



# 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.

295

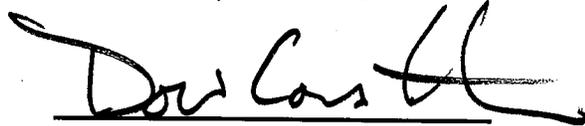
Ordinance 16553 was introduced on 4/20/2009 and passed by the Metropolitan King  
County Council on 6/15/2009, by the following vote:

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

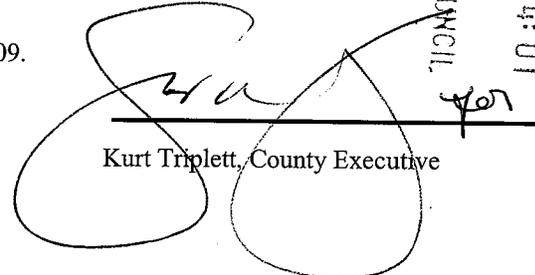


Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council  
APPROVED this 25<sup>th</sup> day of June, 2009.



Kurt Triplett, County Executive

RECEIVED  
2009 JUN 25 PM 4:01  
CLERK  
KING COUNTY COUNCIL

Attachments None