

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, amending Olympia Municipal Code Sections 10.16.280, 10.16.290 and 10.16.300 to discontinue the acceptance of a bond in lieu of payment for fines, fees and charges due for unpaid parking tickets.

WHEREAS, the Olympia Municipal Code (OMC) requires that a vehicle owner who has eight or more parking tickets unpaid more than 60 days after their issuance be included on the scofflaw list; and

WHEREAS, the OMC currently allows a vehicle owner to post a bond in lieu of payment of any fines, fees and charges for unpaid parking tickets, which removes the vehicle owner from the scofflaw list; and

WHEREAS, the Olympia City Council determines it to be in the best interest of the City of Olympia to amend the OMC by removing the bond language in OMC Sections 10.16.280, 10.16.290 and 10.16.300 so that posting a bond would not be an accepted form of payment for fines, fees and charges due for unpaid parking tickets;

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with documents on file with the City of Olympia; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11 of the Washington State Constitution and any other legal applicable authority; and

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 10.16.280. Olympia Municipal Code 10.16.280 is hereby amended to read as follows:

10.16.280 Parking Services' Scofflaw List

A. Creation of Scofflaw List. As frequently as practicable, the Supervisor of the Olympia Municipal Court Services or his or her designee ("Supervisor") shall prepare and update the scofflaw list consisting of vehicles involved in eight (8) or such greater number of parking tickets unpaid more than sixty (60) days after their issuance that the Supervisor shall determine is efficient to include on the scofflaw list.

B. Civil Penalties to Cover Administrative Costs. There is hereby imposed upon the owner of every vehicle on the scofflaw list a civil penalty of the amount specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," to cover costs of administering the scofflaw list. There is also hereby imposed upon the owner of every vehicle on the scofflaw list that is immobilized or impounded hereunder a civil penalty of ~~of~~ in the amount specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," to cover the additional administrative costs of immobilization and/or impoundment.

C. Notice. The Supervisor shall give notice by first class mail to the registered owner of each vehicle on the scofflaw list, stating that the vehicle is on the scofflaw list and:

1. The date and the nature of each ticket overdue and the amount due on each;
2. That a scofflaw list fee in the amount specified in subsection B of this section has been imposed to cover administrative costs;
3. The total amount currently due;
4. A specific deadline for response, no less than ten days after the date of mailing;

The notice required by this subsection of this section is sufficient if mailed to the address provided by the Washington Department of Licensing; provided, however, that if the Supervisor is unable, after exercising due diligence, to discover any mailing address, then notice is sufficient if it is published once in a newspaper of general circulation in the city, posted on the vehicle, or personally served on the vehicle owner or driver, or provided by any other means reasonably calculated to provides notice to vehicle owner or driver.

D. That the owner shall, by said deadline, respond to the notice. Response shall be by paying the total amount due.

E. That if the vehicle owner fails to respond within the prescribed time period, the listed vehicle will be subject to immediate immobilization or impoundment pursuant to the procedures in OMC Section 10.16.290, payment of the civil penalties imposed under subsection B above, and payment of the costs of immobilization, towing and storage.

F. If the vehicle owner or an agent of the owner pays the fines and fees, including the amount(s) specified in OMC Section 4.60.020 "Vehicle Immobilization Impoundment Costs, Fees, and Civil Penalties", and all towing and storage charges, ~~if any, or posts a bond to cover such fines, fees, and charges, or arranges any combination of payment and bond to cover the total due,~~ the Supervisor shall remove such vehicle from the scofflaw list. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent appears to ~~pay or post bond,~~ such subsequent tickets shall also be paid ~~or bond shall be posted therefor~~ before the vehicle is removed from the scofflaw list.

G. The owner of a vehicle that is subject to the procedures of this section and OMC Section 10.16.290, Immobilization, and OMC Section 10.16.300, Impoundment, is entitled to a hearing in the Olympia Municipal Court pursuant to RCW 46.55.120 (2)(b) to contest the validity of the immobilization, impoundment or the amount of towing and storage charges. Any request for a hearing and the resolution

thereof shall be as set forth in RCW 46.55.120 ~~(2)(b)(4)(3)~~, which ~~are~~ is hereby adopted by reference as said provisions now exist or are hereafter ~~may be~~ amended.

H. Vehicles on the scofflaw list are not eligible to purchase city leased lot parking permits.

Section 2. Amendment of OMC 10.16.290. Olympia Municipal Code 10.16.290 is hereby amended to read as follows:

10.16.290 Immobilization

A. If the owner of a vehicle to whom notice has been sent pursuant to OMC 10.16.280.C fails to respond to the notice within the deadline therein specified by paying all fines, fees, towing, storage and administrative charges then due, including but not limited to the amount(s) specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties" ~~or posting a bond to cover such fines, fees and charges such so~~ that the vehicle can be removed from the scofflaw list under OMC 10.16.280.F, then, at the discretion of a Parking Services Field Representative of the Community Planning and Development Department or a police officer, such vehicle may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks on to a wheel of the vehicle and impedes movement of such vehicle.

B. The person installing the boot shall leave under the windshield wiper or otherwise attach to such vehicle a notice advising the owner that such vehicle has been booted by the City of Olympia for failure to pay eight (8) or more uncontested parking tickets within sixty (60) days of their issuance, that release of the boot may be obtained by paying the fines, fees and civil penalties due, that unless such payments are made within two (2) business days of the date of the notice, the vehicle will be impounded, and that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached.

C. No parking restriction otherwise applicable to the vehicle applies while the vehicle is immobilized by a boot installed under the provisions of this section.

D. Before the vehicle may be released from immobilization, the vehicle owner or an agent of the owner shall pay all fines and fees then due, including but not limited to the amounts specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," ~~shall post a bond to cover such fines, fees, and charges, or shall arrange any combination of payment and bond to cover the total due.~~ Upon such payment, the vehicle shall be removed from the scofflaw list, and the Supervisor shall promptly remove the boot from the vehicle. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent pays, such subsequent tickets shall also be paid before the vehicle may be removed from the scofflaw list or released from immobilization.

Section 2. Amendment of OMC 10.16.300. Olympia Municipal Code 10.16.300 is hereby amended to read as follows:

10.16.300 Impoundment

A. At the discretion of a Parking Services Field Representative of the Community Planning and Development Department or a police officer, the following vehicles may be impounded:

1. A vehicle that was involved in twelve (12) or more parking tickets that are unpaid sixty (60) or more days after the date of their issuance, where the registered owner of the vehicle was sent a notice pursuant to OMC 10.16.280.C and the owner fails to respond to the notice within the deadline therein specified by paying all fines, fees, towing, storage and administrative charges ~~or posting a bond to cover such fines, fees and charges such~~ so that the vehicle can be removed from the scofflaw list under OMC 10.16.280.F; or
2. A vehicle that was immobilized pursuant to OMC Section 10.16.290 and the vehicle's owner failed to pay all fines, fees, and administrative charges ~~or post a bond to cover such fines, fees and charges within two (2) business days of the date the vehicle was immobilized such~~ so that the vehicle can be removed from the scofflaw list under OMC 10.16.280.F; or
3. A vehicle that has received three citations for parking in violation of OMC Section 10.16.030 "Recreational Vehicles..." within any one calendar year and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment; or
4. A vehicle that has received three consecutive citations for parking in violation of OMC Section 10.16.055.D.3, "Residential Parking Program..." and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment; ~~;~~ or
5. A vehicle that has received three consecutive citations for parking in violation of OMC Section 10.16.160.F, "City Parking Lots..." and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment; ~~;~~ or
6. As otherwise authorized by the Model Traffic Code as adopted by reference in the Olympia Municipal Code.

B. The Parking Services Field Representative or police officer, as applicable, shall use the uniform impound authorization and inventory form provided for by administrative rule by the Washington State Patrol pursuant to RCW 46.55.075.

C. If a vehicle has been impounded pursuant to OMC 10.16.290, before the vehicle may be released from impound, the vehicle owner or an agent of the owner shall pay all fines and fees then owing, including but not limited to the amounts specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties", and all towing and vehicle storage charges. Upon such payment, the vehicle shall be removed from the scofflaw list. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent pays, such subsequent tickets shall also be paid before the vehicle may be removed from the scofflaw list or released from impoundment.

D. If a vehicle has been impounded for a violation of OMC 10.16.030, 10.16.055, or 10.16.160 the vehicle may be immediately released from impound upon payment of all impound, tow and any other charges due the tow company.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: