

Ordinance No. 123447

Council Bill No. 117025

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority for the Seattle Police Department to immobilize and impound vehicles with four or more outstanding parking infractions when in a public right-of-way or on public property; establishing notice, payment, vehicle release, public education and administrative review requirements and procedures; adding a new Chapter 11.35 to the Seattle Municipal Code; and, amending Seattle Municipal Code Sections 11.30.040 and 11.30.120.

CF No. _____

Date Introduced: <u>Oct. 25, 2010</u>		
Date 1st Referred: <u>Oct. 25, 2010</u>	To: (committee) <u>Budget</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>11.22.10</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>11.23.10</u>	Date Approved: <u>Dec. 2, 2010</u>	
Date Returned to City Clerk: <u>Dec. 2, 2010</u>	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Godden

Councilmember

Committee Action:

11.22.10 Divided Report

Passes amended 26, SB, TR, SC, RC, BI, MO, TR

Do not Pass NI

11.22.10 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (Initial/date)

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

1 A. When there are four or more parking citations issued against a vehicle for each of
2 which a person has failed to respond, failed to appear at a requested hearing, or failed to pay
3 amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle
4 Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a
5 notice to the last known registered owner of the vehicle, as disclosed by the vehicle license
6 number as provided by the Washington State Department of Licensing or equivalent vehicle
7 licensing agency of the state in which the vehicle is registered.
8

9 B. The registered vehicle owner may request an administrative review at the Seattle
10 Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been
11 immobilized or impounded. The review should only examine whether the vehicle is properly on
12 the scofflaw list and shall not review the underlying citations that caused the vehicle to be
13 included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by
14 the registered owner that either:
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16 1. fewer than four of the citations that caused the vehicle to be included on the
17 scofflaw list were committed while the current registered owner was the legal owner of the
18 vehicle; or
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20 2. all amounts due pertaining to the citations that met the criteria for scofflaw under
21 Section 11.35.010 A have been satisfied in full.

22 C. A vehicle shall remain on the scofflaw list until all penalties, fines, or fees owed
23 relating to all parking citations, plus all immobilization, towing, and storage charges and
24 administrative fees have been paid, or a time payment plan has been arranged with the Seattle
25 Municipal Court or authorized agent.
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1 D. When a time payment plan is created, the subject vehicle shall be temporarily
2 removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until
3 all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has
4 been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults
5 on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal
6 Court.

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8 **11.35.020 Immobilization**

9 A. Effective July 1, 2011 and thereafter, if the notice requirements under Section
10 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or
11 controlled property, a vehicle on the scofflaw list may be immobilized by installing on such
12 vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes
13 vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has
14 been made, or a time payment agreement has been entered into for all outstanding penalties,
15 fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges
16 and administrative fees.

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18 B. Any vehicle that remains booted for 48 hours or more, not including any of the 48
19 hours from the beginning of Saturday until the end of Sunday, or which becomes illegally parked
20 while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040. The
21 Seattle Department of Transportation and Seattle Police Department shall issue joint guidelines
22 for vehicle towing related to immobilization, based on Sections 11.30.040 and 11.16.320.

23
24 C. The person installing the boot shall leave under the windshield wiper or otherwise
25 attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of
26 Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts
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1 due for four or more adjudicated parking infractions for at least 45 days from the date of the last
2 such adjudication issued against the vehicle; that release of the boot may be obtained by paying
3 all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all
4 booting, removal, towing, and storage charges and administrative fees; that unless such payment
5 is made within two business days of the date of the notice, the vehicle will be impounded; that it
6 is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to
7 move the vehicle with the boot attached, unless authorized by the Seattle Police Department or
8 an authorized agent of the City; and that the owner may seek an administrative review of the
9 booting by submitting a request to the Seattle Municipal Court within thirty days of the release of
10 the boot. The notice shall further state that the vehicle remains subject to impoundment
11 regardless of whether the owner requests an appeal.
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14 D. The vehicle may be released from immobilization when the vehicle owner or an
15 agent of the owner pays all outstanding penalties, fines, or fees owed for all parking citations,
16 plus all immobilization, towing, and storage charges and administrative fees, or enters into a time
17 payment agreement for the payment thereof. Upon full payment or upon entry into a time
18 payment agreement, the Seattle Police Department or other authorized agent of the City shall
19 promptly remove or enable the removal of the boot from the vehicle. If payment is made in full,
20 the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or
21 impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall
22 be temporarily removed from the scofflaw list and shall not be subject to immobilization,
23 provided, however, that the vehicle shall be returned to the scofflaw list and be subject to
24 immobilization if the owner defaults on the time payment agreement. A registered owner who
25 defaults on a time payment agreement shall not be given another opportunity to make a time
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1 payment arrangement and therefore, payment for all penalties, fines, or fees owed for all parking
2 citations, plus all immobilization, towing, and storage charges and administrative fees shall be
3 made in full before the vehicle may be removed from the scofflaw list or released from
4 immobilization or impound.

5 E. No person other than an authorized employee of the Seattle Police Department or
6 an authorized agent of the City shall remove or enable the removal of the boot described in
7 subsection A of this Section from any vehicle on which it has been installed unless the
8 requirements of subsection D have been met.

10 F. If the Seattle Police Department or an authorized agent of the City enables the
11 vehicle owner to remove the boot, the owner shall return the boot to a location designated by the
12 Department within two calendar days of the removal.

14 G. No person, other than an authorized employee of the Seattle Police Department or
15 other authorized agent of the City, shall move, by towing or other means, any vehicle after it has
16 been immobilized but before the boot has been removed.

17 H. The Director of Finance and Administrative Services shall determine and set an
18 immobilization fee and an administrative fee in amounts such that the sum of such fees do not
19 exceed the administrative fee for vehicle impoundment under Section 11.30.120. An
20 administrative fee, if any, shall be levied when the boot is removed. The administrative fee shall
21 be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the
22 Department of Finance and Administrative Services, and shall be deposited in an appropriate
23 account.
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1 I. A person who fails to return the booting device within the time frame required by
2 subsection F of this section may be charged a late fee as determined by the Director of Finance
3 and Administrative Services.

4 J. A person who intentionally damages the booting device may be charged a
5 replacement fee as determined by the Director of Finance and Administrative Services and also
6 may be prosecuted for the crime of property destruction under section 12A.08.020.
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8 K. The Director of Finance and Administrative Services shall adopt rules governing
9 the imposition of fees under this Section 11.35.020.

10 **11.35.030 Post-immobilization review**

11 The registered vehicle owner may seek a post-deprivation review of the immobilization
12 by submitting a written request to the Seattle Municipal Court within ten days of the placement
13 of the notice on the vehicle, as established by the notice date. Upon timely receipt of such
14 written request, the Seattle Municipal Court shall, within a reasonable time as established by the
15 Court, conduct a review on the issue of whether the immobilization was proper and shall issue a
16 written decision setting forth the reasons on which the decision is based, provided, however, that
17 any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw
18 status shall not be subject to the review. The person seeking review shall have an opportunity to
19 present evidence on his or her behalf in accordance with requirements established by the Court.
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22 **Section 2.** Effective July 1, 2011, Section 11.30.040, as last amended by Ordinance
23 121525, is amended as follows:

24 **11.30.040 When a vehicle may be impounded without prior notice.**
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1 impounded pursuant to (~~Section 11.30.040 A7 or~~)Section 11.30.105 can be released only
2 pursuant to a written (~~order~~)release authorization from the Seattle Police Department pursuant
3 to Section 11.30.120 C or a written release authorization or order from Municipal Court pursuant
4 to Section 11.30.120 B or C. (~~a court.~~)

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7 B. Any person so redeeming a vehicle impounded by the City shall pay the towing
8 contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior
9 to redeeming such vehicle. Such towing contractor shall accept payment as provided in RCW
10 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section
11 11.30.105 and was being operated by the registered owner when it was impounded, it may not be
12 released to any person until all penalties, fines, or fees owed by the registered owner to the City
13 of Seattle have been satisfied by payment in full, by establishment of a time payment agreement
14 with the Municipal Court, or by other means acceptable to the Municipal Court. If the vehicle
15 was impounded pursuant to Section 11.30.040.A.7, it may not be released to any person until all
16 penalties, fines, or fees on all parking infractions described in that section, and all booting,
17 removal, towing, storage, lost boot, and administrative fees charged against the vehicle and owed
18 by the registered owner to the City of Seattle have been satisfied by payment in full or through a
19 time payment plan. Upon payment in full or time payment arrangement of such obligations, the
20 court may issue a written release authorization allowing the vehicle to be released from
21 impoundment.

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24 **Section 4.** Prior to the initiation of booting procedures on July 1, 2011, the Seattle
25 Department of Transportation shall develop and implement a public education campaign to
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1 highlight the City's parking enforcement laws and rules, including the consequences of vehicle
2 immobilization for not paying citations.
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1 **Section 5.** This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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5 Passed by the City Council the 22 day of November, 2010, and signed by
6 me in open session in authentication of its passage this
7
8 22 day of November, 2010.

9
10 

11 President _____ of the City Council

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13 Approved by me this 2nd day of December, 2010.

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15 
16 Michael McGinn, Mayor

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18 Filed by me this 2nd day of December, 2010.

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20 
21 City Clerk

22 (Seal)
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City of Seattle
Office of the Mayor

September 27, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill for consideration with the 2011 Proposed Budget. This legislation amends Seattle Municipal Code Title 11 to provide authority for the Seattle Municipal Court and the Seattle Police Department (SPD) to notify and immobilize vehicles with a new booting program for vehicles in scofflaw status. Scofflaws are vehicle owners with four or more outstanding parking infractions. The legislation changes city policy such that scofflaw vehicles found parked within public right-of-way may be immobilized with a boot. If past-due infractions and booting fee are not paid within 48 hours, then the vehicle may be towed. Either full payment (initial parking fine, default penalties, interest, and booting and/or tow fees) or a time-payment arrangement must be agreed upon before a vehicle will be released.

Currently, over 25,000 vehicles are in scofflaw status. About 85% of scofflaw vehicles owe less than \$1,000 in fines and penalties to the City. Vehicle owners are given multiple opportunities to contest tickets' validity, mitigate fine amounts, and/or be placed on a time payment plan at Seattle Municipal Court. Current code allows SPD to tow for scofflaw if the vehicle is found in violation of another parking rule. SPD research has found that nine out of ten vehicles, when found in scofflaw status, are not violating another parking rule. With the few that can be towed for scofflaw, owners often remove the required impound notice before the tow can be completed. If impounded, scofflaw violators are not required to pay any citations prior to vehicle release. Consequently, parking citations are often ignored and accumulate because there is little incentive for payment, resulting in reduced opportunities for effective parking management. Vehicles in scofflaw often are found parked in dense business and residential areas including downtown, Capitol Hill, and the University District, contributing to parking shortfalls for law-abiding residents.

Overall, the Scofflaw Booting program will increase parking availability, promote personal responsibility of citizens in scofflaw status, and increase parking payment compliance. Thank you for your consideration of this legislation. Should you have questions, please contact Mary Catherine Snyder with the Seattle Department of Transportation at 206-684-8110 or Nick Zajchowski at the Seattle Municipal Court at 206-615-1917.

Sincerely,

Michael McGinn
Mayor of Seattle

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
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Seattle, WA 98124-4749

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mike.mcgin@seattle.gov



2011-2012 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Transportation (SDOT)	Mary Catherine Snyder / 684-8110	Steve Barham / 733-9084

Legislation Title: AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority for the Seattle Police Department to immobilize and impound vehicles with four or more outstanding parking infractions when in a public right-of-way or on public property; establishing notice, payment, vehicle release, public education and administrative review requirements and procedures; adding a new Chapter 11.35 to the Seattle Municipal Code; and, amending Seattle Municipal Code Sections 11.30.040 and 11.30.120.

Summary of the Legislation: This legislation amends Seattle Municipal Code Title 11 to provide authority for the Seattle Municipal Court and the Seattle Police Department (SPD) to notify and immobilize vehicles with a new booting program for vehicles in scofflaw status. Scofflaws are vehicle owners with four or more outstanding parking infractions. The legislation changes city policy such that scofflaw vehicles found parked within public right-of-way may be immobilized with a boot. If past-due infractions and booting fee are not paid within 48 hours, then the vehicle may be towed. Either full payment (initial parking fine, default penalties, interest, and booting and/or tow fees) or a time-payment arrangement must be agreed upon before a vehicle will be released.

Background: Currently, over 25,000 vehicles are in scofflaw status. Approximately 85% of scofflaw vehicles owe less than \$1,000 in fines and penalties to the City. Vehicle owners have been given multiple opportunities to contest the tickets' validity, mitigate fine amounts, and/or be placed on a time payment plan at Seattle Municipal Court. Current code allows SPD to tow vehicles in scofflaw status if the vehicle is found in violation of another parking regulation. SPD research has found that nine out of ten vehicles, when found in scofflaw status, are not violating another parking rule. With the few that can be towed for scofflaw, owners often remove the required impound notice before the tow can be completed. If impounded, scofflaw violators are not required to pay any citations prior to vehicle release. Consequently, parking citations are often ignored and accumulate because there is little incentive for payment, resulting in reduced opportunities for effective parking management. Vehicles in scofflaw status often are found parked in dense business and residential areas including downtown, Capitol Hill, and the U-District, contributing to parking shortfalls for law-abiding residents.

New Scofflaw Booting Program:

The legislation will authorize immobilization of scofflaw vehicles as an alternative to impound. It will also require full payment (up front or through time payment) of outstanding fees and fines once a vehicle has been immobilized or impounded. The Scofflaw Booting program is intended to provide:

- accountability for those with large number of outstanding parking infractions
- due process of law for those charged with scofflaw violations
- a cost-efficient program for Seattle taxpayers



- deterrence for future scofflaw violations
- improved compliance with City on-street parking regulations, including abandoned vehicle rules

In the first quarter of 2011, the Seattle Municipal Court will notify all individuals with vehicles on the scofflaw list of the new consequences of failure to pay outstanding infractions. Booting is expected to commence July 1, 2011. As currently envisioned, upon payment of all fines in collections and a booting fee, the self-release mechanism on the boot would be enabled. The boot would be returned to one of three designated drop off locations. A time-payment option would also be available. If citizens chose not to have the boot removed, the vehicle may be impounded after 48 hours after being booted.

The Seattle Department of Transportation will be responsible for public education campaign at the launch of the Scofflaw Booting program. Materials will highlight the City's parking enforcement rules (i.e., "where I can and cannot park legally") including the consequences of vehicle immobilization for not paying citations.

- *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Summary of Changes to Revenue Generated Specifically From This Legislation:

	Revenue Source	2011 Proposed	2012 Proposed
Total Fees and Charges Resulting From Passage of This Ordinance		N/A	N/A

Notes: N/A



Anticipated Total Revenue from Entire Program, Including Changes Resulting From This Legislation:

Fund Name and Number	Revenue Source	Total 2011 Revenue	Total 2011 and 2012 Anticipated Revenue from Entire Program
General Subfund (00100)	Increased Payment of Parking Infractions	\$1,687,000	\$3,715,000
General Subfund (00100)	Increased Parking Meter Payment Compliance	\$170,000	\$520,000
TOTAL		\$1,857,000	\$4,235,000

What is the financial cost of not implementing the legislation? Without passage of this legislation, poor payment compliance for parking citations would continue. The City would not be able to take advantage of best practices in parking enforcement management.

Does this legislation affect any departments besides the originating department?

In addition to the Seattle Department of Transportation, the following City departments and branches of government are involved:

- Seattle Police Department – responsible for immobilization
- Seattle Municipal Court – responsible for parking citation adjudication, maintenance of scofflaw list, issuing notifications, and establishment and management of the vendor contract for the immobilization program
- Department of Finance and Administrative Services – responsible for the City towing contract

What are the possible alternatives to the legislation that could achieve the same or similar objectives? None.

Is the legislation subject to public hearing requirements No.

Other Issues (including long-term implications of the legislation): The public education campaign to accompany the Scofflaw Booting program will include a proactive effort to ensure Race and Social Justice principles are incorporated into the program:

- Brochures and other materials translated into the City's Tier 1 languages
- Public service notices in ethnic newspapers and other media outlets
- Media coverage sought for ethnic news media

List attachments to the fiscal note below: None.



STATE OF WASHINGTON – KING COUNTY

--SS.

264509
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

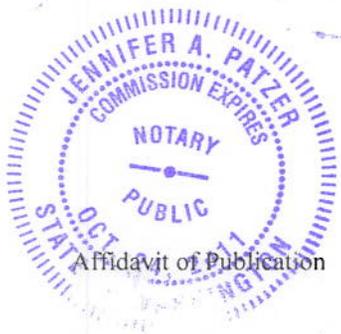
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123447 ORDINANCE

was published on

12/16/10

The amount of the fee charged for the foregoing publication is the sum of \$ 484.58, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

12/16/10

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123447

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority for the Seattle Police Department to immobilize and impound vehicles with four or more outstanding parking infractions when in a public right-of-way or on public property; establishing notice, payment, vehicle release, public education and administrative review requirements and procedures; adding a new Chapter 11.35 to the Seattle Municipal Code; and, amending Seattle Municipal Code Sections 11.30.040 and 11.30.120.

WHEREAS, RCW 46.55.240(1)(a) authorizes a city to authorize by ordinance the impoundment of vehicles from the public right-of-way or other publicly owned or controlled property in such situations as the city may prescribe; and

WHEREAS, parking in the public right-of-way is regulated to promote traffic safety, enhance traffic flow and, in certain areas of high demand for parking such as business and residential districts, to fairly allocate parking spaces by regulating, charging for or limiting parking time; and

WHEREAS, a more efficient enforcement program for those vehicles in scofflaw with four or more outstanding parking citations, is necessary to better allocate limited parking resources; and

WHEREAS, although the great majority of those receiving parking citations respond appropriately, some vehicles are repeatedly ticketed for parking violations that are then not paid, thereby, negatively impacting traffic flow, access to curbspace, and parking turnover; and

WHEREAS, the nature of these parking problems calls for efforts, in certain cases, to immobilize or remove these vehicles from the public right-of-way to allow others to make full use of available parking spaces; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 11.35 is added to the Seattle Municipal Code as follows:

11.35 IMMOBILIZATION

11.35.010 Scofflaw list

A. When there are four or more parking citations issued against a vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a notice to the last known registered owner of the vehicle, as disclosed by the vehicle license number as provided by the Washington State Department of Licensing or equivalent vehicle licensing agency of the state in which the vehicle is registered.

B. The registered vehicle owner may request an administrative review at the Seattle Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been immobilized or impounded. The review should only examine whether the vehicle is properly on the scofflaw list and shall not review the underlying citations that caused the vehicle to be included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by the registered owner that either:

1. fewer than four of the citations that caused the vehicle to be included on the scofflaw list were committed while the current registered owner was the legal owner of the vehicle; or

2. all amounts due pertaining to the citations that met the criteria for scofflaw under Section 11.35.010 A have been satisfied in full.

State of Washington, King County

C. A vehicle shall remain on the scofflaw list until all penalties, fines, or fees owed relating to all parking citations, plus all immobilization, towing, and storage charges and administrative fees have been paid, or a time payment plan has been arranged with the Seattle Municipal Court or authorized agent.

D. When a time payment plan is created, the subject vehicle shall be temporarily removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until all penalties, fines or fees owed relating to all parking citations are satisfied. A vehicle that has been temporarily removed from the scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in accordance with guidelines adopted by the Seattle Municipal Court.

11.35.020 Immobilization

A. Effective July 1, 2011 and thereafter, if the notice requirements under Section 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or controlled property, a vehicle on the scofflaw list may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has been made, or a time payment agreement has been entered into for all outstanding penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees.

B. Any vehicle that remains booted for 48 hours or more, not including any of the 48 hours from the beginning of Saturday until the end of Sunday, or which becomes illegally parked while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040. The Seattle Department of Transportation and Seattle Police Department shall issue joint guidelines for vehicle towing related to immobilization, based on Sections 11.30.040 and 11.16.320.

C. The person installing the boot shall leave under the windshield wiper or otherwise attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts due for four or more adjudicated parking infractions for at least 45 days from the date of the last such adjudication issued against the vehicle; that release of the boot may be obtained by paying all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all booting, removal, towing, and storage charges and administrative fees; that unless such payment is made within two business days of the date of the notice, the vehicle will be impounded; 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, unless authorized by the Seattle Police Department or an authorized agent of the City; and that the owner may seek an administrative review of the booting by submitting a request to the Seattle Municipal Court within thirty days of the release of the boot. The notice shall further state that the vehicle remains subject to impoundment regardless of whether the owner requests an appeal.

D. The vehicle may be released from immobilization when the vehicle owner or an agent of the owner pays all outstanding penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees, or enters into a time payment agreement for the payment thereof. Upon full payment or upon entry into a time payment agreement, the Seattle Police Department or other authorized agent of the City shall promptly remove or enable the removal of the boot from the vehicle. If payment is made in full, the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization

or impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall be temporarily removed from the scofflaw list and shall not be subject to immobilization, provided, however, that the vehicle shall be returned to the scofflaw list and be subject to immobilization if the owner defaults on the time payment agreement. A registered owner who defaults on a time payment agreement shall not be given another opportunity to make a time payment arrangement and therefore, payment for all penalties, fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges and administrative fees shall be made in full before the vehicle may be removed from the scofflaw list or released from immobilization or impound.

E. No person other than an authorized employee of the Seattle Police Department or an authorized agent of the City shall remove or enable the removal of the boot described in subsection A of this Section from any vehicle on which it has been installed unless the requirements of subsection D have been met.

F. If the Seattle Police Department or an authorized agent of the City enables the vehicle owner to remove the boot, the owner shall return the boot to a location designated by the Department within two calendar days of the removal.

G. No person, other than an authorized employee of the Seattle Police Department or other authorized agent of the City, shall move, by towing or other means, any vehicle after it has been immobilized but before the boot has been removed.

H. The Director of Finance and Administrative Services shall determine and set an immobilization fee and an administrative fee in amounts such that the sum of such fees do not exceed the administrative fee for vehicle impoundment under Section 11.30.120. An administrative fee, if any, shall be levied when the boot is removed. The administrative fee shall be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the Department of Finance and Administrative Services, and shall be deposited in an appropriate account.

I. A person who fails to return the booting device within the time frame required by subsection F of this section may be charged a late fee as determined by the Director of Finance and Administrative Services.

J. A person who intentionally damages the booting device may be charged a replacement fee as determined by the Director of Finance and Administrative Services and also may be prosecuted for the crime of property destruction under section 12A.08.020.

K. The Director of Finance and Administrative Services shall adopt rules governing the imposition of fees under this Section 11.35.020.

11.35.030 Post-immobilization review

The registered vehicle owner may seek a post-deprivation review of the immobilization by submitting a written request to the Seattle Municipal Court within ten days of the placement of the notice on the vehicle, as established by the notice date. Upon timely receipt of such written request, the Seattle Municipal Court shall, within a reasonable time as established by the Court, conduct a review on the issue of whether the immobilization was proper and shall issue a written decision setting forth the reasons on which the decision is based, provided, however, that any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw status shall not be subject to the review. The person seeking review shall have an opportunity to present evidence on his or her behalf in accordance with requirements established by the Court.

Section 1. Effective July 1, 2011, Section 11.30.040, as last amended by Ordinance 121525, is amended as follows:

11.30.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:

7. When a vehicle is parked in a public right-of-way or on other publicly owned or controlled property (in violation of any law, ordinance, or regulation) and there are four ((4)) or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay a parking infraction for at least ((forty five (45))) days from the date of the filing of the notice of infraction;

Section 3. Effective July 1, 2011, Section 11.30.120, as last amended by Ordinance 121525, is amended as follows:

11.30.120 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 the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefore, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 11.30.105 must prior to redemption establish that he or she has a valid driver's license and is in compliance with Section 11.20.340. A vehicle impounded pursuant to ((Section 11.30.040 A7 or))Section 11.30.105 can be released only pursuant to a written ((order)) release authorization from the Seattle Police Department pursuant to Section 11.30.120 C or a written release authorization or order from Municipal Court pursuant to Section 11.30.120 B or C. ((a court.))

B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such vehicle. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or fees owed by the registered owner to the City of Seattle have been satisfied by payment in full, by establishment of a time payment agreement with the Municipal Court, or by other means acceptable to the Municipal Court. If the vehicle was impounded pursuant to Section 11.30.040 A7, it may not be released to any person until all penalties, fines, or fees on all parking infractions described in that section, and all booting, removal, towing, storage, lost boot, and administrative fees charged against the vehicle and owed by the registered owner to the City of Seattle have been satisfied by payment in full or through a time payment plan. Upon payment in full or time payment arrangement of such obligations, the court may issue a written release authorization allowing the vehicle to be released from impoundment.

Section 4. Prior to the initiation of booting procedures on July 1, 2011, the Seattle Department of Transportation shall develop and implement a public education campaign to highlight the City's parking enforcement laws and rules, including the consequences of vehicle immobilization for not paying citations.

Section 5. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of November, 2010, and signed by me in open session in authentication of its passage this 22nd day of November, 2010.

Richard Conlin
President of the City Council
Approved by me this 2nd day of December, 2010.

Michael McGinn, Mayor
Filed by me this 2nd day of December, 2010.

(Seal) Monica Martinez-Simmons
City Clerk

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, December 16, 2010.

12/16(264599)

ORDINANCE

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority for the Seattle Police Department to immobilize and impound vehicles with four or more outstanding parking infractions when in a public right-of-way or on public property; establishing notice, payment, vehicle release, public education and administrative review requirements and procedures; adding a new Chapter 11.35 to the Seattle Municipal Code; and, amending Seattle Municipal Code Sections 11.30.040 and 11.30.120.

WHEREAS, RCW 46.55.240(1)(a) authorizes a city to authorize by ordinance the impoundment of vehicles from the public right-of-way or other publicly owned or controlled property in such situations as the city may prescribe; and

WHEREAS, parking in the public right-of-way is regulated to promote traffic safety, enhance traffic flow and, in certain areas of high demand for parking such as business and residential districts, to fairly allocate parking spaces by regulating, charging for or limiting parking time; and

WHEREAS, a more efficient enforcement program for those vehicles in scofflaw with four or more outstanding parking citations, is necessary to better allocate limited parking resources; and

WHEREAS, although the great majority of those receiving parking citations respond appropriately, some vehicles are repeatedly ticketed for parking violations and are then not paid, thereby, negatively impacting traffic flow, access to curbspace, and parking turnover; and

WHEREAS, the nature of these parking problems calls for efforts, in certain cases, to immobilize or remove these vehicles from the public right-of-way to allow others to make lawful use of available parking spaces; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 11.35 is added to the Seattle Municipal Code as follows:

11.35 IMMOBILIZATION

11.35.010 Scofflaw list



1 A. When there are four or more parking citations issued against a vehicle for each of
2 which a person has failed to respond, failed to appear at a requested hearing, or failed to pay
3 amounts due for at least 45 days from the date of the filing of each of those citations, the Seattle
4 Municipal Court shall place the vehicle on a list of scofflaws, and shall mail, by first class mail, a
5 notice to the last known registered owner of the vehicle, as disclosed by the vehicle license
6 number as provided by the Washington State Department of Licensing or equivalent vehicle
7 licensing agency of the state in which the vehicle is registered.
8

9 B. The registered vehicle owner may request an administrative review at the Seattle
10 Municipal Court at any time that the vehicle is on the scofflaw list until the vehicle has been
11 immobilized or impounded. The review should only examine whether the vehicle is properly on
12 the scofflaw list and shall not review the underlying citations that caused the vehicle to be
13 included on the scofflaw list. The vehicle shall be removed from the list only upon a showing by
14 the registered owner that either:
15

16 1. fewer than four of the citations that caused the vehicle to be included on the
17 scofflaw list were committed while the current registered owner was the legal owner of the
18 vehicle; or
19

20 2. all amounts due pertaining to the citations that met the criteria for scofflaw under
21 Section 11.35.010 A have been satisfied in full.

22 C. A vehicle shall remain on the scofflaw list until all penalties, fines, or fees owed
23 relating to all parking citations, plus all immobilization, towing, and storage charges and
24 administrative fees have been paid, or a time payment plan has been arranged with the Seattle
25 Municipal Court or authorized agent.
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1 D. When a time payment plan is created, the subject vehicle shall be temporarily
2 removed from the scofflaw list and the payment amounts shall be applied on a pro rata basis until
3 all parking citations are satisfied. A vehicle that has been temporarily removed from the
4 scofflaw list shall be returned to the list if the owner defaults on the time payment agreement, in
5 accordance with guidelines adopted by the Seattle Municipal Court.

6
7 **11.35.020 Immobilization**

8 A. Effective July 1, 2011 and thereafter, if the notice requirements under Section
9 11.35.010 A have been met, and if parked in public right-of-way or on other publicly owned or
10 controlled property, a vehicle on the scofflaw list may be immobilized by installing on such
11 vehicle a device known as a "boot," which clamps and locks onto the vehicle wheel and impedes
12 vehicle movement. If a vehicle is immobilized, it shall not be released until full payment has
13 been made, or a time payment agreement has been entered into for all outstanding penalties,
14 fines, or fees owed for all parking citations, plus all immobilization, towing, and storage charges
15 and administrative fees.

16
17 B. Any vehicle that remains booted for 48 hours or more, or which becomes illegally
18 parked while booted, shall be subject to towing and impoundment pursuant to Section 11.30.040.
19 The Seattle Department of Transportation and Seattle Police Department shall issue joint
20 guidelines for vehicle towing related to immobilization, based on Sections 11.30.040 and
21 11.16.320.

22
23 C. The person installing the boot shall leave under the windshield wiper or otherwise
24 attach to the vehicle a notice advising the owner that the vehicle has been booted by the City of
25 Seattle for failure to respond, failure to appear at a requested hearing, and failure to pay amounts
26 due for four or more adjudicated parking infractions for at least 45 days from the date of the last
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28



1 such adjudication issued against the vehicle; that release of the boot may be obtained by paying
2 all outstanding penalties, fines, or forfeitures owed relating to all adjudicated violations, plus all
3 booting, removal, towing, and storage charges and administrative fees; that unless such payment
4 is made within two business days of the date of the notice, the vehicle will be impounded; that it
5 is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to
6 move the vehicle with the boot attached, unless authorized by the Seattle Police Department or
7 an authorized agent of the City; and that the owner may seek an administrative review of the
8 booting by submitting a request to the Seattle Municipal Court within thirty days of the release of
9 the boot. The notice shall further state that the vehicle remains subject to impoundment
10 regardless of whether the owner requests an appeal.

11
12 D. The vehicle may be released from immobilization when the vehicle owner or an
13 agent of the owner pays all outstanding penalties, fines, or fees owed for all parking citations,
14 plus all immobilization, towing, and storage charges and administrative fees, or enters into a time
15 payment agreement for the payment thereof. Upon full payment or upon entry into a time
16 payment agreement, the Seattle Police Department or other authorized agent of the City shall
17 promptly remove or enable the removal of the boot from the vehicle. If payment is made in full,
18 the vehicle shall be removed from the scofflaw list and shall not be subject to immobilization or
19 impoundment for the paid citations. Upon entry into a time payment agreement, the vehicle shall
20 be temporarily removed from the scofflaw list and shall not be subject to immobilization,
21 provided, however, that the vehicle shall be returned to the scofflaw list and be subject to
22 immobilization if the owner defaults on the time payment agreement. A registered owner who
23 defaults on a time payment agreement shall not be given another opportunity to make a time
24 payment arrangement and therefore, payment for all penalties, fines, or fees owed for all parking
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1 citations, plus all immobilization, towing, and storage charges and administrative fees shall be
2 made in full before the vehicle may be removed from the scofflaw list or released from
3 immobilization or impound.

4 E. No person other than an authorized employee of the Seattle Police Department or
5 an authorized agent of the City shall remove or enable the removal of the boot described in
6 subsection A of this Section from any vehicle on which it has been installed unless the
7 requirements of subsection D have been met.

8
9 F. If the Seattle Police Department or an authorized agent of the City enables the
10 vehicle owner to remove the boot, the owner shall return the boot to a location designated by the
11 Department within two calendar days of the removal.

12 G. No person, other than an authorized employee of the Seattle Police Department or
13 other authorized agent of the City, shall move, by towing or other means, any vehicle after it has
14 been immobilized but before the boot has been removed.

15
16 H. The Director of Finance and Administrative Services shall determine and set an
17 immobilization fee and an administrative fee in amounts such that the sum of such fees do not
18 exceed the administrative fee for vehicle impoundment under Section 11.30.120. An
19 administrative fee, if any, shall be levied when the boot is removed. The administrative fee shall
20 be collected by the contractor releasing the vehicle from immobilization, shall be remitted to the
21 Department of Finance and Administrative Services, and shall be deposited in an appropriate
22 account.

23
24 I. A person who fails to return the booting device within the time frame required by
25 subsection F of this section may be prosecuted for the crime of theft under section 12A.08.060.
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1 J. A person who intentionally damages the booting device may be prosecuted for the
2 crime of property destruction under section 12A.08.020.

3 **11.35.030 Post-immobilization review**

4 The registered vehicle owner may seek a post-deprivation review of the immobilization
5 by submitting a written request to the Seattle Municipal Court within ten days of the placement
6 of the notice on the vehicle, as established by the notice date. Upon timely receipt of such
7 written request, the Seattle Municipal Court shall, within a reasonable time as established by the
8 Court, conduct a review on the issue of whether the immobilization was proper and shall issue a
9 written decision setting forth the reasons on which the decision is based, provided, however, that
10 any previously adjudicated parking infractions that formed the basis of the vehicle's scofflaw
11 status shall not be subject to the review. The person seeking review shall have an opportunity to
12 present evidence on his or her behalf in accordance with requirements established by the Court.
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14

15 **Section 2.** Effective July 1, 2011, Section 11.30.040, as last amended by Ordinance
16 121525, is amended as follows:

17 **11.30.040 When a vehicle may be impounded without prior notice.**

18 A. A vehicle may be impounded with or without citation and without giving prior
19 notice to its owner as required in Section 11.30.060 hereof only under the following
20 circumstances:
21

22 ***

23 7. When a vehicle is parked in a public right-of-way or on other publicly owned or
24 controlled property ~~((in violation of any law, ordinance, or regulation))~~ and there are four ~~((4))~~
25 or more parking infractions issued against the vehicle for each of which a person has failed to
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1 respond, failed to appear at a requested hearing, or failed to pay a parking infraction for at least
2 ~~((forty-five (45)))~~ days from the date of the filing of the notice of infraction;

3 ***

4
5
6 **Section 3.** Effective July 1, 2011, Section 11.30.120, as last amended by Ordinance
7 121525, is amended as follows:

8 **11.30.120 Redemption of impounded vehicles.**

9
10 Vehicles impounded by the City shall be redeemed only under the following
11 circumstances:

12
13
14 A. Only the registered owner, a person authorized by the registered owner, or one
15 who has purchased the vehicle from the registered owner, who produces proof of ownership or
16 authorization and signs a receipt therefore, may redeem an impounded vehicle. A person
17 redeeming a vehicle impounded pursuant to Section 11.30.105 must prior to redemption establish
18 that he or she has a valid driver's license and is in compliance with Section 11.20.340. A vehicle
19 impounded pursuant to ~~((Section 11.30.040 A7 or))~~ Section 11.30.105 can be released only
20 pursuant to a written ~~((order))~~ release authorization from the Seattle Police Department pursuant
21 to Section 11.30.120 C or a written release authorization or order from Municipal Court pursuant
22 to Section 11.30.120 B or C. ~~((a court.))~~

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25
26 B. Any person so redeeming a vehicle impounded by the City shall pay the towing
27 contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior



1 to redeeming such vehicle. Such towing contractor shall accept payment as provided in RCW
2 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section
3 11.30.105 and was being operated by the registered owner when it was impounded, it may not be
4 released to any person until all penalties, fines, or fees owed by the registered owner to the City
5 of Seattle have been satisfied by payment in full, by establishment of a time payment agreement
6 with the Municipal Court, or by other means acceptable to the Municipal Court. If the vehicle
7 was impounded pursuant to Section 11.30.040.A.7, it may not be released to any person until all
8 penalties, fines, or fees on all parking infractions described in that section, and all booting,
9 removal, towing, storage, lost boot, and administrative fees charged against the vehicle and owed
10 by the registered owner to the City of Seattle have been satisfied by payment in full or through a
11 time payment plan. Upon payment in full or time payment arrangement of such obligations, the
12 court may issue a written release authorization allowing the vehicle to be released from
13 impoundment.

14 ***

15
16 **Section 4.** Prior to the initiation of booting procedures on July 1, 2011, the Seattle
17 Department of Transportation shall develop and implement a public education campaign to
18 highlight the City's parking enforcement laws and rules, including the consequences of vehicle
19 immobilization for not paying citations.
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1 **Section 5.** This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4
5 Passed by the City Council the ____ day of _____, 2010, and signed by
6 me in open session in authentication of its passage this
7
8 ____ day of _____, 2010.

9
10 _____
11 President _____ of the City Council

12
13 Approved by me this ____ day of _____, 2010.

14
15 _____
16 Michael McGinn, Mayor

17
18 Filed by me this ____ day of _____, 2010.

19
20 _____
21 City Clerk

22 (Seal)

