



**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

Council Meeting: 08/07/2012

Agenda: Unfinished Business

Item #: 10. b.

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tami White, Parking Coordinator  
David Godfrey, P.E., Transportation Engineering Manager  
Ray Steiger, P.E., Public Works Director

**Date:** July 26, 2012

**Subject:** Downtown Parking Changes – Prohibiting Employee Parking in City-owned lots

**RECOMMENDATION:**

It is recommended that Council approves the attached ordinance making amendments to provisions of the Kirkland Municipal Code 12.45 in order to prohibit employee parking in the Marina Park and Lake and Central parking lots.

**BACKGROUND DISCUSSION:**

On April 17, 2012, based on recommendations from the Parking Advisory Board (PAB), the City Council recommended prohibiting employees from parking in the Marina Park and Lake and Central lots. This action was intended to free up parking for customers in the two lots.

The Downtown Employee Parking Ordinance 3634 was enacted in May, 1998, for the purpose of supporting the City's Park Smart program, and it has been modified several times in the intervening years. In 2010, in response to City staffing reductions, the Park Smart program was eliminated. Employers and employees were no longer required to report their license plate numbers in order to receive their business license, and employee parking conflicts began to reemerge in the downtown pay lots. Although the City still issues free parking passes to those employees that wish to park in the Peter Kirk Garage, many employees returned to lots closer to their places of employment, potentially forcing patrons, park users, and downtown visitors to find parking elsewhere.

The current proposed set of changes will prohibit a person employed within the Central Business District from parking from 9:00AM to 9:00PM at the Marina Park or the Lake & Central lots, as well as any stall not marked "permit parking" in the parking garage located at the corner of Kirkland Avenue and Third Street. Table 1 highlights the changes to Ordinance 3634, and a strike out version of the ordinance is included as Attachment 1.

The intention of the new ordinance is to allow citation of employees who repeatedly violate the updated ordinance. The Police Department's existing license plate reader is capable of storing lists of license plates and can be programmed to identify patterns of parked vehicles and citations can be issued based on the information. In implementing the roll-out of the updated ordinance, an outreach and informational period will be undertaken by the City. After full implementation, a warning will be given for the first violation and information provided to the potential violator.

Figure 1. Example warning

*This vehicle has been observed by Parking Enforcement as having parked in this lot on a frequent basis during business hours and has been identified as a possible employee-owned vehicle.*

*As of (date), a downtown "employee", defined as a person who is a business owner or an employee, contractor, consultant, temporary worker or volunteer, is prohibited from parking at the Marina Park and at the Lake & Central parking lots between the hours of 9:00 AM – 9:00 PM in accordance with the KMC 12.45.250.*

*Please contact the Parking Enforcement Officer at 425.587.3490 if you are not a downtown employee and believe this warning has been given in error. If you do not respond to this warning and your vehicle is found parked in either the Marina Park or Lake & Central parking lots you will be issued a \$35 citation with subsequent fines of \$50 to \$75.*

*Thank you for your cooperation.*

*Kirkland Police Department*

After the potential violator contacts the parking enforcement officer, a determination will be made to whether or not the person is an employee. If found not to be an employee, the license plate will be removed from the frequency list. The Police Department will have a standard operating procedure in place which addresses the frequency with which a vehicle must be seen in order to be in violation. A draft of this procedure is Attachment 2. The draft states that three violations in a seven day period will result in the initial warning. Once a warning is giving, a citation will occur each time that vehicle is found parking in the lots between 9AM and 9PM.

Table 1. Summary of ordinance changes

Item	Existing Ordinance	Proposed Change
Definitions 12.45.010	"employee" engaged for wages, credit or other consideration, or as a volunteer for a business or nonprofit entity	Includes all previous language, and "temporary workers, contractors and consultants"  "Performing his or her duties": being present at a place of the person's employment during its normal hours of operation.
Employee parking prohibited	11:00 AM to 5:00 AM the following day	9:00 AM to 9:00 PM
CBD where employees who work within any part of the central business district are restricted	Kirkland Zoning Code designates as CBD-1, CBD-2, CBD-3 or CBD-8	All CBD areas remain. Calling out Marina Park and Lake & Central lots will remain. CBD-1, has changed to CBD-1A and 1B.
Penalties imposed	Within twelve consecutive months: First violation: \$35.00 Second violation: \$50.00 Third violation: \$75.00 Fourth violation: \$125.00	Within twelve consecutive months: First violation: warning Second violation: \$35.00 Third violation: \$50.00 Fourth violation: \$75.00

Figure 2. Marina Park and Lake-Central lots



Figure 2. Downtown zones. Employees working in these zones may not park in the Marina or Lake and Central lots.



*Outreach*

Outreach efforts are being planned to inform employees of the changes to the parking regulations and enforcement. The plan will inform downtown business owners and employees of the coming changes. Changes will include signage posted in the two city owned parking lots.

Information will be distributed through City's News Release, City Web Pages, KDA and Chamber of Commerce, and notifications to all downtown businesses and to the Court. A draft outreach message is included as Attachment 3.

**STANDARD OPERATING PROCEDURE**  
**TRF-021**  
**Central Business District Employee Parking Enforcement**

References: KMC 12.45.010, 12.45.250

- I. Purpose
- II. Identifying Central Business District Employees/Vehicles
- III. Issuing of One Time Warning Notice
- IV. Use of License Plate Reader (LPR) to Maintain Database

I. PURPOSE

A. To establish a procedure to be used by KPD's Parking Enforcement Officers (PEO's) for identifying employees working in the Downtown Central Business District and the vehicles they drive to work. To also create a Database of these identified Employee vehicles in the LPR system for future parking violation warnings and/or citations.

II. Identifying Central Business District Employees/Vehicles

- A. PEO's will rely on their daily observations and input from other citizens to determine who they believe is a Central Business District Employee and which vehicle they are driving or normally drive to work.
- B. PEO's will keep track of employee vehicles they have identified in a hand written notebook or computer spreadsheet. They will also enter each identified license plate number into the LPR system.

III. Issuing of one time Warning Notice

- A. PEO's will monitor the identified Central Business Employee vehicles and note how many times they are parked downtown in violation of KMC 12.45.250.
- B. If an identified vehicle is parked in violation of the KMC three (3) times within a seven (7) day period, the vehicle will be issued a onetime warning notice of the violation with information regarding future violations (fines) and how to contact a PEO at the Police Department.

IV. Use of License Plate Reader (LPR) to Maintain Database

- A. PEO's will enter the license plate information of identified Central Business District Employees Vehicles, after the warning notice was given, into the LPR system for future monitoring of these vehicles and potential violations.
- B. The LPR system will also be used to find repeat violators of this Parking Ordinance.
- C. Mitigation by a registered owner of an identified vehicle that they are "not" a Central Business District Employee must be done prior to or after the issuance of the parking warning, but prior to the issuance of a parking civil infraction.

References: KMC 12.45.010 and 12.45.250 are attached.

**"DRAFT"**

**DOWNTOWN BUSINESS  
EMPLOYEE  
PARKING  
AVAILABLE  
AT MUNICIPAL GARAGE**



**Beginning August 27, 2012, Employee parking prohibited at Lakeshore/Marina Plaza and Lake-Central Lots from 9 a.m. to 9 p.m. (except Sundays and holidays)**

Thank you downtown businesses for encouraging your employees to comply with the City's parking regulations. An estimated 80 parking lot stalls are being occupied by employees and business owners daily; this represents nearly one-half of available public stalls in the these lots.

Employees are encouraged to obtain a free parking permit from the City to park free at the Municipal Garage located by the Kirkland Library.

As a downtown business you value customer parking and requiring your employees to keep those spaces free benefits you and your customers. Promote alternative ways for employees to get to work like transit, carpooling, or biking.

As a downtown business employee<sup>1</sup>, you'll appreciate free parking and not being cited by the Police Department for a parking violation. A first violation is a warning with subsequent violations escalating from \$35 to \$50 and \$75. (Kirkland Municipal Code 12.45.250)

Thank you businesses and employees for your cooperation.  
Kirkland Police Department



Employee parking permits available at Kirkland Public Works Department,  
City Hall, 123 5<sup>th</sup> Avenue

For additional information, please visit [www.kirklandwa.gov/parking](http://www.kirklandwa.gov/parking) or contact Tami White, Parking Coordinator at [TWhite@kirklandwa.gov](mailto:TWhite@kirklandwa.gov) or 425-587-3871<sup>1</sup>Definition of employee: any person who is a business owner or an employee, contractor, consultant, temporary worker or volunteer of a business or nonprofit entity within the central business district.

ORDINANCE O-4366

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DOWNTOWN EMPLOYEE PARKING FINES AND AMENDING CHAPTER 12.45 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 12.45.010 of the Kirkland Municipal Code is amended to read as follows:

12.45.010 Definitions.

For the purpose of this chapter:

(1) "Central Business District" means the combination of areas which the city of Kirkland Zoning Code designates as CBD-1A, CBD-1B, CBD-2, CBD-3 or CBD-8.

(2) "Central Business District Employee" means: (a) a person who is engaged for wages, credit or other consideration, or as a volunteer, for a business or nonprofit entity within the Central Business District, including temporary workers, contractors, and consultants; or (b) an employer of persons who work at a location within the Central Business District; or (c) a principal/owner of a business premises within the Central Business District.

(3) "Employee-restricted parking areas" shall mean all parking spaces within the Lake and Central parking lot or the Marina Park parking lot that are not municipal permit parking spaces and any stall not marked "permit parking" in the parking garage located at the corner of Kirkland Avenue and Third Street.

~~(1-4)~~ "Municipal permit or garage parking" is parking or standing of motor vehicles on property owned, leased or operated by the city requiring the obtaining of permits, depositing of ~~currency in a coin box~~ money or use of a credit or other payment card, or compliance with pavement designations for the privilege to park at that location and is subject to restrictions as enacted by the city.

~~(2-5)~~ "Operator" means every person who is in actual physical control of a vehicle as herein defined, upon a public street or highway of the city.

~~(3-6)~~ "Overnight parking" means the parking of a vehicle in one spot continuously for a period exceeding six hours at any time during the hours from ten p.m. of the day designated to eight a.m. of the following day.

~~(4-7)~~ "Parking payment device" means any device used to aid in management and control of the parking of vehicles on city streets or other rights-of-way, including pay stations.

~~(5-8)~~ "Parking pay station" means any electronic device placed or erected adjacent to a parking space which, after deposit of money or use of a credit or other payment card, dispenses a proof of payment receipt to be displayed on the vehicle.

(9) "Performing his or her duties" means being present at a place of the person's employment anytime between the hours of nine a.m. and nine p.m.

(6-10) "Person" means every natural person, firm, partnership, corporation, association or organization.

(7-11) "Street" or "public street" includes all public ways, streets, highways and off-street parking facilities owned or maintained by the city.

(8-12) To Park (or Stand) a Vehicle. There is a prima facie presumption that the registered owner of a violator vehicle was the person who parked such vehicle.

(9-13) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person, or property, shall or may be transported or drawn upon any public highway excepting devices moved by human power.

Section 2. Section 12.45.260 of the Kirkland Municipal Code is hereby deleted.

Section 3. Section 12.45.250 of the Kirkland Municipal Code is amended to read as follows:

**12.45.250 Downtown employee parking prohibited.**

(a) ~~It is a civil infraction for an Central Business District – Employee to park a vehicle within the hereinafter defined area employee – restricted parking areas, described in subsection (d) of this section, while such person is performing his or her duties as defined herein. where employee parking is prohibited from the hours of eleven a.m. to five a.m. the following day, except as authorized by the city manager or designee pursuant to written policies which shall be consistently applied.~~

~~(1) Subject to the foregoing authority of the city manager or designee and subject to the prohibition of subsection (d) of this section, employees may request a permit which allows them to park within the hereinafter defined prohibited parking area on their days off, which permit must match the license plate of the vehicle on which it is displayed and be visibly displayed in a window of the vehicle but shall only be used on such days off.~~

~~(2) In addition to any other fines incurred under this section, displaying this permit while the employee is at their place of employment or is at the premises within the central business district as to which they are an employer or an owner, whether the employee is working or not, will result in the imposition of a one-hundred-dollar fine; second and all subsequent violations within a consecutive twelve-month period will result in the imposition of a two-hundred-dollar fine.~~

(b) The provisions of this Section shall be effective from the hours of nine a.m. to nine p.m., except Sundays and holidays. For purposes of this section and Section 12.45.260, "central business district" means the combination of areas which the city of Kirkland Zoning Code designates as CBD 1, CBD 2, CBD 3 or CBD 8.

~~(c) For purposes of this section and Section 12.45.260, "employee" includes being: (1) engaged for wages, credit or other consideration, or as a volunteer, for a business or nonprofit entity within the central business district; or (2) an employer of persons who work at a location within the central business district; or (3) an owner of a business premises within the central business district.~~

~~(d) The prohibition of this s-Section shall apply whenever the Central Business District e-Employee, is at their place of employment within the e-Central b-Business d-District anytime between the hours of eleven nine a.m. and five a.m. nine p.m. the following day.~~

~~(ed) The Employee-restricted parking areas where Central Business District e-Employee parking is prohibited includes- any portion of the following:~~

- ~~(1) Lake and Central Street parking lot;~~
- ~~(2) Marina Park parking lot; or~~
- ~~(3) Any stall not marked "permit parking" in the parking garage located at the corner of Kirkland Avenue and Third Street. Central Way from its western end (the 10 block) easterly to its intersection with Third Street;~~
- ~~(4) Lake Street from its northern end southerly to its intersection with Fifth Avenue South;~~
- ~~(5) Kirkland Avenue from its western end (the 10 block) easterly through its 400 block to the point where Kirkland Way branches off from Kirkland Avenue;~~
- ~~(6) Main Street in its entirety;~~
- ~~(7) Park Lane in its entirety;~~
- ~~(8) First Street between Central Way and Fourth Avenue;~~
- ~~(9) Third Street between Central Way and Kirkland Avenue;~~
- ~~(10) State Street between Kirkland Avenue and Second Avenue South and any other portion of State Street where parking is restricted to either two hours or four hours;~~
- ~~(11) Second Avenue South, from Lake Street to Second Street South;~~
- ~~(12) Lake Avenue West in its entirety;~~
- ~~(13) CBD 1 and CBD 2. Employee parking is prohibited along all public alleys, streets, or other public parking spaces within the area which the city of Kirkland Zoning Code designates as CBD-1 or CBD-2;~~
- ~~(14) The upper level of the parking garage located at the corner of Kirkland Avenue and Third Street.~~

~~(fe) For imposition of the penalties provided in this section, there is a prima facie presumption that the registered owner of the violator vehicle at the time of the violation was the person who parked such vehicle. In addition, there is also a prima facie presumption that the employee who has been reported to the city as having control of a certain vehicle is the person who parked such vehicle in violation of this section.~~

~~(gf) For any violation of this section, the following penalties shall be imposed:~~

(1) First violation within any twelve consecutive months: ~~thirty-five dollars~~ warning;

(2) Second violation within any twelve consecutive months: ~~fifty thirty-five~~ dollars;

(3) Third violation within any twelve consecutive months: ~~seventy-five~~ fifty dollars;

(4) Fourth violation and each succeeding violation within any twelve consecutive months: ~~one hundred twenty-five~~ seventy-five dollars.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4366

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DOWNTOWN EMPLOYEE PARKING FINES AND AMENDING CHAPTER 12.45 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code (KMC) Section 12.45.020 relating to downtown employee parking definitions.

SECTION 2. Deletes KMC Section 12.45.260.

SECTION 3. Amends KMC Section 12.45.250 relating to where downtown employee parking is prohibited.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk