



INFORMATIONAL MEMORANDUM

TO: Community Services and Safety Committee

FROM: Police Chief Eric Drever

BY: Eric Hines

CC: Mayor Ekberg

DATE: April 11, 2023

SUBJECT: Changes to Tukwila Municipal Code Title 9

ISSUE

The Police Department is seeking committee approval to repeal the existing chapter 9 Tukwila Municipal Code and replace it with this updated version, attached for your review.

BACKGROUND

Tukwila Municipal Code chapter 9 explains proper vehicle parking, registration requirements, and the impoundment of vehicle within the city limits. This TMC is effective for vehicles parked on public roadways, right of way, and City owned property (buildings, their parking lots, City parks). Parts of the TMC chapter 9 as it is currently written were challenged and those sections discontinued for use as a result. This updated TMC corrects that language in each section and how they relate to one another. All sections were examined and updated as needed to reflect present day issues.

DISCUSSION

Tukwila Municipal Code chapter 9 is the single location in this City's municipal code that lists the current regulation regarding the parking of vehicles, violations for which a notice of infraction can be issued, and the conditions under which vehicles can be impounded. One of the most frequent issues complained about to PD from City residents in the parking of vehicles with expired tabs upon the license plate. This section of the TMC was invalidated at a TMC trial due to the wording of the original TMC utilizing "registration plate" instead of specific language regarding a license plate. As a result, for the past several years this section of the TMC has not been used, despite frequent complaints by citizens through the See Click Fix on-line reporting portal. The original TMC also has a section regarding "residential parking permits" that have not been issued in several years. These permits would allow citizens to park in areas prohibited by posted no parking signs. This poses a safety problem as those no parking anytime signed areas are posted to keep them clear of vehicles to allow line of sight of on-coming vehicles to allow a safe entry into a roadway and avoidance of a collision.

TMC chapter 9 also covers impoundment of vehicles and specified a 24-hour time period for waiting to impound abandoned vehicles. PD practice for many years now is to mark a vehicle for impound but not to impound it until 72 hours have elapsed. When a vehicle is impounded TMC chapter 9 specified the registered owner of the vehicle may request an impound hearing at King County district court when for over a year now, such hearings take place at the Tukwila Municipal Court.

The revised TMC chapter 9 corrects the language regarding a vehicles license plate, corrects the time limit for impoundment and the location of any requested hearing to reflect present practice and location.

FINANCIAL IMPACT

There is no financial impact by making changes to the Tukwila Municipal Code.

RECOMMENDATION

Request that the Committee approve the repeal of TMC ordinance chapter 9 as it now exists, and replace it with the attached updated chapter 9 as proposed, and forward to the 5/8/2023 Council Of The Whole meeting and 5/15/23 Regular meeting.

ATTACHMENTS

Ordinance with strike-through

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 1370 §1 (PART) AND 1502 §3, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 9.32.020; ORDINANCE NO. 1794 §1 (PART) AS CODIFIED IN TMC SECTION 9.28.040; AND ORDINANCE NO. 2494 AS CODIFIED IN TMC CHAPTERS 9.20 AND 9.28, TO UPDATE REGULATIONS REGARDING PARKING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2494, as codified at various chapters of Tukwila Municipal Code (TMC) Title 9, "Vehicles and Traffic," was passed February 1, 2016, to update parking regulations in the City of Tukwila; and

WHEREAS, Ordinance No. 2494 set a maximum penalty of \$300 for parking violations under TMC Section 9.20.120, "Penalties and Impound Procedures," and

WHEREAS, historically, fines for parking violations have been set by the Tukwila Municipal Court through their posted bail schedule; and

WHEREAS, the posted bail schedule does not specify penalties for parking violations below the maximum penalty of \$300, and Rule 6.2(d), "Penalty Schedule," of the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") provides in part that penalties for parking, standing, stopping, or pedestrian infractions established by municipal code "shall be consistent with the philosophy of these rules," which is to "secure the just, speedy, and inexpensive determination of every infraction case," pursuant to IRLJ 1.1(b), "Purpose;" and

WHEREAS, the Police Department and Tukwila Municipal Court have determined there is a need to update language in various sections relating to parking, confirmation of vehicle registration, impounds and fines to improve clarity and to match current processes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2494 §6, as codified at TMC Section 9.20.020, “Alley – Driveway entrance,” is hereby amended to read as follows:

9.20.020 Alley – Driveway entrance

No person shall park a vehicle within ~~an~~ a City alley in such a manner or under such conditions as to leave available ~~less than eight~~ 10 feet of the ~~width of the~~ roadway for the free movement of vehicular ~~and emergency~~ traffic, and no person shall stop, stand, or park a vehicle within ~~an~~ a City alley in such a position as to block the driveway entrance to any abutting property.

Section 2. Ordinance No. 2494 §7, as codified at TMC Section 9.20.030, “Parking on municipal property,” is hereby amended to read as follows:

9.20.030 Parking on municipal property

A. **Generally.** No person shall stop, stand or park a vehicle in any garage, City of Tukwila park, parking area or other property operated by the City, where signs prohibit or restrict such stopping, standing or parking without lawful authority or permission. ~~Any motor vehicle so stopped, standing or parked on municipal property for a period of 6 hours or more without authority or permission is a nuisance.~~

B. **Municipal Parks and Trails.** No person shall stand, stop or park a vehicle in any municipal park or trail areas except in areas designated for such purposes. No person shall stand, stop or park any vehicle in a parking stall designated for a municipal park or trail area for a period of time exceeding the maximum amount of time permitted as posted or, if a time limit is not posted, for a period of time exceeding 6 hours, without lawful permission or authority.

Section 3. Ordinance No. 2494 §9, as codified at TMC Section 9.20.050, “Parking over time limits on City streets and highways prohibited,” is hereby amended to read as follows:

9.20.050 Parking over time limits on City streets and highways prohibited

A. **Generally.** No person shall stop, park, leave standing, or store any vehicle, whether attended or unattended, on any street or highway within the City for more than 72 hours. ~~Provided, however, that any such vehicle stopped, parked, stored or left unattended on any street or highway within the City without a valid registration plate will be subject to immediate issuance of a notice of infraction without regard to the length of time the vehicle has been stopped, parked, stored or left unattended.~~

B. **Restricted Parking.** Any street with a sign denoting limited hours for parking shall be restricted for general street parking. The street or area shall be marked by a sign clearly indicating limited hours for parking.

~~C. **Residential Parking Permits.** Residents who can prove their residence is on a street with limited parking hours can apply for a residential parking permit at Tukwila City Hall. Residents may park in one spot, including on a street with a sign denoting limited hours for parking, for no longer than 72 hours, and shall follow all other applicable laws for parking on City streets.~~

Section 4. Ordinance No. 2494 §10, as codified at TMC Section 9.20.060, “General parking regulations,” is hereby amended to read as follows:

9.20.060 General parking regulations

A. Except where necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer, no person shall stop, stand or park a vehicle:

1. In front of a public or private driveway or within 5 feet of the end of the radius leading thereto.
2. In a place that restricts vehicular access to mailboxes.
3. In any place where official signs prohibit parking.
4. In such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular and emergency traffic.
5. When signs are displayed giving notice thereof, on one or both sides of a street where parking is prohibited.
6. On cul-de-sacs when such action reduces the radius of the cul-de-sac to less than 35 feet.

7. **Wrong way parking:** To facilitate the safe flow of traffic entering a lane of travel, vehicles parked along the curb or on a City right-of-way must be parked facing the direction of vehicle travel for that lane of travel.

B. Any vehicle stopped, parked, stored, or left unattended on any street, alley or highway within the City without a valid and current registration record (a license plate issued by any of the United States), and with the expiration of said registration confirmed through checking the license plate attached to the vehicle, or the VIN number of the vehicle, through the applicable State Department of Licensing, shall be subject to immediate issuance of a notice of infraction without regard to the length of time the vehicle has been stopped, parked, stored, or left unattended.

BC. It is unlawful for any person to alter or remove a mark placed upon a vehicle by a law enforcement officer to monitor and enforce the parking time limits in this chapter when the alteration or removal is intended to extend the period of parking time authorized.

CD. Re-parking the vehicle in the same block to avoid a time limit regulation is a violation of this chapter.

Section 5. Ordinance No. 2494 §16, as codified at TMC Section 9.20.120, “Penalties and impound procedures,” is hereby amended to read as follows:

9.20.120 Penalties and impound procedures

A. Violations of the provisions of TMC Chapter 9.20 are parking infractions punishable by monetary penalties ~~of not more than \$300 and/or impoundment.~~ as set forth in the below table, and/or impoundment pursuant to this section.

<u>Type of Parking Violation</u>	<u>Penalty</u>
<u>Unsafe parking on roadway (TMC 9.20.100)</u>	<u>\$150</u>
<u>Parking on municipal property (TMC 9.20.030)</u>	<u>\$30</u>
<u>Parking large vehicles, trailers and recreational vehicles on City streets (TMC 9.20.070)</u>	<u>1st violation: \$30</u> <u>2nd violation: \$50</u> <u>3rd or subsequent violation: \$75</u>
<u>Parking over time limits on City streets and highways (TMC 9.20.050)</u>	<u>\$20</u>
<u>Any parking violations not otherwise specified</u>	<u>\$48</u>

B. Delinquent Fee Authorized. Unpaid parking violations will incur a \$25.00 late fee following 30 days from the date of violation or upon failure to comply with a time pay agreement.

BC. Impound Authorized. Any vehicle parked on any City right-of-way or City owned, leased or operated property in violation of TMC Chapter 9.20 is subject to citation by a law enforcement officer and/or impoundment in accordance with this chapter by the law enforcement officer or a public official having jurisdiction over the right-of-way or property upon which the vehicle is located.

CD. Immediate Impound. Vehicles parked in violation of TMC Chapter 9.20 are subject to immediate impound under the following circumstances:

1. When the vehicle is impeding the normal flow of vehicular or pedestrian traffic;
2. When the vehicle is parked in violation of a parking restriction sign or when the vehicle is interfering, or is likely to interfere, with the intended use of the restricted parking zone; or
3. When the vehicle poses an immediate danger to public safety.

DE. Other Impound. A vehicle not subject to immediate impoundment under TMC Section 9.20.120.B-C may be impounded for violating any provision of TMC Chapter 9.20. A notice of impoundment shall be securely attached to, and conspicuously displayed on, the vehicle for a period of 24-72 hours prior to impoundment. The notice shall include:

1. The date and time the sticker was attached.
2. The identity of the officer.
3. A statement that if the vehicle is not removed within 24-72 hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense.
4. A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering—abandoned vehicle.
5. The address and telephone number where additional information may be obtained.

EE. Post-Impoundment Redemption and Hearing.

1. Not more than 24 hours after impounding a vehicle, the tow operator shall send by first class mail to the last known registered and legal owners of the vehicle (1) a notice containing the full particulars of the impoundment, the redemption procedure, and the opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120, and (2) forms for requesting the hearing. The tow operator also shall give the notice and forms to any person redeeming the vehicle within the 24-hour period.

2. The registered or legal owner of the vehicle may request a hearing in ~~District Court~~Tukwila Municipal Court to contest the validity of the impoundment. The request for a hearing shall be made on the form provided by the tow operator, and shall be received by the ~~District Court~~Tukwila Municipal Court within 10 days (including Saturdays, Sundays and holidays) of the date on which the notice and forms were mailed. If the request for such a hearing is not received by the ~~District Court~~Tukwila Municipal Court within the 10-day period, the right to a hearing shall be deemed waived and the registered and legal owners shall be liable for any towing, storage and other charges authorized by ~~Chapter 46.55 RCW.B.~~RCW 46.55.063.

3. The procedures for redemption of an impounded vehicle and for the hearing to contest the validity of an impoundment shall be in accordance with Chapter 46.55 RCW.

FG. Costs. Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on that impounded vehicle shall be paid by the owner or his/her agent if the vehicle is redeemed. Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued at the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

GH. Nonexclusive Remedies. The impounding of a vehicle shall not preclude charging the violator with any violation of the law on account of which such vehicle was impounded.

HI. Contract with registered disposer to dispose of vehicles and hulks— Compliance required.

1. The City may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer of certain automobile hulks, abandoned junk motor vehicles and abandoned vehicles.

2. Any registered disposer under contract to the City for the removing and storing of vehicles or hulks shall comply with all applicable laws, ordinances and regulations, including Chapter 46.55 RCW and the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the Police Chief or the Director of the Washington State Department of Licensing.

Section 6. Ordinance Nos. 2494 §19 and 1794 §1 (part), as codified at TMC Section 9.28.040, "Penalty," is hereby amended to read as follows:

9.28.040 Penalty

With the exception of TMC Section 9.28.037, violation of any of the provisions of this chapter constitutes a civil infraction not to exceed \$200 per day per violation. Violation of TMC Section 9.28.037 constitutes a parking infraction punishable by monetary penalties ~~of not more than \$300~~ in accordance with the table set forth in TMC Section 9.20.120.A and/or impoundment.

Section 7. Ordinance Nos. 2494 §20, 1502 §3, and 1370 §1 (part), as codified at TMC Section 9.32.020, "Authority to impound vehicles on the highway," is hereby amended to read as follows:

9.32.020 Authority to impound vehicles on the highway

Members of the Police Department are authorized to remove and impound vehicles found on the highway, by means of towing ~~or otherwise, to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by the City,~~ under any of the following circumstances:

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;
2. When any vehicle upon a highway, including tunnels, bridges or approaches, is so disabled as to constitute an obstruction to traffic or when the person or persons in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal and there is no other person present who may properly act as agent for such operator in the care of his vehicle;
3. When any vehicle is left unattended upon a highway and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic;
4. When any vehicle operating on a highway is found to be defective in equipment in such a manner that it may be considered unsafe;
5. When any vehicle is found in a tow-away zone;
6. When the operator of any vehicle is arrested and placed in custody and is not in condition to drive, and the vehicle is not in a place of safety and there is no other person present who may properly act as agent for such operator to drive the vehicle to a place of safety; and
7. When any abandoned vehicle or abandoned junk motor vehicle is found on a highway.
8. When a vehicle is parked upon an elevated sidewalk or upon a designated (by traffic paint delineation) walkway and is obstructing said sidewalk or walkway, causing any pedestrian traffic to be forced to move around it into a vehicle lane of travel.
9. When a vehicle is parked within 5 feet of a driveway and causing a line of sight of oncoming traffic obstruction for vehicles attempted to enter the roadway from that driveway.

Section 8. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of scrivener's errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 10. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____

Office of the City Attorney