

February 22, 2016

CITY COUNCIL STUDY SESSION ITEM

SUBJECT:

Discussion of proposed Ordinance amending Bellevue City Code (BCC) Chapter 11.23 relating to the City's 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 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.

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 March 7, 2016.

BACKGROUND/ANALYSIS:

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.

Following a comprehensive analysis of the current parking code, staff recommends updating Chapter 11.23 to enact needed changes to the parking code. Staff is seeking Council direction to finalize legislation approving the updated parking code for Council consideration on the March 7 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 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.

Staff recommend making this adjustment 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).

It should be noted that parking infraction 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 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 increases 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 proposed.
- 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, the Transportation Department is proposing an infraction penalty of \$250 be instituted for the illegal production, sale, and purchase of an RPZ permit, similar to Seattle Municipal Code 11.72.351C.

Summary – Direction Sought

The following summarizes the proposed updates to the Bellevue parking code for which Council direction is sought:

- Should parking infraction penalties in BCC 11.23.040 be established at \$40?
- Should infraction penalty amounts be maintained in a table outside of the BCC for streamlined administration and adjustment?
- Should the City Manager be authorized to suspend automatic infraction penalty adjustments based on his/her discretion?
- Should citations be authorized in lieu of towing vehicles with expired tabs?
- Should parking in front of mailboxes be established as a parking infraction?
- Should infraction penalties be established for bus stops, for sale, and vehicle repair?
- Should RPZ permit misuse be establish as an infraction of \$250?

ALTERNATIVES:

- 1) Direct staff to finalize and return with legislation amending Chapter 11.23 BCC parking code incorporating the changes outlined above for Council consideration.
- 2) Direct modifications to the proposed legislation for amending the parking code.
- 3) Provide alternative direction to staff.

RECOMMENDATION:

Option 1.

ATTACHMENT:

Table of current, proposed, and comparable parking penalties.