

Ordinance No. 123120

Council Bill No. 116657

AN ORDINANCE related to the Restricted Parking Zone program, amending Sections 11.14.515, 11.16.120.F, 11.16.315, 11.16.317, 11.23.440, and 11.28.010.D of the Seattle Municipal Code, to correct drafting errors and ratifying and confirming prior acts.

Related Legislation File: _____

Date Introduced and Referred: <u>9.21.09</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10.5.09</u>	Date Presented to Mayor: <u>10.6.09</u>
Date Signed by Mayor: <u>10.8.09</u>	Date Returned to City Clerk: <u>10.8.09</u>
Published by Title Only _____ Published in Full Text <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
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: Jan Drago

Committee Action:

Date	Recommendation	Vote
<u>Pass</u>	<u>JD</u>	

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

Full Council Action:

Date	Decision	Vote
<u>10-5-09</u>	<u>Passed</u>	<u>9-0</u>

ORDINANCE 123120

AN ORDINANCE related to the Restricted Parking Zone program, amending Sections 11.14.515, 11.16.120.F, 11.16.315, 11.16.317, 11.23.440, and 11.28.010.D of the Seattle Municipal Code, to correct drafting errors and ratifying and confirming prior acts.

WHEREAS, drafting errors in Ordinance 123001 have created uncertainty about how the municipal code is to read, but there is no intent to change the substance of the amendments made by Ordinance 123001;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.515, last amended by Ordinance 123001, is amended as follows:

11.14.515 Restricted Parking Zone Definitions

For the purposes of Sections 11.16.315 through 11.16.319 only, the terms in this section have the following meanings:

A. "Business" means any (~~business~~) person or entity that possesses a valid City of Seattle business license and that conducts (~~where~~) commercial work (~~occurs on premises~~) at the business address listed on the business license, including but not limited to, retail sales and service, warehouse, non-household sales and service, or entertainment.

B. "Employee" means any individual who performs work, labor, or services and is on the payroll of a business or institution. This includes all full-time, part-time and temporary employees including partners of the business or institution located in or adjacent to an RPZ.

C. "Guest" means a person temporarily visiting residents or temporarily having business with residents who are eligible for RPZ permits.



1 D. "Guest Permit" means a card, decal or other identification issued to an eligible person
2 to be placed in the vehicle that enables it to park in a restricted parking zone, for an annual,
3 biennial or single-day timeframe.

4 E. "Household Unit" means any self-contained house, apartment, condominium, town
5 house, floating home, detached or attached accessory dwelling unit, or group (~~house~~) home that
6 contains living, sleeping and cooking quarters and is used by of any number of related persons or
7 up to eight unrelated individuals. (~~For the purpose of this chapter, e~~) Each unit of a multiple-unit
8 residential dwelling is considered a separate household unit.
9

10 F. "Institution" means any organization of a public character, including but not limited to,
11 a school, hospital, religious facility, health care, social or community service agency, library,
12 university, or museum.
13

14 G. "Resident" means any person residing in a household unit that is located adjacent to or
15 in a prescribed vicinity of a restricted parking zone.
16

17 H. "Restricted parking zone" or "RPZ" means a portion of the street commonly used for
18 vehicular parking where vehicles properly displaying a permit or other authorization pursuant to
19 Chapter 11.16 SMC (~~shall be~~) are exempt from the posted RPZ parking restrictions. (~~This~~
20 ~~program does not apply to v~~) Vehicles displaying a card or decal issued pursuant to RCW
21 46.16.381 are exempt.
22

23 I. "RPZ Permit" means a card, decal or other identification issued to an eligible person to
24 be placed on the vehicle that enables it to park in a restricted parking zone.

25 J. "Volunteer" means any individual who performs volunteer work for a business or
26 institution at least three times a week.
27



1 Section 2. Subsection F of Section 11.16.120, last amended by Ordinance 1123001, is
2 amended as follows:

3 **11.16.120 Director of Transportation -- Authority.**
4

5 The Director of Transportation is authorized:

6 ***

7 F. To establish, revise or ~~((abolish))~~ dissolve restricted parking zones. A decision to
8 establish, ~~((or))~~ to refuse to establish, to expand, to reduce or to dissolve a restricted parking zone
9 is subject to reconsideration pursuant to ~~((SMC))~~ Section 11.16.317.D. The Director may
10 consider other parking demand management tools in lieu of or prior to implementation of an
11 RPZ. ~~((A restricted parking zone may have one (1) or more of the following components:~~
12
13 ~~———— 1. Parking in the street is reserved for the exclusive use by those vehicles displaying a~~
14 ~~valid RPZ permit, guest permit, or other identification issued by the Seattle Department of~~
15 ~~Transportation as part of the RPZ program; or~~
16
17 ~~———— 2. Parking in the street is reserved during certain posted hours for exclusive use by~~
18 ~~vehicles displaying a valid RPZ permit, guest permit, or other identification issued by the Seattle~~
19 ~~Department of Transportation as part of the RPZ program and available at all other times without~~
20 ~~restriction; or~~
21
22 ~~———— 3. Time limits are established for parking in the street that applies to all vehicles except~~
23 ~~vehicles with valid RPZ permit, guest permit, or other identification issued by the Seattle~~
24 ~~Department of Transportation as part of the RPZ program.))~~
25

26 Section 3. Section 11.16.315, last amended by Ordinance 123001, is amended as follows:
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1 **11.16.315 Administration of and signage in restricted parking zones.**

2 A. Signage: Restricted parking zones shall be appropriately signed and/or marked.

3 B. Administration:

4 1. A restricted parking zone may have one or more of the following components:

5 a. Parking in the street is reserved for the exclusive use of those vehicles displaying a
6 valid RPZ permit, guest permit, or other identification issued by the Seattle Department of
7 Transportation as part of the RPZ program; or

8 b. Parking in the street is reserved during certain posted hours for exclusive use of
9 vehicles displaying a valid RPZ permit, guest permit, or other identification issued by the Seattle
10 Department of Transportation as part of the RPZ program but available at all other times without
11 restriction; or

12 c. Time limits are established for parking in the street that apply to all vehicles except
13 vehicles with a valid RPZ permit, guest permit, or other identification issued by the Seattle
14 Department of Transportation as part of the RPZ program.

15 2. In any restricted parking zone, the Director of Transportation or ~~((his or her))~~ the
16 Director's designee may issue permits or other means of identification, maintain lists of vehicles
17 owned or used by permit holders, or adopt any other reasonable means of distinguishing vehicles
18 that are validly parked in a restricted parking zone.

19 ~~((1))~~a. A permit shall not guarantee or reserve to the holder an on-street parking
20 space within the designated RPZ.
21
22



1 B. The Director of Transportation may establish a new or expand an existing restricted
2 parking zone whenever ~~((seventy-five (75)))~~ 75((%)) percent or more of the capacity of the streets
3 available for parking on ten ~~((10))~~ contiguous blocks (and/or ~~((twenty (20)))~~ 20((%)) block faces) in
4 such designated area is generally occupied; over ~~((thirty-five (35)))~~ 35((%)) percent of the vehicles
5 parked on the street in the area are not owned by residents of the designated area; a strong and
6 effective community engagement effort indicating that generally stakeholders in the designated
7 area have reviewed and support the restricted parking zone, which could include a petition signed
8 by a majority of the residents in the designated area in support of the restricted parking zone; and
9 the public interest would be served. In cases where the criteria listed above are not met, the
10 Director of Transportation is authorized to establish a restricted parking zone when, in ~~((his or~~
11 ~~her))~~ the Director's judgment, the parking problem will be ameliorated by a restricted parking
12 zone and the public interest would be served.

13 C. The Director of Transportation or ~~((his or her))~~ the Director's designee is authorized to
14 engage affected and interested community stakeholders to review and assist in refining any future
15 RPZ proposals.

16 1. The public information and involvement program may include department
17 presentations to business and community organizations, information distribution through the
18 City's web site, news releases and related media, direct mailings of informational materials,
19 facilitated meetings, sounding boards, walking tours, surveys, and other techniques as
20 appropriate to the scale of the proposal.

21 2. Prior to the Director of Transportation's decision to establish, not to establish, to
22 dissolve ~~((an RPZ)),~~ ~~((or))~~ to expand, or to reduce an RPZ by more than two ~~((2))~~ contiguous
23



1 blocks, the Seattle Department of Transportation shall hold ~~((an administrative))~~ a public hearing
2 where it will provide interested persons an opportunity to submit written and spoken comment
3 into the public record.

4 3. At least 20 days prior to the public hearing, the Seattle Department of Transportation
5 shall mail a notice of hearing containing the hearing time and location to all owners, commercial
6 lessees and residents of property within 300 feet of the affected restricted parking zone.

7
8 4. At least 20 days prior to the public hearing, the Seattle Department of Transportation
9 shall publish in a local newspaper a notice of the hearing that states the hearing time and
10 location.

11
12 D.1. The Director of Transportation's decision to establish, ~~((or))~~ not to establish, to
13 expand, to reduce, or to dissolve a restricted parking zone ~~((may be))~~ is subject to reconsideration
14 within ~~((fifteen ()))~~ 15 ~~(())~~ days of publication in a local newspaper. Requests for reconsideration
15 may be initiated in writing, by residents, business owners, employees or volunteers in or adjacent
16 to the proposed RPZ. On reconsideration, the Director shall designate a review officer, who shall,
17 after reviewing the reconsideration materials and other relevant information, make a
18 recommendation to the Director. The Director may, at ~~((his or her))~~ the Director's discretion, stay
19 implementation of a decision pending review. The Director shall have ~~((thirty ()))~~ 30 ~~(())~~ days to
20 issue a decision. The Director's decision on reconsideration shall be final unless appealed to the
21 Office of Hearing Examiner under subsection 11.16.317.(())D(())2(()). Grounds for
22 reconsideration ~~((may))~~ include the validity of any parking study or compliance with the process
23 to establish a zone.
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1 2. The Director's decision on reconsideration may be appealed to the Office of the
2 Hearing Examiner.

3 i) Time limit for initiation of an appeal. A notice of appeal shall be filed with the
4 Hearing Examiner within ~~((twenty-))~~20~~(())~~ days following issuance of the Director's Decision
5 on Reconsideration.

6 ii) Form of Appeal. The notice of appeal must contain a brief statement of the issues
7 on appeal, the specific objections to the decision being appealed, along with supporting facts and
8 documentation, and the relief sought. The notice of appeal must list the name of the appellant,
9 and the signature, address, phone number, and fax or e-mail address if available, of the
10 ~~((P))~~person appealing.
11

12 iii) Decision. After reviewing the notice of appeal and supporting documentation
13 and conducting a hearing, the Examiner shall issue a written decision within ~~((thirty-))~~30~~(())~~
14 days after the conclusion of the hearing ~~((or submission of the notice of appeal))~~. The written
15 decision shall contain the reasons for the decision and the provisions for further appeal and shall
16 be mailed to the ~~((P))~~person appealing by first class mail with proof of mailing attached and a
17 copy retained in the Examiner's files. This decision is the final decision of the City.
18

19 E. The Director may modify ~~((boundaries or))~~ hours of an existing RPZ or expand or
20 reduce boundaries of an existing RPZ by two ~~((2))~~ contiguous blocks or less by following an
21 administrative process that seeks to identify possible changes ~~((as))~~ suggested by the community,
22 review proposed changes to the RPZ with affected community stakeholders, and make a
23 determination for what best serves the public interest, without holding the public hearing
24 required ~~((in SMC))~~ by 11.16.317~~((C))~~.2.
25
26
27



1 F. A restriction of parking shall first take effect on a street segment when it is signed or
2 posted, and shall cease when the signs or posting are removed pursuant to lawful order;
3 provided(~~(;)~~) that vandalism or destruction of parking control signs shall not affect the validity of
4 a restriction upon parking on any street segment designated by the Director of Transportation if
5 other signs or traffic control devices give notice that parking in the street segment is restricted.
6

7 G. The Director may initiate dissolution of an RPZ when (~~(he or she)~~) the Director
8 determines that(~~(it)~~) dissolution best serves the public interest and meets at least one of the
9 following criteria, including but not limited to, low permit sales in a zone, a small number of
10 blocks with RPZ signs, or the absence of the original traffic generator(~~(no longer exists)~~). The
11 zone would be removed at the beginning of a new permit cycle.
12

13 Section 5. Section 11.23.440, last amended by Ordinance 123001, is amended as follows:

14 **11.23.440 Parking privileges.**

15 No person shall be granted a franchise or special privilege to the exclusion of any other
16 like person for parking vehicles on any roadway. Zones may be granted for taxicabs, official
17 foreign career consul vehicles, moving or loading, disabled persons, curb space parking, service
18 parking, carpool parking, or similar uses, or for any restricted parking zone program (~~(which)~~)
19 that may be developed. Establishment of such a zone does not constitute a grant of franchise
20

21 Section 6. Subsection D of 11.28.010, which Section was last amended by Ordinance
22 123001, is amended as follows:
23

24 **11.28.010 Abuse of privileges in restricted parking zones.**

25 ***
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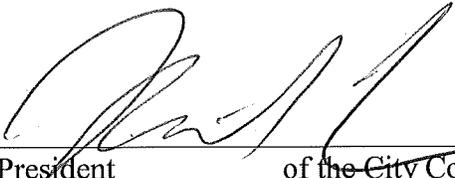
1 D. ~~((It shall be prohibited for any person to-))~~ No person shall sell, trade, buy or
2 otherwise acquire for value or use any restricted parking permit, except as provided for in ~~((this~~
3 ~~article or))~~ Chapter 11.16 SMC.

4 Section 7. Any act consistent with the authority of this ordinance taken prior to its
5 effective date is hereby ratified and confirmed.

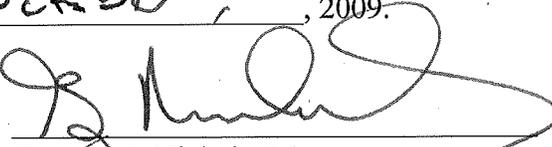
6 Section 8. This ordinance shall take effect and be in force thirty (30) days from and after
7 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
8 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
9

10
11 Passed by the City Council the 5th day of October, 2009, and
12 signed by me in open session in authentication of its passage this

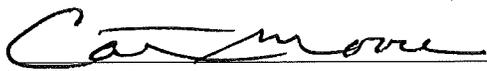
13
14 5th day of October, 2009.

15
16 
President _____ of the City Council

17
18 Approved by me this 8th day of October, 2009.

19
20 
Gregory J. Nickels, Mayor

21
22 Filed by me this 8th day of October, 2009.

23
24 
City Clerk

25 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Norm Schwab/4-9292	N/A

Legislation Title: AN ORDINANCE related to the Restricted Parking Zone program, amending Sections 11.14.515, 11.16.120.F, 11.16.315, 11.16.317, 11.23.440, and 11.28.010.D of the Seattle Municipal Code, to correct drafting errors and ratifying and confirming prior acts.

- **Summary of the Legislation:** This legislation corrects drafting errors in Ordinance 123001 that have created uncertainty about how the municipal code is to read, but there is no intent to change the substance of the amendments made by Ordinance 123001;
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

See above under summary of legislation.

- *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.)*

