



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 16, 2009

Ordinance 16553

Proposed No. 2009-0262.2

Sponsors Gossett

1 AN ORDINANCE relating to fees and charges at King
2 County parks; amending existing code and ordinance
3 provisions regarding parking fees at King County parks to
4 reduce administrative expenses and promote compliance
5 with parking fees, and authorizing the director of the
6 department of natural resources and parks to issue parking
7 citations, impose civil fines and pursue other remedies;
8 amending Ordinance 14509, Section 7, and K.C.C. 7.08.060
9 and adding a new chapter to K.C.C. Title 7 and prescribing
10 penalties.

11
12 **STATEMENT OF FACTS:**

13 1. Ordinance 14509 and K.C.C. 7.08.050 authorize and direct the
14 department of natural resources and parks to impose fees on certain
15 activities within park and recreation facilities, including parking, to help
16 generate non-tax revenue to support King County parks.

17 2. In accordance with Ordinance 14509 and K.C.C. 7.08.050, the
18 department of natural resources and parks imposed parking fees at certain
19 park and recreation facilities, including Marymoor park.

20 3. Although parking fees have generated significant non-tax revenue for
21 King County parks and are widely supported as a means of allocating the
22 costs of parks programs and facilities, significant numbers of parks users
23 do not pay applicable parking fees.

24 4. Efficient and effective collection of parking fees is crucial to meet
25 parks and recreation division revenue goals, to meet users' expectations for
26 a quality parks experience and to meet the requirements of Ordinance
27 14509.

28 5. The parks and recreation division has worked diligently to increase
29 compliance with parking fee requirements, but currently lacks adequate
30 enforcement mechanisms.

31 6. The lack of parking fee compliance by some users puts a
32 disproportionate financial burden on users who do comply with applicable
33 parking fees. Users who pay for parking perceive that it is unfair for other
34 users to refuse repeatedly to pay parking fees without any significant
35 consequences. This perception may further reduce compliance with
36 applicable parking charges and corresponding revenue.

37 7. Major user groups at Marymoor park support enhanced enforcement of
38 parking fees, and the revenue generated by providing the parks and

39 recreation division with additional enforcement mechanisms will exceed
40 the costs of implementation.

41 8. Providing the parks and recreation division with enhanced parking
42 enforcement authority will promote fairness among parks users and
43 increase revenue for King County parks, consistent with Ordinance 14509.

44 9. Ordinance 14509 and K.C.C. 7.08.060 also prohibit fee increases of
45 more than fifty percent, unless authority for greater increases is granted by
46 the King County council by ordinance. If the department of natural
47 resources and parks were to raise its one-dollar daily parking fee, that limit
48 would currently require the department to collect coins, which means less
49 than whole-dollar amounts, from parks users. Collecting coins would be
50 cumbersome for parks users and extremely expensive for the parks and
51 recreation division.

52 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

53 SECTION 1. Sections 2 through 14 of this ordinance should constitute a new
54 chapter in K.C.C. Title 7.

55 NEW SECTION. SECTION 2. The director may enforce the terms and
56 provisions of this chapter.

57 NEW SECTION. SECTION 3. A person who fails to pay a duly adopted parking
58 fee in violation of this chapter is subject to a civil penalty to be directly assessed by the
59 director in an amount not to exceed one hundred dollars per violation. All civil penalties
60 assessed shall be enforced and collected in accordance with the procedures specified in
61 this chapter.

62 NEW SECTION. SECTION 4.

63 A. The director shall issue a notice and order when the director determines that
64 an applicable parking fee has not been paid. The notice and order shall contain:

65 1. A description of the vehicle parked in violation of this title, including make,
66 model, color and license plate number;

67 2. Date and time issued;

68 3. A description sufficient to identify the area where the vehicle was parked
69 when the violation was discovered such as lot identification letter;

70 4. A statement that the director has found the vehicle parked in violation of
71 parking fee requirements, with a brief and concise description of the conditions that
72 establish the violation;

73 5. A statement that the director is assessing a civil penalty, the amount of the
74 penalty and a time certain by which the penalty shall be paid from the date of the order;
75 and

76 6. Statements advising:

77 a. the director may review and reconsider the notice and order, provided that a
78 request for review and reconsideration is made in writing as provided in this chapter and
79 filed with the director within ten days from the date of service of the notice and order;

80 b. the address to which the request for review and reconsideration should be
81 sent;

82 c. the director's decision may be appealed to the King County office of the
83 hearing examiner, provided the appeal is made in writing and filed with the director

84 within 14 days from the mailing of the director's decision, as provided in K.C.C. chapter
85 20.24;

86 d. failure to timely request director's review and reconsideration will constitute
87 a waiver of all rights to any administrative hearing and determination of the matter;

88 e. a vehicle with three or more unpaid notice and orders may be immobilized
89 in accordance with any applicable legal requirements and a vehicle with five or more
90 unpaid notice and orders or a vehicle that has been immobilized for more than twenty-
91 four hours may be towed and impounded without prior notice and at the owner's expense,
92 under this chapter and K.C.C. chapter 46.08; and

93 f. if, in accordance with section 5 of this ordinance, the director chooses to
94 provide a uniform automatic civil penalty reduction for prompt payment of a notice and
95 order, then the notice and order shall also include a statement advising how to qualify for
96 that reduction.

97 B. The notice and order, and any amended or supplemental notice and order,
98 shall be served by affixing the notice and order to the vehicle for which the parking fee
99 was not paid, in a conspicuous location, usually the windshield.

100 C. Proof of service of the notice and order shall be made at the time of service by
101 a written declaration under penalty of perjury, executed by the person effecting service
102 and declaring the time, date, and manner in which service was made. A copy of the
103 notice and order shall be kept on file by the department of natural resources and parks.

104 NEW SECTION. SECTION 5.

105 A. A person served with a notice and order pursuant to this chapter may request
106 in writing, within ten days of being served with a notice and order, that the director
107 review and reconsider the notice and order.

108 B. The review shall be performed without a hearing and be based solely on
109 written information provided by the person requesting review and by county personnel or
110 agents.

111 C. Upon review, the director may uphold the notice and order or waive or reduce
112 the fine or any other penalty contained in the notice and order.

113 D. The director shall mail the written decision to the person requesting review.

114 E. The decision shall notify the person requesting review of the right to appeal
115 the director's decision pursuant to this chapter and the procedure for filing the notice of
116 appeal of the director's decision.

117 F. In addition, the director may implement a uniform system to automatically
118 reduce civil penalties that are paid within a specified period. If the director chooses to
119 implement such an automatic penalty reduction for prompt payment, then the director
120 shall notify the public of that option, and take steps to facilitate the public's ability to
121 promptly pay a reduced civil penalty. The amount of the penalty reduction, the duration
122 of the grace period, and the penalty collection mechanism shall be established by the
123 director in the director's sole discretion. However, the director may not change the
124 amount of the reduction, the duration of the grace period, or the penalty collection system
125 more frequently than once every six months.

126 NEW SECTION. SECTION 6.

127 A. The King County office of the hearing examiner shall hear appeals of the
128 director's decisions under this chapter.

129 B. Any person having received a director's decision under Section 5 of this
130 ordinance may appeal that decision by filing a notice of appeal pursuant to K.C.C.
131 chapter 20.24.

132 C. The procedures for initiating and conducting the appeal shall be governed by
133 K.C.C. chapter 20.24.

134 D. Enforcement of any notice and order of the director shall be stayed during the
135 pendency of a director's review or an appeal therefrom which is properly and timely filed
136 pursuant to K.C.C. chapter 20.24.

137 NEW SECTION. SECTION 7. The registered owner of a vehicle is liable to pay
138 any civil penalty imposed for a violation under this chapter. However, the registered
139 owner of a vehicle may avoid liability if the owner proves that the vehicle was reported to
140 the police as a stolen vehicle before the notice and order was issued, and the vehicle had
141 not been recovered.

142 NEW SECTION. SECTION 8. Except as provided in section 7 of this ordinance,
143 a civil penalty imposed for failure to pay a parking fee at a King County park or
144 recreation facility is a personal obligation of the registered owner of the vehicle involved.

145 NEW SECTION. SECTION 9. If the penalties assessed by the director are not
146 paid to King County within thirty days from the service of the notice under section 4 of
147 this ordinance, the mailing of the director's decision under section 5 of this ordinance, or
148 the mailing of the hearing examiner's decision under section 6 of this ordinance,
149 whichever occurs last, then the director may send a final warning letter to the registered

150 owner of the vehicle to the address on file with the state Department of Licensing. If the
151 civil penalties are not paid within ten days after the final warning letter is sent, then the
152 director may pursue other applicable legal remedies. In pursuing payment of civil
153 penalties which remain delinquent after the final warning letter is sent, and to cover
154 administrative expenses associated with the pursuit of such penalties, the director may
155 charge the registered owner of the vehicle an additional fee not to exceed fifty percent of
156 the total delinquent civil penalties.

157 NEW SECTION. SECTION 10. Unpaid parking fees and civil penalties assessed
158 and collected in accordance with this chapter shall be applied solely to parks and
159 recreation purposes.

160 NEW SECTION. SECTION 11.

161 A. In addition to the remedies provided elsewhere in this chapter and in K.C.C.
162 Title 23, the director may impound a vehicle without giving prior notice to its owner, but
163 only if:

164 1. The vehicle to be towed has received five or more notice and orders under
165 this chapter for which appeals have been waived or been completed; and

166 2. All or a portion of the amount owed pursuant to those notices and orders
167 remains an outstanding debt to King County.

168 B. Before impounding any vehicle under this section, the director shall cause
169 signs to be posted in King County parks and recreation facilities to clearly communicate
170 that parked vehicles may be towed and impounded for failure to pay parking fees.

171 C. When impoundment is authorized by this chapter, a vehicle may be
172 impounded by a towing contractor acting at the request of an employee or other

173 authorized agent of the King County department of natural resources and parks. The
174 employee or authorized agent shall provide to the towing contractor a signed
175 authorization for the tow and the impound before the towing contractor may proceed with
176 the impound.

177 D. Notice to the owner of an impounded vehicle, redemption of impounded
178 vehicles and post impoundment procedures shall occur in accordance with K.C.C.
179 46.08.070, 46.08.080, 46.08.100, 46.08.110, 46.08.120, 46.08.130, 46.08.132 and
180 46.08.134.

181 E. Nothing in this section shall be construed to authorize seizure of a vehicle
182 without a warrant where a warrant would otherwise be required. Nothing in this section
183 limits K.C.C. 46.08.040, or derogates from the power of police officers under the
184 common law or other statute or ordinance.

185 NEW SECTION. SECTION 12. In addition to any prescribed penalty, any
186 person failing to comply with this chapter shall, in the director's sole discretion, be
187 subject to the loss of park or recreation facility use privileges and ejection from the
188 county park and recreation facility where the violation took place.

189 NEW SECTION. SECTION 13.

190 A. Service of a notice and order under section 4 of this ordinance shall be
191 deemed effective on the date the notice and order is placed on the vehicle.

192 B. Service of a director's decision under section 5 of this ordinance shall be
193 deemed effective three days after a written copy of the decision is mailed to the person
194 requesting review.

195 C. Service of a hearing examiner's decision under section 6 of this ordinance
196 shall be deemed effective three days after a written copy of the decision is mailed to the
197 person appealing the director's decision.

198 NEW SECTION. SECTION 14. The procedures set forth in this chapter are not
199 exclusive. These procedures shall not in any manner limit or restrict the county from
200 remedying civil code violations, including failure to pay applicable parking fees, in any
201 other manner authorized by law, including but not limited to legal or equitable relief.

202 SECTION 15. If any provision of this ordinance or its application to any person
203 or circumstance is held invalid, the remainder of the ordinance or the application of the
204 provision to other persons or circumstances is not affected.

205 SECTION 16. Ordinance 14509, Section 7, and K.C.C. 7.08.060 are hereby
206 amended to read as follows:

207 A. The director shall set user fees in accordance with this section.

208 B. The director shall set user fees for all parks and recreation facilities and
209 programs for which specific users can be readily identified and charged, unless the
210 director determines that the administrative costs to collect the fees are likely to exceed
211 revenues.

212 C. In setting user fees, the director shall consider the following, among other
213 factors:

- 214 1. The cost of providing services and the demand for services;
- 215 2. The administrative costs of collecting the fees;
- 216 3. The user's ability to pay;
- 217 4. Maximizing nontax revenue for the support of parks and recreation facilities;

- 218 5. The target revenue rate from user fees, which are:
- 219 a. for swimming pools, at least fifty percent of operation and maintenance
- 220 costs, including overhead;
- 221 b. for the Weyerhaeuser King County Aquatic Center, at least fifty percent of
- 222 the operation and maintenance costs, including overhead;
- 223 c. or the King County fairgrounds, at least one hundred percent of operation
- 224 and maintenance costs, including overhead;
- 225 d. for ballfields, at least thirty percent of operation and maintenance costs,
- 226 including overhead; and
- 227 e. for all other activities, at least thirty percent of operation and maintenance
- 228 costs, including overhead.

229 D. User fees for youth shall generally be set lower than comparable fees for

230 adults.

231 E. Consistent with applicable law, the director may waive, in whole or in part,

232 user fees or provide or facilitate scholarships for individuals meeting federally

233 established low-income criteria, to help ensure that no one is denied access to parks and

234 recreation facilities or activities based solely on an inability to pay. The director shall

235 adopt rules in accordance with K.C.C. chapter 2.98 that establish the circumstances for

236 which these waivers or scholarships are available and the process for granting the waivers

237 or scholarships. In addition, the director may waive user fees as part of a concession,

238 advertising or sponsorship agreement under which the county receives consideration

239 equal to or greater than the total amount of the fees to be waived. The director shall

240 document all waivers of user fees.

241 F. The director shall set user fees in a way that clearly and simply states the
242 amounts and the facilities or programs to which the fees apply. The director may set
243 ranges for particular user fees and select fees within those ranges.

244 G. The director shall make available to the public a description of the
245 department's procedures for setting user fees. The description shall include information
246 on how to inquire about the department's proposed and adopted user fees and public
247 comment opportunities.

248 H.1. The director shall give at least twenty days' notice of its intention to set user
249 fees by providing notice:

250 a. in writing or by electronic format, to:

251 (1) the clerk of the council;

252 (2) all council members; and

253 (3) all persons who have made a timely request for advance notice of fee
254 setting;

255 b. by posting notice at affected facilities; and

256 c. by publishing in the official county newspaper a summary of the notice of
257 the proposed action, including the information in subsection H.2. a. through e. of this
258 section.

259 2. The notice made in subsection H.1. a. and b. of this section shall:

260 a. include a reference to this section;

261 b. include a reference to the facility or program to which the fee will be
262 applied;

263 c. include a date and place by which comments must be submitted;

264 d. specify whether the proposal is the determination, change or elimination of a
265 fee;

266 e. if the proposal is to change a fee, indicate both the amount of the existing
267 fee and the proposed fee; and

268 f. state the reason for and methodology used to determine the proposed new
269 fee.

270 3. Selecting a different user fee within a set range does not require notice.

271 4. The director shall consider all comments received by the prescribed date for
272 comment before the user fee is set.

273 I. A user fee is set when signed by the director. A user fee takes effect ten days
274 after it is set.

275 J. Once a user fee is set, the division shall post the amount of the fee in both
276 written and electronic form for inspection, review and copying by the public, including
277 providing a copy, in writing or by electronic format, of the fee to the clerk of the county
278 council and each member of the county council and posting the fee on the Internet.

279 K. ~~((Beginning January 1, 2004, t))~~The director may not increase a fee, or the
280 upper end of the range of a fee, more than fifty percent of that which is in place for the
281 fee or range, unless the authority to set the fee is granted by the council by ordinance.
282 However, for the convenience of parks users and to reduce administrative expenses, an
283 increase in the daily parking fee of no more than fifty percent may be rounded up one
284 time only to the next highest dollar.

285 L. ~~((Beginning January 1, 2004, t))~~The director may not increase a fee or the
286 upper end of the range of a fee, within one hundred twenty days of a previous increase to

287 the fee or range, unless the authority for the increase is granted by the council by
288 ordinance.

289 M. A fee may not be established unless the fee is approved by the council by
290 ordinance.

291 N. All persons using King County parks and recreation facilities shall pay any
292 applicable user fees, except as provided in subsection E of this section.

293 O. User fees generated under this chapter shall be applied solely to parks and
294 recreation purposes.

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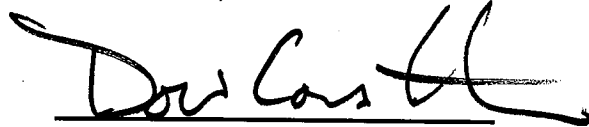
Ordinance 16553 was introduced on 4/20/2009 and passed by the Metropolitan King
County Council on 6/15/2009, by the following vote:

Yes: 6 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Mr. Gossett, Mr. Phillips
and Ms. Patterson

No: 0

Excused: 3 - Ms. Lambert, Mr. von Reichbauer and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

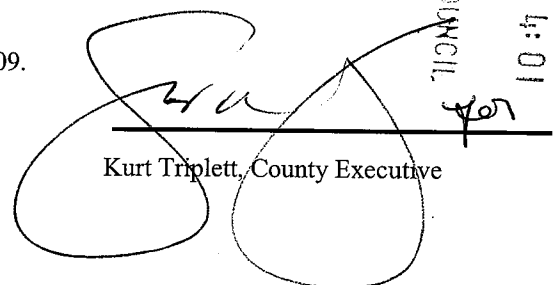


Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council
APPROVED this 25th day of June, 2009.



Kurt Triplett, County Executive

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KING COUNTY COUNCIL

Attachments None