ORDINANCE NO. 28383

AN ORDINANCE relating to regulation of residential parking; amending Chapter 11.05 of the Tacoma Municipal Code by amending Sections 11.05.235, 11.05.236, and 11.05.237 thereof, to authorize the City Manager to establish a Residential Parking Program; authorize the establishment of fees for residential parking permits; establish penalties; and provide for severability.

WHEREAS many neighborhoods are experiencing increased competition for limited on-street parking spaces, and

WHEREAS the growing demand for parking is attributable to several factors, such as increases in vehicle ownership, residential occupancy, and employment and commercial/retail activity, and

WHEREAS, in 2014, City staff partnered with the Parking Technical Advisory Group, consisting of volunteer citizens and business owners, to assess the City's Residential Parking Program ("Program"), and concluded that the existing Program warranted changes in areas such as program sustainability and inconsistent enforcement efforts, and

WHEREAS the Public Works Department has proposed changes to Chapter 11.05 of the Tacoma Municipal Code ("TMC"), to revise the existing Program by establishing Residential Parking Zones ("RPZ") which will provide parking priority for residents and their guests while maximizing use of the public rights-of-way, and

WHEREAS eligibility requirements for each RPZ are subject to residential zoning classifications, non-residential parking demand, and a minimum number of block faces, and

-1-
WHEREAS the revised Program is not intended to guarantee residents a parking space in front of their homes, and

WHEREAS a request is required to establish an RPZ, and an official petition must be signed by the majority (60 percent) of residents in the zone affected by the change, and

WHEREAS, in time, the Program is expected to generate sufficient funding through permit fees to sustain the program, and

WHEREAS, to enhance customer service, the Public Works Department intends to enforce the Program using a license plate recognition system during the hours of 8:00 AM to 6:00 PM, and

WHEREAS the Program promotes equity by providing that households with limited annual income may be eligible to receive the first permit at no cost; Now,

Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 11.05 of the Tacoma Municipal Code is hereby amended by amending Sections 11.05.235, 11.05.236, and 11.05.237 thereof to read as set forth in the attached Exhibit “A.”

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence,
clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Passed OCT 18 2016

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney
Chapter 11.05
MODEL TRAFFIC ORDINANCE

Sections:
11.05.010 Model Traffic Ordinance adopted.
11.05.020 Sections not adopted.
11.05.030 Statutes not adopted.
11.05.035 Repealed.
11.05.040 Amendment of WAC 308-330-555.
11.05.050 Additional statutes adopted.
11.05.060 Scope and construction of terms.
11.05.070 Curb defined.
11.05.080 Driveway defined.
11.05.090 Driveway return defined.
11.05.100 Fire line defined.
11.05.110 Fire zone defined.
11.05.120 Leaving minors unattended.
11.05.130 Driving while eating or drinking.
11.05.131 Automotive Sound Systems – Excessive Noise Prohibition.
11.05.135 Unlawful to park or stand unlicensed vehicle.
11.05.136 Presumption and reference to illegal parking.
11.05.140 Taxicabs – Prohibited parking areas.
11.05.150 One-way streets designated.
11.05.160 Construction work – Special permit required.
11.05.170 Illegal parking – Exceeding parking time limit.
11.05.180 Illegal parking – Removal of mark.
11.05.190 Illegal parking – Move vehicle to avoid time limit.
11.05.200 Parking of commercial vehicles in residential neighborhood prohibited.
11.05.210 Delivery and construction vehicles – Emergency repairs.
11.05.220 Parking of commercial trailers prohibited.
11.05.225 Parking prohibited within two feet of a mailbox.
11.05.230 Parking, extended period.
11.05.231 Human habitation of vehicles.
11.05.235 Residential parking zones – authority.
11.05.236 Residential parking zones – violation.
11.05.237 Residential parking zones – abuse – revocation of privileges.

* * *

11.05.235 Residential parking zones – authority.

A. Establishment of Residential Parking Program. The City Manager, or designee, is delegated the authority and is authorized to establish and maintain a “Residential Parking Program” (“Program”), consistent with this section, to establish residential parking zones as authorized herein, to prioritize parking in residential areas in which residential parking zones have been established, to manage availability of on-street parking supply, to issue permits authorizing parking within restricted zones, to establish rules and regulations to implement the program, to provide for enforcement, and to provide for recovery of the costs of administration of the Program. The Program shall establish the procedural requirements and criteria applicable to establishment of a “Residential Parking Zone” and any permits or other authorizations to park in an established Residential Parking Zone. The Program may provide that in any Residential Parking Zone, the City may issue permits or other means of identification, maintain lists of vehicles used by residents, or adopt any other reasonable means of distinguishing vehicles that may validly be parked in any Residential Parking Zone from other vehicles. The
establishment of Residential Parking Zones shall not limit parking of vehicles displaying a card or decal pursuant to RCW 46.19.030, as it exists or as hereinafter amended. Residential Parking Zones shall be appropriately signed and/or marked.

B. Parking Zone Areas. The City Manager, or designee, may, at its discretion, upon receipt of an application and meeting Program requirements, may recommend that the City Council establish a restricted Residential Parking Zone in an area where any of the following instances occur:

A. On-street parking is reserved for the exclusive use of residents in a prescribed vicinity, their visitors, and service vehicles serving such residences.

B. On-street parking is reserved during certain posted hours for such exclusive use and available at all other times without restrictions.

C. Time limits are established for on-street parking which apply to all vehicles except vehicles owned or used by such residents, their visitors, or service vehicles serving such residences.

C. Administration and Enforcement. The City Public Works Department, Parking Services, shall implement and administer the Program and adopt rules and regulations. Parking Services shall enforce the Program during the hours of 8:00 AM to 6:00 PM. Parking Services shall maintain and administer a guide for residents to petition the City for consideration of a Residential Parking Zone.

In any restricted parking zone, the City may issue permits or other means of identification, maintain lists of vehicles used by residents, or adopt any other reasonable means of distinguishing vehicles that may validly be parked in any restricted parking zone from other vehicles. The establishment of restricted parking zones shall not limit parking of vehicles displaying a card or decal pursuant to RCW 46.19.030, as it exists or as hereinafter amended. Restricted parking zones shall be appropriately signed and/or marked.

D. Fees.

1. It is the intent of the City Council to ensure that fees established as provided herein reasonably provide for the recovery of the general and administrative costs of the Program, and that the fees do not exceed the reasonable estimated cost for providing the services for which the fees are charged. The term “costs” shall mean all reasonable expenses, including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal, costs of contracted labor, and litigation costs associated with enforcement, that are incurred by the City as a direct result of implementation, operation, and enforcement of the Program. The City Manager, or designee, is authorized to establish and adjust a fee schedule and due dates for residential parking permits and Residential Parking Zone applications in a manner consistent with this section and Program requirements. The fee schedule will be subject to review every two years and adjustment in conjunction with the City’s biennial budget process.

2. Residential parking permit fees shall be paid annually for each parking permit issued or renewed. Residential Parking Zone application fees shall be paid at the time of submittal of the application; provided that, fees for parking permits with a term less than 12 months may be prorated based upon the number of months remaining in the term at the time the permit is issued.

3. The Program may provide that a household with limited annual income may be eligible to receive the first permit per address at no cost.

11.05.236 Residential Parking Zones – violation.

No person shall stop, stand, or park a vehicle in an established and posted or marked Residential Parking Zone unless: violation of the posted or marked restrictions or when

A. a current and valid permit or other authorization issued by the City is and required as a condition for parking unless the same is displayed on the vehicle for which the permit was issued, in a conspicuous location, as required by applicable law, regulation, or

B. a card or decal issued pursuant to RCW 46.19.030, as it exists or as hereinafter amended, is displayed in a prominent place on the vehicle.

Violation of this section shall constitute a parking violation and such act shall be subject to a monetary penalty of not less than $30.00.
11.05.23 Residential pParking zones Program – abuse revocation of privileges.

No person shall, for any valuable consideration, other than City Officials, offer or agree to is authorized or to permit any person to park a vehicle in any Residential pParking Zone. No person shall for any valuable consideration-transfer or authorize the use of any permit or other identification issued by the City authorizing a vehicle to park in any Residential pParking Zone.

Any person to whom a permit or other authorization is granted to park in a Residential pParking Zone shall be strictly liable for compliance with its terms and conditions and complying with all applicable ordinances, rules, and regulations. In any of the following instances, such permit or other authorization issued shall be revoked if any person to whom such permit is issued or authorization granted:

A. offers or agrees to authorize or permit any person to park a vehicle in any restricted parking zone for any monetary consideration; or
B. transfers for money the use of any permit or other identification issued by the City authorizing a vehicle to park in any restricted parking zone; or
C. allows any person under their control to perform the acts contained in subparagraph A or B above; or
D. allows a permit or other authorization issued to them to be so used.

No new residential parking permit will be issued or other authorization granted to such person for a period of one year found to be in violation of this section.

Violation of this section shall be a civil infraction and any person found in violation hereof shall be subject to a fine of $250.00, not including statutory assessments.
SUMMARY:
An ordinance amending Chapter 11.05 of the Tacoma Municipal Code, relating to the Model Traffic Ordinance, to revise the Residential Parking Permit Program for the purpose of reducing the impact of non-resident parkers in residential areas and to improve customer service for permit holders.

STRATEGIC POLICY PRIORITY:
- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

Proposed revisions to the Residential Parking Permit Program will create a system that offers available parking space priority in neighborhoods to residents, maximize the use of parking resources for all users in the public right-of-way and create a sustainable program.

BACKGROUND:
Many neighborhoods are experiencing increased competition for the limited on-street parking spaces. Growing demand for parking is attributable to several factors such as increased vehicle ownership, increased residential occupancy, and increases in employment and commercial/retail activity. The City’s current program for managing parking congestion in neighborhoods was established when a more modest competition for on-street parking existed. Residential and neighborhood parking permit programs are intended to ensure that on-street parking spaces remain available for local residents within a specific permit boundary.

In 2014, City staff partnered with the City’s Parking Technical Advisory Group (PTAG), made up of volunteer citizens and business owners, and began an assessment of the City’s Residential Permit Parking Program. After much input and analysis, the group determined that the existing program warranted changes. One concern was the sustainability of the program which issued $2.00 lifetime parking permits. The cost to administer and maintain the current program was much higher than the fees collected. Another concern voiced by users is inconsistent enforcement for the various permitted zones. Under the existing program the Police Department is responsible for the enforcement of permit parking. Providing a consistent level of enforcement among prioritized emergency calls has been difficult.

Parking Services conducted an extensive community outreach effort to solicit input and to better understand the needs of the residents abutting commercial parking generators. The result is a community driven proposal for a Residential Parking Program that includes an emphasis on promoting access by maximizing the use of the right-of-way, neighborhood livability, and responsiveness and sustainability through License Plate Recognition (LPR) enforcement. City staff and the PTAG presented several Parking Permit Program drafts to the public via the following outreach efforts:
Feedback from these efforts resulted in adjustments that strengthened several elements of the program including appealing to a wider variety of users and enhancing the program's equity by providing a mechanism for lower income households to participate at a reduced cost.

Elements of this program have been presented to and supported by both the Neighborhood and Housing Committee (August 17, 2015) as well as the Infrastructure, Planning and Sustainability Committee (April 13, 2016).

The new program is expected to:
- Establish parking zones by set criteria in neighborhoods;
- Each parking zone would have a minimum of 4 block faces;
- Parking demand in the zone must have "outside" or non-residential parking pressure;
- There will be no exclusive use for on-street parking stalls in residential areas; i.e., 2-hour parking from 8:00 a.m. to 4:00 p.m. except with valid permit for zone;
- Provide adequate funding for the installation and maintenance of clear regulatory signs;
- Provide convenient in-person, mail or web application and renewal services;
- Provide regular, visible enforcement during the hours of 8:00 a.m. to 6:00 p.m. using a Public Works operated LPR system and with Tacoma Police Department enforcing after hours; and
- Following initial startup costs, be self-sustaining via the permit fees. Program costs will be reviewed biannually.

ISSUE:
Tacoma has a parking space shortage in some of its residential areas. This shortage is largely caused by all-day, on-street parking by non-residents such as employees of adjacent employment generators. To assist residents' search for vehicle parking adjacent to their home, the City of Tacoma established a Residential Permit Parking Program. Historically the program addressed the issue on a case-by-case basis, eventually morphing into a block-by-block basis. Unique permits were issued for identified problem locations and enforced per the City of Tacoma Municipal Code by the Tacoma Police Department. Over time the number of parking zones increased, criteria for establishing a zone was limited and insufficient funds were allocated to maintain the program.

ALTERNATIVES:
The City can choose to keep the Residential Parking Program unchanged. The current program is under resourced and requires significant maintenance. The program is inadequate in addressing the parking needs for many residents that abut parking generators.

RECOMMENDATION:
The Public Works Department recommends amending Chapter 11.05 of the Tacoma Municipal Code, relating to the Model Traffic Ordinance, to revise the Residential Parking Permit Program to reduce the impact of non-resident parkers in residential areas and to improve customer service for permit holders.
**FISCAL IMPACT:**

**EXPENDITURES:**

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* General Fund: Include Department

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**POTENTIAL POSITION IMPACT:**

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*This section should only be completed if a subsequent request will be made to increase or decrease the current position count.*

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** $75,000

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.** N/A
Ordinance No. 28383

First Reading of Ordinance: OCT 11 2016
Final Reading of Ordinance: OCT 18 2016
Passed: OCT 18 2016

Roll Call Vote:

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Voice Vote:

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