

**ORDINANCE NO. 2005-10-084**

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 2.02 RELATING TO THE PARKING COMMISSION.**

**WHEREAS**, Bellingham Municipal Code (“BMC”) Chapter 2.02 created a Downtown Parking Commission to act as the City’s operating and policy advisory board regarding parking in downtown Bellingham; and,

**WHEREAS**, City Council recognizes the importance of a coordinated parking plan and system encompassing the entire City and not just the downtown area; and,

**WHEREAS**, City Council desires to revise the Parking Commission’s powers and authorities under BMC Chapter 2.02 in order to facilitate a coordinated City-wide parking plan; and,

**WHEREAS**, revising BMC Chapter 2.02 to clarify and define the Parking Commission’s role, authority, and mission in developing and implementing a coordinated parking plan and system is in the best interests of the City of Bellingham and its citizens;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1: Bellingham Municipal Code Section 2.02.005 is hereby added as follows:**

**2.02.005 – Declaration**

The City Council hereby finds and declares that:

- A.** Reducing single occupancy vehicular traffic and encouraging alternative modes of transportation (such as increased transit service with park and rides, shuttles, ride-sharing, and pedestrian and bike paths) is a Council goal and should be considered a high priority in the planning and development of the City's parking system.
- B.** Parking is a necessary ancillary to, and extension of, an efficient street and highway system within the City of Bellingham;
- C.** A coordinated and effective parking system can advance the public’s health, safety, and welfare by such things as encouraging investment in the City, enhancing livability and quality of life, increasing business productivity, property values, public convenience, alleviating congestion, and augmenting the efficient use of the streets;

D. A Parking Commission will help the City develop and implement a coordinated and effective parking system for the City of Bellingham.

**Section 2:** Bellingham Municipal Code Section 2.02.010 is hereby amended as follows:

**2.02.010 - Created**

A. There is created a Citywide Parking Commission of the City of Bellingham (“Commission”) with authority to act as provided for herein, subject to applicable law.

B. The Commission is created pursuant to the City’s constitutional, statutory, and charter powers, including its police powers, its authority to regulate and control streets, and RCW Chapter 35.86A (as currently enacted or hereafter amended). Nothing contained in this Chapter is intended to create, or be construed to create, any rights, privileges, or remedies or to create any liability on the part of the City, its elected or appointed officials, or employees.

**Section 3:** Bellingham Municipal Code Section 2.02.020 is hereby amended as follows:

**2.02.020 - Membership**

The Commission created in this chapter shall consist of five members appointed by the Mayor and confirmed by the City Council, which members shall serve without compensation but may be reimbursed for necessary expenses. One member of the Commission shall be selected from among persons actively engaged in the private parking industry, if such a person is available. A majority of those present is required for any action taken by the Commission, except that no resolution shall be adopted by the Commission except upon the concurrence of at least three members.

**Section 4:** Bellingham Municipal Code Section 2.02.030 is hereby amended as follows:

**2.02.030 - Terms of Office**

The members of the Commission at the time this Chapter is enacted shall continue to be members of the Commission until their current terms expire. The terms of all subsequently appointed Commission members shall be 4 years. In the event of any vacancy, the Mayor, subject to the confirmation of the City Council, shall make appointments to fill the unexpired portion of the term. A member may be reappointed. Each member shall continue to serve until a successor has been appointed and confirmed. Members may be removed by the Mayor upon consent of the City Council.

**Section 5:** Bellingham Municipal Code Section 2.02.040 is hereby amended as follows:

**2.02.040 - Organization**

- A. The Commission shall select from its members a chairperson and shall establish its own rules, regulations and procedures not inconsistent with the laws of the State of Washington. No resolution shall be adopted by the Commission except upon the concurrence of at least three members.
- B. The staff to the Commission shall be such person or persons as directed by the Mayor or his designee.
- C. The Commission shall hold regular meetings at least once each month although additional meetings may be held as the Commission deems necessary. Commission meetings shall be open public meetings and written records of the meetings and any official Commission action shall be kept.

**Section 6:** Bellingham Municipal Code Section 2.02.050 is hereby repealed in its entirety and replaced as follows:

**2.02.050 – Goals, Powers and Authorities – General**

The overall operating goals of the Commission is as follows:

- A. To develop and set policy and monitor a City Council approved coordinated citywide parking system, including on and off street parking, and to recommend policy for other government-owned parking facilities in the City;
- B. To establish a parking system that will advance the public's health, safety, and welfare by such things as encouraging investment in the City, enhancing the livability and quality of life, increasing business productivity, property values and public convenience, alleviating congestion, and augmenting the efficient use of the streets;
- C. To meet existing and future short- and long-term parking demand through an effective on street and off street parking system while maintaining flexibility sufficient to meet the City's changing parking needs;
- D. To generate revenue to the City's parking system fund that will make the parking program self-supporting and allow for future parking development;
- E. To provide a public forum for parking issues; and,

F. To submit to the Mayor and City Council an annual parking plan and proposed parking budget for Mayor and City Council review and action as necessary.

The Commission shall have the following general powers and authorities:

A. Provide recommendations to the Mayor and City Council regarding:

(1) The establishment of local improvement or other authorized districts to pay the entire cost, or any part thereof, of parking facilities;

(2) The issuance of bonds or other financing by the City for the construction and maintenance of parking facilities;

(3) The acquisition or transfer of property and property rights, including by condemnation, for parking purposes.

(4) The contracting with private persons or organizations for the operation of off street parking facilities.

(5) An annual review of on and off street parking infraction fines and penalties, which shall be set separately by City Council ordinance.

B. To commence and supervise, in coordination with City staff and upon the approval of the Mayor or his designee, such parking analysis and studies as may periodically be necessary to develop, implement, and monitor a coordinated citywide parking system plan.

C. To coordinate, in cooperation with City staff, with other interested agencies in the planning and developing of driving alternatives (such as increased transit service with park-and-rides, shuttles, ride-sharing, and pedestrian and bicycle paths), to the extent the alternatives may affect the City's parking system.

D. Such other parking matters as directed from time to time by the Mayor or City Council.

E. Those powers and authorities regarding on and off street parking as may be further specified in this Chapter.

**Section 7: Bellingham Municipal Code Section 2.02.055 is hereby added as follows:**

**2.02.055 – Powers and Authority – On Street Parking**

A. To the extent authorized by law and subject to any bond requirements and covenants, the Commission is authorized and empowered to set policy regarding on street parking within the City of Bellingham with regard to the following specifically enumerated areas:

- (1) Regulate the use of City on street parking facilities, including setting parking rates, charges and lease terms;
- (2) The placement or removal of on street parking meters and pay stations;
- (3) The time limits for on street parking;
- (4) The establishment/disestablishment of loading and handicapped zones;
- (5) Special parking arrangements for events or holidays;
- (6) Setting collection methods for on street parking, such as whether to use meters, pay stations, or some other means of collecting parking rates, subject to requirements for internal controls over collection as established by the City;
- (7) Issuing on street parking permits; and,
- (8) Such other issues as may be specifically referred to the Commission by the City Council for action.

**B.** Any policies set by the Commission under its on street parking authorities specifically enumerated in Section 2.02.055.A. above shall be set by Resolution duly passed by the Commission in an open public meeting. Every such Resolution must be submitted to the City Council in order to become final and valid. The City Council reserves the right to reject, change, modify, revise, or enact its own policy; however, if the City Council does not take action on the Resolution within forty five (45) days of receiving the submission, the Resolution shall be deemed final and valid.

**C.** The Commission is also authorized and empowered to act as an advisory body for all other matters, not specifically enumerated in Section 2.02.055.A. above, pertaining to on street parking within the City of Bellingham. In this capacity, the Commission shall work cooperatively with City staff and other City commissions to develop and review plans, strategies, projects, and recommendations, and the implementation thereof, regarding the improvement, development, and operation of the on street parking system and its interrelation with public and private off street parking programs. By way of example, this may include providing advice on parking related issues in comprehensive plans and the means to maximize turnover of on street parking.

**Section 8:** Bellingham Municipal Code Section 2.02.060 is hereby repealed in its entirety and replaced as follows:

**2.02.060 – Powers and Authority – Off Street Parking**

To the extent authorized by law and subject to any bond requirements and covenants, the Commission is authorized and empowered as follows for all matters pertaining to off street parking within the City of Bellingham:

- A. To operate City owned off street parking facilities that are located on City owned land. The term “operate” shall include, for purposes of this section, the following: (a) the means, methods, and location of collecting parking fees, subject to requirements for internal controls over collection as established by the City; (b) developing policies for the operation of off street parking facilities, which may include by way of example, parking space rental terms and conditions, remedies for violations thereof including late charges (except for setting parking enforcement infraction fines and monetary penalties), and hours of operation, subject to the Mayor’s or his designee’s approval; (c) setting policies for leasing space within the City’s off street parking facilities and parking managed property, subject to the provisions of BMC Section 4.88.015.B. as currently enacted or hereafter modified; and, (d) market and advertise the City’s off street parking facilities.
- B. Subject to applicable law, maintain the City’s off street parking facilities;
- C. Regulate the use of City off street parking facilities and parking property, including, by way of example, setting rates, charges, and lease terms;
- D. Regulate parking fees for City off street parking, which shall be set by Commission resolution;
- E. Such authority regarding new off street City parking facilities as granted in RCW 35.86A.080 as currently enacted or hereafter modified;
- F. Advise the Mayor and City Council regarding off street parking staff requirements, job duties, and assignments, subject to applicable law;
- G. To do such other tasks relating to off street parking as may be delegated by the Mayor and City Council.

**Section 9:** Bellingham Municipal Code Section 2.02.070 is hereby added as follows:

**2.02.070 – Parking Revenues and Expenditures**

All revenues received from parking related activities, excluding revenues from parking fines and penalties, shall be paid to the Finance Director and credited to parking enterprise funds.

Any expenditures by the Commission shall be made in accordance with the budget adopted by the City Council.

**Section 10: Bellingham Municipal Code Section 2.02.080 is hereby added as follows:**

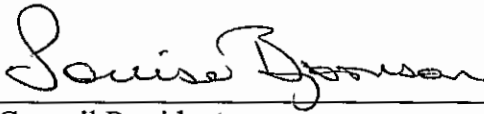
**2.02.080 – Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid for any reason, the remainder of the chapter or application of the provision or chapter to other persons or circumstances shall not be affected.

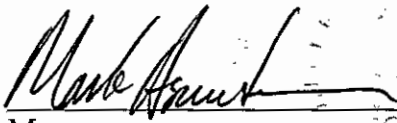
**Section 11: Effective date:**

This ordinance shall be effective on October 1, 2005

PASSED by the Council this 24TH day of OCT., 2005.

  
\_\_\_\_\_  
Council President

APPROVED by me this 7<sup>th</sup> day of Nov., 2005.

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
Finance Director

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney

Published: OCTOBER 28, 2005

Amend BMC 2.02 re Parking Commission - 7

**City of Bellingham**  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903