

Chapter 11.10

PERMIT PARKING

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11.10.010 Establishment of Zones. There are hereby established tow-away zones in which residents only shall be allowed by permit to park on-street during certain hours, on designated days, or at all times. The location of such tow-away zones shall be designated by resolution of the City Council.

The City Council may also designate by resolution tow-away zones for the purpose of ensuring that adequate parking space is available for patrons of businesses in residential neighborhoods, and for ensuring that adequate parking space is available for visitors at Snohomish High School and Snohomish High School staff.

The term "tow-away zone" as used in this ordinance shall mean an area designated by resolution of the City Council where vehicles may be impounded upon violation of this ordinance. The term "impoundment" as used in this ordinance shall mean the removal of a vehicle to a storage facility either by an officer or authorized agent of the Snohomish Police Department or by a contractor for towing and storage in response to a request from an officer or authorized agent of the Snohomish Police Department.

11.10.020 City Manager-Authority to Establish Time Limit Regulations For Tow-Away Zones. The City Manager is empowered, in addition to those powers granted by other local or state law, to designate and establish the time periods applicable to said tow-away zone.

All areas established as tow-away zones and zones restricted to permit parking only shall be signed, posted or marked to clearly indicate that such area is a tow-away zone and shall clearly indicate the time periods applicable to such zones.

11.10.030 Permit Issuance Authority. The Snohomish Chief of Police shall be authorized to issue permits for residential on-street parking and visitor passes, and to administer the application for and use of said permits and passes. The annual fee for a residential on-street parking pass will be \$20 per pass. The Chief of Police shall issue to each person applying for a permit an information sheet containing the terms, conditions and rules under which the permit shall be issued. Because the permits to be issued under this ordinance are intended to benefit the public street adjacent to each residence, said permits shall be issued based upon a resident showing sufficient need and taking into consideration the number of available parking spaces. (Ord. 2226, 2011)

11.10.040 Permit-Use. A valid residential parking zone permit when properly displayed on the vehicle for which it was issued shall exempt that vehicle, while within the zone for which the permit was issued from citation and/or impoundment as authorized by this ordinance. The permit shall be valid only in the zone designated on its face.

11.10.050 Permit-Unlawful Use. It is unlawful to falsify information in application for a residential parking zone permit, to fail to report a change of residence or vehicle ownership, to transfer the permit to another person or vehicle, to alter the permit, to improperly display the permit, or to violate any other terms or conditions under which the permit was issued. Any such unlawful use shall subject the permit holder to revocation of this permit, denial of eligibility for reapplication for one year, and to other penalties as described in this chapter.

11.10.060 Visitor's Passes. Each holder of a residential parking zone permit may be issued, at the discretion of the Chief of Police, a sufficient number of visitor passes upon a showing of need and taking into consideration available space. Such visitor passes shall exempt those vehicles displaying such passes from the restrictions imposed by the tow-away zone. Visitor passes shall be issued pursuant to policies and guidelines established by the Director of Public Safety.

11.10.070 Permit-Eligibility. Eligibility for residential parking zone permits shall be established upon proof of residence within the zone for which the permit is sought and proof of ownership and/or control of a motor vehicle. The Chief of Police shall be responsible for establishing policies for verification of proof of residency and ownership of vehicles.

11.10.080 Permit-Exemption. Disabled persons displaying a valid "Disabled Persons-Distinguishing Decal," in accord with RCW 46.16.381 shall be allowed the same privileges within residential parking zones as permit holders, but shall not be required to hold a residential parking zone permit. Service vehicles parked in residential parking zones while making service calls to residential dwellings within the zone shall also be exempt from this ordinance.

11.10.090 Permit-Revocation-Conditions. Residential parking zone permits may be revoked and shall be surrendered for the following reasons:

- A. Unlawful use of the permit under SMC 11.10.050;
- B. Use of visitor permits contrary to policies and guidelines as established by the Chief of Police under SMC 11.10.060;
- C. In event of expiration or termination of the residential parking permit zone.

11.10.100 Enforcement-Impound of Vehicles Without Prior Notice. It is unlawful and a violation of this chapter to park a vehicle in a tow-away zone without having applied for and/or received a permit or pass as set forth herein. A vehicle may be impounded with or without citation and without giving prior notice to its owner when the vehicle is illegally parked in a tow-away zone as established by this chapter.

11.10.110 How Impoundment Is To Be Effected. When impoundment is authorized by this chapter, a vehicle may be impounded either by an officer or authorized agent of the Chief of Police or by a contractor for towing and storage acting at the request of an officer or authorized agent of the Chief of Police and in accordance with a contract authorized by the City Council.

11.10.120 Owner of Impounded Vehicle To Be Notified.

- A. Not more than forty-eight (48) hours after impoundment of any vehicle, the Chief of Police shall cause a notice to be mailed to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the Police Department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington State Department of Motor Vehicles or the corresponding agency of any other state or province. If a police officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall also be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.
- B. Similar notice shall be given to each person who seeks to redeem an impounded vehicle, except that if a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed.

11.10.130 Redemption of Impounded Vehicles. Vehicles impounded by the City shall be redeemed only under the following circumstances:

- A. Only the registered owner, a person

authorized by the registered owner, or one who has purchased a vehicle from the registered owner, may redeem a vehicle which has been impounded by the City under this chapter.

- B. All parking citations issued pursuant to City ordinance, towing charges, impound fees and storage fees shall be paid prior to release of the vehicle by the City or towing contractor.
- C. In addition, the Chief of Police shall cause the towing contractor to be notified, by telephone or in writing, of the authorization to release such vehicle.

11.10.140 Post-Impoundment Hearing Procedure.

- A. Whenever any vehicle shall have been impounded for violation of this chapter, the registered owner, person authorized by the registered owner, or one who has purchased the vehicle from the registered owner may request in writing a hearing to determine whether a violation of the provisions of this ordinance which authorizes the impoundment of the vehicle has occurred. The written request for a hearing shall be submitted to the City Clerk within ten (10) working days of the date the vehicle was impounded or the right to a hearing shall be deemed to have been waived.
- B. Within thirty (30) days of receipt of a request for a hearing, the hearing as provided by this chapter shall be conducted by the City Parking Administrative Hearing Examiner as established SMC 11.08.360 as it now reads or is hereinafter amended. The sole issue to be determined by the Hearing Examiner shall be whether a violation of the provisions of this ordinance which authorize impoundment

has occurred. If the Hearing Examiner finds that a violation of this ordinance has not occurred, he may, in his discretion, order that the City reimburse the owner of the vehicle or such other authorized person for all impound, storage, and citation fees paid by such person.

- C. All provisions of SMC 11.08.360, as they now read or are hereinafter amended, as they pertain to the hearing procedure established by SMC 11.08.360, are hereby adopted by this reference.

11.10.150 Violation-Penalty.

- A. It is unlawful and a violation of this chapter for a person holding a valid parking permit or pass issued pursuant hereto to permit the use or display of such permit or pass on a motor vehicle other than that for which the permit or pass is issued. Such conduct constitutes an unlawful act and violation of this chapter both by the person holding the valid parking permit or pass and the person who so uses or displays the permit for a reason other than that for which it was issued.
- B. It is unlawful and a violation of this chapter for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or pass. It is further unlawful and a violation of this chapter for a person to knowingly use or display a facsimile or counterfeit parking permit or pass in order to evade time limitations on parking applicable in a residential permit parking area.
- C. The offenses defined in this section shall be a misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed thirty (30) days.

11.10.160 No Special Duty Created.

Nothing in this chapter is intended to create a special relationship, duty, or course of action in favor of specific individuals or classes of persons. Any duty created herein is intended to be a general duty running in favor of the public citizenry as a whole.

11.10.170 Priority of Chapter Over Conflicting Provisions.

This chapter shall be liberally construed to effectuate the purposes as set forth herein. It is not the intention of this chapter to repeal any other existing City ordinance pertaining to parking or permits but to supplement the provisions of existing ordinances. However, in the case where any conflict or inconsistency between this chapter and any other existing ordinance or other laws becomes apparent, the provisions of this chapter shall be controlling.

11.10.180 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. (Ord. 1654, 1988; Ord. 1869, 1998)