

Ordinance No. 123941

Council Bill No. 117509

AN ORDINANCE relating to the Traffic Code; allowing payment for parking in City public rights-of-way by mobile device; authorizing the Director of Transportation to enter into contracts and to set convenience fees to be charged for pay by mobile device services; amending Sections 11.14.425, 11.76.005, 11.76.010 and 11.76.015 of the Seattle Municipal Code; and adding a new Section 11.16.127.

Related Legislation File: _____

Date Introduced and Referred: 7.2.12	To: (committee): Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 7.30.12	Date Presented to Mayor: 7.31.12
Date Signed by Mayor: Aug. 13, 2012	Date Returned to City Clerk: Aug. 14, 2012
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
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: *Alan Rosman*

Committee Action:

Date	Recommendation	Vote
7/10/12	Hold	3-0
7.24.12	Pass	TR, BM, JG

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

Full Council Action:

Date	Decision	Vote
7.30.12	Passed	9-0

Law Department

CITY OF SEATTLE
ORDINANCE 123941
COUNCIL BILL 117509

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4 AN ORDINANCE relating to the Traffic Code; allowing payment for parking in City public
5 rights-of-way by mobile device; authorizing the Director of Transportation to enter into
6 contracts and to set convenience fees to be charged for pay by mobile device services;
7 amending Sections 11.14.425, 11.76.005, 11.76.010 and 11.76.015 of the Seattle
8 Municipal Code; and adding a new Section 11.16.127.

9 WHEREAS, in 2004 the City of Seattle Department of Transportation started a program to
10 replace single-space meters with parking pay station kiosks to provide improved parking
11 management, customer service, streetscape enhancement, and revenue benefits and since
12 April 2004 has installed over 2,200 pay station machines controlling approximately
13 13,250 paid parking spaces; and

14 WHEREAS, technology exists to allow people to pay for on-street parking with their mobile
15 phones to offer improved customer service and better parking management services;

16 NOW, THEREFORE,

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

18 **Section 1.** Section 11.14.425, last amended by Ordinance 121388, is amended as follows:

19 **11.14.425 - Parking payment device.**

20 "Parking payment device" means any device used to aid in management and control of
21 the parking of vehicles on City streets or other rights of way, including parking meters and pay
22 stations.

23 A. "Parking meter" means any mechanical or electronic device placed or erected
24 adjacent to a parking space, which ~~((, after deposit of specified coinage))~~ requires payment for
25 use of the space and ~~((and activation of the time where required measures the period of time that~~



1 occupancy of such parking space is allowed, and which)) indicates ((~~electronically or~~
2 ~~mechanically,~~) when the lawful parking period ((~~has expired~~)) will expire.

3 B. "Parking pay station" means any mechanical or electronic device, except a
4 parking meter, placed or erected on City streets and other parking areas under the jurisdiction of
5 Seattle Transportation for the purpose of managing and controlling the use of parking spaces and
6 requiring payment for such use ((~~either by deposit of money or use of a credit or other payment~~
7 ~~card~~)). The term includes both "pay and display" types of pay stations, which dispense a proof of
8 payment receipt to be displayed on the vehicle except when payment is made by mobile device,
9 and "pay by space" types of pay stations, which electronically measure the lawful parking period
10 and its expiration for specific parking spaces, without issuing a receipt for display on the vehicle.
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13 **Section 2.** A new Section 11.16.127 is added to Chapter 11.16 of the Seattle Municipal
14 Code as follows:
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16 **11.16.127 Director of Transportation—Contracts for mobile device parking fee**
17 **payments and services; convenience fee.**

18 The Director of Transportation is authorized to prepare specifications for and to execute
19 one or more contracts from time to time for the provision of services to allow persons to make
20 valid payments by mobile devices as provided in Chapter 11.76 for parking areas regulated by
21 parking payment devices. The Director of Transportation is authorized to determine and set
22 forth in each contract a convenience fee in a reasonable amount to compensate the contractor for
23 such service, which shall be added to the payment due.
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2 **Section 3.** Section 11.76.005 of the Seattle Municipal Code, last amended by Ordinance
3 121954, is amended as follows:

4 **SMC 11.76.005 Proper display of proof of payment receipt.**

5 It is unlawful to park or permit to be parked any vehicle in a space controlled by a "pay
6 and display" parking pay station without properly displaying (~~(proof of payment)~~) a receipt
7 issued from a pay station controlling the space in the manner as described in this section, unless
8 valid payment has been made by mobile device.

9
10 For parallel parking on one- and two-way streets, proper display of proof of payment
11 requires affixing the receipt dispensed by the parking pay station inside the vehicle to the front
12 seat's side window nearest the curb in such a manner that the expiration time and date are readily
13 visible from the exterior. For front-and rear-end angle parking, proper display of proof of
14 payment means affixing the receipt to the interior of the side window next to the driver's seat of
15 the vehicle in such a manner that the expiration time and date are readily visible from the
16 exterior. For motorcycles, receipts shall be affixed on the headlight cover. No more than one
17 receipt shall be displayed.
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21 **Section 4.** Section 11.76.010 of the Seattle Municipal Code, last amended by Ordinance
22 121388, is amended as follows:

23 **11.76.010 - Parking meters—Payment and time limit.**

24 A. No person shall park a vehicle in any parking space upon a street alongside of
25 (~~(and next to)~~) which a parking meter has been installed, during the restricted and regulated time
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1 applicable to the parking meter, unless: (1) a coin or coins of United States currency of the
2 appropriate denominations as indicated in the legend on the meter ((shall have)) has been
3 deposited therein, or ((shall have)) has been previously deposited therein for an unexpired
4 interval of time, and the meter has been placed in operation; or (2) valid payment has been made
5 by mobile device; or (3) valid payment has been made using a parking payment device and a
6 valid pay and display receipt has been displayed in accordance with Section 11.76.005.
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8 B. No person shall permit a vehicle within his control to be parked in any parking
9 meter space during the restricted and regulated time applicable to that meter space while the
10 parking meter for such space indicates by signal that the lawful parking time in such space has
11 expired, unless valid payment has been made in accordance with subsection 11.76.010.A.
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13 C. This section shall not apply to the act of parking or the necessary time which is
14 required to comply with subsection 11.76.010.A ((deposit immediately thereafter a coin or coins
15 in such meter)) or to the parking of certified carpool vehicles in accordance with the provisions
16 of Section 11.23.410.
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18 **Section 5.** Subsection 11.76.015 of the Seattle Municipal Code, last amended by
19 Ordinance 123001, is amended as follows:
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21 **11.76.015 Parking violations at parking payment devices.**

22 A. No person shall stop, stand, or park, or permit a vehicle within his control to be
23 parked in any parking meter space while the parking meter for such space displays the words
24 "Violation," "Expired," or the international symbol for "No Parking,"
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or otherwise indicates that the meter is out of order provided that this section does not apply to a vehicle properly

displaying an unexpired valid proof of payment receipt issued by a parking pay station or where valid payment has been made by mobile device.

B. No person shall stop, stand or permit a vehicle within his control to be parked in any parking space controlled by a "pay and display" parking pay station without displaying on the vehicle an unexpired proof of payment receipt issued by a parking pay station or, if payment is made by mobile device, without payment properly made and recorded in accordance with the



1 requirements for such payments as approved by the Director of Transportation pursuant to any
2 vendor contract for mobile device payment services.

3 C. No person shall stop, stand or permit a vehicle within his control to be parked in any
4 parking space controlled by a "pay by space" parking pay station beyond the amount of time
5 purchased for that space.

6 D. It is unlawful to park or permit to be parked any vehicle in a space controlled by a
7 (~~"pay by space"~~) parking pay station without payment properly recorded as described by the
8 instructions posted on the parking payment device.

9 E. The prohibitions in this section shall not apply to the act of parking or to the necessary
10 time required to activate the time on the parking meter or to obtain a parking pay station receipt,
11 or as indicated by signposting, to the parking of a vehicle in a restricted parking zone in
12 accordance with the provisions of 11.16.315, or to the parking of certified carpool vehicles in
13 accordance with the provisions of Section 11.23.410.

14 F. The prohibitions in this section shall not apply on Sundays and parking holidays.

15 G. Any payment made by mobile device is not valid if issued for a different area than the
16 one containing the occupied space or with different parking time limits than that applicable to the
17 occupied space.

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22 **Section 6.** This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by the City Council the 30th day of July, 2012, and
signed by me in open session in authentication of its passage this
30th day of July, 2012.



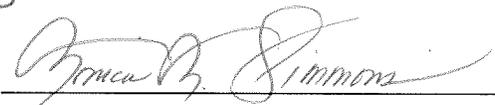
President _____ of the City Council

Approved by me this 13th day of August, 2012.



Michael McGinn, Mayor

Filed by me this 14th day of August, 2012.



Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Mary Catherine Snyder 684-8110	Steve Barham 733-9084

Legislation Title: AN ORDINANCE relating to the Traffic Code; allowing payment for parking in City public rights-of-way by mobile device; authorizing the Director of Transportation to enter into contracts and to set convenience fees to be charged for pay by mobile device services; amending Sections 11.14.425, 11.76.005, 11.76.010 and 11.76.015 of the Seattle Municipal Code; and adding a new Section 11.16.127.

Summary of the Legislation:

This legislation amends several sections of the Seattle Municipal Code Title 11 to allow for the acceptance and enforcement of on-street parking fee payments through mobile devices and cleans up out-of-date language related to payment at parking meters and pay stations. Specific changes to Section 11.76.015 make payments made by mobile device non-transferrable to areas or parking time limits other than the one for which the payment is issued. This restriction is needed to enforce payments made by mobile device. New Section 11.16.127 authorizes the Seattle Department of Transportation (SDOT) to execute one or more contracts for services from a pay-by-phone vendor. The contract will specify a mobile device payment transaction fee to be charged by the selected vendor.

Background:

The 2012 Adopted Budget includes funding to begin implementation of a pay-by-phone program. A pay-by-phone payment system offers key customer service enhancements for users of the City's on-street parking system. The 2011 Seattle Performance-Based Parking Pricing Study recommended this new payment option to enhance Seattle's parking customer service. SDOT's Parking Sounding Board, consisting of downtown and neighborhood business stakeholders, strongly supports the project.

SDOT is working closely with the Seattle Police Department Parking Enforcement (SPD) to implement the program by Fall 2012. The City will contract with a vendor to provide these services for the city. The vendor's costs will be solely supported through a convenience fee charged on each pay-by-phone transaction on top of the parking fees paid to the City.

 This legislation does not have any financial implications.

 X **This legislation has financial implications.**

Funding to implement the pay-by-phone program in 2012 is included in the 2012 Adopted Budget. If the legislation is adopted and the pay-by-phone program is implemented, the 2013 Proposed Budget will include cost and revenue adjustments, if



necessary, to continue the program.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes, if the legislation is adopted and a pay-by-phone program is implemented, a reduction in the City's citation revenue could occur due to additional time required for parking enforcement officers to access the enforcement database in the field and to determine which vehicles are in violation. Parking Enforcement could mitigate these impacts through upgrades to handheld equipment and/or adjustments in deployment operations.

Additionally, because a pay-by-phone program creates convenience for parking payment and extension of minutes up to the allowable limits, there could be an increase in paid-parking compliance and use. An increase in compliance could result in an increase in paid-parking revenues as well as a further reduction in citation revenues.

If the pay-by-phone program is implemented, the estimated financial impact will be defined and any adjustments to continue the program, if necessary, will be included in the 2013 Proposed Budget. In the long term, the magnitude of the impacts described above could grow if the pay-by-phone user adoption rate increases.

b) What is the financial cost of not implementing the legislation?

If the legislation is not implemented, the City will not be able to implement a pay-by-phone program. There are no financial costs other than the initial costs that have been expended in 2012.

c) Does this legislation affect any departments besides the originating department?

In the development of the pay-by-phone program, SDOT has worked with the Seattle Police Department Parking Enforcement, the Department of Finance and Administrative Services, and the Seattle Municipal Court.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None. Without this legislation, a pay-by-phone program cannot be implemented.

e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Other Issues:

None.





City of Seattle
Office of the Mayor

June 18, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am transmitting the attached proposed Council Bill that amends the Seattle Municipal Code to support the implementation of the Pay by Phone Project for Seattle's on-street paid parking system. This legislation allows on-street parking fee payment by mobile device and cleans up out-of-date language related to payment at parking meters and pay stations. It also authorizes SDOT to execute a contract for a pay by phone vendor and set a user transaction fee for vendor cost recovery.

Many North American and European cities offer the option for parkers to pay for their on-street parking with their mobile devices. One of 10 key recommendations from the 2011 Seattle Performance-Based Parking Pricing Study was to implement this new payment option to enhance Seattle's parking customer service. SDOT's Parking Sounding Board, made up of downtown and neighborhood business stakeholders, strongly supports the project. The Seattle Department of Transportation (SDOT) and the Seattle Police Department (SPD) are working closely together to begin implementing the project by this Fall.

The Pay by Phone project helps SDOT and SPD create a more positive parking experience as customers can more easily pay for parking. The project augments SDOT's performance-based parking program to use a data-driven rate-setting approach to ensure available spaces in business districts. Thank you for your consideration of this legislation. Should you have questions, please contact SDOT's Mary Catherine Snyder at 206-684-8110.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council





**Legislative Department
Office of City Clerk
Memorandum**

Date: August 17, 2012
To: Legislative File
From: Emilia M. Sanchez, Council Clerk
Subject: Legislation Passed by the City Council on July 30, 2012, and
Returned by the Mayor 10 days following its Presentation

On July 31, 2012, the City Clerk presented this piece of legislation to the Mayor. On August 14, 2012, the Mayor returned the legislation, more than ten days after the City Clerk presented it to the Mayor.

Pursuant to Seattle Municipal Code Section 1.04.020.C, if legislation is not returned to the City Clerk within ten days after presented to the Mayor, the legislation shall take effect and be in force 45 days after passage by the City Council.

FILED
CITY OF SEATTLE
12 SEP -7 PM 3: 13
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--SS.

287796
CITY OF SEATTLE, CLERKS OFFICE

No. 123941 123942 123943

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.

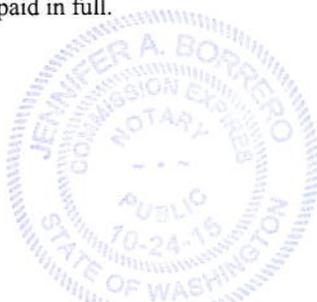
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 123940

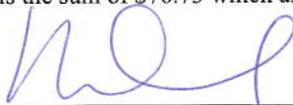
was published on

08/24/12

The amount of the fee charged for the foregoing publication is the sum of \$76.73 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on

08/24/2012



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on July 30, 2012, 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. 123940

AN ORDINANCE relating to the City Light Department and authorizing the Superintendent of the City Light Department to accept on behalf of the City the new license from the Federal Energy Regulatory Commission to operate Seattle's Boundary Dam Hydroelectric Project (FERC Project No. 2144); and ratifying and confirming prior acts.

ORDINANCE NO. 123941

AN ORDINANCE relating to the Traffic Code; allowing payment for parking in City public rights-of-way by mobile device; authorizing the Director of Transportation to enter into contracts and to set convenience fees to be charged for pay by mobile device services; amending Sections 11.14.425, 11.76.005, 11.76.010 and 11.76.015 of the Seattle Municipal Code; and adding a new Section 11.16.127.

ORDINANCE NO. 123942

AN ORDINANCE relating to land use and zoning, amending Sections 23.40.060 and 23.41.012 of the Seattle Municipal Code to provide additional design departures under the Demonstration Program for Living Building Design implemented by Section 23.40.060.

ORDINANCE NO. 123943

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123950

AN ORDINANCE relating to the Transit Corridor Projects project; removing restrictions in the 2012 Adopted Budget that limit the Seattle Department of Transportation's spending in the Mobility-Capital BCL; and revising project allocations in the 2012-2017 Capital Improvement Program.

Date of publication in the Seattle Daily Journal of Commerce, August 24, 2012.
8/24(287796)