

## CITY COUNCIL AGENDA MEMORANDUM

### **SUBJECT:**

Ordinance No. 6276 relating to parking; adding new Sections 11.23.027, 11.23.028, and 11.23.029 to the Bellevue City Code; and, amending Section 11.23.040 of the Bellevue City Code.

### **FISCAL IMPACT:**

A small increase in resources to the General Fund would be anticipated to occur with the approval of an updated code that addresses repeated overtime, expired registration, and illegal Sale/Possession of an RPZ Permit infractions, as well as an increase in some parking fines to \$40.

### **STAFF CONTACT:**

Dave Berg, Director, 452-6468  
Mark Poch, Assistant Director, 452-6013  
Rebecca Rodni, Project Manager, 452-6160  
Darek Jarzynski, Senior Engineer, 452-4277  
*Transportation Department*

### **POLICY CONSIDERATION:**

#### Comprehensive Plan

The Transportation Element of the Bellevue Comprehensive Plan includes a number of policies aimed at preserving safety on roadway systems and mitigating impacts of spillover parking on residential streets (Policies TR-39, TR-46, TR-48, TR-115, and TR-119). This Ordinance would provide for the consistent implementation of those policies through the proposed amendments.

### **BACKGROUND:**

Staff presented information regarding possible parking code updates at the February 22 Study Session. Following a comprehensive analysis of the current parking code, which included input from multiple Departments as well as the Bellevue District Court and the Postal Service, staff recommended updating Chapter 11.23 to enact needed changes to the parking code. Changes include updating parking infraction penalties, modernizing code elements and functions, and enacting a few new parking rules. Staff was directed to bring back an updated code as proposed for the March 7 Consent Calendar.

Enforcement of parking rules and thus the corresponding parking penalties are important to both safety and commerce. Safety is impacted when vehicles park too close to driveways, intersections and crosswalks, and commerce is affected when vehicles park beyond the 2-hour time limit in the free on-street parking areas in the Downtown area. Of the approximately 4,000 parking infractions issued annually in Bellevue, nearly 3,000 are safety related. In the Downtown area alone, approximately 2,500 safety related infractions are issued annually, as well as approximately 750 overtime parking infractions.

Bellevue City Code (BCC) Title 11.23 Parking was enacted in 1993 and has had minor amendments since then. Over the years the Transportation and Police Departments, as well as the District Court, have identified a number of issues with how the Code is currently written, mainly

the penalty structure. In addition, the parking penalties themselves (fine amounts) have not been regularly updated as specified in the parking code.

Major amendments included in this Ordinance to update the parking code are:

- 1) **Establish a consistent penalty of \$40 for parking infractions under BCC 11.23.040 Section C.** King County District Court asked the City to make penalties consistent for parking infractions referring to the same section of BCC or RCW. Although many penalty infractions are currently \$40, some infractions are set at \$29 although they reference the same BCC or RCW violations as the \$40 infractions. This means that the Bellevue District Court must manually alter the ticket amount in their computer system to reflect the amount of \$29, which is time consuming and increases the likelihood of errors.

The attached table (Attachment A) shows the current penalty for various parking infractions, the proposed new penalty, and the penalties currently in effect for some comparable jurisdictions. The King County District Court, City Attorney's Office, Transportation and Police Departments support a consistent penalty amount of \$40 for parking violations.

This adjustment would be effective May 1, 2016. Ongoing maintenance of parking penalties (periodic penalty adjustments) would be per existing code as explained immediately below in section 2).

- 2) **Maintain existing code to automatically adjust parking infraction penalties.** BCC 11.23.040 states that parking infraction penalties shall be adjusted biennially on January 1 of every even-numbered year per a formula involving the Consumer Price Index (CPI). This automatic adjustment was established in 2000, and specifies utilizing the CPI from the previous two years to adjust the parking penalties to keep the amount current based on inflation. Staff recommend continuing this practice. After establishing updated parking penalties on May 1, 2016, the automatic adjustment would occur on January 1, 2018, and then on January 1 of each succeeding even numbered year (i.e. every two years).
- 3) **For ease of administration, maintain the infraction penalty structure in a separate table (not incorporated into City Code).** Current parking infraction penalty amounts are established in BCC 11.23.040, which requires a Council-adopted code amendment each time the scheduled inflation adjustment to the penalty table occurs. Maintaining a table of the penalties for parking infractions outside of the Code enables timely updates and reduces the administrative burden for both staff and Council in making this formulaic adjustment.
- 4) **Authorize the City Manager to use discretion in setting biennial parking infraction penalty adjustments.** During the most recent recession, questions were raised regarding whether it was appropriate for the City to increase parking infraction penalties during times of wide-spread economic hardship. The current Code mandates increasing parking penalties every two years. Authorizing the City Manager or his/her designee to use discretion when increasing penalties allows the City to delay inflationary adjustments when deemed appropriate.

- 5) **Institute an expired or improperly displayed registration infraction penalty of \$40.** Under RCW 46.55.113, any vehicle with registration tabs that have been expired for more than 45 days may be immediately impounded. There is currently no provision within the Bellevue Code that would allow an infraction to be written instead. This proposed code amendment would allow enforcement officers to use judgment whether to tow or cite a vehicle with expired registration. Both the Police and Transportation Departments recommend this amendment.
- 6) **Institute a \$40 infraction penalty for parking in front of and adjacent to mailboxes.** For many years, residents have expressed concern to both the Police and Transportation Departments regarding disruption of mail delivery due to others parking in front of their mailboxes. Parking in front of mailboxes creates an unsafe condition for postal carriers and slows down mail delivery, leading to increased Postal Service costs. The Postal Service now withdraws mail delivery service for mailboxes that are routinely blocked by parked vehicles. A number of other local jurisdictions have instituted codes restricting parking near mailboxes to address this issue, including King County, Woodinville, Kent, Auburn, and Lake Stevens. Both the Police and Transportation Departments join the Postal Service in recommending this amendment.
- 7) **Institute a \$40 infraction penalty for illegal parking at bus stops, for vehicle repair, and vehicles for sale.** The Washington Administrative Code (WAC) includes provisions to restrict parking at bus stops, to repair a parked vehicle in the streets right of way, and to display a vehicle for sale while parked on the street. No infraction penalty has been established for these parking restrictions, and thus a \$40 penalty is included in the updated parking code.
- 8) **Institute a \$250 infraction penalty for tampering with Residential Permit Parking Zone permits.** The City has fourteen active Residential Permit Parking Zones (RPZ) in the City, primarily established around the Downtown, High Schools, and Bellevue College. Residents in these zones are protected from spillover parking for a portion of the day by “Permit Only” parking restrictions. The number of RPZ areas is anticipated to increase to mitigate spillover parking impacts to residents living near commercial areas, transit stations, and other major generators of parking.

Each year incidents of RPZ tampering are reported, where residents give or sell RPZ permits (currently issued by the City at no cost) to motorists who want to circumvent the RPZ restrictions. Permits have also been counterfeited. In order to discourage this behavior, an infraction penalty of \$250 is included in the updated parking code for the illegal production, sale, and purchase of an RPZ permit, similar to Seattle Municipal Code 11.72.351C.

**EFFECTIVE DATE:**

If approved, this Ordinance becomes effective on May 1, 2016.

**OPTIONS:**

1. Adopt the Ordinance relating to parking; adding new Sections 11.23.027, 11.23.028, and 11.23.029 to the Bellevue City Code; amending Section 11.23.040 of the Bellevue City Code; amending Ordinance No. 4611 as previously amended by Ordinance No. 5176; and establishing an effective date.

2. Do not adopt the Ordinance and provide alternative direction to staff.

**RECOMMENDATION:**

Option 1.

**MOTION:**

Move to approve Ordinance No. 6276 relating to parking; adding new Sections 11.23.027, 11.23.028, and 11.23.029 to the Bellevue City Code; amending Section 11.23.040 of the Bellevue City Code; amending Ordinance No. 4611 as previously amended by Ordinance No. 5176; and establishing an effective date..

**ATTACHMENTS:**

Attachment A: Table of current, proposed, and comparable parking penalties.  
Proposed Ordinance No. 6276