ORDINANCE NO. 739

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING PORTIONS OF CHAPTER 10.15A OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO PARKING

WHEREAS, the City recently implemented a new parking code via Ordinance 727; and

WHEREAS, since adoption of the new parking code, the City has been alerted to the need to potentially set aside parking spaces upon the public right of way for various uses – a need which was not identified as part of its original code amendments; and

WHEREAS, it is in the City's best interests to adopt the recommended amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 10.15A.100 of the University Place Municipal Code entitled "Restricted parking zones" is amended to read as follows:

- A. Creation. The decision(s) for creation, deletion or boundary changes or time change of restricted parking zones may be made by the City Manager following a finding by the Director that the change is in the best interest of the community and will improve the health, safety or welfare of the community, which may also include providing for reasonable parking availability and safe use of City streets.
- B. The Director will consider each request seeking to modify, create or delete a restricted parking zone against the following criteria: 1. The nature of land use within the block. 2. The volume of traffic. 3. The volume of parking. 4. The width of surface of the street. 5. The relationship between the need for parking space for the land uses in the block, for the use of the regulated parking zone, and the need for parking space for the general public. 6. Patrons and prospective patrons of the places within the block or area to be served by the parking zone. 7. The hours of day or night when use of the parking zone is necessary or most convenient.
- **BC**. Posting. The creation, deletion, boundary change or time change shall become effective upon posting of applicable parking restriction signage in the restricted parking zone.
- CD. The City Council may, at any time, create a restricted parking zone or it may delete or change the boundary of a restricted parking zone.
- **DE**. The City Manager or designee is also authorized to place collection devices in restricted parking zones.
- Section 2. Section 10.15A.110 of the University Place Municipal Code entitled "Parking permits." is amended to read as follows:
- A. Parking Permits. Permits may be issued to park in a restricted parking zone for motor vehicles not exceeding 22 feet in length or having a maximum gross vehicle weight not in excess of 10,000 pounds only upon application of the following persons:
 - 1. A legal resident of the restricted parking zone who has a motor vehicle registered in his or her name, or who has a motor vehicle for his exclusive use and under his control; or
 - 2. A person who owns or leases commercial property and actively engages in business activity within a restricted parking zone.

Permits will be issued for terms not exceeding one year in length and be renewed upon expiration conditioned upon meeting the requirements for a permit. There shall be a limit of two residential parking permits issued per dwelling unit/business location, unless parking availability allows a greater number as determined by the Director in his or her sole discretion.

- B. Visitor Parking Permits. Visitor parking permits are authorized for residents of a restricted parking zone for bona fide transient use for visitors to the property. No dwelling unit or place of business located in a restricted parking zone shall be issued more than one visitor permit. It shall be the responsibility of the owner to control the use of the permit. Bona fide transient uses include: visiting guests, babysitters, repair persons and other similar visitors. The following is prohibited:
 - 1. Parking in excess of seven days within any 30-day period unless approved administratively prior to such use; or
 - 2. Use of visitor permits by residents for the residents' vehicles. Visitor permits shall only be used for visitor vehicles.
- C. Service Parking Permits. Service parking permits may be issued, on a short-term temporary basis, for parking of vehicles on a street for a period of time exceeding a parking restriction time period established in UPMC 10.15A.100 when necessary. Service parking permits may be issued to landlords or their contractors for building improvements, individuals working in a home service industry (home health care, etc.), or for other short-term use for the providing of services to a residence or to a business in a residential restricted parking zone or a nonresidential restricted parking zone. Service parking permits, and any extensions thereto, shall be issued for a period not to exceed 30 days unless the Director determines that a longer period is warranted. The City may require proof of ongoing continuous work and of a City business license, as a condition to maintaining or extending a valid permit.
- D. Display. Parking permits shall state thereon the particular restricted parking zone, the license number of the motor vehicle for which it is issued and the expiration date. Permits shall be displayed so as to be clearly visible through the rear window of the vehicle on the left side thereof or the front windshield on the left side when necessary. A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated parking area.
- E. The Director may establish policies for the issuance of parking permits. Parking permits may be issued throughout different times of the year based on zones or other criteria.
- F. Permits issued pursuant to this section are not subject to the parking restriction time periods set forth in UPMC 10.15A.100.
- G. Temporary Parking Permits Exception to Time Restrictions. A vehicle may park on a street for a period of time which would otherwise constitute a violation of this chapter if it has been specifically permitted, on a temporary short-term limited basis and for the period of time permitted. Such a permit may be issued:
 - 1. To a resident when necessary such as when the resident will be out of town or some other similar short-term use;
 - 2. With a public works right-of-way permit or other similar City or state authorization for construction or other related public purpose; or
 - 3. When otherwise authorized by the Director for good reason.
- H. Parking permits may be issued to reserve public right-of-way areas to permit the use of one or more stalls that are reserved for specifically designated parties. The Director may issue permits and authorize the installation of parking reservation devices to reserve public right-of-way areas.
 - 1. A reserved zone is a parking area reserved for the applicant, or a person with the consent of the applicant, to park a vehicle within the zone.

- 2. No vehicle may park in a reserved zone unless authorized as indicated by the sign or markings of the zone.
- 3. A parking space may be reserved by paying the fees set forth in the City's fee schedule associated with a Right of Way Permit and either executing an appropriate agreement with the City under conditions set by the Director or obtaining a Right of Way Permit. The Director or City Manager are authorized to execute an agreement with an applicant on terms consistent with this Chapter, but shall not exceed twenty (20) years in duration without further approval by the City Council. In the event that a parking space is sought to be reserved for a period longer than one year, the fee assessed herein shall be paid annually.
- 4. In addition to the other factors set forth regarding the establishment of a restricted parking zone, an applicant seeking a reserved zone must demonstrate to the satisfaction of the Director that the particular use has a substantial demand for short-term parking immediately adjacent to the business, that short-term parking will be restricted to a period of not more than 20 minutes per vehicle, and that the limit will be enforced by the business.
- 5. Parking spaces may not be reserved to facilitate vending or promotional activities in the right-ofway.
- 6. The permission for the creation and establishment of a reserved zone and the right to use and occupy it shall be subject to the absolute right of the Director to revoke the permit for such zone when in his or her judgment the public convenience necessitates revocation or when said permit is no longer essential for the business operation of the permit holder. Unless the terms of any agreement provide for a different timeline, not less than five days' notice shall be given of the termination of the zone.
- Section 3. Section 10.15A.130 of the University Place Municipal Code entitled "Enforcement procedures." is amended to read as follows:
- A. Enforcement Officer. The parking regulations set forth in this chapter and the Washington Model Traffic Ordinance as adopted pursuant to Chapter 10.55 UPMC shall may be enforced by the:
 - 1. City's police officers and other law enforcement officers;
 - 2. Individuals authorized by Chapter 1.30 UPMC to issue infractions; and/or
 - 3. City's parking enforcement officers, as applicable.

The City's parking enforcement officers include parking enforcement officers with limited commission as set forth in subsection (D) of this section and those individuals authorized by the Director to enforce provisions of this chapter.

- B. Notice of Infraction. If any vehicle is found parked, standing, or stopped in violation of this chapter, or otherwise violates the provisions of this chapter, the enforcement officer finding the vehicle shall is authorized to take its license number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a notice of parking infraction. A notice of parking infraction represents a determination that a parking infraction has been committed.
- C. Registered Owner Responsible for Violation. In any parking violation case involving an infraction relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking a registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. This presumption may be rebutted upon satisfactory proof that the vehicle was sold or stolen or other similar event in which the registered owner had no direct or indirect control of the vehicle.

- D. Limited Commission Officers. The City Manager or Chief of Police are authorized to appoint parking enforcement officers with a limited commission to issue notices of infractions for violations of this chapter.
- E. With approval of the Director and on terms suitable to the Director, holders of licenses to utilize restricted parking areas may arrange for the private towing and private impoundment under chapter 46.55 RCW.
- Section 4. Section 10.15A.180 of the University Place Municipal Code entitled "Exempt periods." is amended to read as follows:

Time restrictions on parking, as set forth in this chapter, shall not be effective on legal holidays or such additional days specifically exempted by Council resolution, except that enforcement in restricted parking zones shall be at the times and in the manner posted.

- Section 5. <u>Corrections by City Clerk or Code Reviser</u>. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.
- Section 6. <u>Severability</u>. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other
- Section 7. <u>Effective Date</u>. This Ordinance shall be in full force and effect five (5) days after final passage.

PASSED BY THE CITY COUNCIL ON DECEMBER 7, 2020.

Caroline Belleci, Mayor

ATTEST:

Emerita J. Genetia, City Clerk

APPROMEDIA'S TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 12/09/20 Effective Date: 12/14/20