CITY OF LANGLEY, WASHINGTON
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, Adding a new Chapter 10.16 to the Langley Municipal Code regarding Residential Parking; Providing for severability and effective date.

WHEREAS, the City Council has considered the effects of commercial parking bleeding into residential areas and blocking driveways; and

WHEREAS, the City has plenty of parking in the Central Business District to accommodate commercial properties that are adjacent to residential areas;

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

Section 1. The Langley Municipal Code is hereby amended to add a new Chapter 10.16 to read as follows:

Chapter 10.16
PERMIT PARKING

Sections:
10.16.010 Authority.
10.16.020 Parking permits.
10.16.030 Parking restrictions.
10.16.040 Enforcement.

10.16.010 Authority.
A. General. The city has authority to restrict parking or impose time limits on parking, consistent with RCW 46.61.570(2), as adopted by LMC 10.12 and through the exercise of its police powers.

B. Authority of City Staff.

1. Public Works Director. The Public Works Director or his or her designee shall have the authority to administer this chapter, including making determinations regarding issuance and revocation of parking permits to qualified residents.

2. Director of Finance. The Director of Finance or his or her designee shall have the authority to issue all permits and to set and collect all permit fees.
3. Police Chief. The Police Chief or his or her designee shall have the authority to enforce violations of this chapter.

10.16.020 Parking permits.
A. Permits Required. A valid City of Langley parking permit must be obtained from the city and prominently displayed, as directed by the city, on any vehicle parked on any city street or in any off-street parking lot with posted restrictions requiring such permit. Such parking permit does not guarantee a parking space, does not authorize parking for more than 72 consecutive hours in any one location and does not exempt the permit holder from observing zones where parking is prohibited at all or specified times for safety reasons or for reasons other than those related to the parking permit, including but not limited to permanent or temporary no parking zones, loading zones, fire zones, and disabled parking areas.

B. Parking Permit. Any City of Langley resident may apply for a parking permit for each licensed vehicle under his or her control and registered to a City of Langley address. A permit may also be issued if a vehicle is registered to an address outside City of Langley, but the owner can provide satisfactory proof to the City of Langley residency. A parking permit allows a City of Langley resident to park in a designated restricted parking area as provided in LMC 10.16.030(B).

10.16.030 Parking restrictions.
A. Parking of vehicles on the specified portions of the following city street(s) shall be prohibited or restricted as posted. This section may be amended to add or remove additional areas by a petition of a majority of the property owners to the city council as provided in LMC 10.16.030(G). It is a violation of this chapter to park in the following areas contrary to the restrictions and prohibitions below:

1. The 2nd Street neighborhood:
   a. Portions of both sides of 2nd Street between Anthes Street and Park Street adjacent to property zoned for single family residential use, as posted.
   b. Parking in the area designated above is restricted to vehicles with a valid 2nd Street neighborhood parking permit between 4 pm and 8 am seven days a week: except as set forth in LMC 10.16.030(H).

B. A City of Langley resident whose home address is within the boundaries of the Restricted Parking Area, as established in LMC 10.16.030(A), may apply for a Restricted Parking Area permit.
1. **Guest Vehicle Parking Permits.** A City of Langley resident whose home address is within the boundaries of a Restricted Parking Area, as established in LMC 10.16.030(A), may apply for up to two guest parking permits, subject to the procedures and conditions set forth in this section.

   a. Guest vehicle parking permits are transferable among vehicles of guests of residents of Restricted Parking Area and must be displayed as required by the city.

   b. A valid guest vehicle parking permit, displayed as required by the city, confers on the vehicle bearing it the same parking privileges and restrictions as a Restricted Parking Area permit; provided, a guest vehicle parking permit does not confer privileges outside the boundaries of the specific Restricted Parking Area.

2. **Service Vehicles.**

   a. A service vehicle is a vehicle not owned by a Restricted Parking Area resident, with conspicuous identification of the service it provides permanently affixed to the vehicle, that is used for the purpose of providing short-term repair, construction, landscaping services, delivery, utility, refuse, health commodities, life support or emergency service for a residence within the restricted area for less than two consecutive days. Personal vehicles used by domestic employees, such as housekeepers or child care providers, are not considered service vehicles.

   b. Service vehicles may park during restricted hours in the Restricted Parking Area without a permit for up to two consecutive days. Personal vehicles used by domestic employees, such as housekeepers or child care providers, must park on private property or use a residence guest vehicle parking permit.

   c. If a service vehicle will use on-street parking for more than two consecutive parking-restricted days, the owner or occupant of the residence receiving the service must either provide off-street parking, or provide a residence guest permit.

C. **Application.** The application shall be submitted on a form provided by the city and the resident shall provide the information requested and sign it, attesting to the accuracy of the information provided and acknowledging the terms and conditions of permit privileges.

D. **Permit Issuance, Expiration and Renewal.**
1. Issuance. A Restricted Parking Area permit will be issued only for a specific vehicle and is transferable to any other vehicle or to any individual who is a guest of the resident who has the valid permit.

2. Reissuance. An eligible City of Langley resident or resident of the Restricted Parking Area may request reissuance of a permit in the event an issued permit has been lost or stolen or a permitted vehicle has been sold, stolen or destroyed. The resident may be required to sign a declaration regarding the circumstances leading to the re-issuance request and stating that, when possible, the original permit has been removed or otherwise destroyed.

3. Expiration and Renewal. Any permit issued shall be valid for one calendar year or as otherwise established by the director of finance or upon termination of residency within the Restricted Parking Area, whichever occurs first. Permits for eligible residents may be renewed annually or as otherwise established by the director of finance.

E. Permit Revocation and Civil Penalty for Unauthorized Use.

1. Revocation. Permit privileges may be revoked for any of the following reasons:
   a. Any material misrepresentation on a permit application;
   b. Any unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not an eligible City of Langley resident or resident of the Restricted Parking Area;
   c. Any other unauthorized use of a permit.

2. Civil Penalty. It is a violation of this chapter and a civil penalty may be assessed for unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not an eligible City of Langley or Restricted Parking Area resident or for any other unauthorized use of a permit.

F. Appeal of Issuance or Revocation Determinations.

1. Notification of Process. If the Public Works Director or his or her designee determines that any type of parking permit should be denied or revoked based on the criteria set forth in this chapter, he or she shall cause a written notice to be sent to the resident permit holder at the address contained on the application. The notice shall contain the following information:
   a. A statement that the parking permit shall be denied or revoked on a specified date, which shall be 14 calendar days from the date of the letter.
b. Notification that unless a written notice of appeal setting forth the reasons for the appeal is filed with the city clerk by not later than 5 pm, two full business days before the date specified in subsection (F)(1)(a) of this section, the permit shall be deemed denied or revoked.

c. A statement that if a written notice of appeal is filed within the required time, the date, time and place of a hearing before the City Council shall be set. The notice shall also inform the resident that he or she may request consideration of the appeal on written submissions in lieu of a hearing and that such request must be made in writing at the same time the appeal is filed.

d. The city’s reasons for the denial or revocation.


a. Hearing Date. The city clerk shall set a date for hearing within 30 days of receipt of a notice of appeal and shall notify the appellant of the date, time and place of hearing at least 10 business days before the hearing, and that the date upon which the notice stated the permit would be deemed denied or revoked shall be stayed, pending the final appeal decision.

b. Hearing. The appellant may testify orally and present witnesses before the city council and/or furnish a written statement. No formal hearing shall be required if an appellant has requested consideration of the appeal on written submissions in lieu of a hearing, but the written decision of the City Council shall be rendered in the same time frame as though the hearing had taken place. The City Council shall issue a written decision, including a statement of reasons for the decision, within 10 business days after the hearing, which shall be promptly mailed to the appellant. The City Council’s determination shall be final. Any appeal to superior court must be commenced within 30 calendar days of the date of issuance of the final decision.

c. Mail. All documents required to be mailed by either the city or appellant shall be mailed by certified or registered mail, postage prepaid, return receipt requested.

G. Addition or Removal of Boundary Areas

1. Process. A one block neighborhood may submit a petition to the city council with more than 50% of the property owner’s signature to request an addition or removal of a boundary area as defined in LMC 10.16.030(A). The petition must make it clear what impacts from commercial parking demand will be minimized.
2. Notification. The public works director or his or her designee will notify all property owners in the one block neighborhood after receiving direction from the council of the request. Property owners will have 30 calendar days to respond to the petition. Responses must be submitted to the city clerk.

3. Public Hearing. The city clerk shall set a date for a public hearing after the 30 calendar days has expired.

4. Decision. The City Council shall issue a written decision, including a statement of reasons for the decision, within 10 business days after the public hearing, which shall be promptly mailed to the property owners.

H. Exceptions.

1. Disabled Privileges. The establishment of the parking restrictions in this section shall not limit parking of vehicles as authorized by RCW 46.16.381 providing special parking privileges for disabled persons.


3. Events. The parking restrictions established in this section shall not apply Friday through Sunday for the following events: Mystery Weekend, Island County Fair, DjangoFest, Choochokam, and those events authorized by Council resolution.

10.16.040 Enforcement.
A. Civil Infraction. Any violation of this chapter shall be considered a civil infraction and shall be filed in and subject to the rules of Langley Municipal Court.

B. Civil Penalty. City council shall, by resolution, set monetary penalties for:

1. Parking violations in permit-restricted areas; and

2. Any unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not eligible for a Restricted Parking Area permit, or for any other unauthorized use of a permit.

Section 2. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.
Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ____ day of ______________________, 2012.

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LARRY KWARSICK, Mayor

ATTEST:

DEBBIE L. MAHLER, Director of Finance/City Clerk

APPROVED AS TO FORM:

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MICHAEL R. KENYON, City Attorney