EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Ordinance repealing Ordinance 3440-15, Section 2 (Everett Municipal Code 14.04.025) relating to discounted rates for water and sewer services for low-income, senior residents.

	Consent	
	Action	
11/2/16	First Reading	
11/9/16	Second Reading	
11/16/16	Third Reading	
	Public Hearing	

COUNCIL BILL #	CB1610-46
Originating Department	Public Works
Contact Person	Matt Welborn
Phone Number	257 - 8974
FOR AGENDA OF	Nov. 2, 2016

Initialed by:

Department Head	
CAA	db
Council President	

Location	**Preceding Action**	**Attachments**	**Department(s) Approval**
	Ordinance 3440-15	Amended Ordinance	

Amount Budgeted		
Expenditure Required		Account Number(s):
Budget Remaining		
Additional Required		

DETAILED SUMMARY STATEMENT:

Everett Utilities offers discounted rates on water and sewer service for low-income persons of the age of sixty-two years or older and persons qualifying for special parking privileges under RCW 46.19.010 or a blind person as defined in RCW 74.18.020. The State of Washington has raised the low-income thresholds for qualification as per RCW 84.36.381 and Everett Utilities is requesting City Council approve this ordinance matching the State of Washington's new low-income levels and repeal Section 2 of Ordinance 3440-15 (Everett Municipal Code 14.04.025).

RECOMMENDATION (Exact action requested of Council): Adopt the proposed Ordinance repealing Section 2 of Ordinance 3440-15 (Everett Municipal Code 14.04.025) relating to discounted rates for water and sewer services for low-income, senior residents.

ORDINANCE NO. _____

An ORDINANCE relating to Discounted Rates for Water and Sewer Service and repealing Section 2 of Ordinance No. 3440-15

WHEREAS, the level of income at which a senior citizen qualifies for discounted water and sewer rates has changed; and

WHEREAS, the City of Everett City Council does desire to provide discounted water and sewer rates for those persons who qualify under new rates;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Reduced Rates for Low- Income Seniors

Person(s) of the age of sixty-two years or older and person(s) qualifying for special parking privileges under RCW 46.19.010 or a blind person as defined in RCW 74.18.020 shall be eligible to pay a reduced rate for water and sewer single-family residence service based on the income levels as defined in RCW 84.36.381 as it now exits or is hereafter amended. These rates will be revised accordingly with income level changes defined in RCW 84.36.381:

$40,000/yr income or less: 80% of current single-family residence rates;
$35,000/yr income or less: 70% of current single-family residence rates;
$30,000/yr income or less: 60% of current single-family residence rates;

To qualify for the above reduced rates, any applicant must also meet the following requirements:

a. At the time of application for the reduced rates under this section, the applicant must be receiving a verifiable property tax discount from Snohomish County;

b. The applicant must be the owner/occupant of a single-family home serviced by the city of Everett water department; and

c. Only the applicant and/or the applicant's spouse may have income within the household. The total annual combined household income may not exceed thirty-five thousand dollars.

In no case shall the discounted rate for sewer be less than the equivalent share of operation and maintenance (including replacement) of the city's water pollution control facility.

Section 2: Repeal – Codification

Section 2 of Ordinance No. 3440-15 is hereby repealed. Section 1 of this Ordinance shall be codified in Everett Municipal Code 14.04.025.

_____

Ray Stephanson, Mayor

ATTEST:

_____

CITY CLERK

Passed: _____

Valid: _____

Published: _____

Effective: _____

ORDINANCE No. 3440-15

AN ORDINANCE Updating References to State Vehicle Registration Laws and Regulations to Disabled and Overtime Parking, and Amending Ordinances in Section 13.

Whereas, the Everett Municipal Code (the "EMC") makes several references to state laws that were codified in chapter 46.16 of the Revised Code of Washington (the "RCW") (vehicle registration); and

Whereas, chapter 46.16 RCW was repealed and largely recodified under chapter 46.16A RCW and other chapters of the RCW; and

Whereas, the disabled parking regulations were recodified from chapter 46.16 RCW to chapter 46.19 RCW and updated to give local jurisdictions more tools for the enforcement of the regulations; and

Whereas, parking enforcement has found that people parking in violation of downtown parking regulations (either reparking or time restrictions) will use the distinction between a reparking violation and an overtime parking violation to have a parking ticket thrown out (e.g. individuals have been successful in having overtime tickets thrown out by testifying that they moved their vehicle within the posted time limits, even though the movement may still be a violation of reparking regulations); and

Whereas, updating EMC 46.28.200 related to overtime parking to provide that violating reparking restrictions in the central business district is a type of overtime parking eliminates any distinctions between overtime parking and reparking violations, allowing parking enforcement a more efficient tool to enforce against parking violators; and

Whereas, these proposed amendments promote the health, safety, and welfare of the general public; and

Whereas, therefore, City Council finds it is appropriate to update the EMC to accurately reference state laws formerly codified under chapter 46.16 RCW, to track the state's disabled parking regulations, and update the overtime parking regulations;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 3 of Ordinance No. 2442-00, as amended by Section 20 of Ordinance No. 3360-13 (EMC 9.06.135), which reads as follows:

Noise.

A No person shall, without prior written approval of the parks and recreation director or authorized parks department employee, cause or allow to be emitted noise in a park which:

1. Exceeds the maximum permissible noise levels set forth in Sections 20.08.040 and 20.08.050; or

2. Is a motor vehicle noise specifically prohibited by Section 20.08.080(8); or

3. Is a disturbance noise or a nuisance noise.

B. The following sources of sound shall be disturbance noises and are also subject to regulation under the provisions of Sections 20.08.030 through 20.08.050:

1. Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of park users or nearby residents;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

3. The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine so as to unreasonably disturb or interfere with the peace, comfort or repose of park users or nearby residents;

4. Yelling, shouting, hooting, whistling or singing so as to unreasonably disturb or interfere with the peace, comfort and repose of park users or nearby residents;

5. The use of a sound amplifier or other device capable of producing or reproducing amplified sound, except with prior permission of the parks director or his designee;

6. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source; and

7. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source.

C. "Nuisance noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of park users or nearby residents.

D. No sound source specifically exempted by Chapter 20.08 shall be a disturbance noise or nuisance noise insofar as the particular source is exempted.

E. The provisions of this section shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

F. If the measurement of sound is necessary to determine compliance with this section, such measurement shall be done in accordance with Chapter 20.08.

G. The provisions of this section shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall this section be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

H. For purposes of this section, the following definitions apply:

1. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

2. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.01 0.

3. "Noise" means the intensity, duration and character of sounds from any and all sources.

4. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010.

5. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

I. Violation of any of the provisions of this section constitutes an infraction, and may be punished by a penalty of not more than two hundred fifty dollars.

Be and the same is hereby amended to read as follows:

Noise.

A No person shall, without prior written approval of the parks and recreation director or authorized parks department employee, cause or allow to be emitted noise in a park which:

1. Exceeds the maximum permissible noise levels set forth in Sections 20.08.040 and 20.08.050; or

2. Is a motor vehicle noise specifically prohibited by Section 20.08.080(8); or

3. Is a disturbance noise or a nuisance noise.

B. The following sources of sound shall be disturbance noises and are also subject to regulation under the provisions of Sections 20.08.030 through 20.08.050:

1. Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of park users or nearby residents;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

3. The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine so as to unreasonably disturb or interfere with the peace, comfort or repose of park users or nearby residents;

4. Yelling, shouting, hooting, whistling or singing so as to unreasonably disturb or interfere with the peace, comfort and repose of park users or nearby residents;

5. The use of a sound amplifier or other device capable of producing or reproducing amplified sound, except with prior permission of the parks director or his designee;

6. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source; and

7. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source.

C. "Nuisance noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of park users or nearby residents.

D. No sound source specifically exempted by Chapter 20.08 shall be a disturbance noise or nuisance noise insofar as the particular source is exempted.

E. The provisions of this section shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

F. If the measurement of sound is necessary to determine compliance with this section, such measurement shall be done in accordance with Chapter 20.08.

G. The provisions of this section shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall this section be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

H. For purposes of this section, the following definitions apply:

1. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

2. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be registered pursuant to RCW 46.16A.030.

3. "Noise" means the intensity, duration and character of sounds from any and all sources.

4. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be registered pursuant to RCW 46.16A.030.

5. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

I. Violation of any of the provisions of this section constitutes an infraction, and may be punished by a penalty of not more than two hundred fifty dollars.

Section 2. Section 1 of Ordinance No. 2908-06 (EMC 14.04.025), which reads as follows:

Reduced rates for low-income senior citizens.

A. Person(s) of the age of sixty-two years or older and person(s) qualifying for special parking privileges under RCW 46.16.381 or a blind person as defined in RCW 74.18.020 shall be eligible to pay a reduced rate for water and sewer single-family residence service:

$35,000/year income or less:	80% of current single-family residence rates
$30,000/year income or less:	70% of current single-family residence rates
$25,000/year income or less:	60% of current single-family residence rates

B. To qualify for the above reduced rates, any applicant must also meet the following requirements:

1. At the time of application for the reduced rates under this section, the applicant must be receiving a verifiable property tax discount from Snohomish County;

2. The applicant must be the owner/occupant of a single-family home serviced by the city of Everett water department; and

3. Only the applicant and/or the applicant's spouse may have income within the household. The total annual combined household income may not exceed thirty-five thousand dollars.

C. In no case shall the discounted rate for sewer be less than the equivalent share of operation and maintenance (including replacement) of the city's water pollution control facility.

Be and the same is hereby amended to read as follows:

Reduced rates for low-income senior citizens.

A. Person(s) of the age of sixty-two years or older and person(s) qualifying for special parking privileges under RCW 46.19.010 or a blind person as defined in RCW 74.18.020 shall be eligible to pay a reduced rate for water and sewer single-family residence service based on the income levels as defined in RCW 84.36.381 which are currently:

$~~35,000~~40,000/year income or less:	80% of current single-family residence rates
$~~30,000~~35,000/year income or less:	70% of current single-family residence rates

$~~25,000~~30,000/year income or less:	60% of current single-family residence rates

B. To qualify for the above reduced rates, any applicant must also meet the following requirements:

1. At the time of application for the reduced rates under this section, the applicant must be receiving a verifiable property tax discount from Snohomish County;

2. The applicant must be the owner/occupant of a single-family home serviced by the city of Everett water department; and

3. Only the applicant and/or the applicant's spouse may have income within the household. The total annual combined household income may not exceed thirty-five thousand dollars.

C. In no case shall the discounted rate for sewer be less than the equivalent share of operation and maintenance (including replacement) of the city's water pollution control facility.

Section 3. Section 2 of Ordinance No. 534-78, as amended by Section 2 of Ordinance No. 690-80, as amended by Section 1 of Ordinance No. 1556-89, (EMC 20.08.020), which reads as follows:

Definitions .

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1960 and Section 1.4-1971. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

A. "Administrator" means the noise control administrator as established in Section 20.08.130.

B. "dB(A)" means a sound level, measured in decibels, using the A frequency-weighting network of a sound level meter.

C. "District" means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter the following noise control districts shall be established which include land use zones designated in the Everett zoning code as follows:

Noise Control District	**Land Use Zones**
1. District I	All residentially zoned districts including but not limited to R.S., R-1, R-2, R-

Noise Control District	Land Use Zones
	3(A), R-4 and R-5.
2. District II	All business and commercially zoned districts including but not limited to B-1, B-2(A), B-2, B-2(8), B-3, C-1 and C-2.
3. District III	All agricultural and manufacturing zoned districts including but not limited to A, M-M and M-1, and all other nonresidential, nonbusiness and noncommercially zoned districts.

D. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

E. "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle.

F. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

G. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

H. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.010. (Aircraft, watercraft, and vehicles used on rails or tracks are not motor vehicles as that term is used herein.)

I. "New motor vehicle" means a motor vehicle manufactured after December 31, 1976, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

J. "Noise" means the intensity, duration and character of sounds from any and all sources.

K. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010

L. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

M. "Property boundary" means the survey line at ground surface which separates the real property owned, rented or leased by one or more other persons and its vertical extension.

N. "Public nuisance noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of damage may be unequal.

0. "Receiving property" means real property within which sound originating from sources outside the property is received.

P. "Sound level" means a weighted sound pressure level obtained by the use of a sound level meter and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.

Q. "Sound level meter" means a sound-level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.

R. "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

S. "Weekend" means Saturday and Sunday or any legal holiday.

Be and the same is hereby amended to read as follows:

Definitions.

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1960 and Section 1.4-1971. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

A. "Administrator" means the noise control administrator as established in Section 20.08.130.

B. "dB(A)" means a sound level, measured in decibels, using the A frequency-weighting network of a sound level meter.

C. "District" means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter the following noise control districts shall be established which include land use zones designated in the Everett zoning code as follows:

Noise Control District	Land Use Zones
1. District I	All residentially zoned districts including but not limited to R.S., R-1, R-2, R-3(A), R-4 and R-5.
2. District II	All business and commercially zoned districts including but not limited to B-1, B-2(A), B-2, B-2(8), B-3, C-1 and C-2.
3. District III	All agricultural and manufacturing zoned districts including but not limited to A, M-M and M-1, and all other nonresidential, nonbusiness and noncommercially zoned districts.

D. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

E. "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle.

F. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

G. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

H. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be registered pursuant to RCW 46.16A.030. (Aircraft, watercraft, and vehicles used on rails or tracks are not motor vehicles as that term is used herein.)

I. "New motor vehicle" means a motor vehicle manufactured after December 31, 1976, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

J. "Noise" means the intensity, duration and character of sounds from any and all sources.

K. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be registered pursuant to RCW 46.16A.030.

L. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

M. "Property boundary" means the survey line at ground surface which separates the real property owned, rented or leased by one or more other persons and its vertical extension.

N. "Public nuisance noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of damage may be unequal.

0. "Receiving property" means real property within which sound originating from sources outside the property is received.

P. "Sound level" means a weighted sound pressure level obtained by the use of a sound level meter and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.

Q. "Sound level meter" means a sound-level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.

R. "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

S. "Weekend" means Saturday and Sunday or any legal holiday.

Section 4. Section 1 of Ordinance No. 993-83, as amended by Section 1 of Ordinance No. 1068-84, as amended by Subsection A of Section 1 of Ordinance No. 1531-88, as amended by Subsection A of Section 1 of Ordinance No. 2396-99,

as amended by Subsection A of Section 1 or Ordinance No. 3028-07, as amended by Subsection A of Section 1 of Ordinance No. 3388-14 (EMC 46.10.010.A), which reads as follows:

Officers authorized to remove certain vehicles.

A. Impoundments. Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the vehicle is subject to impoundment at the direction of a law enforcement officer. In addition, a police officer or parking 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 any police officer or parking enforcement officer finds a vehicle stopped or parked upon any roadway or alley, whether attended or unattended, the officer is authorized to 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 or alley or away from the main traveled portion thereof;

2. . Whenever any police officer or parking enforcement officer finds a vehicle unattended upon any highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

3. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide 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 police officer;

5. Whenever a police officer discovers a vehicle which he determines to be a stolen vehicle;

6. Whenever any police officer or parking enforcement officer finds a vehicle standing or parked in a designated towaway zone;

7. Whenever a police officer or parking enforcement officer finds a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 parked in a stall or space that is clearly and conspicuously marked, as described in the city's parking ordinance, as a parking space or stall for a disabled person, on private property without charge or on public property;

8. Whenever any police officer or parking enforcement officer finds a vehicle standing or parked in a fire lane or within fifteen feet of any fire hydrant whether on public or private property;

9. Whenever a police officer or parking enforcement officer finds a vehicle parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance or regulation and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least forty-five days from the date of the filing of the notice of infraction;

10. Whenever a police officer or parking enforcement officer determines that a person is operating a motor vehicle without a valid driver's license or, if required by Chapter 46.20 RCW, a specially endorsed driver's license, or with a license that has been expired for ninety days or more;

11. Whenever a police officer or parking enforcement officer determines that the vehicle has an expired registration of more than forty-five days and is parked on a public street;

12. Whenever a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.

Vehicles subject to impoundment under these or other sections are declared to be public nuisances which may be summarily abated as provided in each instance and except where prohibited by law.

Nothing in this section shall derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator as defined in RCW 46.55.01 O(B).

Be and the same is hereby amended to read as follows:

Officers authorized to remove certain vehicles.

A. Impoundments. Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the vehicle is subject to impoundment at the direction of a law enforcement officer. In addition, a police officer or parking 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 any police officer or parking enforcement officer finds a vehicle stopped or parked upon any roadway or alley, whether attended or unattended, the officer is authorized to 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 or alley or away from the main traveled portion thereof;

2. Whenever any police officer or parking enforcement officer finds a vehicle unattended upon any highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

3. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide 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 police officer;

5. Whenever a police officer discovers a vehicle which he determines to be a stolen vehicle;

6. Whenever any police officer or parking enforcement officer finds a vehicle standing or parked in a designated towaway zone;

7. Whenever a police officer or parking enforcement officer finds a vehicle without a special license plate, parking placard, or special year tab indicating that the vehicle is being used to transport a disabled person pursuant to chapter 46.19 RCW parked in a stall or space that is clearly and conspicuously marked, as described in the city's parking ordinance, as a parking space or stall for a disabled person, on private property without charge or on public property;

8. Whenever any police officer or parking enforcement officer finds a vehicle standing or parked in a fire lane or within fifteen feet of any fire hydrant whether on public or private property;

9. Whenever a police officer or parking enforcement officer finds a vehicle parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance or regulation and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least forty-five days from the date of the filing of the notice of infraction;

10. Whenever a police officer or parking enforcement officer determines that a person is operating a motor vehicle without a valid driver's license or, if required by Chapter 46.20 RCW, a specially endorsed driver's license, or with a license that has been expired for ninety days or more;

11. Whenever a police officer or parking enforcement officer determines that the vehicle has an expired registration of more than forty-five days and is parked on a public street;

12. Whenever a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.

Vehicles subject to impoundment under these or other sections are declared to be public nuisances which may be summarily abated as provided in each instance and except where prohibited by law.

Nothing in this section shall derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator as defined in RCW 46.55.010.

Section 5. Section 7 of Ordinance No. 2180-96, as amended by Section 2 of Ordinance No. 2317-98, as amended by Section 3 of Ordinance No. 3125-09 (EMC 46.28.070), which reads as follows:

Parking for disabled persons.

A A person who has received a current and valid special disabled person's card, decal or license plate from the Washington State Department of Licensing under RCW 46.16.381 shall be allowed to park a vehicle being used to transport such person in metered parking spaces free of charge and in nonmetered spaces for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted except as otherwise provided in subsection B of this section. This section shall have no application to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless the person obtains and displays a distinguishing card, decal, or license plate issued pursuant to RCW 46.16.381.

B. No person shall stop, stand or park a vehicle in a parking space reserved for disabled persons provided on-street or on private property without charge without obtaining and displaying a special license plate, card, or decal issued pursuant to RCW 46.16.381. Pursuant to RCW 46.16.381, a time limitation of four hours may be imposed on the use of such parking spaces for on-street parking when such time restricted is clearly posted. A time restriction of four hours may be imposed on the

use of nonreserved, on-street parking spaces (metered or nonmetered) by vehicles displaying the special parking placards when such time restriction is clearly posted.

C. A parking space or stall for a disabled person shall be identified as described in RCW 46.61.581 including fine, time limitation (if applicable), and tow-away information. Notwithstanding any provision in this chapter, in accordance with RCW 46.61.581, failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a Class 2 civil infraction under Chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a Class 2 civil infraction.

D. No person shall make inaccessible the access aisle located next to a space reserved for physically disabled persons.

E. Notwithstanding any provision in this chapter, the city's police department is authorized to appoint volunteers, with a limited commission, to issue notices of infractions for violations of the city's disabled parking regulations. Volunteers must be at least twenty-one years of age and meet such additional qualifications as established by the city's police department. A notice of infraction issued by a volunteer appointed under this section has the same force and effect as a notice of infraction issued by police officers and parking enforcement officers for a violation of the city's disabled parking regulations.

Be and the same is hereby amended to read as follows:

Parking for disabled persons.

A. **Authority.** A person who has been issued current and valid special license plates, parking placards, or special year tabs for persons with disabilities from the Washington State Department of Licensing pursuant to chapter 46.19 RCW shall be allowed to park a vehicle being used to transport such person in places reserved for persons with physical disabilities, metered parking spaces free of charge, and in nonmetered spaces for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted except as otherwise provided in subsection D of this section. This section shall have no application to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

B. **Display.** Valid special license plates, parking placards, and special year tabs for persons with disabilities must be displayed in accordance with this subsection.

1. License plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates in accordance with RCW 46.16A.200.

2. A parking placard must include both a serial number and the expiration date on the face of the placard. The expiration date and serial number must be of a sufficient size to be easily visible from a distance of ten feet from where the placard is displayed.

3. A parking placard must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard. The parking placard must be displayed in a manner that allows for the entire placard to be viewed through the vehicle windshield.

4. Special year tabs for persons with disabilities must be displayed on license plates as defined by the Washington State Department of Licensing.

C. **Restrictions - Prohibitions - Violations.**

1. False information. Knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities pursuant to chapter 46.19 RCW is a gross misdemeanor punishable in accordance with EMC 10.04.080.

2. Unauthorized use. Any unauthorized use of a parking placard, special license plate, special year tab, or identification card issued pursuant to chapter 46.19 RCW is a parking infraction. "Unauthorized use" includes (a) any use of a parking placard, special license plate, special year tab, or identification card that is expired, inactive, faked, forged, or counterfeited, (b) any use of a parking placard, special license plate, special year tab, or identification card of another holder if the initial holder is no longer eligible to use or receive it, and (c) any use of a parking placard, special license plate, special year tab, or identification card of another holder even if permitted to do so by the holder.

3. Parking without placard/plate/tab. It is a parking infraction for any person to stop, stand, or park a vehicle in a parking space reserved for persons with physical disabilities on private property without charge or on public property, without a placard, special license plate, or special year tab issued pursuant to chapter 46.19 RCW. If a person is charged with a violation of this subsection, the person will not be determined to have committed an infraction if the person establishes that the person operating the vehicle or being transported at the time of the infraction had a valid placard, special license plate, or special year tab issued pursuant to chapter 46.19 RCW. Such person must sign a statement under penalty of perjury that the placard, special license plate, or special year tab produced prior to the court appearance was valid at the time of infraction and issued pursuant to chapter 46.19 RCW.

4. Inaccessible access. It is a parking infraction for a person to stop, stand, or park a vehicle in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities.

5. Improper display of placard/plate/tab. It is a parking infraction to fail to fully display a placard, special license plate, or special year tab issued pursuant to chapter 46.19 RCW while parked in a space reserved for persons with physical disabilities on private property without charge or on public property, or while parking free of charge as otherwise allowed under this section. "Fully display" means hanging or placing the placard, special license plate, or special year tab so that the full face of the placard, license plate, or tab is visible, including the serial number and expiration date on the placard. If a person is charged with a violation of this subsection, that person will not be determined to have committed an infraction if the person produces in court or before the court appearance a valid identification card issued to the person pursuant to chapter 46.19 RCW.

6. Illegal obtainment. Except as provided in subsection C.1 of this section, it is a misdemeanor punishable in accordance with EMC 10.04.080 for any person to willfully obtain a special license plate, placard, special year tab, or identification card issued pursuant to chapter 46.19 RCW in a manner other than that established by chapter 46.19 RCW.

7. Sale of placard/plate/tab/card. It is a misdemeanor punishable in accordance with RCW 10.04.080 for any person to sell a placard, special license plate, special year tab, or identification card issued pursuant to 46.19 RCW.

D. Pursuant to RCW 46.19.050, a time limitation of four hours may be imposed on the use of nonreserved, on-street parking spaces (metered or nonmetered) by vehicles displaying special parking placards, special license plates, or special year tabs when such time restriction is clearly posted.

E. A parking space or stall for a disabled person shall be identified as described in RCW 46.61.581 including fine, time limitation (if applicable), and tow-away information. Notwithstanding any provision in this chapter, in accordance with RCW 46.61.581, failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a Class 2 civil infraction under Chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a Class 2 civil infraction.

F. Notwithstanding any provision in this chapter, the city's police department is authorized to appoint volunteers, with a limited commission, to issue notices of infractions for violations of subsections C.2-5 and subsection E of this section. Volunteers must be at least twenty-one years of age and meet such additional qualifications as established by the city's police department. A notice of infraction issued by a volunteer appointed under this section has the same force and effect as a notice of infraction issued by police officers and parking enforcement officers for the same offense. A police officer, parking enforcement officer, or volunteer may request a person to show the person's identification card or special parking placard

when investigating the possibility of a violation of this section. If the request is refused the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

G. If a person is found to have violated the special parking privileges provided in this section, and unless an appeal of that finding is pending, a judge may order that the person surrender his or her placard, special license plate, special year tab, or identification card issued pursuant to chapter 46.19 RCW.

Section 6. Section 20 of Ordinance No. 2180-96, as amended by Section 1 of Ordinance No. 2395-99, as amended by Section 2 of Ordinance No. 2691-03, as amended by Section 5 of Ordinance No. 2826-05 (EMC 46.28.200), which reads as follows:

Time Zones.

No person shall stop, stand or park a vehicle in a parking space beyond the time permitted by official signs.

Be and the same is hereby amended to read as follows:

Overtime Parking.

No person shall stop, stand, or park a vehicle in a parking space beyond the time permitted by official signs. In addition to stopping, standing, or parking a vehicle in a parking space beyond the time permitted by official signs, it is a violation of this section to stop, stand, or park a vehicle in violation of the reparking regulations set forth in EMC 46.28.205.

Section 7. Section 27 of Ordinance No. 2180-96, as amended by Section 1 of Ordinance No. 2317-98, as amended by Section 2 of Ordinance No. 2395-99, as amended by Section 1 of Ordinance No. 2725-03, as amended by Section 2 of Ordinance No. 2795-04, as amended by Section 10 of Ordinance No. 2826-05, as amended by Section 7 of Ordinance No. 3125-09 (EMC 46.28.270), which reads as follows:

Penalties for parking infractions.

A. Unless specifically set forth elsewhere in this chapter, the penalties for each violation of the provisions of this chapter shall be:

1. Overtime parking: twenty dollars;

2. Unauthorized parking in alley: twenty dollars;

3. Parking in disabled space without requisite permit, decal, or license plate, or making inaccessible the access aisle located next to a disabled space: two hundred fifty dollars;

4. Parking, stopping or standing in a marked fire lane or fire zone in violation of this chapter: fifty dollars;

5. Interfering with, concealing, obliterating or erasing marks in violation of this chapter: fifty dollars;

6. All other violations: twenty dollars.

B. Unless otherwise directed by the court, payment of all parking infractions shall be made to the municipal court and at such other locations as designated by the court. All proceeds derived from individuals charged with a violation of any of the provisions of this chapter shall be paid into the downtown improvement fund established by the city; however, the proceeds from the penalty for parking in a disabled space without the requisite permit, placard or license plate, or making inaccessible the access aisle located next to a disabled space, will be retained by the city in accordance with RCW 46.16.381 and shall be used exclusively for law enforcement.

C. After receiving three tickets in three hundred sixty-five days, the penalty for each additional ticket beyond three received within said time period shall be as follows:

1. For each twenty-dollar penalty violation defined in subsection A of this section, the penalty shall be thirty dollars;

2. For each fifty-dollar penalty violation defined in subsection A of this section, the penalty shall be seventy-five dollars.

After receiving six tickets in three hundred sixty-five days, the penalty for each additional ticket received within said time period shall be as follows:

1. For each twenty-dollar penalty violation defined in subsection A of this section, the penalty shall be fifty dollars;

2. For each fifty-dollar penalty violation defined in subsection A of this section, the penalty shall be one hundred twenty-five dollars.

D. Additionally, there is a penalty for failure to respond to notice of a parking infraction within thirty days of the violation date on the notice of infraction, which shall be twenty-five dollars.

E. For a second or subsequent violations of the disabled parking provisions of this chapter, in addition to the 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.

F. The court may not suspend more than one-half of any fine imposed for a disabled parking violation.

Be and the same is hereby amended to read as follows:

Penalties for parking infractions.

A Unless specifically set forth elsewhere in this chapter, the penalties for each violation of the provisions of this chapter shall be:

1. Overtime parking: twenty dollars;

2. Unauthorized parking in alley: twenty dollars;

3. Disabled parking infractions under EMC 46.28.070.C: two hundred fifty dollars and an additional two hundred dollar assessment pursuant to RCW 46.19.050 for a total of four hundred and fifty dollars;

4. Parking, stopping or standing in a marked fire lane or fire zone in violation of this chapter: fifty dollars;

5. Interfering with, concealing, obliterating or erasing marks in violation of this chapter: fifty dollars;

6. All other violations: twenty dollars.

B. Unless otherwise directed by the court, payment of all parking infractions shall be made to the municipal court and at such other locations as designated by the court. All proceeds derived from individuals charged with a violation of any of the provisions of this chapter shall be paid into the downtown improvement fund established by the city; however, the proceeds from penalties and assessments related to disabled parking infractions will be retained by the city or distributed in accordance with RCW 46.19.050.

C. After receiving three tickets in three hundred sixty-five days, the penalty for each additional ticket beyond three received within said time period shall be as follows:

1. For each twenty-dollar penalty violation defined in subsection A of this section, the penalty shall be thirty dollars;

2. For each fifty-dollar penalty violation defined in subsection A of this section, the penalty shall be seventy-five dollars.

After receiving six tickets in three hundred sixty-five days, the penalty for each additional ticket received within said time period shall be as follows:

1. For each twenty-dollar penalty violation defined in subsection A of this section, the penalty shall be fifty dollars;

2. For each fifty-dollar penalty violation defined in subsection A of this section, the penalty shall be one hundred twenty-five dollars.

D. Additionally, there is a penalty for failure to respond to notice of a parking infraction within thirty days of the violation date on the notice of infraction, which shall be twenty-five dollars.

E. For a second or subsequent violations of the disabled parking provisions of this chapter, in addition to the 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.

F. The court may not suspend more than one-half of any fine imposed for a disabled parking infraction issued pursuant to EMC 46.28.070.C. Any reduction in any penalty and assessment imposed pursuant to EMC 46.28.270.A.3 must be applied proportionally between the penalty and the assessment. When a reduced penalty is imposed the amount deposited in the accounts identified under RCW 46.19.050(7) must be reduced equally and proportionally.

Section 8. Section 2 of Ordinance No. 2784-04, as amended by Section 1 of Ordinance No. 3139-09 (EMC 46.80.020), which reads as follows:

Definitions-Exemption.

A. "Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed of no more than twenty miles per hour on level ground.

B. "Wheeled recreational device" means any wheeled recreational object designed to propel the person using that object with an internal combustion engine or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain

and display a Washington State vehicle license (Chapter 46.16 RCW). For purposes of this chapter, "wheeled recreational device" does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

C. "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof located within the city limits of the city of Everett.

D. "City property" includes all city rights-of-way, as defined in the city of Everett zoning code.

E. "Rules of the road" means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

F. "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system, with a label required by the Federal Consumer Products Safety Commission standards for bicycle helmets as adopted by the Code of Federal Regulations, 16 CFR 1203, and which is marked with durable labeling in accordance with 16 CFR 1203.6.

G. The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

Be and the same is hereby amended to read as follows:

Definitions-Exemption.

A. "Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed of no more than twenty miles per hour on level ground.

B. "Wheeled recreational device" means any wheeled recreational object designed to propel the person using that object with an internal combustion engine or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain and display a Washington State vehicle license (Chapter 46.16A RCW). For purposes of this chapter, "wheeled recreational device" does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

C. "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof located within the city limits of the city of Everett.

D. "City property" includes all city rights-of-way, as defined in the city of Everett zoning code.

E. "Rules of the road" means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

F. "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system, with a label required by the Federal Consumer Products Safety Commission standards for bicycle helmets as adopted by the Code of Federal Regulations, 16 CFR 1203, and which is marked with durable labeling in accordance with 16 CFR 1203.6.

G. The regulations of this chapter shall not apply to any vehicle used by a disabled person in accordance with chapter 46.19 RCW.

Section 9. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 10. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 11. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 12. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 13. This Ordinance amends the following ordinances as amended: 2442-00, 2908-06, 534-78, 993-83, 2180-96, and 2784-04.

Ray Stephanson, Mayor

ATTEST:

City Clerk

Passed: 6-17-15

Valid: 6-19-15

Published: 6-24-15

Effective Date: 7/04/15