

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 1865

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
ADOPTING REGULATIONS RELATING TO PARKING AND REPEALING
ORDINANCE 1546.**

WHEREAS, the City Council deems it necessary to protect the public health and safety and promote the general welfare of the community; and

WHEREAS, the City finds it necessary and appropriate to establish regulations for parking;

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

Section 1. Ordinance 1546 is hereby repealed.

Section 2. Snohomish Municipal Code, Chapter 11.08, Parking is hereby adopted which shall read as follows:

Chapter 11.08

Parking

Sections:

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11.08.010 Purpose.

- A. Pursuant to Article II, Section II of the Constitution of the state of Washington, and RCW 35.22.280(7) and (30), the City enacts the ordinance codified in this chapter, in the exercise of the police power, to protect the public health and safety and promote the general welfare of the community by:
1. Making possible the use of on-street parking spaces by the maximum number of vehicles consistent with the demands of commerce;
 2. Minimizing the congesting and serious air pollution caused by slow-moving and re-circulating motor vehicles;
 3. Accommodating the maintenance of public streets in a condition reasonably safe for public travel;
 4. Fostering the conduct of private and public commerce;
 5. Providing means of public revenues necessary to enforce traffic control;
 6. Encouraging respect and general public obedience of the laws of the City and deterring repeated violations.

- B. This chapter does not create nor otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these regulations. It is the specific intent of the regulations set forth in this chapter to place the obligation of compliance upon the registered owner, legal owner and driver of the vehicle and no provision or term used in these regulations is intended to impose any duty whatsoever upon the City or any of its officers, employees, or agents for whom the implementation or enforcement of these regulations shall be discretionary and not mandatory.
- C. Nothing contained in these regulations is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, its officers, employees, or agents, for any injury or damage resulting from the failure to comply with these regulations, or in consequence or in connection with the implementation or enforcement of these regulations, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of these regulations by its officers, employees or agents.
- D. Notwithstanding any language used in this chapter, it is not the intent of this chapter to create a duty and/or cause of action running to any individual or identifiable person, but rather any duty is intended to run only to the general public.

11.08.020 Definitions.

- A. The definition of words and phrases contained in RCW 46.04.010 through 46.04.700 are adopted by reference and shall, for the purposes of this chapter, have the same meanings ascribed to words and phrases herein.
- B. The following words and phrases, when used in this chapter, shall have the following meanings:
 - 1. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.
 - 2. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb and designated by a sign to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers; provided, that such bus provides regularly scheduled service within the City.
 - 3. "Camper" means a structure designed to be mounted upon a motor vehicle and which provides facilities for human habitation or for temporary outdoor or recreational lodging.
 - 4. "City" means the City of Snohomish.

5. "City street" means every public highway, or part thereof located within the limits of the City, except alleys.
6. "Crosswalk" means that portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no improved sidewalks, then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.
7. "Curb" or "curb line" means the edge of a roadway, whether marked by curbing construction or not.
8. "Intersection" means the area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines of two or more streets which join one another at an angle, whether or not such streets cross one another. The junction of an alley with a street or highway shall not constitute an intersection.
9. "Legal owner" means a person having a security interest in a vehicle perfected in accordance with RCW Chapter 46.12 or the registered owner of a vehicle unencumbered by a security interest.
10. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.
11. "Motor home" means motor vehicles originally designed, reconstructed, or permanently altered to provide human habitation.
12. "Motor vehicle" means every vehicle which is self--propelled.
13. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.
14. "Parking enforcement person" means an employee of the City under the direction of the City Treasurer who is responsible, along with the City's police officers, to enforce the provisions of this chapter.
15. "Parking space" means any space which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb.
16. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

17. "Planting strip" means that portion of a highway laying between the constructed curb or the edge of the roadway and the property line exclusive of the sidewalk area.
18. "Police officer" means a law enforcement officer of the City.
19. "Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with the Washington State Department of Licensing.
20. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, or otherwise, so as to be plainly discernible.
21. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.
22. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
23. "Parking violation" means the infringement of any parking regulation set forth in this chapter.

11.08.030 Stopping, standing or parking prohibited in specified places.

- A. Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a police officer or official traffic control device, no person shall:
 1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk or street planting strip;
 - c. Within an intersection;
 - d. On a crosswalk;

- e. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. On any railroad tracks;
 - h. In the area between roadways of a divided highway including crossovers;
 - i. At any place where official signs prohibit stopping; or
 - j. Within any fire zone or fire exits.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of an alley or private driveway or within five feet of the end of the curb radius leading thereto;
 - b. Within fifteen feet of a fire hydrant;
 - c. Within twenty feet of a crosswalk;
 - d. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - e. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station when properly signed;
 - f. In front of or behind a yellow painted curb;
 - g. At any place where City barricades are placed;
 - h. Within fifty feet of the nearest rail of a railroad crossing;
 - i. At any place where official signs prohibit parking; or
 - j. In a bus stop.

11.08.040 Chain parking prohibited. No vehicle shall be parked in the two-hour parking areas of the City for a consecutive period of more than two hours between the hours of eight a.m. and six p.m., Monday through Saturday, except holidays. It shall be no defense that

the vehicle has been moved from one parking space to another within the two-hour parking zone or that the vehicle traversed streets not within said zone in so being moved.

11.08.050 Seventy-two hour parking limit. In street or alley locations not specifically regulated by time limits for parking no vehicle shall be parked for more than seventy-two hours consecutively. Each additional twenty-four hours of consecutive parking after the first notice of violation is placed upon the vehicle shall constitute additional and separate violation of this chapter.

11.08.060 Fifteen-minute parking. It is unlawful for the operator of a vehicle to stop, stand or park such vehicle for a period longer than fifteen continuous minutes from nine a.m. until five p.m. except Sundays and legal holidays on the streets or portions of streets designated as follows. Fifteen-minute parking areas will be designated by a green painted curb.

All parking places between the two driveway entrances to City Hall on Union Avenue.

11.08.070 No-Parking Areas--Identification. The City Department of Public Works shall paint the curb adjoining all no-parking and prohibited parking areas yellow or shall post signs prohibiting parking on the curb adjoining no-parking zones. It is unlawful for any other person to paint the curbs or post no-parking signs in such restricted zones.

11.08.080 Method of parking. The City Engineer shall determine the location of parking spaces and the method of parking upon public streets and shall designate the location and method of parking by street marking and/or by signs.

11.08.090 Parallel or angle parking--Method. Every vehicle parallel parked shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder. In any place where angle parking is permitted or required, it is unlawful to angle park a vehicle otherwise than with the right front wheel abutting against or touching the curb immediately in front of such vehicle where there is such a curb. On all streets and highways where angle parking is designated by lines drawn on the pavement or curbs, all vehicles shall be angle parked in such a manner that the entire portion of said vehicle is located within the stall or parking space designated by such lines.

11.08.100 Back-in parking. Back-in parking shall be allowed on First Street while loading and unloading from vehicles that load and unload from the rear, providing proper traffic control of traffic is provided while moving in and out from the curb and while any traffic lane is wholly or partially obstructed.

11.08.110 Parking for disabled persons. 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 for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. 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.

11.08.120 Improper stopping, standing or parking.

- A. No vehicle shall stop, stand or park in any designated parking space so that any part of such vehicle occupies more than one such space, protrudes beyond the markings designating such space or protrudes into the maneuvering lines, except that a vehicle which is of a size too large to be parked within a single designated parking space shall be permitted to occupy two or more adjoining spaces which are not otherwise restricted.
- B. No vehicle shall stop, stand or park in any parking space for a period of time longer than the period allowed in that time zone. Once a vehicle remains in a parking space beyond the time which the time zone permits, each subsequent period of time for which the vehicle remains beyond the period of time allowed in that time zone shall constitute a separate violation.
- C. No vehicle shall stop, stand or park in any location in which parking is prohibited by street marking, sign or City ordinance.

11.08.130 Parking for certain purposes prohibited.

- A. No person shall park any vehicle upon any street or alley for the principal purpose of:
 - 1. Displaying of commercial or noncommercial signs;
 - 2. Displaying such vehicle for sale;
 - 3. Selling merchandise from such vehicle.
- B. No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

11.08.140 Standing in passenger loading zone. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

11.08.150 Standing in loading zone.

- A. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.
- B. The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

11.08.160 Alley parking--Service parking.

- A. Except in the case of an emergency, 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.
- B. In no event shall vehicles parked in alleys or on streets obstruct or hinder vehicular or pedestrian travel.

11.08.170 Parking trailers, campers, motor homes and trucks.

- A. No person shall detach and park any trailer or camper upon any street or alley.
- B. Persons stopping, standing or parking trailers which are attached to towing vehicles shall abide by all parking regulations as set forth in this chapter.
- C. No person shall stand or park a truck, motor home or truck tractor-trailer combination which as a manufacturer's gross vehicle weight in excess of sixteen thousand pounds, a length in excess of twenty feet or a width in excess of eight feet upon any portion of a street or alley within any residential zone as defined in the city's zoning code and zoning map except when :
 - 1. Property is actively loaded or unloaded from such vehicle; or
 - 2. The vehicle is a City vehicle or public utility vehicle providing a service for the public; or
 - 3. The vehicle is an emergency vehicle; or
 - 4. Such vehicle is currently used at and is located at a specific location within a residential zone for the purpose of assisting in the providing of

services such as construction, carpentry, plumbing or landscaping to such residence or location.

Provided, however, motor homes can stand or park on a city street in a residential zone for a maximum period of twenty-four hours provided said vehicles do not violate any parking restrictions (such as posted time zones) and meet all other parking regulations.

11.08.180 Regulations not exclusive. The provisions of this chapter imposing time limits on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. The City police shall have the right to control stopping, standing or parking of vehicles on a temporary basis as may be required in case of emergencies or other events of a temporary nature.

11.08.190 Enforcement of parking regulations.

- A. The parking regulations set forth in this chapter shall be enforced by the City's police officers and the City's parking enforcement person. However, it shall be the primary responsibility of the parking enforcement person to enforce this chapter, as well as any other parking regulations adopted by the city. Parking enforcement person shall be employed by the City under the direction of the Chief of Police.
- B. Failure to perform any act required or the performance of any act prohibited by this chapter is designated as a parking violation and shall not constitute an infraction or a criminal offense, unless otherwise indicated in this chapter.
- C. City police officers and the City parking enforcement person have the authority to issue a notice of parking violation when the parking violation is committed in the person's presence.
- D. If any vehicle is found parked, standing or stopped in violation of this chapter or otherwise violates the provisions of this chapter, the officer finding the vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of parking violation. A notice of parking violation represents a determination that a parking violation has been committed. The determination will be final unless contested as provided in this chapter.
- E. The police officers and parking enforcement person in charge of the enforcement of the parking regulations of the City shall, and are authorized to, mark such vehicles parked, standing or stopped from time to time to aid in the enforcement of this chapter. Such mark shall be by chalk upon the tires of said vehicles or by some other convenient method but will not be injurious to or damage such vehicle. The marks so placed shall not be interfered with, concealed, obliterated or erased by any person other than a police officer or parking enforcement person, while the same shall remain parked or standing at the place where so marked. It

shall constitute a parking violation to interfere with, conceal, obliterate or erase any mark in violation of this section.

11.08.200 Registered owner responsible--Lien.

- A. Every person in whose name a vehicle is registered shall be responsible for any violation of this chapter caused by the parking, 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 prior to the date of the violation.

- B. Every vehicle against which penalties and costs are assessed pursuant to the provisions of this chapter shall be subject to a lien for the penalties and costs thus assessed. Said lien shall be reduced to a possessory lien by the procedures mobilization and impound set forth herein and shall not be released from immobilization or impound until said penalties and costs are paid or provided for.

11.08.210 Penalties.

- A. Unless specifically set forth elsewhere in this chapter, the penalties for each parking 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: Two Hundred fifty dollars;
 - 4. Parking, stopping or standing in fire lane: One Hundred Seventy five dollars;
 - 5. Interfering with, concealing, obliterating or erasing established by the City Department of Public Works under 11.08.070 or by the City's parking enforcement person under 11.08.190(E): One Hundred Seventy five dollars;
 - 6. All other violations: Twenty dollars;

- B. If no response or payment is made within ten calendar days of the date of issuance of the notice of parking violation, the penalty for each violation shall be:
 - 1. Overtime parking: Forty dollars;
 - 2. Unauthorized parking in alley: Forty dollars;

3. Parking in disabled space without requisite permit, decal or license: Five Hundred dollars;
 4. Parking, stopping or standing in fire lane: Three Hundred fifty dollars;
 5. Interfering with, concealing, obliterating or erasing marks established by the City Department of Public Works under 11.08.070 or by the City's parking enforcement person under 11.08.190(E): Three Hundred fifty dollars;
 6. All other violations: Forty dollars;
- C. The penalties set forth in subsection A will be reduced in half if the parking violation is paid to the City Treasurer's office within twenty-four hours of the time and date of issuance. In the event the City Treasurer's office 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.
- D. Payment of all parking violations shall be made to the City Treasurer's office. 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.

11.08.220 Failure to comply with notice of parking violation.

- A. A request for a hearing or, in the alternative, payment shall be made within ten calendar days of the date of issuance of the notice of parking violation. If no request for a hearing or payment be made within ten calendar days of the date of issuance of the notice of parking violation, the City shall mail by first class mail a delinquency notice to the registered owner of the vehicle to which the notice was affixed, informing him/her of the violation and of a right to request a hearing.
- B. If no request for a hearing or payment be made within ten calendar days of the date of mailing the delinquency notice, the registered owner of the vehicle is declared delinquent. In addition to or in lieu of the possessory lien procedure for collecting delinquent parking violation penalties the City may bring suit for judgment on the penalties plus costs of suit including reasonable attorney's fees. The City may also turn this matter over to a collection agency.

11.08.230 Hearing to contest validity of notices.

- A. Any individual receiving a notice of parking violation or a delinquency notice may contest the notices issued by requesting a hearing through the City Treasurer's office.
- B. Upon receipt of a timely request for a hearing, the City Treasurer shall set the matter for hearing on the parking hearing examiner's calendar.

- C. The Hearing Examiner may, in its discretion, affirm, nullify or modify the notice of parking violation. In addition, the Hearing Examiner may, in its discretion, modify, waive, reduce or suspend the monetary penalty prescribed for the violation.

11.08.240 Notice to the state of Washington Department of Licensing. Any vehicle as to which it is found that in any calendar year:

- A. Three or more notices of violation of this chapter have been issued re: the illegal parking of the vehicle;
- B. The penalties assessed pursuant to three or more of said notices have not been paid, shall be subject to the City Treasurer giving notice of said parking violations to the Washington State Department of Licensing as provided by RCW 46.01.110 and WAC 308-96A-345 to 308-96A-380. This enforcement procedure shall be in addition to and not in lieu of the public nuisance procedure for enforcing this chapter.

11.08.250 Declaration of a nuisance--Cost in addition to penalties.

- A. Any vehicle as to which it is found that in any calendar year:
 - 1. Three or more notices of violations of this chapter have been issued re: the illegal parking of the vehicle;
 - 2. The penalties assessed pursuant to three or more of said notices have not been paid, shall be deemed to constitute a public nuisance in that said vehicle has repeatedly inhibited the orderly movement of vehicles into parking spaces or the streets of the City, created an obstruction to traffic, inhibited the free flow of commerce and encouraged others to violate the City's parking ordinance.
- B. Upon being found to constitute a public nuisance there shall attach to said vehicle as a lien all parking penalties, immobilization fee, towing fee, storage fee and the reasonable attorney's fees incurred by the City in enforcing the provisions of this chapter to obtain the payment of the penalties and costs and/or the impound and sale of the vehicle to pay the penalties and costs.

11.08.260 Notification of hearing for declaration of vehicle as a nuisance. Whenever any vehicle shall have been cited for three violations of this chapter and/or any other parking ordinance of the City within a calendar year, each of which remains unpaid ten days after the issuance of the notice of parking violation, the City shall send to the registered and legal owners of said vehicle as shown by the records of the Washington State Department of Licensing a notification of the right to a hearing on the issue of whether said vehicle constitutes a public nuisance as defined in Section 11.08.260. Such notice shall be sent by registered mail or by certified mail with return receipt requested. Said notice shall include the following information:

- A. The license number of the vehicle;

- B. The name of the registered owner of the vehicle as shown by the records of the Washington State Department of Licensing;
- C. The date and nature of each violation which will form the basis of the declaration of the vehicle as a nuisance;
- D. A statement that the vehicle will be declared a nuisance unless:
 - 1. All outstanding, unpaid penalties for violation of the parking ordinance of the City are paid within ten calendar days of the date of mailing of the notification, or
 - 2. A request for hearing is filed within ten calendar days of the date of mailing with the City Treasurer or his designee.
- E. A statement that if the vehicle is declared a nuisance it will be subject to immobilization pursuant to this chapter;
- F. The address and telephone number where additional information may be obtained.

11.08.270 Hearing on declaration of vehicles as nuisance.

- A. Upon receipt of a timely request for hearing, the City Treasurer or his designee shall promptly set a hearing. The hearing shall be conducted in accordance with such procedures as the parking Hearing Examiner shall establish. The parties shall be notified promptly of the result.
- B. The Hearing Examiner shall enter a finding of nuisance only upon making the following determinations:
 - 1. The identity of the registered owner of the vehicle as shown by the records of the Washington State Department of Licensing;
 - 2. The identity of the cited vehicle including the license number of said vehicle;
 - 3. That the vehicle was or was not parked in violation of the parking ordinance on three separate occasions within a calendar year;
 - 4. That one or more of the penalties assessed for the parking violations remains unpaid;
 - 5. That there are no defenses nor extenuating and mitigating factors justifying a finding that the vehicle is not a public nuisance.

11.08.280 Order of immobilization of vehicle. If the registered owner or legal owner shall fail to request a hearing within ten calendar days of the date of mailing of the notice of

hearing for declaration of vehicle as nuisance, or if the Hearing Examiner shall make a finding that the vehicle is a nuisance as defined in Section 11.08.260, the City Treasurer shall thereupon issue a written order declaring the vehicle a nuisance and directing the City's police department and parking enforcement person to immobilize said vehicle.

11.08.290 Immobilization of vehicle.

- A. Upon the order of the City Treasurer directing immobilization of a vehicle, an officer or employee of the City may temporarily immobilize such vehicle by installing on, or attaching to, such vehicle a device designed to restrict the normal movement of such vehicle. At the time the vehicle is immobilized, the City shall cause to be affixed to said vehicle a readily visible notice. Said notice shall include the following information:
1. The date and the time the notice was affixed;
 2. The identity of the agent or employee of the City who immobilized the vehicle;
 3. A statement that the vehicle has been immobilized by the City for three or more violations of the City's parking ordinance;
 4. A statement that the vehicle may be released from such immobilization at a designated place, by payment of the designated total of unpaid parking violation penalties, fifty dollars immobilization fee, and reasonable attorney's fees incurred by the City in any hearing procedure utilized in obtaining a finding that the vehicle is a nuisance;
 5. A statement that unless arrangements are made for the release of said vehicle within twenty-four hours the vehicle will be towed;
 6. A warning that removing or attempting to remove the device before a release is obtained is unlawful; and
 7. The address and telephone number and office hours where additional information may be obtained.
- B. Copies of this notification shall be mailed to the registered owner and legal owner of the vehicle at the address shown on the records of the Department of Licensing.
- C. The parking restrictions otherwise applicable shall not apply to any vehicle immobilized pursuant to this section.

11.08.300 Immobilization fee. Any vehicle immobilized shall be assessed a fifty dollar immobilization fee, said fee to be in addition to any other penalty assessed pursuant to this chapter.

11.08.310 Release from immobilization. No vehicle immobilized pursuant to the order of the City Treasurer because the vehicle has been found to be a nuisance shall be released from the device until payment of the total of unpaid parking violation penalties, the immobilization fee and the reasonable attorney's fees incurred by the City in any hearing procedure utilized in obtaining the finding that the vehicle is a nuisance.

11.08.320 Unlawful to remove or attempt to remove an immobilization device. It is unlawful for any person to remove, attempt to remove or to tamper with an immobilization device without arranging with the City for said release. Any tampering, removal or attempted removal of an immobilization device shall be a misdemeanor. Any person convicted thereof shall be subject to a fine of up to five hundred dollars and/or six months in jail.

11.08.330 Towing of immobilized vehicle. If no one shall respond to the immobilization of a vehicle within twenty-four hours of the affixing of the immobilization device, said vehicle shall be towed at the expense of the registered owner. Said vehicle shall not be released until full payment of all parking penalties, the immobilization fee, the towing fee, the storage fee and the reasonable attorney's fees incurred by the City in any hearing procedure utilized in obtaining the finding that the vehicle is a nuisance.

11.08.340 Emergency impounding procedures. A vehicle may be impounded immediately without prior notice to the owner or operator thereof in the following cases which are found to constitute an emergency making prior notice to the owner or operator of the vehicle unreasonable and impracticable:

- A. When any vehicle is left unattended upon any bridge, or upon any street or alley in such a way that it is obstructing traffic and the owner or person in charge of the vehicle is unable or refuses to remove it or provide for its removal.
- B. Any vehicle that is left unattended upon any street or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic or emergency vehicles or which blocks or obstructs ingress or egress to a private driveway.

11.08.350 Sale of abandoned vehicles. Any vehicle which is towed to a City or private storage yard after immobilization or after emergency impound and which is not recovered by its owner within forty-eight hours of being towed shall be considered abandoned as defined by State law and shall be disposed of by a person or entity authorized by State law to dispose of such vehicles.

11.08.360 Parking Administrative Hearing Examiner.

- A. Office--Created. There is created the Office of the Parking Administrative Hearing Examiner of the City.
- B. Office—Part-time--Remuneration. The Office of the Hearing Examiner shall be part-time and remunerated by personal service contract.
- C. Appointment. The Hearing Examiner shall be appointed by the City Manager.

- D. Jurisdiction. The Hearing Examiner will be responsible for presiding over all hearings required by this chapter as well as other additional administrative matters over which he may be requested to preside.
- E. Powers. The Hearing Examiner shall have the power to:
1. Administer oaths and affirmations, examine witnesses and receive evidence;
 2. Issue subpoenas upon the request of any party. The City Treasurer, his designated agent, the City Attorney and the attorney of record are also authorized to issue subpoenas. When so required, the applicant for the subpoena shall show to the satisfaction of said individual the general relevance and reasonable scope of the evidence sought;
 3. Rule on offers of proof and receive relevant evidence;
 4. Regulate the course of the hearing, including imposition of penalties for disruption of the orderly process or refusal to comply with lawful orders of the Hearing Examiner;
 5. Hold conferences for the settlement or simplification of the issues by consent of the parties;
 6. Make decisions which can be incorporated into findings of fact, conclusions of law and order of the Hearing Examiner and enter orders of default and consent orders;
 7. Appoint a pro-tem to act in the Hearing Examiner's absence; and
 8. Establish rules and procedures to conduct hearings consistent herewith.

F. Contested Cases. In contested cases:

1. The Hearing Examiner may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The Hearing Examiner shall give effect to the rules of privilege recognized by law. The Hearing Examiner may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
2. All evidence including, but not limited to, records and documents in the possession of the Hearing Examiner of which he/she desires to avail himself/herself shall be offered and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.
3. Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence.
4. The Hearing Examiner may take notice of judicially cognizable facts.

G. Notice to be Given. The Hearing Examiner shall see that interested parties are given proper notice of hearings.

H. Judicial Review.

1. Any person, including the City, aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to review thereof in the Snohomish County superior court.
2. Proceedings for review under this chapter shall be instituted by filing a petition in superior court. All petitions shall be filed within thirty days after the final decision of the Hearing Examiner. Copies of the petition shall be served on the Mayor as in civil actions.
3. The filing of the petition shall not stay enforcement of the Hearing Examiner's decision except by order of the court and on posting of a bond to be determined by the court naming the City as beneficiary.
4. The review shall be conducted by the court without a jury. The review shall be de novo unless provided otherwise by ordinance.
5. The court may affirm the decision of the Hearing Examiner or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, interferences, conclusions or decisions are:

- a. In violation of constitutional provisions, or
- b. In excess of the statutory authority or jurisdiction of the Hearing Examiner.

11.08.370 Parking regulations. The City Council shall, from time to time, adopt, by resolution, specific regulations regarding "no parking," "parking for limited times," and similar provisions relating to parking at particular locations upon particular streets. The City Engineer shall determine engineering standards for parking methods and signage

11.08.380 Rules and regulations. The City Treasurer's office and the City's Police Department are authorized to jointly promulgate rules and regulations necessary to administer this chapter and to receive and account for all sums paid under this chapter.

ADOPTED by the City Council and APPROVED by the Mayor this 16 day of June, 1998.

CITY OF SNOHOMISH

By _____
Jeff Soth, Mayor

ATTEST:

By _____
Molly Linville, City Clerk

APPROVED AS TO FORM:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication: _____