

July 13, 2015

CITY COUNCIL STUDY SESSION ITEM

SUBJECT:

Discussion of proposed Ordinance that would authorize repealing the existing Bellevue City Code (BCC) Section 11.23.040 relating to the City's parking code and establishing a new parking code.

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FISCAL IMPACT:

A small increase in resources to the General Fund would be anticipated to occur with the approval of new code that addresses repeated overtime, expired registration, and Illegal Sale/Possession of an RPZ Permit infractions, as well as increasing the general infraction rate to \$40.

POLICY ISSUES:

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.

DIRECTION NEEDED FROM COUNCIL:

☐ Action
☒ Discussion
☒ Information

Action is tentatively scheduled on July 20, 2015.

BACKGROUND/ANALYSIS:

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

Following a comprehensive analysis of the current parking code, staff recommend repealing and replacing Chapter 11.23 with an updated new parking code. Staff is seeking Council direction to finalize legislation approving a new parking code for Council consideration on the July 20 Consent Calendar.

Major amendments proposed to the parking code include:

- 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 most penalty infractions are currently \$40, a few infractions are set at \$29 even while referencing the same BCC or RCW violations as the \$40 infractions. This means that the Courts 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 most parking violations.

Staff recommend making this adjustment effective January 1, 2016. Further adjustments to parking penalties would be per existing code as explained immediately below.

- 2) **Maintain existing code to automatically adjust parking penalties.** BCC 11.23.040 states that parking penalties shall be adjusted biennially on January 1 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.

It should be noted that parking penalties were last adjusted in 2008. Penalties were not adjusted in 2010 due to the economic downturn, and they have not been subsequently adjusted.

- 3) **For ease of administration, maintain the penalty structure in a separate table (not incorporated into City Code)** Current infraction amounts are established in BCC 11.23.040, which requires a Council-adopted code amendment each time the scheduled inflation adjustment to the penalties table occurs. Maintaining a table of the monetary 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 penalty adjustments.** During the most recent recession, questions were raised regarding whether it was appropriate for the City to increase parking 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 increases when appropriate.
- 5) **Extend the distance for which the City Manager is authorized to set parking restrictions when there is a safety or spillover parking concern.** Authorizing the City Manager or his/her designee to designate areas for "No parking, stopping or standing of vehicles" of up to 1,000 feet, increased from the current maximum of 300 feet, allows the City to more quickly respond to safety and/or spillover parking concerns.

- 6) **Establish a Repeated Overtime Parking infraction of \$40.** Currently motorists who are fined for parking longer than permitted in a time-zone (2-hours, etc.) have little incentive to move their vehicles once an infraction has been issued – only one ticket is issued. In addition, the current overtime parking infraction of \$23 is on par or even less than what many Downtown parking lots and garages charge for a daily parking rate. Raising the overtime parking infraction to \$40 and instituting a repeat overtime infraction would discourage abuses by motorists who are using the time-zone parking areas for all day parking. Enforcement would have the option of issuing additional parking infractions, at their discretion, for each time period the vehicle remains parked (e.g. a vehicle in a two-hour zone could be issued an additional infraction every two hours). Seattle’s parking code allows this, and the Police and Transportation Departments recommend this approach.
- 7) **Institute an expired or improperly displayed registration infraction 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.
- 8) **Institute a \$40 infraction 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 recommend this amendment.
- 9) **Institute a \$250 infraction 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, the Transportation Department is proposing an infraction of \$250 be instituted for the illegal production, sale, and purchase of an RPZ permit, similar to Seattle Municipal Code 11.72.351C.

ALTERNATIVES:

- 1) Direct staff to finalize and return with legislation repealing BCC 11.23.040 parking code and replacing it with a new parking code incorporating the changes outlined above for

- Council consideration.
- 2) Direct modifications to the proposed legislation repealing and replacing the parking code.
 - 3) Provide alternative direction to staff.

RECOMMENDATION:

Option 1.

ATTACHMENT:

A. Table of current, proposed, and comparable parking penalties.