

CITY OF NORTH BONNEVILLE

ORDINANCE NO. 995 – OVERNIGHT PARKING

AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING NBMC CHAPTER 12.08 REGARDING OVERNIGHT PARKING IN PUBLIC STREETS, RIGHT OF WAYS AND MUNICIPAL PARKING LOTS AND PROVIDING FOR OTHER MATTERS PROPLERLY RELATED THERETO.

Whereas, pursuant to chapter 35A.11 RCW, the City is duly authorized to regulate parking on public streets, right of ways and municipal parking lots as an exercise of the City’s police power for the health, safety and welfare of its residents;

Whereas, the City Council has heretofore established a Central Business District (“CBD”);

Whereas, the Council has deemed it necessary and desirable to regulate parking in public areas of the CBD to protect the public health, safety and welfare of the residents of the City; and

Whereas, the Council now desires to amend chapter 12.08 NBMC “Overnight Parking – Camping” to clarify exceptions to the general prohibition to overnight parking in public streets, right of ways and municipal parking lots and establish a process and procedure to allow parking on both an annual and temporary basis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 12.08, Overnight Parking – Camping
Chapter 12.08, “Overnight Parking – Camping,” is amended as follows:

OVERNIGHT PARKING

Sections:

12.08.010 Overnight parking/~~camping~~ prohibited.

12.08.015 Definitions.

12.08.020 ~~Overnight Parking in CBD.~~ Permitted overnight parking.

12.08.030 ~~Infractions;~~ Penalties.

12.08.040 ~~Revocation;~~ Appeal.

12.08.010 Overnight parking/~~camping~~ prohibited.

~~Except as provided in Section 12.08.020, overnight~~Overnight parking ~~or camping~~
~~in of vehicles in public streets, right of ways and~~ municipal parking lots ~~or along~~
~~open spaces~~ within the city limits of North Bonneville shall be prohibited except
~~within designated~~as provided in Section 12.08.020 NBMC below.

12.08.015. Definitions.

"Vehicles" means all motor vehicles including automobiles, trucks, trailers, motorcycles or recreational vehicles.

12.08.020 Overnight parking in CBD Permitted overnight parking.

~~Under the following provisions~~ Overnight parking shall be permitted in the municipal parking lots of the CBD ~~by businesses and residences located within the CBD zone~~ as follows:

A. ~~Each~~ The owner or resident of each residential unit within the CBD shall be allowed an annual permit to park up to two ~~(2) permitted~~ vehicles per residential unit.

B. ~~Each~~ The owner or tenant of each commercial unit within the CBD with a current city business license shall be allowed an annual permit to park one ~~(1) permitted~~ vehicle per commercial unit.

~~C.~~ C. In addition to the permits authorized in subsections A and B above, any person may apply for an at-large annual permit per property address to park in the municipal parking lots of the CBD. Each person shall be allowed only one permit for one marked parking space. Persons requesting an at-large annual permit shall pay a fee as set by the City Council. No more than 12 parking spaces shall be available for at-large annual permits. At-large annual permits shall be issued on a first-come first-serve basis and shall be valid only in the southern-most CBD parking lot. At-large annual permits shall be non-transferable.

~~D.~~ All vehicles issued an annual permit or an at-large annual permit must be currently licensed, operational and fit wholly within the a parking space. Vehicles larger than one parking space shall only be allowed to park overnight pursuant to a temporary permit as set forth in 12.08.020(G) below.

~~D. An~~ E. Annual parking permits or at-large annual parking permit(s) permits shall not be issued for each qualified unit. Permits commercial purposes, such as food or beverage stands or retail sales.

F. Annual parking permit and at-large annual permits shall be issued upon request. Notwithstanding when any permit was issued, all permits will expire on December 31 of each current calendar year.

~~E.~~ The parking permit G. A temporary permit for overnight parking may be obtained in special circumstances such as for occasional visitors or for special events. Any person wishing to receive a temporary overnight parking permit shall submit an application to the Mayor in writing, designating the name and address of the applicant, the type of vehicle,

requested dates for overnight parking, and the purpose for overnight parking. The Mayor shall have the discretion to approve a temporary overnight parking permit for up to seven consecutive days within any 60 day period based upon the criteria set forth below under 12.08.020 (I).

H. All parking permits must be prominently displayed in or on the assigned vehicle.

I. The Mayor is authorized to impose specific conditions on all permits, before or after issuance, issued in order to ensure that the following criteria are met:

1. Overnight parking should not interfere with existing parking requirements for adjacent commercial or residential uses;
2. Parking overnight will not adversely impact adjacent properties or the public right of way due to noise, lights, fluid discharge, alteration or interference with existing traffic patterns and/or access or create any threat to the public health, safety or welfare.
3. Vehicles for which a temporary overnight parking permit is sought must be licensed and operational.
4. Temporary parking permits may be issued for commercial purposes, such as food or beverage stands or retail sales, or may be issued in support of community events.

12.08.030 Infractions; Penalties.

A. Any person violating the provisions of this chapter shall receive a civil infraction pursuant to chapter 1.08 NBMC, and may have their vehicle towed as provided by law. Persons wishing to challenge a civil infraction for violation of this chapter may appeal such determination pursuant to chapter 1.08 NBMC.

B. Any person violating the provisions of this ~~Chapter~~chapter shall be subject to: (i) a fine in accordance with ~~Section~~Sections 7.01.020(A) for each infraction, and (ii) for any vehicles which have been towed, costs of towing plus actual administrative costs of not less than \$50.

12.08.040 Revocation; Appeal

A. Any person who fails to comply with the conditions of either the annual, at-large annual or temporary overnight parking permits may have such permit revoked by the City Clerk after one day's notice of such violation.

B. Any person who was denied a permit or who had a permit revoked may appeal such determination to the City Council. Such appeal shall be taken by filing with the City Clerk within 14 days after denial or revocation. The City Council shall set a time and place for a hearing on such appeal and notice shall be given to the appellant in writing by certified mail to the address listed on the permit application at least three days prior to the date set for hearing. The

decision and order of the City Council on such appeal shall be final and conclusive and be based upon the criteria set forth in this ordinance.

Section 2. Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date and Publication.

This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON OCTOBER 11th, 2011.

Don Stevens, Mayor

ATTEST:

John Spencer, City Clerk