

ORDINANCE NO.3304

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON
AMENDING CHAPTERS 10.06, 10.08, REPEALING AND RENACTING
CHAPTER 10.20 AND REPEALING CHAPTERS 10.24 AND 10.40 OF THE
CITY'S PARKING CODE.**

WHEREAS, the City Council of the City of Mount Vernon finds that current penalties provided under the City's parking codes do not substantially deter parking violations and that the proposed amendments will deter offenders; and

WHEREAS, the City Council of the City of Mount Vernon finds that an accelerated penalty schedule based upon the number of parking violations deters the public from committing parking violations and has greater impact to frequent offenders; and

WHEREAS, the City Council of the City of Mount Vernon finds that clarifications to time limitations, the infraction process, and other prohibited parking activities are needed in order to provide for efficient parking enforcement and increased parking access throughout the City; and

WHEREAS, the City Council of the City of Mount Vernon finds that there exists a lack of parking available to citizens and businesses in the area of Pacific Place Street, Continental Street, and Main Street; and

WHEREAS, the traffic safety committee has recommended two hour parking restrictions to: 300 block of Pacific Place street, 1700 – 2200 block of Continental Place street, and 700-800 block of Main Street; and

WHEREAS, the City Council of the City of Mount Vernon finds that providing designated time limitations to parking on certain City Streets will increase parking efficiency;

NOW, THEREFORE,

**THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS
FOLLOWS:**

SECTION 1. Title 10 VEHICLES AND TRAFFIC is hereby amended to read as follows:

Title 10
VEHICLES AND TRAFFIC
Chapters:
10.04 Statutes Adopted by Reference
10.06 Towing and Impoundment

- 10.08 Temporary Traffic Restrictions
- 10.10 Abatement of Junk Vehicles
- 10.20 Parking Zones, Recreational and Commercial Vehicles
- 10.36 Courtesy Parking Permits
- 10.44 Railroads Obstructing Streets
- 10.48 Traffic Restrictions
- 10.50 Speed Limits
- 10.52 Off-Road Vehicles and Ultralight Aircraft
- 10.56 Skateboards, Roller Skates and Motorized Foot Scooters

SECTION 2. Chapter 10.06.010 Towing and Impoundment is hereby amended to read as follows:

10.06.010 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to the owner as required in MVMC 10.06.020 hereof only under the following circumstances:

1. When the vehicle is unattended and is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
2. When the vehicle is illegally occupying a truck, commercial load zone, restricted parking zone, bus, loading, hooded-meter, taxi, or other similar zone where, by order of the city council, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones and where such zone is clearly and conspicuously marked; or
3. When a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW, as now or hereafter amended, 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; or
4. When the vehicle poses an immediate danger to the public safety; or
5. When a police officer has probable cause to believe that the vehicle is stolen; or
6. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence; or
7. When a vehicle is parked in a publicly owned or controlled parking facility, properly posted under RCW 46.55.070; or
8. When a vehicle is parked on private, nonresidential property, properly posted under RCW 46.55.070; or
9. When a vehicle is left unattended on residential property without consent of the property owner or agent; or
10. When the vehicle is a "junk motor vehicle" as defined in MVMC 10.06.030, and is parked on a street, alley, or way open to the public, or on municipal or other public property.
11. 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.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

SECTION 3. Chapter 10.08.020 Temporary Traffic Restrictions is hereby amended to read as follows:

10.08.020 Street conditions – Investigation and determination authority.

The chief of police is directed to make investigations from time to time of the conditions of city streets and roads and to consult with the city Public Works Director to determine the necessity for temporary closure or the limiting of vehicle weights traversing said streets or roads during periods of freezing, thawing or water saturation.

SECTION 4. Chapter 10.08.040 Towing and Impoundment is hereby amended to read as follows:

10.08.40. Rules and regulations restricting traffic and heavy vehicles – Publication and posting of signs required.

All regulations made pursuant to this chapter shall be made and adopted by the chief of police and promulgated by publication in a newspaper of general circulation and shall take effect and be in force at the time specified therein. In addition thereto, the affected streets and roads shall be posted with clearly visible signs warning the traveling public of the traffic limitations imposed.

SECTION 5. Chapter 10.20. Parking Zones is hereby repealed and reenacted in its entirety to read as follows:

Chapter 10.20

PARKING ZONES

Sections:

- | | |
|-----------|--|
| 10.20.010 | Purpose. |
| 10.20.020 | Definitions. |
| 10.20.030 | Diagonal parking permitted in designated locations. |
| 10.20.040 | Parking – Prohibited during certain hours on certain streets. |
| 10.20.050 | Residential parking zones – Authority. |
| 10.20.060 | Residential parking zones – Violation. |
| 10.20.070 | Residential parking zones – Abuse of privileges. |
| 10.20.080 | Residential parking zone – Exclusive use by residents- Designated. |
| 10.20.090 | Two-hour parking – Zones designated. |
| 10.20.100 | No parking – Zones designated. |
| 10.20.110 | School zones designated. |

- 10.20.120 Service parking in regulated parking zones – Permitted when.
- 10.20.130 Repair on public property prohibited – Exception.
- 10.20.140 Mail receptacles.
- 10.20.150 Parking over 24 hours prohibited.
- 10.20.160 Time limit zones.
- 10.20.170 Parking restrictions for commercial and recreational vehicles.
- 10.20.180 Occupation of recreational vehicle.
- 10.20.190 Parking regulations.
- 10.20.200 Responsibility - Presumptions.
- 10.20.210 Penalties for parking infractions.
- 10.20.220 Failure to comply with notice of parking
- 10.20.230 Municipal judge.
- 10.20.240 Notice of infraction—Determination final unless contested—Form.
- 10.20.250 Response to notice of parking infraction—Contesting determination—Hearing—Failure to respond or appear.
- 10.20.260 Collection—Authorized.
- 10.20.270 Impoundment of vehicles with unpaid tickets.
- 10.20.280 Rules and regulations.
- 10.20.290 Parking rates.

10.20.010 Purpose

The parking of motor vehicles is properly regarded as incident to travel on public thoroughfares. The purpose of this chapter is to promote the health, safety, and general welfare of the public by providing for public parking of motor vehicles.

10.20.020 Definitions.

For the purpose of this chapter, the following terms shall have the following definitions:

A. “Parking facility” or “parking facilities” shall mean any structure, garage, or parking lot, owned or controlled by the city of Mount Vernon at which parking is made available to the public.

B. “Recreational vehicle” shall include all travel trailers, tent trailers, boats, boat trailers, snowmobile trailers or any similar vehicle. The term shall also include any “motor home” or “camper” as such terms are defined in RCW 82.50.010, which definitions are adopted by reference.

C. “Commercial vehicle” shall mean all motor vehicles exceeding 20 feet in length, including trailers, and all nonmotorized vehicles or trailers designed to be or actually attached or connected to a motor vehicle which exceed 20 feet in length measured from the front of the motor vehicle to the end of the nonmotorized vehicle or trailer, and all vehicles exceeding 10,000 pounds gross vehicle weight, which vehicles are used, in whole or in part, for the transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which are used, in whole or in part, in construction or farming.

10.20.030 Diagonal parking permitted in designated locations.

Diagonal parking shall be permitted on the following streets:

- A. On the south side of West Division Street from Ball Street to 800 feet west of Wall Street;
- B. On the south side of Kincaid Street from 14th Street (projected) to 15th Street.

10.20.040 Parking – Prohibited during certain hours on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle between the hours and/or on the days specified on such signs. Any vehicle parked in violation of this section shall be subject to immediate impoundment of the vehicle at the owner’s expense in addition to any other penalty provided by this chapter. No person shall park a vehicle at any time on either side of the street on:

Street	Extent	Side
N. 26th Street	1300 to 1600 block between the hours of 8:00 a.m. and 12:00 p.m. on Mondays	East
Kulshan Avenue	2400 to 2500 block between the hours of 8:00 a.m. and 12:00 p.m. on Mondays	North

10.20.050 Residential parking zones – Authority.

The city may, at its discretion, establish a restricted 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 prescribed vicinity, their visitors, and service vehicles serving such residents.
- 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 owned or used by such residents, their visitors, or service vehicles serving such residents.

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 special license plates or placard pursuant to RCW 46.16.381. Restricted parking zones shall be appropriately signed and/or marked.

10.20.060 Residential parking zones – Violation.

No person shall stop, stand, or park a vehicle in violation of the posted or marked restrictions or when a permit or other authorization issued by the city is required as a condition for parking unless the same permit or other authorization or special license plates or placard issued pursuant to RCW 46.16.381 is displayed in a prominent place on the vehicle.

10.20.070 Residential parking zones – Abuse of privileges.

No person shall, for any valuable consideration, offer or agree to authorize or permit any person to park a vehicle in any residential parking zone. No person shall for any valuable consideration transfer or authorize to the use of any permit or other identification issued by the city authorizing a vehicle to park in any residential parking zone.

Any person to whom a permit or other authorization is granted to park in a residential parking zone shall be strictly liable for the compliance with its terms and conditions and complying with all applicable ordinances. 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 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 subsection A or B of this section; or
- D. Allows a permit or other authorization issued to them to be used.

No new permit will be issued or other authorization granted to such person for a period of one year.

10.20.080 Residential parking zone – Exclusive use by residents – Designated.

Upon the following streets no vehicle shall be parked at any time except those vehicles with a permit or other authorization issued by the city as required as a condition for parking or a special license plate or placard issued pursuant to RCW 46.16.381 is displayed in a prominent place on the vehicle:

Street	Extent	Side
Warren Street	N. 8th Street to 11th Street	Both
Warren Street	11th Street to its east end (1122 block)	South
N. 10th Street	210 N. 10th to Warren Street	Both
N. 11th Street	South section of 200 block	Both

The alley between N. 10th Street and N. 11th Street located north from Division Street and south from Warren Street Both

The alley between N. 10th Street and N. 11th Street located north from Warren Street and south from Fulton Street Both

10.20.090 Two-hour parking – Zones designated.

When signs are erected giving notice thereof, upon the following streets and between the hours of 8:00 a.m. to 6:00 p.m. no vehicle shall be parked for a longer period than two hours, excepting on Saturdays, Sundays and legal holidays.

Street	Extent	Side
N. 1st Street	100 block	Both
Pacific Place	300 block	Both
Main Street	700 block and the North 1/4 West of the 800 Block of Main Street	

Continental Place 1700 to 2200 block Both

The parking lot located at the north corner of the 100 block of N. 1st Street and Freeway Drive lying west of Freeway Drive and lying east of N. 1st Street

10.20.100 No parking – Zones designated.

When signs are erected giving notice thereof, upon the following streets, no parking shall occur and vehicles may be subject to impoundment.

Street	Extent	Side
Hoag Road	East of railroad tracks to crest of hill (1600 block) where signs are posted	Both

10.20.110 School zones designated.

When signs are erected giving notice thereof, the following portions of streets adjacent to public and private schools in the city of Mount Vernon be and they are hereby designated as restricted zones for school bus use only, to wit:

Mount Vernon High School 1000 block of Fulton Street, both sides

No person shall stop, stand, or park a passenger vehicle for any length of time. Such acts shall be punishable by a penalty in an amount of not less than \$25.00.

10.20.120 Service parking in regulated parking zones – Permitted when.

As used herein, the term “service parking” means the use of a parking space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities. Permits for service parking shall be provided by the city in accordance with the provisions of the Model Traffic Ordinance, WAC 308-330-660. Annual service parking permits shall be issued for a fee of \$50.00. Daily service parking permits shall be issued for a fee of \$5.00.

10.20.130 Repair on public property prohibited – Exception.

It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles of any kind in or upon any street, road, alley or other public thoroughfare in the city except for emergency service; provided, however, that said emergency service shall not extend over a period of two hours, and that the same does not interfere with or impede the flow of traffic.

10.20.140 Mail receptacles.

No person shall stop, stand or park a vehicle on any roadway or right-of-way which in any way blocks, hinders or otherwise impairs access to a mail receptacle.

10.20.150 Parking over 24 hours prohibited.

No person having control over a vehicle may park such vehicle upon any public street or public way or leave such vehicle in the same public place for a period exceeding 24 hours. When any vehicle is parked or stands for a period exceeding 24 hours, the

vehicle may be deemed to constitute a hazard or obstruction to traffic or an abandoned vehicle, and may be impounded in accordance with MVMC 10.06.020.

10.20.160 Time limit zones.

No person having control over a vehicle may park such vehicle beyond the time limit permitted by official signs. Each subsequent period of time posted on the sign which lapses following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of this section. Where a time limit is established by official signs, no person having control over a vehicle may repark that vehicle on either side of the same street in order to extend the vehicle's parking time beyond the time limits established. For purposes of this section, a vehicle shall be deemed to be reparked and in violation of this section despite any movement of the vehicle unless the vehicle is moved to a street with a different street name than the street the vehicle was originally parked upon.

10.20.170 Parking restrictions for commercial and recreational vehicles.

A. In areas zoned residential, including multi-family areas, no recreational or commercial vehicle may be stored upon any city street or sidewalk, but may be stored in a garage or private driveway.

B. Except as provided in this section, no recreational vehicle may be parked or left standing on any city street between the hours of 2:00 a.m. and 6:00 a.m., and no commercial vehicle may be parked or left standing on any city street in areas zoned residential, including multifamily areas, between the hours of 2:00 a.m. and 6:00 a.m.

C. The restrictions set forth in this section shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting a street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely for the purpose of convenient departure from or return to the lot by such resident in connection with a planned trip, outing or vacation, commencing or ending on the same day of such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regards to such departure or return; provided, however, that such parking may not occur on more than two consecutive days or on more than two days in any seven-day period

10.20.180 Occupation of recreational vehicle.

It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the city, except in a duly established trailer park maintained in accordance with all applicable state statutes and city ordinances; provided, however, that occupation for residence purposes for a period of not more than three days shall not be construed to be a violation of this section.

10.20.185 Alley parking.

Except in the case of an emergency or in the case of a person who has a valid right-of-way use permit or service parking permit, no person shall park or stand a vehicle in an alley within the city for purposes other than actively loading or unloading, or for the rendering of service to adjacent property. In the case of rendering service to adjacent property, no vehicle shall remain parked or standing beyond thirty minutes. Persons

providing service requiring more than thirty minutes are required to obtain a service parking permit. In no event shall vehicles parked in alleys obstruct or hinder vehicular or pedestrian travel.

10.20.190 Parking regulations.

A. Adoption and Ratification of Regulations. Parking restrictions heretofore designated by appropriate signs or other regulation (inclusive of the Model Traffic Ordinance, Chapter 308-330 WAC as adopted by MVMC 10.04.010) are appropriate and the same are recognized and adopted as the parking regulations of the city. The City's Public Works Director shall act as the traffic engineer and shall be authorized to erect and regulate parking and traffic regulations pursuant to WAC 308-330-265.

B. Adoption of Procedures. The mayor may adopt rules and regulations, as appropriate, to implement the provisions of this chapter governing the use of the city's parking facilities. Such rules and regulations may include provisions for the enforcement of the rules and regulations not inconsistent with the provisions of this chapter, including vehicle removal or immobilization.

C. Limitation of Use of Parking Facilities. In no event shall any person park any vehicle at a parking facility identified in this chapter for the principal purpose of:

1. Displaying commercial or noncommercial signs;
2. Displaying such vehicle for sale; or
3. Selling merchandise from such vehicle, except when expressly

authorized through the issuance of an appropriate permit by the city.

10.20.200 Responsibility - Presumptions.

A. Every person in whose name a vehicle is registered shall be responsible for any violation of this chapter caused by the parking, reparking, standing or stopping of said vehicle in violation hereof. It shall be no defense that the vehicle was parked illegally by another, unless proof is presented that said vehicle had been stolen and had not been returned to the registered owner by the date of the violation. This section shall not apply to registered owners transferring vehicle ownership who have complied with the provisions of state law prior to the date of the violation.

B. In any parking infraction case involving a violation of this chapter, proof that the particular vehicle described in the notice of parking infraction was parking, reparking, standing or stopping in violation of any such provision of this chapter, together with proof that the person named in the notice of parking infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred; provided, however:

1. Where a registered owner has transferred vehicle ownership in compliance with the provisions of state law prior to the date of the violation, then proof that the particular vehicle described in the notice of parking infraction was parking, reparking, standing or stopping in violation of any such provision of this chapter, together with proof that the person named in the notice of parking infraction was at the time of the violation the person to whom the vehicle's ownership had been transferred, shall constitute in evidence a prima facie presumption that the person to whom ownership was

transferred was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred; and

2. That in such case, any notice in this chapter required to be sent to the registered owner shall instead be sent to the person to whom ownership has been so transferred.

10.20.210 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 fire lane in violation of this chapter: fifty dollars;
5. Interfering with, concealing, obliterating or erasing marks in violation of this chapter: fifty dollars;
6. Parking in a residential parking zone or school zone without requisite permit: twenty-five dollars;
7. All other violations: twenty dollars.

B. The penalties set forth in subsection A except for subsection A.3 (disabled parking) will be reduced by fifty percent if paid in person to the municipal court during the city's business hours within twenty-four hours of the date of issuance, or mailed with a postmark within twenty-four hours of the date of issuance. In the event the municipal court is not open for business the day following the date of issuance, the violator can make payment on the next city business day and still receive the reduced penalty.

C. 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 general fund of 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.

D. Notwithstanding the language set forth in subsections B of this section, every person committing three violations of this chapter and/or any other parking ordinance of the city within the three-hundred-sixty-five-day period immediately preceding a parking violation, said person will not be eligible for reduction in the parking violation penalty set forth in subsection B of this section for a period of three hundred sixty-five days. Further, after committing three violations within a three hundred sixty-five day period, the penalty for each additional violation 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 twenty-five dollars;
2. For each twenty-five dollar penalty violation defined in subsection A of

this section, the penalty shall be thirty dollars;

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

After committing six violations within 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 twenty-five dollar penalty violation defined in subsection A of this section, the penalty shall be fifty-five dollars;

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

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

F. For a second or subsequent violations of the disabled parking provisions within the three-hundred-sixty-five-day period immediately preceding a violation of the disabled parking provision 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.

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

H. For the purposes of this section, a violation occurs when the Mount Vernon Municipal Court enters a determination that an infraction has been committed in violation of this chapter.

10.20.220 Failure to comply with notice of parking.

A. If no response or payment is made within fifteen calendar days of the date of the issuance of the notice of infraction, a delinquency notice will be mailed to the registered owner of the vehicle to which the notice was affixed.

B. If no response or payment is made within fifteen calendar days of the date of mailing of the delinquency notice, additional penalties may be assessed to the infraction including a notice to the Department of Licensing as provided in RCW 46.20.270(3) and the city may pursue such other remedies as provided by ordinance.

10.20.230 Municipal judge.

All violations of this chapter shall be heard and determined by the judges of the Mount Vernon Municipal court or their pro tem(s).

10.20.240 Notice of infraction—Determination final unless contested—Form.

A. A notice of parking infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

B. The form for the notice of parking infraction shall include substantially the following information unless otherwise required by law:

1. A statement that the notice represents a determination that a parking infraction has been committed and that the determination shall be final unless contested as provided in this chapter;
2. A statement that a parking infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a parking infraction may include nonrenewal of the vehicle license;
3. A statement of the specific parking infraction for which the notice was issued;
4. A statement of monetary penalty established for the parking infraction;
5. A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
6. A statement that at any hearing to contest the determination the city has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;
7. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;
8. A statement that the person must respond to the notice as provided in this chapter within fifteen calendar days or the person's vehicle license may not be renewed by the Department until any penalties imposed pursuant to this chapter have been satisfied;
9. A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in the refusal of the Department to renew the person's vehicle license until any penalties imposed pursuant to this chapter have been satisfied;
10. A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter.

10.20.250 Response to notice of parking infraction—Contesting determination—Hearing—Failure to respond or appear.

A. Any person who receives a notice of parking infraction shall respond to such notice as provided in this section within fifteen calendar days of the date of the notice.

B. If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the city as specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered and, when appropriate, a record of the response and order shall be furnished to the Department.

C. If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the city as specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven calendar days from the date of notice, except by agreement.

D. If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court as specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.

E. 1. If any person cited with a notice of parking infraction:

a. Fails to respond to the notice of parking infraction as required herein; or

b. Fails to appear at a hearing request as provided herein;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the parking infraction and any other penalty authorized by this chapter and shall notify the Department, in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

2. The Department may not renew the vehicle license of any person for whom the court has entered an order(s) for two or more violations until any penalties imposed pursuant to this chapter have been satisfied.

10.20.260 Collection—Authorized.

The city is authorized to remit any unpaid parking infraction to collection.

10.20.270 Impoundment of vehicles with unpaid tickets.

When a vehicle is 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 filing of the notice of infraction, the vehicle may be impounded pursuant to MVMC 10.06.010 (11) of this code without prior notice.

10.20.280 Rules and regulations.

The Mount Vernon municipal court, City Finance Department and the City's Police Department are authorized to promulgate rules and regulations necessary to administer this chapter.

10.20.290 Parking rates.

A. Maximum Rates. Parking rates for city parking facilities shall be as set forth below; provided that the mayor may reduce such rates in accordance with the provisions of subsection B of this section.

1. \$5.00 per hour;

2. \$50.00 per day;

3. \$250.00 per month.

B. Rate Adjustments. The mayor, acting upon the recommendation of the public works director, is hereby authorized to establish reduced parking rates for the city's parking facilities. In making such recommendations to the mayor, the public works director shall first examine factors appropriate to the establishment of a rate structure, including the following factors:

1. Availability of alternative parking facilities in the surrounding area;

2. The goal of the city to minimize traffic on city streets, and encourage mass transit;

3. The goal of the city to encourage tourism, business investment, and other forms of economic expansion; and

4. Costs to the city of providing and maintaining such parking facilities.


C. Special Events. The city's parking facilities may be made available at special rates or without charge to the general public to provide parking for special events where there is insufficient parking available at the location of such special event. Upon the recommendation of the public works director, the mayor may set aside all or portions of the various parking facilities to provide parking for the uses and purposes set forth in this section, provide for such parking rates, and provide for such other policies of use of the parking facilities as the mayor may deem appropriate to provide for such uses.

D. Temporary Permits. At the discretion of the finance director, temporary parking permits may be issued, without charge, for use at any city parking facility by individuals providing uncompensated service to the city, for use by any officer or employee of the city or other governmental entity, or for use by any person in order to facilitate any contractor engaged in a construction or demolition project undertaken on behalf of the city. Such parking permits shall be issued solely for the convenience of the city and, for the purpose of illustrating the decision to issue such permits, may take into account such factors as vehicle trip reduction, personal safety, and the efficient discharge of the city's responsibilities.

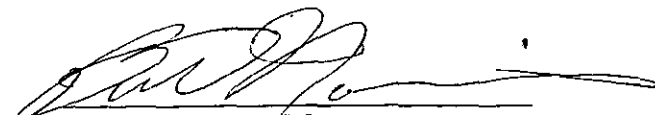
SECTION 6. Chapter 10.24 RECREATIONAL AND COMMERCIAL VEHICLES PARKING AND STORAGE is hereby repealed in its entirety.

SECTION 7. Chapter 10.40 TURNING MOVEMENTS is hereby repealed in its entirety.

PASSED AND ADOPTED this 7th day of December, 2005.


ALICIA D. HUSCHKA, Finance Director

SIGNED AND APPROVED this 8th day of December, 2005


BUD NORRIS, Mayor

Approved as to form: 
Kevin Rogerson
City Attorney

Published: December 28, 2005

The Mount Vernon City Council adopted Ordinance 3304 on December 7, 2005. An ordinance of the City of Mount Vernon, Washington, amending Chapters 10.06, 10.08, repealing and re-enacting Chapter 10.20 and repealing Chapters 10.24 and 10.40 of the City's parking code. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

Published: December 28, 2005