

WHEREAS, subsequent to the adoption of the 2008 budget Ordinance No. C-34159, as above entitled, and which passed the City Council December 17, 2007, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0100-99999	General Fund	
	99999-	Unappropriated Reserves	\$ 48,000
TO:	0750-36230	General Fund -	
		Economic Development	
	58100-08500	Project Employee	44,590
	58100-52110	Social Security	3,410
			\$ 48,000

Section 3. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget for a project employee position in Economic Development that will focus on assisting the East Sprague Business District development issues, the need for which could not reasonably have been anticipated at the time of adoption of the 2008 budget, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____.

Delivered to the Mayor on the 11th day of September, 2008.

ORDINANCE NO. C-34296

An ordinance relating to traffic and parking, amending SMC sections 08.02.083, 16.16.381, 16.55.113, 16.61.5703, 16.61.589, and 16.61.5910, and adding a new section, to be numbered 16.61.5903.

Section 1. That SMC section 08.02.083 is amended to read as follows:

8.02.083 Commercial Other Loading Zones; Parking Fines

A. Commercial Loading Zones.

The fee for a permit and identifying decal authorizing a commercial vehicle to occupy a loading zone is:

1. one hundred dollars per year;
2. fifty dollars for the rest of the year when issued after June 30th;
3. fifteen dollars for a single occasion permit;
4. fifteen dollars for a transfer.

B. Special Loading Zones.

A special loading zone is a temporary loading zone created by placement of an authorized parking meter bag. Such zones are reserved only for vehicles being used for the purpose for which the parking meter bag has been issued. The rates for parking meter bags, in addition to a twenty-five dollar returnable bag deposit, are:

1. Commercial:

- a. ~~((Annually: Five hundred dollars per bag))~~ Quarterly: Three hundred fifty dollars per bag;
- b. Monthly: One hundred twenty-five dollars per bag;
- c. Daily: Fifteen dollars per bag;

2. News Media: Annually, one thousand dollars for the first bag and five hundred dollars for each additional bag;

3. Charitable Nonprofit: ~~((One hundred dollars per year))~~ Sixty dollars per month per bag, with a maximum of two bags.

C. Removal of Parking Meters.

The fee charged a contractor for removal and reinstallation of a parking meter to accommodate construction work is sixty dollars.

D. Parking Meters.

1. The fee for parking in a metered space depends upon the time limit and location. The fees are indicated on the meters. The fees for parking in a metered space are:

- ~~((a. In a ten-minute space: One cent per ten minutes;~~
- ~~b. In a fifteen-minute space: Thirty cents per fifteen minutes;~~
- e) a. In a thirty-minute space: Sixty cents per thirty minutes;
- ~~((d))~~ b. In an one-hour space: One dollar per hour;
- ~~((e))~~ c. In a ninety-minute space: One dollar per hour;
- ~~((f))~~ d. In a two-hour space: Either forty cents per hour or sixty cents per hour;
- ~~((g))~~ e. In a three-hour space: Forty cents per hour;
- ~~((h))~~ f. In a ten-hour space: Twenty cents per hour.

2. The coin or combinations of coins accepted by the meter will be indicated by a sign or legend for each space. Coins of denominations greater than the fee for the space may be accepted for the convenience of the motorist.

E. Motor Vehicle Violations.

1. The penalties for traffic infractions are provided by schedules adopted by court rule, or as specifically provided in Title 16 SMC or state statute.
2. Unless otherwise provided, the basic penalties for parking infractions are:
 - a. two hundred fifty dollars for disabled parking violations as provided in SMC 16.16.381;
 - b. ten dollars for parking at a meter beyond the maximum time provided for that metered space (feeding meter) (SMC 16.61.5914);
 - c. fifteen dollars for expired meter parking (SMC 16.61.5910);
 - d. one hundred dollars for parking at a space reserved with a parking meter bag within the Entertainment Parking District (cross reference SMC 16.61.5903);

e. Violation of bag use: Meter bag applicants and users must limit the use of bags to the purpose for which the bag is issued. Violation of proper parking meter bag use shall result in the bag being removed from the meter, cancellation of the permit, and forfeiture of the bag deposit as provided in 16.61.5703 (8). Additional penalties will be assessed on repeat offenders within the same calendar year as follows:

1. second violation: Fifty dollars;
2. third violation: One hundred dollars;
3. fourth and additional violations: Two hundred dollars per violation.

In addition, no meter bags may be issued to an applicant or user who has not paid all fees and fines or is otherwise in violation of conditions of bag use.

f. thirty dollars for all others.

3. The additional penalty for failure to respond to a notice of traffic violation is twenty-five dollars.
4. There are, in addition, penalty assessments provided by state law.

F. Towing and Impound.

Towing, storage and related fees and charges by registered disposers are prominently posted on the disposers' premises but are not directly regulated by the City. Some rates may be fixed by contract.

G. Criminal Violations.

The penalties for criminal traffic violations are as provided in the state traffic code.

H. Accident Reports.

The fee for furnishing copies of accident reports required by chapter 46.52 RCW is as fixed from time to time by the mayor as provided in SMC 8.02.011.

I. Motorist Information Signs.

The fees for follow-through signs from the freeway to the motorist service business are:

1. fifty dollars as the application processing fee;
2. one hundred dollars as the installation fee for each sign installed;
3. actual cost for purchasing the signs from the Washington department of transportation;
4. actual cost for maintenance, repairs and replacement; and
5. fifteen dollars as an assignment fee to transfer the permit to a new owner or operator.

Section 2. That SMC section 16.16.381 is amended to read as follows:

16.16.381 Special Parking Privileges for Disabled Persons - Penalties - Enforcement

- A. [Reserved]
- B. [Reserved]
- C. [Reserved]

D. [Reserved]

E. [Reserved]

F. [Reserved]

G. [Reserved]

H. Any unauthorized use of the special (disabled person) placard, special license plate, or identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

I. It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons or the space itself. The clerk of the court shall report all violations related to this subsection to the department.

J. It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under RCW 46.16.381. The ~~((City of Spokane, in providing)) time limit for nonmetered on-street parking places reserved for physically disabled persons is four hours for qualified vehicles unless a longer time would otherwise apply for ((, may impose time restrictions of no less than four hours on)) the use of these parking places. The time limit for ((City of Spokane may impose time restrictions of no less than four hours on)) the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards is four hours unless a longer time would otherwise apply. All time restrictions applicable under this subsection must be clearly posted.~~

K. The penalties imposed under subsections (I) and (J) of this section shall be used exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the City for any costs it may have incurred in removal and storage of the improperly parked vehicle.

L. Except as provided by subsection (B) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard or identification card in a manner other than that established under RCW 46.16.381, or the equivalent provisions of this title.

M. [Reserved]

N. For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

1. community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or
2. any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

O. The court may not suspend more than one-half of any fine imposed under subsections (H), (I), (J) or (L) of this section.

Section 3. That SMC section 16.55.113 is amended to read as follows:

16.55.113 Removal by Law Enforcement Officer

- A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or RCW 46.61.504, or of RCW 46.20.342 or RCW 46.20.420, or the equivalent provisions of this title, the vehicle is subject to impoundment, pursuant to applicable local ordinance or state agency rule at the direction of a law enforcement officer.
- B. In addition, a law enforcement officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:
1. Whenever a law enforcement officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, 46.61.570, or the equivalent provisions of this title, the law enforcement officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway.
 2. Whenever a law enforcement officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety.
 3. Whenever a law enforcement officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property.
 4. Whenever the driver of a vehicle is arrested and taken into custody by a law enforcement officer.
 5. Whenever a law enforcement officer discovers a vehicle that the officer determines to be a stolen vehicle.
 6. Whenever a vehicle without a special license plate, placard or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.
 7. Upon determining that a person is operating a motor vehicle without a valid, and if required, a specially endorsed drivers license in violation of the requirements of the laws of the State of Washington or equivalent provisions of this title, or with a license that has been expired for ninety days or more.
 8. Whenever any law enforcement officer finds a vehicle or device parked, angle parked, or so used as to endanger any user or potential user of any public street or way open to the public.
 9. Whenever any law enforcement officer finds a vehicle stalled, disabled, unattended or unable to move under its own power on or in any public facility, including streets, roads or highways, tunnels, bridges or approaches thereto in the City, and such an occurrence is or may be a menace or obstruction to the safety of the general public.
 10. Whenever any law enforcement officer finds a vehicle operating upon the streets and highways of this city which is defective in equipment in such a manner that it is unsafe. Said vehicle shall be an unlawful vehicle and may be prevented from further operation until the equipment defect is corrected and it satisfactorily passes inspection

as directed by the chief of police or his designee. The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of the equipment defect in the manner directed by any peace officer or representative of the state commission on equipment.

11. Whenever any law enforcement officer or duly authorized City employee finds a vehicle standing, parked or stopped in a place designated a tow-away zone.
 12. Whenever a law enforcement officer finds a vehicle parked on a highway or City street in violation of overtime parking (defined in SMC 16.61.561(A) – Twelve hours).
 13. Whenever a vehicle with an expired registration of more than forty-five days is parked on a public street.
- C. With respect to any of the above grounds for impoundment, if, in the discretion of a law enforcement officer, a delay in the impoundment and removal of the vehicle would not unduly inconvenience or endanger the public safety and health, he may make or cause to be made efforts of notification of an identifiable owner. Such efforts of notification may include canvassing the area, telephone calls or application of a twenty-four hour notification sticker referenced in SMC 16.55.085 or a shorter time period notification.
- D. In addition, a law enforcement officer may take custody of a vehicle and provide for its prompt removal to a place of safety whenever the officer finds a vehicle parked or used in violation of any of the following sections and subject to any additional conditions specified therein: SMC 16.61.564, 16.61.565, 16.61.566, 16.61.563, 16.61.5703, 16.61.5704, 16.61.5705, 16.61.570(A)(1), or 16.61.570(A)(2)(a) or (b) or 16.61.5921; Provided, that in addition to the particular requirements of the sections listed, if not otherwise addressed therein, prior to the impoundment, a reasonable effort under the circumstances shall be made to notify the registered owner or person in control of the vehicle by canvassing of the area, by telephone or other means.
- E. Vehicles subject to impoundment under this section are declared to be public nuisances which may be summarily abated as provided herein or as specifically provided in each instance and except where prohibited by law. The City street director and parking officials under his/her supervision are included within the meaning of law enforcement officer for purposes of having jurisdiction to order impounds on vehicles within the public right of way. Junk vehicle nuisance impounds are addressed in SMC 16.55.230 and RCW 46.55.240. Nothing in this section may derogate from the powers of police officers under the common law or as otherwise authorized under state statutes. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

Section 4. That SMC section 16.61.5703 is amended to read as follows:

16.61.5703 Commercial Loading Zones.

~~((1-))~~ A. Occupying Commercial Loading Zone, When Prohibited.

It is unlawful for any vehicle, other than an authorized and identified vehicle that is then and there being used in commerce or trade, to occupy any commercial loading zone within the city during the hours indicated on the signs marking such zones.

~~((2-))~~ B. Permit for Authorized Vehicles – Conditions for Issuance.

Permits for authorized vehicles shall be issued by the City upon application therefore and the paying of the fee as established in ~~((Section))~~ SMC 8.02.083. The application for the permit shall identify the vehicle and owner thereof as is set out in the Washington State vehicle registration certificate for said vehicle; the license plate number thereof; the name and nature of the business performed in commerce or trade to which use the vehicle has been assigned; a statement by the owner, or authorized agent thereof, that the vehicle is a commercial vehicle and is used exclusively for commercial purposes during business hours of eight a.m. to six p.m.

~~((3-))~~ C. Permit.

The permit shall have an exclusive file number; contain the name and address of the owner and the identification of the vehicle as is set out in the Washington State vehicle registration certificate for said vehicle; the license plate number thereof; the name and nature of the business performed in commerce or trade to which use the vehicle has been assigned; and shall be present within or upon the vehicle at all times when occupying a commercial loading zone, and shall be displayed to any officer or person authorized to enforce the parking laws of the City upon request therefore.

~~((4-))~~ D. Identifying Sign.

The City shall issue to the applicant, with the permit, an identifying decal which shall be prominently displayed on the vehicle for which it was issued, in the front windshield thereof at the lower left-hand corner. The identifying decal shall be in such form as prescribed by regulation by the street director.

~~((5-))~~ E. Out-of-state Vehicles – Permits.

Any vehicle licensed and registered in a state other than the State of Washington will qualify for a permit by providing in the application therefore the identifying information that would be required and provided in a Washington State vehicle registration certificate.

~~((6-))~~ E. Permit-Annual-Special Permits.

Each permit issued shall be valid until December 31st of the year in which it was issued except that the street director, in limited and exceptional circumstances involving a vehicle performing a service in commerce as defined in this title that is isolated and limited to a single occasion, may issue a special permit for a period not to exceed twenty-four hours.

~~((7-))~~ G. Use of Loading Zones-Time Limitations.

~~((a-))~~ 1. Commercial loading zones shall be for exclusive use by commercial vehicles in loading and unloading commodities in trade or commerce during the hours indicated on the signs marking such zones. During these hours such zones are designated as commercial loading zones. At all other hours and times such loading zones shall be for general use under the parking regulations applicable to the district in which they are located.

~~((b-))~~ 2. No vehicle shall occupy a commercial loading zone other than for expeditious loading and unloading of commodities. No vehicle shall occupy a commercial loading zone for more than thirty consecutive minutes; provided the street director may grant special permission in exceptional cases requiring additional time for loading and unloading.

~~((c-))~~ 3.

a. Permits for creating special loading zones for use by commercial vehicles and vehicles while engaged in services in conjunction with public utilities, construction and maintenance, and special parking

zones for use by official clearly identifiable news media vehicles and clearly identified vehicles of charitable nonprofit service organizations and vehicles qualifying for an entertainment parking district (EPD) privilege as provided in SMC 16.61.5903 may be issued by the street director, in accordance with rules and regulations established by the director.

b. Parking meter bags provided by the street director shall be used by the permittees to create, in the case of commercial vehicles, a special loading zone in a regular parking space for a time period normally not exceeding thirty minutes for the purpose of expeditiously loading and unloading commodities, and in the case of news media vehicles a special parking zone in a regular parking space for a period normally not exceeding one hour for the purpose of news reporting activities, and in the case of charitable nonprofit service organizations a special parking zone in a regular parking space for a period normally not exceeding one hour for the purpose of performing charitable services for the benefit of the inhabitants of the city. Use of EPD bags by qualifying vehicles shall not exceed the time necessary to support the operational and parking needs to support an entertainment venue. ~~((These parking))~~ Parking meter bags in this subsection shall not be placed on meters in loading or restricted zones or on meters of less than a one-hour time limit and shall contain thereon a card which identifies the permittee and the date and time of placement of the bag. Parking meter bags shall be locked in place by the permittee.

c. Vehicles lawfully parked at metered spot in a special loading zone at the time a meter bag is placed are not in violation of this section until the applicable parking time for the vehicle has expired.

[Cross reference: SMC 16.16.381, 16.61.582]

~~((8-))~~ H. Violation of proper parking meter bag use shall result in the bag being removed from the meter, cancellation of the permit and forfeiture of the bag deposit. Rates to be charged for parking meter bags shall be as set out in ~~((Section))~~ SMC 8.02.083.

~~((9-))~~ I. An official vehicle of the United States Postal Service will be regarded as an "authorized and identified" vehicle while occupying a commercial loading zone for the purpose of mail delivery or collection for up to fifteen minutes.

Section 5. That SMC section 16.61.589 is amended to read as follows:

16.61.589 Appointment of Registered Disposers.

The chief of police of the city and city street director, acting through the authority to remove vehicles herein, may remove the vehicles directly, through towing operators appointed either on a rotational or other basis, or through contracts, or by a combination of these methods, pursuant to such regulations ~~((the chief))~~ they may adopt.

Section 6. That there is adopted a new section 16.61.5903 to chapter chapter 16.61 to read as follows:

16.61.5903 Entertainment Parking District.

A. An Entertainment Parking District (EPD) is established for the purpose of meeting the specific operational and parking needs of the entertainment venues contained within the EPD.

The EPD encompasses the following area: Beginning at the point of intersection of the west line of Madison Street with the north line of Sprague Avenue, thence east along the north line of Sprague Avenue to the east line of Post Street; thence south along the east line of Post Street to the south line of First Avenue; thence west along the south line of First Avenue to the west line of Madison Street; then north along the west line of Madison Street to the north line of Sprague Avenue, which is the point of beginning. For streets comprising district boundaries, both sides of the street are included within the EPD.

- B. A party may obtain an EPS meter bag for the purpose listed. EPD bags are only valid within the EPD. Holders of EPD bags are responsible to designate unauthorized vehicles to an authorized law enforcement officer and must agree to indemnify and hold harmless the City and its agents against all loss or liability because of a wrongful impound or any claims related thereto.

Section 7. That SMC section 16.61.5910 is amended to read as follows:

16.61.5910 Parking Time Limit - Deposit of Coins - Maximum Parking Time - Certain Holidays Excepted - Parking Permit

- A. The time limit for parking on streets and avenues of the City within the areas designated for the installation of parking meters and where such meters are actually installed is:

1. ~~(ten minutes;~~
2. ~~fifteen minutes;~~
- 3) thirty minutes;
- ~~(4) 2. one hour;~~
- ~~(5) 3. ninety minutes;~~
- ~~(6) 4. two hours;~~
- ~~(7) 5. three hours; and~~
- ~~(8) 6. ten hours,~~

as determined by the street director, guided by considerations of administrative convenience and efficiency, traffic flow needs, or any other reasonable basis, in the interest of the public health and safety. A parking meter fee shall be paid by all persons parking a motor vehicle within any metered parking space in the area designated in SMC 16.61.5902. A sign or legend installed on each meter indicates the fee and the time for which parking is permitted.

- B. In those parking meter spaces where parking meters are in operation, designed for the deposit of United States coins, as designated on the parking meter, the operator of the vehicle shall, upon entering a metered parking space, immediately deposit the required coin or coins up to the maximum legal parking times and put the meter in operation.
- C. The fees for parking in a metered space are as provided in SMC 8.02.083. Only those denominations and combinations of coins may be used which are indicated to be acceptable by the legend affixed to the meter. In any case the time given for the deposit of any coin is subject to the amount of unexpired time available on and indicated by the meter.
- D. If a vehicle shall remain parked in said parking space beyond the legal parking time displayed on the meter, an indication on the meter will signify expiration of the time purchased. The presence of a vehicle in a stall with its parking meter indicating expiration of legal parking time shall be an expired

meter parking violation of this title and subject the registered owner and/or operator to liability as provided by law.

- E. Except for metered spaces at Spokane International Airport and Felts Field as authorized by SMC 12.03.0600 and SMC 12.03.0602, parking meter space may be used without charge during all hours on:

1. Sundays,
2. New Years Day,
3. Martin Luther King, Jr.'s Birthday,
4. ~~President's Day- Third Monday in February~~
5. Memorial Day,
- ~~((5-)) 6. Fourth of July,~~
- ~~((6-)) 7. Labor Day,~~
8. Columbus Day- Second Monday in October
9. Veteran's Day- November 11th.
- ~~((7)) 10. Thanksgiving Day,~~
- ~~((8)) 11. Christmas Day, and~~
- ~~((9)) 12. on the Monday following or the Friday preceding said holidays where designated a national holiday for observance.~~

Any metered parking space may, unless otherwise designated by sign or legend on or adjacent thereto, be occupied for the legal time limit without payment of fee between the hours of seven p.m. and eight a.m.

Passed by the City Council on September 8, 2008.

(Delivered to the Mayor on the 11th day of September, 2008)

ORDINANCE NO. C-34297

An ordinance amending Ordinance No. C-34159, passed the City Council December 17, 2007, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2008, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2008, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2008 budget Ordinance No. C-34159, as above entitled, and which passed the City Council December 17, 2007, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0100-99999	General Fund	
	99999-	Unappropriated Reserves	\$ <u>90,000</u>
TO:	0750-36230	General Fund - Economic Development	
	58100-54201	Contractual Services	\$ <u>90,000</u>