

02/28/22

03/07/22

ORDINANCE NO. M-4365

AN ORDINANCE relating to the update of City recognized holidays, the enforcement of parking regulations, and updating outdated language in the Vancouver Municipal Code referring to persons with disabilities; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR - 029-22, City Council recently amended VMC 2.40.020 to include Juneteenth as a City holiday; and

WHEREAS, as a result of the recent amendments, the parking code also needs to be updated to reflect the changes; and

WHEREAS, the amendments proposed would replace individually named holidays in VMC Title 19 with “City recognized holidays”; and

WHEREAS, the proposed amendments would be consistent with other VMC’s referencing holidays; and

WHEREAS, parking meters would still list the specific holidays, including Juneteenth, so that customers are aware that no payment is required; and

WHEREAS, the term “disabled parking” is outdated and the current best practice for institutional language related to disability is to use people first language (e.g., “person with a disability”).

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of section 1 of Ordinance M-3242 and last amended by that part of section 1 of Ordinance 3655, codified as 2.20.030, is hereby amended to read as follows:

2.20.030 Special police officers.

- a. Authority. Pursuant to Art. XI, section 11 of the state constitution, RCW 35.22.610, and City Charter section 1.04 and section 3.03, the city manager or his or her designee may appoint city employees as special police officers.
- b. Special police officer. A special police officer means a city employee who has been granted a limited law enforcement or police commission by the city manager or his or her designee to enforce some or all of the following non-criminal laws specified in this section:
 1. RCW 46.16.088, as adopted by VMC 9.02.010, concerning illegally transferred license plates, so long as such license plates do not involve stolen property;
 2. Impounds of unauthorized vehicles under RCW chapter 46.55, as adopted by VMC 9.02.010, and other impound situations authorized by local ordinance;
 3. RCW 46.55.113(2)(b), as adopted by VMC 9.02.010, concerning the impound of vehicles in the public right of way that obstruct traffic or pose a threat to public safety;
 4. RCW 46.55.113(2)(f), as adopted by VMC 9.02.010, concerning the impound of vehicles in violation of ~~disabled~~ parking laws or regulations for persons with disabilities;
 5. RCW 46.55.113(2)(h), as adopted by VMC 9.02.010, concerning the impound of vehicles in specially designated parking zones;
 6. Abatement and removal or disposal of junk vehicles or parts thereof under RCW chapter 46.55, as adopted by VMC 9.02.010, and the abatement and removal or disposal of junk and inoperable vehicles or parts thereof authorized by local ordinance;

7. All local, non-criminal laws or regulations concerning stopping, standing, or parking contained in the VMC, including, but not limited to, all state laws or regulations concerning stopping, standing or parking adopted by VMC 9.02.010.
- c. Special police officers shall enforce the provisions in VMC 2.20.030(b), according to the directives of the chief of police or his or her designee within the Vancouver Police Department.
- d. All special police officers appointed under this chapter shall be referred to as "limited commissioned law enforcement officers", and special police officers shall represent themselves to the public as "limited commissioned law enforcement officers."
- e. In the course of performing their duties, special police officers are prohibited from carrying firearms and from making any arrest.
- f. The authority conferred upon special police officers in this section shall not vest any such officer with any police civil service or police pension rights.

Section 2. That part of Ordinance M-3578, codified as 2.20.040, is hereby amended to read as follows:

2.20.040 ADA compliance coordinator commissioned as law enforcement officer.

- a. The City of Vancouver ADA compliance coordinator currently employed or employed hereafter, or any employee of the city assigned by the city manager or his or her designee to perform the duties of ADA compliance coordinator, is hereby specially commissioned by the Vancouver Chief of Police as a law enforcement officer.
- b. The special commission as a law enforcement officer is limited. The ADA compliance coordinator is authorized to enforce only those laws pertaining to issuing notices of civil infractions for the violation of ordinances, statutes and regulations pertaining to: parking spaces for persons with disabilities~~disabled parking spaces~~; improper parking in parking spaces for persons with disabilities~~disabled parking spaces~~ and access areas; for improper signage of parking spaces for persons with disabilities~~disabled parking spaces~~; for improper dimensions of parking spaces for persons with disabilities~~disabled parking spaces~~; and for all ordinances, statutes and regulations pertaining to persons with disabilities~~disabled persons~~ accessibility to buildings and public programs located within the city limits of Vancouver, Washington. The ADA compliance coordinator is not authorized to effectuate any arrest for any violation.
- c. The authority conferred upon the ADA compliance coordinator or any designee by this section shall not vest the ADA compliance coordinator or any designee with any police civil service or police pension rights under federal law, Washington state law or under any ordinance or regulation.

Section 3. That part of section 1 of Ordinance 1489, codified as 6.16.010, is hereby amended to read as follows:

6.16.010 Definitions.

Hospital. "Hospital," whenever used in this chapter, means and includes any building, place or institution maintained and conducted for the purpose of caring for sick, injured and persons with disabilities~~disabled persons~~.

Person. "Person," whenever used in this chapter, means and includes any person, firm, corporation or association.

Section 4. That part of section 2 of Ordinance M-3669, codified as 8.06.035, is hereby amended to read as follows:

8.06.035 Exceptions.

This chapter shall not apply to any person with a disability~~disabled person~~ using a wheelchair conveyance as defined in RCW 46.04.710, strollers used to transport small children or city equipment.

Section 5. That part of section 1 of Ordinance M-3871, codified as 9.97.050, is hereby amended to read as follows:

9.97.050 Fines.

The fine for an infraction detected under authority of this chapter shall be a base monetary penalty of \$124.00. Whenever, in the future, the state of Washington increases any fine imposed under this chapter, by legislation or court rule, the City's fine shall automatically be increased to a like amount upon the effective date of such legislation or court rule, not to exceed the amount of a fine issued for parking infractions within the City, including ~~disabled~~ parking infractions for parking spaces for persons with disabilities.

Section 6. That part of section 1 of Ordinance M-2557, and last amended by that part of section 18 of Ordinance M-3996, codified as 15.04.160, is hereby amended to read as follows:

15.04.160 Fees for Parks and programs.

- a. The director shall have authority to establish fees for the use of parks and for participation in parks and recreational activities; provided, that such fees shall be based on the policies set forth below;
- b. The policies for setting fees authorized by this chapter are as follows:
 1. It is the policy of the city to finance through its tax base a reasonable balance of parks and recreation services that meet the needs of the general citizenry. This financing should be directed to assure the overall administration and coordination of leisure services and for the provision of parks, open space, landscapes, parks improvements, recreation facilities, and their adequate maintenance.
 2. As it relates to recreation activities, the city, through user fees and charges, may charge an amount to cover direct program costs for labor, leadership, supplies, materials, and service charges that benefit identifiable and specific groups, i.e., enrichment classes, sports leagues.
 3. When unusual or hardship circumstances apply, the city may make some compensatory efforts to support special service needs, i.e., persons with disabilities~~person of disability~~ or low income.
 4. When the operation of facilities requires special operational costs involving materials, supplies, supervision, and services additional fees may be appropriate. The fee amount will take into consideration the goal of making the facility self-supporting.
 5. The Director shall provide to the Parks and Recreation Advisory commission for their consideration and review the annual/biennial park fee schedules.

Section 7. That part of Ordinance M-4088, codified as 19.02.040, is hereby amended to read as follows:

19.02.040 Limited Parking.

A. Purpose Authorized. For the purpose of facilitating the movement of traffic and access to the business districts of the city and providing just and equitable parking privileges and opportunities for operators of motor vehicles, the city traffic engineer may impose time limits upon parking in any portion of any street.

The city traffic engineer may also establish the hours and days when such time limits shall be effective. The city traffic engineer shall provide for the posting of signs giving notice of such time limits and special restrictions. In the absence of signs giving notice of such special restrictions, the general provisions of the traffic code shall govern.

B. Hours and Days Excepted. Time limits on parking imposed pursuant to the preceding subsection shall be applicable between the hours of eight a.m. and six p.m. daily except Saturdays and Sundays and ~~the following City recognized holidays: New Year's Day, Martin Luther King, Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and the day after, and Christmas Day.~~

Section 8. That part of Ordinance M-4088, codified as 19.10.040, is hereby amended to read as follows:

19.10.040 Parking for Persons with Disabilities~~Disabled Parking.~~

Persons who are issued or who have been issued a ~~disabled~~ parking permit for persons with disabilities under state law may park their vehicles in compliance with regulations thereof.

Provided, however, free parking is limited to a maximum of four hours on any one day in the following situations: 1) Vehicles displaying a special ~~disabled~~ parking placard for persons with disabilities or special ~~disabled~~ parking license plate for persons with disabilities in non-reserved, on-street parking spaces; 2) Vehicles displaying a special ~~disabled~~ parking placard for persons with disabilities or special ~~disabled~~ parking license plate for persons with physical disabilities ~~physically disabled persons~~. These time restrictions shall be clearly posted and shall apply between the hours of 8 a.m. and 6:00 p.m., Monday through Friday, except on City recognized holidays ~~specified in section 19.11.030~~, in the following geographical area: Commencing at the intersection of E Fourth Plain Boulevard and Lincoln Street, then east along Fourth Plain Boulevard to Interstate 5, then south along Interstate 5 to the Columbia River, then west along the Columbia River to the alignment of Lincoln Street if it were extended south of 8th Street, and then north following the alignment of Lincoln Street to Fourth Plain Boulevard to the point of beginning.

Section 9. That part of Ordinance M-4088, as last amended by that part of section 5 or Ordinance M-4211, and codified as 19.11.030, is hereby amended to read as follows:

19.11.030 Parking meter fees designated.

A. Between the hours of eight a.m. and six p.m. daily except Saturdays and Sundays, and also except days being celebrated as any ~~of the following City recognized holidays: New Year's Day, Martin Luther King's Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day,~~ the operator of a vehicle, upon entering any

metered parking space, shall immediately deposit in the proper adjacent parking meter, coins totaling no more than two dollars fifty cents (\$2.50) per hour as shown on the meter, and shall put the meter in operation. (In some short-term meters a portion of the hour is available free by turning the dial of the meter.) If the vehicle remains parked in the parking space beyond the legal parking time which is designated by a sign or signal on the parking meter, such vehicle shall be considered as parked overtime. In zones where parking is limited to fifteen minutes or less per use, the meter fee shall be no more than seventy cents (\$0.70) per quarter hour. In zones where parking is limited to thirty minutes or less per use, the meter fee shall be no more than one dollar thirty cents (\$1.30) per half hour, in zones where parking is limited to two hours or less per use, the meter fee shall be no more than two dollars fifty cents (\$2.50) per hour. In zones where parking is permitted for longer than two hours per use, the meter fee shall be no more than two dollars fifty cents (\$2.50) per hour.

The parking meter fee may be reduced administratively by the city manager or his/her designee in accordance with the provisions of section 19.11.040. The city manager, or his/her designee, shall report to the city council from time to time as requested by the city council, but in any event, shall report at least once every year regarding these parking rates.

B. The department of public works shall cause for there to be installed on each parking meter a suitable plate informing of the hours and days in which such metered parking regulations are enforced.

Section 10. That part of section 1 of Ordinance M-4088, as last amended by that part of section 8 or Ordinance M-4211, and codified as 19.13.050, is hereby amended to read as follows:

19.13.050 Parking fines and penalties.

Parking fines associated with parking violations related to meter violations, overtime violations, ~~disabled parking~~ violations involving parking for persons with disabilities, parking lot violations and other violations shall be as follows:

A. *Expired Meter.* Penalties for expired meter violations shall be twenty-five dollars (\$25) for each violation if paid or postmarked within thirty calendar days, and fifty dollars (\$50) for each violation if paid or postmarked after thirty calendar days.

B. *Paystation Violation.* Penalties for paystation violations shall be twenty-five dollars (\$25) for each violation if paid or postmarked within thirty calendar days, and fifty dollars (\$50) for each violation if paid or postmarked after thirty calendar days.

C. *Overtime Violation.* Penalties for overtime parking shall be thirty dollars (\$30) for each violation if paid or postmarked within thirty calendar days, and fifty-five dollars (\$55) for each violation if paid or postmarked after thirty calendar days.

D. *Improper Parking.* Penalties for improper parking shall be thirty-five dollars (\$35) for each violation if paid or postmarked within thirty calendar days, and sixty dollars (\$60) if paid or postmarked after thirty calendar days.

E. *Prohibited Parking.* Penalties for prohibited parking shall be forty dollars (\$40) for each violation if paid or postmarked within thirty calendar days, and sixty-five dollars (\$65) if paid or postmarked after thirty calendar days.

F. *Moving to Evade.* Penalties for moving to evade violations shall be thirty-five dollars (\$35) for each violation if paid or postmarked within thirty calendar days, and sixty dollars (\$60) if paid or postmarked after thirty calendar days.

G. ~~*Disabled Parking*~~ *Violations involving parking for persons with disabilities.* Fines, penalties, and assessments for violations of RCW46.19.050 regarding special parking for persons with disabilities shall be provided in Section 46.19.050 RCW.

H. *Expired Tabs.* Penalties for expired tabs violations shall be fifty dollars (\$50) for each violation if paid or postmarked within thirty calendar days, and seventy-five dollars (\$75) if paid or postmarked after thirty calendar days.

I. *Permit Parking Violations.* Penalties for permit parking area violations on a highway, municipal parking lot, or public parking lot shall be twenty-five dollars (\$25) for each violation if paid or postmarked within thirty calendar days, and fifty dollars (\$50) if paid or postmarked after thirty days.

Section 11. That part of section 1 of Ordinance M-4088, as last amended by that part of section 9 or Ordinance M-4211, and codified as 19.13.060, is hereby amended to read as follows:

19.13.060 Table of parking fines and penalties.

All parking fines and penalties as outlined in sections 19.13.050 through 19.13.070 are listed in the following table.

Infraction	Fine If paid or postmarked within 30 calendar days	Fine If paid or postmarked after 30 calendar days
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Expired Meter	\$25.00	\$50.00
Paystation Violation	\$25.00	\$50.00
Overtime Parking	\$30.00	\$55.00
Improper Parking	\$35.00	\$60.00
Prohibited Parking	\$40.00	\$65.00
Moving to Evade	\$35.00	\$60.00
Improper Disabled <u>Disabled</u> Parking <u>for persons with disabilities</u>	\$450.00*	\$450.00*
Blocking an Disabled <u>Disabled</u> Access Aisle <u>for persons with disabilities</u>	\$450.00*	\$450.00*
Failure to display Disabled <u>Disabled</u> Placard <u>for persons with disabilities</u>	\$450.00*	\$450.00*
Expired Tabs	\$50.00	\$75.00
Permit Parking	\$25.00	\$50.00

*RCW 46.19.050 assigns a \$250 infraction plus a \$200 assessment for violations.

Section 12. That part of section 1 of Ordinance M-4088, as last amended by that part of section 9 or Ordinance M-4168, and codified as 19.13.070, is hereby amended to read as follows:

19.13.070 Table of references for common parking fines and penalties.

The following table is intended to identify the most common parking violations and is not intended to be an exclusive list of violations. Other violations may be identified in additional codes or laws.

Expired Meter	VMC 19.13.020(A)
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Display of Expired Proof of Payment from Parking Pay Station	VMC <u>19.13.030</u> (A)(2)
Failure to Display Valid Proof of Payment from Parking Pay Station	VMC <u>19.13.030</u> (A)(3)
Overtime Parking	
Municipal Lot #2	VMC <u>19.07.060</u>
Signed Parking	VMC <u>19.13.045</u>
Parking Pay Stations	VMC <u>19.13.030</u> (A)(1)
Metered Parking	VMC <u>19.13.020</u> (B)
Parking Lots	VMC <u>19.07.030</u> (A)
Improper Parking	
Unauthorized Parking (Off Street Facility)	VMC <u>19.07.030</u>
Repair Vehicle on Street	WAC <u>308-330-436</u> (2)
Meter Tampering	WAC <u>308-330-630</u>
Moving to Evade	VMC <u>19.12.020</u> (A)
Displaying for purpose of sale	WAC <u>308-330-436</u> (1)(b)
Permit Parking	VMC <u>19.10.050</u>
Angle Parking	WAC <u>308-330-430</u>
Parallel Parking	RCW <u>46.61.575</u> (1) (2)
Back into Space (Lots)	VMC <u>19.12.050</u>
Construction Zone - Metered	VMC <u>19.10.020</u>
Loading Zone	WAC <u>308-330-442</u> (1)
Carpool Permit Required	VMC <u>9.92.060</u>
City Use Zone	VMC <u>9.60.120</u>
County Use Zone	VMC <u>9.60.130</u>

Tourist Use Zone	VMC <u>9.60.140</u>
Expired Tabs	VMC <u>19.12.110</u>
Prohibited Parking	
Prohibited Parking - Signed	RCW <u>46.61.570</u> (1)(c)(ii)
Within 20' of Crosswalk (marked/unmarked)	RCW <u>46.61.570</u> (1)(b)(iii)
Bus Zone	VMC <u>9.60.010</u> (A)
Obstructing Traffic	VMC <u>19.12.090</u>
Prolonged Parking	VMC <u>19.12.100</u>
Parking on Sidewalk or Plant Strip	RCW <u>46.61.570</u> (1)(a)(ii)
Truck, Trailer, and Motor Homes Parking on Street	VMC <u>19.12.080</u>
Blocking Driveway	RCW <u>46.61.570</u> (1)(b)(i)
Within 30' of Stop Sign	RCW <u>46.61.570</u> (1)(b)(iv)
Fire Lane	VMC <u>16.04.130</u>
Disabled Parking Violations <u>Involving Parking for Persons with Disabilities</u>	RCW <u>46.19.050</u>

Section 13. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 14. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this

end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 15. Effective date. This ordinance shall become effective immediately following the date of final adoption.

Read first time: February 28, 2022

Ayes: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: March 7, 2022

PASSED by the following vote: 6-0

Ayes: Councilmembers Perez, Fox, Paulsen, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: Councilmember Harless

SIGNED this 7 day of March, 2022.

DocuSigned by:
Anne McEnerny-Ogle
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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF0734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:
Jonathan Young
Jonathan Young, City Attorney
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SUMMARY

ORDINANCE NO. M-4365

AN ORDINANCE relating to the update of City recognized holidays, the enforcement of parking regulations, and updating outdated language in the Vancouver Municipal Code referring to persons with disabilities; providing for savings, severability and an effective date.