SIGNAL APPROACH | \$47 ((\$42)) |
| 10 | 11.72.430 | TRL./CAMPER DETACHED | \$47 ((\$42)) |
| | 11.72.435 | PASS. VEH. IN TRUCK ZONE | \$47 ((\$42)) |
| 11 | 11.72.440 | OVER 72 HOURS | \$44 ((\$39)) |
| | 11.72.450 | TYPE OF VEH. | \$47 ((\$42)) |
| 12 | 11.72.460 | WALL OR FENCE | \$47 ((\$42)) |
| | 11.72.465 | CURB RAMP | \$47 ((\$42)) |
| 13 | 11.72.470 | WRONG SIDE | \$47 ((\$42)) |
| | 11.72.480 | W/IN 30 FT. OF YIELD SIGN | \$47 ((\$42)) |
| 14 | 11.72.500 | PARKING JUNK VEHICLE ON STREET (IMPOUND) | \$250 |
| 15 | 11.74.010 | STAND/ALLEY/COMM. VEH. | \$47 ((\$42)) |
| 16 | 11.74.020 | TRUCK LOAD ZONE - CMCRL VEH. | \$47 ((\$42)) |
| | 11.74.030 | LOAD ZONE - TIME RESTRICTIONS | \$53 ((\$48)) |
| 17 | 11.74.060 | LOAD/UNLOAD PROH. | \$47 ((\$42)) |
| | 11.74.120 | RESTRICTED AREA | \$47 ((\$42)) |
| 18 | 11.76.005 | IMPROPER PARKING RECEIPT DISPLAY | \$29 ((\$24)) |
| | 11.76.010 | METER/COINS | \$44 ((\$39)) |
| 19 | 11.76.015 | PARKING PAYMENT DEVICE VIOLATIONS | \$44 ((\$39)) |
| | 11.76.020 | PARKING TIME LIMIT | \$47 ((\$42)) |
| 20 | 11.76.030 | METER RESTRICTION | \$44 ((\$39)) |
| | 11.76.040 | ILLEGAL USE, PARKING PAYMENT, TAMPERING | \$47 ((\$42)) |
| 21 | 11.82.300 | LIGHTS, PARKED VEHICLE | \$47 ((\$42)) |
| 22 | 11.82.320 | LIGHTS, PARKED, HIGHBEAM | \$47 ((\$42)) |
| 23 | 11.84.345 | FALSE ALARM - PARKED AUTO | \$47 ((\$42)) |
| 24 | 18.12.235 | RESTRICTIONS IN CERTAIN PARKS (REQ) | \$47 ((\$42)) |



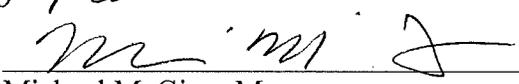
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by the
2 Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take
3 effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 12th day of September, 2011, and signed by
5 me in open session in authentication of its passage this

6 12th day of September, 2011.


7
8 President _____ of the City Council

9 Approved by me this 23rd day of September, 2011.


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11 Michael McGinn, Mayor

12 Filed by me this 23rd day of September, 2011.


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14 Monica Martinez Simmons, City Clerk

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(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | CBO Analyst/Phone: |
|--|------------------------------|---------------------------|
| Law – Criminal Division Seattle Municipal Court | Richard Greene Kwan Wong | |

Legislation Title:

AN ORDINANCE relating to the monetary penalty for parking infractions; amending Section 11.31.121 of the Seattle Municipal Code.

- **Summary of the Legislation:** This legislation amends the City’s parking infractions to conform with changes in the corresponding parking infractions as modified by Local Rule of the Seattle Municipal Court (SMCLR) adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).
- **Background:** On July 1, 2011, the Court submitted Local Court Rule SMCLR 10.5(b) to the State’s Administrative Office of the Courts pursuant to the IRLJ 6.2(c) and raised the penalties for parking infractions by \$5 (12%) to take effect on September 1, 2011. This change addresses the interests expressed by the Mayor and City Council to maintain an efficient parking enforcement strategy to discourage illegal parking in Seattle’s neighborhoods and business districts and to encourage higher turnover of available parking spaces. Despite this increase, the cost of Seattle’s parking infraction fines remains lower than those found in other comparably-sized cities. RCW 46.63 limits parking infraction fines to \$250.
- *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.)*

This legislation has financial implications. *(Please complete all relevant sections that follow.)*



Summary of Changes to Revenue Generated Specifically From This Legislation: For budget legislation that changes revenue (e.g., fees, taxes, etc.), please provide detail on each revenue-producing item that is being changed, when it was last changed, and how the item's new overall cost compares with similar costs charged elsewhere in the region.

| | Revenue Source | Sept 1, 2011 to December 2012 Estimate |
|---|--|--|
| Total Fees and Charges Resulting From the \$5 penalty increase (see note) | General Subfund (00100) Parking Infraction Fines | \$2,600,000 to \$3,000,000 |

Note: Assuming a range of 80% to 90% fine payment rate, the additional revenue from parking fines is estimated between \$531,808 - \$598,285 in 2011 (Oct. to Dec.) and \$2,127,236 to \$2,393,141 in 2012 for a total of \$2.6 million and \$3 million combined.

Increase Parking Infractions by \$5 and implement Sept. 2011

| Sept 1, 2011 to Dec 31, 2012 | | Assumed Various Payment Rates | | |
|------------------------------|----------------|-------------------------------|-------------|-------------|
| Year | # of citations | 80% | 90% | 100% |
| 2010 level | 552,549 | \$2,946,191 | \$3,314,465 | \$3,682,739 |
| 2011 level (projected) | 511,068 | \$2,725,015 | \$3,065,641 | \$3,406,268 |
| 2012 level (average) | 531,809 | \$2,127,236 | \$2,393,140 | \$2,659,045 |
| Oct. – Dec. 2011 | | \$531,808 | \$598,285 | \$664,761 |

- **What is the financial cost of not implementing the legislation?** The financial cost of not implementing this legislation to conform with SMCLR 10.5 (b) may equate to \$2.6 million to \$3 million in unrealized revenue in 2011 and 2012. The last major change to parking penalties took effect January, 2010 when Ordinance 123161 increased most penalties by \$4 from \$35/\$38 to \$39/\$42, which was estimated to bring in \$1.84 million in revenue.
- **Does this legislation affect any departments besides the originating department?** This legislation impacts the Seattle Municipal Court and Seattle Police Department.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are no alternatives to this legislation that achieve the same result.
- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.) No.



- **Other Issues** (including long-term implications of the legislation):

The parking violation penalties would only impact violators who park illegally (e.g. commercial yellow lines, fire lanes, cross works) or fail to pay parking meters.

Drivers who park legally will not be affected. Violators can request a mitigation hearing to explain their situation or a contested hearing if they don't believe that they committed the illegal parking. Violators who are indigent can request community service equal to the amount of their penalty.

It is important to note that increasing parking violation penalties does not have the same perceived negative impact on citizen's behavior or on local businesses as does increasing parking meter rates. Most penalties are assessed on parking violators committing overtime or meter violations and preventing "turnover" by occupying spaces that others motorist would have been able to park in. This would also help to deter illegal parking impacting businesses, schools, and neighborhoods. The \$5 fine increase to parking penalties in Seattle would place us higher than in other Washington cities but roughly in the middle when compared to other major US cities as shown in the following table:

2011 Parking Violation Penalty Amounts by Jurisdiction

| City | Range of most tickets | Overtime Parking |
|----------------------------------|-----------------------|------------------|
| <i>In Washington State:</i> | | |
| Auburn | \$30 - \$40 | \$30 |
| Bellevue | \$20 - \$35 | \$20 |
| Olympia | \$15 - \$30 | \$15 |
| Spokane | \$15 - \$30 | \$15 |
| Tacoma | \$25 - \$35 | \$25 |
| <i>Outside Washington State:</i> | | |
| Baltimore | \$32 - \$52 | \$32 |
| Boston | \$25-\$100 | \$25 |
| Chicago | \$50 - \$70 | \$50 |
| Los Angeles | \$55 - \$80 | \$55 |
| NYC (Manhattan) | \$65 - \$115 | \$65 |
| Miami | \$18 - \$33 | \$18 |
| New Orleans | \$20 - \$75 | \$20 |
| Portland | \$34 - \$70 | \$34 |
| Sacramento | \$35 - \$50 | \$35 |
| San Diego | \$38-\$63 | \$43 |
| San Francisco | \$50 - \$70 | \$65 / \$55 |
| San Jose | \$40 - \$55 | \$40 |
| <i>Seattle</i> | <i>\$35 - \$48</i> | <i>\$39</i> |



- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A) N/A*



THE MUNICIPAL COURT OF SEATTLE



July 15, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, Second Floor

Dear Council President Conlin,

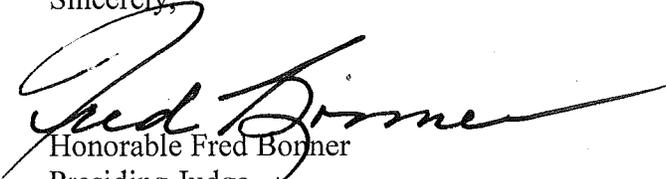
On July 1, 2011, the Seattle Municipal Court submitted Local Court Rule SMCLR 10.5(b) to the State's Administrative Office of the Courts pursuant to the Infraction Rules for Courts of Limited Jurisdiction IRLJ 6.2(c) and raised the penalties for parking infractions by \$5 (12%) to take effect on September 1, 2011. When local court amends the parking infraction amounts, the local city's code likewise must be amended to ensure uniformity. We are transmitting legislation for City Council's consideration to amend the Seattle Municipal Code Section 11.31.121 to conform to changes in the corresponding parking infractions in SMCLR 10.5(b). We will implement the new parking penalties when the ordinance takes effect.

Parking violation penalties will only impact violators who park illegally (e.g., commercial yellow lines, fire lanes, cross walks) or fail to pay parking meters. Drivers who park legally will not be affected. Despite this increase, the cost of Seattle's parking infraction fines remains lower than those found in other comparably-sized cities.

This change addresses the interests expressed by the Mayor and City Council to maintain an efficient parking enforcement strategy to discourage illegal parking in Seattle's neighborhoods and business districts and to encourage higher turnover of available parking spaces.

Should you have questions, please contact Yolande Williams, Court Administrator at 684-5614.

Sincerely,


Honorable Fred Bonner
Presiding Judge

cc: Honorable Mayor Mike McGinn
Honorable Members of the Seattle City Council
Honorable Judges of the Seattle Municipal Court
Beth Goldberg, City Budget Office

Seattle Justice Center, 600 5th Avenue, P.O. Box 34987, Seattle, WA 98124-4987
TTY (Hearing & Speech Impaired) 684-5210



STATE OF WASHINGTON – KING COUNTY

--SS.

276926
CITY OF SEATTLE, CLERKS OFFICE

No. 123702,703,704,705,706

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: TITLE ONLY ORDINANCE

was published on

10/04/11

The amount of the fee charged for the foregoing publication is the sum of \$ 81.90, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/04/11

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 12, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123702

AN ORDINANCE amending Ordinance 123442, which adopted the 2011 Budget, including the 2011-2016 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; creating new appropriations; adding new projects; revising project allocations for certain projects in the 2011-2016 CIP; creating new positions, one of which is exempt from Civil Service; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 123703

AN ORDINANCE relating to City employment; amending Seattle Municipal Code Section 4.34.055 to provide eligible employees breaks to express breast milk without deduction of pay or paid leave balances.

ORDINANCE NO. 123704

AN ORDINANCE relating to the business license tax; repealing a tax classification relating to flour manufacturing and selling in the City; and amending Sections 5.30.025, 5.30.050, 5.45.050, 5.45.080, 5.45.081, 5.45.082, 5.45.100, and 5.46.030 of the Seattle Municipal Code in connection therewith.

ORDINANCE NO. 123705

AN ORDINANCE relating to the monetary penalty for parking infractions; amending Section 11.31.121 of the Seattle Municipal Code.

ORDINANCE NO. 123706

AN ORDINANCE relating to the City Light Department, declaring certain real property rights surplus to utility needs; authorizing the Superintendent or his designee to grant an easement for access purposes over a portion of the City's fee-owned Duwamish Transmission Corridor adjacent to South 112th Street in the City of Tukwila, Washington; and accepting payment for the true and full value of the easement from Amalfi Investments, LLC.

Date of publication in the Seattle Daily Journal of Commerce, October 4, 2011.

10/4(276926)