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12/10/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4611

AN ORDINANCE relating to parking, stopping and standing of vehicles upon streets and ways open to the public within the City; repealing Sections 11.23.010, .020, .025, .030, .040, .050, .070, .120, .280, .380 and .900 of the Bellevue City Code and Section 24 (parts) of Ordinance No. 2922; amending Section 11.23.080 of the Bellevue City Code; decodifying Sections 11.23.060 through .720 of the Bellevue City Code; and adding new Sections 11.23.005, .010, .015, .020, .025, .030, .035 and .040 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Sections 11.23.010, .020, .025, .030, .040, .050, .070, .120, .280, .380 and .900 of the Bellevue City Code and Section 24 (parts) of Ordinance No. 2922 are hereby repealed.

Section 2. Section 11.23.080 of the Bellevue City Code and Section 24 (part) of Ordinance No. 2922 is amended to read as follows:

Parking is prohibited on the east side of 143rd Avenue S.E. between S.E. 12th Street and S.E. 16th Street Monday through Friday between the hours of seven to nine-thirty a.m. and two to four p.m.

Section 3. A new section 11.23.005 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.005 Purpose.

The provisions of this chapter regulate parking, standing and stopping of vehicles upon streets and ways open to the public within the City of Bellevue. Pursuant to Chapter 11.80 and Chapter 11.82 of the Bellevue City Code, the city has adopted by reference sections of certain state statutes, including sections of the Model Traffic Ordinance, which provide for regulation of parking in addition to the provisions of this chapter.

Section 4. A new section 11.23.010 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.010 Parking restricted.

The city council may from time to time establish parking restrictions on portions of certain specified streets including the establishment of residential permit parking zones which restrict parking of vehicles on

certain streets at certain times except by permit. A copy of such parking restrictions adopted by the city council, in the form in which they were adopted and suitably marked to indicate amendments, additions, deletions or exceptions, shall be authenticated and filed in the office of the city clerk. In addition, copies thereof shall be available for use and examination by the public during regular business hours. Failure to comply with a parking restriction adopted by the city council and filed with the City Clerk pursuant to this section is a parking infraction and shall be cited under this section and shall be subject to the penalty provisions of Section 11.23.040.

Section 5. A new section 11.23.015 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

The City Manager or his/her designee is authorized to exercise the powers and duties of traffic engineer as authorized pursuant to RCW 46.90.260 and .270, as now or hereafter amended.

Section 6. A new section 11.23.020 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.020 Parking over twenty-four hours prohibited.

No person having control over a vehicle may park such vehicle upon any public street or public way or leave such vehicle in the same public place for a period exceeding twenty-four hours.

Section 7. A new section 11.23.025 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.025 Stopping, standing or parking.

A. In addition to provisions of the Washington Model Traffic Ordinance adopted by Chapter 11.80 or 11.82 of the Bellevue City Code, no person may park or leave any vehicle, whether attended or unattended, upon the traveled portion of the roadway in such a manner as to block or obstruct the flow of vehicular traffic.

1. Subsection A of this section does not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such a position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by subsection B of this section.

2. Subsection A of this section does not apply to the driver of a public transit vehicle who temporarily stops said vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone, or to the driver of a vehicle when actually engaged in the collection of solid waste,

recyclables, or yard waste under authority of the City, so long as the vehicle is not parked or left for a longer time than reasonably necessary.

B. It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any roadway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

Section 8. A new section 11.23.030 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.030 When vehicle may be impounded.

Any vehicle parked or used so as to endanger any user or potential user of any street or way open to the public or parked or used in violation of the traffic code is declared to be a nuisance which may be summarily abated by the impounding and removal of the vehicle as herein provided. Any vehicle which is stolen, or which is required by the police department for evidence of investigation, or which is unoccupied or unattended and in the judgment of any police officer in danger of being stripped or stolen or any wrecked and unattended vehicle may be impounded and removed as provided by state law.

Section 9. A new section 11.23.035 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.035 Parking on municipal property.

A. Motor vehicle parking or standing on property owned, leased or operated by the City is subject to the following restrictions:

1. Only motor vehicles belonging to persons who work for the City, who are transacting business with the City or who otherwise have specific permission from the City, may be parked upon such property; and

2. Where pavement markings or signs designate parking stalls on such property, all motor vehicles must be parked within such stalls and not elsewhere on such property; and

3. Where pavement markings designate a parking stall or stalls, any motor vehicle parked in a stall must be parked within the designated limits as indicated by the pavement markings; and

4. Where signs or pavement markings prohibit or restrict parking without authority or permission, no motor vehicle may be parked or left standing without such permission.

B. Any motor vehicle parked or standing on such property which is not complying with the restrictions set forth herein is declared to be a nuisance. Such nuisance may be summarily abated by impounding as provided

by state law. The impounding of a motor vehicle does not prevent or preclude the institution and prosecution of charges in the district court or other appropriate court for violation of any provision of this chapter.

Section 10. A new Section 11.23.040 is added to Chapter 11.23 of the Bellevue City Code to read as follows:

11.23.040 Penalties.

Failure to comply with any parking restriction adopted pursuant to Section 11.23.010 or any other provision of this chapter is a parking infraction and shall be cited under the applicable section of this chapter.

A. Violators are required to respond within fifteen days of the date of the issuance of the notice of infraction by:

1. Paying a penalty of twelve dollars for each infraction cited on the infraction notice; or

2. Requesting a hearing in the manner described in the notice of infraction.

The amount of such penalty shall be adjusted biennially beginning on January 1, 1996 and on each succeeding January 1st of even-numbered years thereafter by multiplying the rate then in effect times one plus the amount of the Consumer Price Index for all urban customers (Seattle-Everett area) for the previous two-year period and rounding such product to the nearest dollar.

B. Failure to respond to an infraction notice within fifteen days of the date of the infraction shall result in:

1. An additional monetary penalty of thirty dollars imposed as a default penalty for each parking infraction cited on the notice; and

2. The loss of the right to a hearing on the parking infraction.

In addition, a criminal charge may be filed against the vehicle owner for failure to respond to a notice of infraction and, consistent with applicable state law, the Department of Licensing may place a hold on the renewal of the vehicle license for the vehicle involved in the violation.

Section 11. Sections 11.23.060 through .720 inclusive of the Bellevue City Code, are hereby decodified.

Section 12. Repeal, amendment or decodification of any ordinance by this ordinance shall have no effect on previously issued infraction notices, citations or complaints nor on acts committed or omitted prior to

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the effective date of this ordinance. Repealed or amended sections shall remain in effect as to those infraction notices, citations, complaints and acts only.

Section 13. This ordinance shall take effect and be in force thirty days after its passage.

PASSED by the City Council this 13th day of December, 1993, and signed in authentication of its passage this 13th day of December, 1993.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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