



# CITY OF PULLMAN WASHINGTON

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## Police Department

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### MEMORANDUM

To: Mayor Glenn Johnson and Pullman City Council

From: Gary Jenkins, Chief of Police

Subject: Parking Fines Increase and Other Parking Matters Discussion

Date: April 17, 2018

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The State of Washington authorizes local entities to establish fines for civil parking infractions. The purpose of parking infraction enforcement is to encourage and gain compliance with parking regulations. The City establishes parking infraction fine amounts by Resolution. The last time there were any parking fine increases was in 2000 (R-29-00).

#### **Downtown Free Parking Zone**

The "Downtown Free Parking Zone" was established in 1982 (Ordinance 82-12), restricting parking in most of the Pullman downtown area to a maximum of two hours. The initial parking fine was \$2, which was increased to \$10 in 1995 (R-60-95). The fine has not been increased since 1995.

Infractions issued for overtime parking violations in the downtown free parking zone have averaged nearly 1,600 annually since at least 2012. The number of violations from year to year are consistent, with variances mostly due to Code Enforcement staffing issues impacting the ability to issue infractions. Anecdotal feedback provided to staff from community members is that our parking fines are considered a parking "fee", rather than a parking fine. In other words, the low fines do little to gain compliance. Increasing the fines would serve to gain a higher compliance rate. An analysis of overtime downtown parking repeat offenders in 2016 revealed that 132 vehicles were issued three or more infractions during a single year; one violator received 17 infractions (1,972 total infractions issued).

#### **Parking Fine Amounts**

A survey was conducted in October 2017 of thirteen Washington and two Idaho local or similarly sized entities of their parking fine amounts (Attachment 'A'). The approximate average comparable violation fine of \$30 is 200% higher than our downtown overtime parking fine of \$10. Most of our other parking infraction fines were found to be well below the averages.

Staff is recommending increases to the parking infraction fines that will be consistent with the intention to gain compliance, as well as putting them on par with the surveyed cities. Additionally, a progressive fine structure is suggested for downtown overtime parking, illegal parking in a municipal lot, parking without a residential permit, parking in a fire lane, and parking too near to

a fire hydrant. Subsequent violations would result in an increased fine, up to a third violation. The downtown, municipal lot, and residential parking permit progressive increases are to ensure that the fines will not be considered parking fees. The progressive fine structure for the fire lane and fire hydrant violations is to provide improved public safety. The parking violation progressive count would reset with proof of vehicle sale to a person with a different address. While staff is aware of other jurisdictions that impose progressive parking fees, staff is not aware of another jurisdiction with progressive parking fines.

Council could also consider offering a fine discount for payments made within a short time frame, such as five or seven days. This could encourage prompt payment. If Council elects to provide fine discounts, staff recommends a discount of approximately 50% for 1<sup>st</sup> violations, 30% for 2<sup>nd</sup> violations, and no discount for 3<sup>rd</sup> violations. As an example, early payment for an overtime downtown parking violation would be \$15 (instead of \$30), \$35 (instead of \$50), and \$75 (no discount). A discount cannot be offered for handicap zone violations as the amount of the fine and court assessment is set by the State.

Alternately, Council could impose a late fee for infractions paid after the due date. There is currently no disincentive for paying a fine late, other than the possibility have having it sent to collections after a few warnings with delinquency notices. Parking infraction fines must be paid or contested within 15 days of the issue date. A review of 2016 infractions revealed that 24% were paid within 7 days, and only 46% were paid by the due date, within 15 days. If Council elects to impose a late fee, staff recommends an addition of 50% of the original fine, rounded up to the nearest \$5 increment.

### **Parking Infraction Process**

The City contracts with DataTicket, Inc. to process our parking infractions. Violators can pay parking ticket fines by mail or in person at the Pullman Police Department with cash or check. Fines can also be mailed to DataTicket, or paid with a credit card on DataTicket's website or by talking with a customer service representative at DataTicket via a toll free number. DataTicket handles the mailing of all delinquency notices and coordinates the transfer of eligible debts to collections. Fine revenue is sent to the City monthly and the City Finance department is provided monthly revenue statements.

A vehicle with three or more unpaid parking violations with unanswered delinquency notices, can be declared a nuisance. A vehicle declared to be a nuisance can be immobilized by the placement of a "boot". Release from immobilization occurs after full payment of the unpaid parking infractions and a \$25 fee covering the cost of immobilization. Staff proposes increasing the immobilization fee to \$75, which will provide cost recovery for staff time.

For infractions not paid within 15 days, our current process involves the mailing of four delinquency notices over a 90 day period. A vehicle can be declared a nuisance after 74 days, and unpaid infractions are sent to collections after 150 days. Staff proposes reducing the number of delinquency notices to two over a 32 day period, declaring a vehicle a nuisance after 46 days, and sending unpaid infractions to collections after 50 days (Attachment 'B').

Note that we employ a policy to issue only a warning to first time offenders of downtown overtime parking violations. A parking map of downtown accompanies warnings. This policy is designed

to give some leniency to, and inform, those unfamiliar with timed parking restrictions in the downtown area, particularly those visiting or new to Pullman.

### **Parking Infraction Revenue**

Revenue from parking infractions are deposited into the City's general fund, minus the mandatory court assessment fee of \$200 for handicap zone violations, which is transferred to the Whitman County Court. Not all infractions issued result in revenue from full fine amounts. Some infractions are voided by the Chief (only as allowed by Code), some are contested and dismissed by the court, some fines are reduced or stayed by the judge, and some fines are never paid and those responsible cannot be located by collections.

Downtown parking infraction revenue averages \$7,224 annually. A Code Enforcement Officer is assigned to enforce downtown parking violations on a full-time basis. Code Enforcement Officer annual salary and benefits ranges from \$85,000 to \$97,000, depending on pay step and benefit level. Consequently, downtown parking enforcement does not pay for itself. This is a service provided to preserve shopper and customer access while retaining free parking.

Parking infraction revenue from all parking violations averages \$67,000 annually. It is difficult to project the impact fine increases and a progressive fine structure would have on parking infraction revenue. It would seem that higher fines would result in proportional additional revenue. However, the intent of the higher fines and progressive fine structure is to achieve a higher level of compliance. Consequently, revenue could be reduced, or there could be little change in revenue. In any case, compliance is the purpose of parking enforcement, not revenue.

### **Parking Permits**

In June 2004, Council adopted resolution R-50-04 authorizing the sale of annual parking permits for the upper and lower Paradise Street parking lots, the parking lot behind the Armory, and the parking lot at Grand Ave. and Whitman St. In July 2005, the fee for a lower Paradise Street parking permit was raised to \$100.

In August 2008, Council adopted resolution R-74-08 authorizing the sale of annual parking permits for the Riverwalk parking lot in the 200 block of NE Kamiaken St. The parking permit can be sold to downtown business employees for a fee of \$50. A maximum of five permits can be sold to any one business.

Beginning in 1997, Council has accepted petitions from property owners and residents to declare certain residential streets as Restricted Residential Parking Areas (RRPA). Parking in an RRPA is restricted during specified times and requires an RRPA parking permit. Parking restrictions in each RRPA are specific to the individual area. The annual fee for a residential parking permit for a resident in the RRPA is \$10, and \$5 for a visitor (Zone A residents can obtain free time limited visitor permits with some restrictions).

Parking permit fee adjustments are proposed for downtown parking lots and RRPA's, as fees have not been adjusted for at least eight, and up to twenty-one years (see tables below).

Annual Parking Permits							
Zone	Mo/Yr	Resolution	Lot	Permits	Sold	Fee	Proposed
D	5/04	R-50-04	Upper Paradise St	25	25	\$70	\$85
			Lower Paradise St	5	5	\$100	\$120
			Behind Armory	3	3	\$10	\$20
			Grand Ave / Whitman St	3	0	\$10	\$20
R	8/08 9/08	R-74-08 R-85-08	Riverwalk (200 blk NE Kamiaken St)	60	60	\$50	\$85

Restricted Residential Parking Areas						
Zone	Mo/Yr	Resolution	Streets	Sold Res/Visitor	Fee Res/Visitor	Proposed Res/Visitor
A	3/97	R-14-97	Howard St, Garfield St, Michigan St, Illinois St, Indiana St, Monroe St	33 / 31	\$10 / \$5	\$20 / \$10
B	3/97	R-15-97	Alfred Ln, Duncan Ln, Creston Ln	30 / 29	\$10 / \$5	\$20 / \$10
C	5/06	R-32-06	Juniper Way, Landis Pl	3 / 3	\$10 / \$5	\$20 / \$10
E	5/10	R-39-10	Upper Dr, Lybecker Rd, Weatland Dr	28 / 27	\$10 / \$5	\$20 / \$10

Previous resolutions (most recently R-63-05, July 2005) have mandated the issuance of free parking permits to the following businesses in consideration of the leases on property in the downtown area:

- Bruised Books (4 permits)
- J&H Printing (3 permits)
- B&L Bicycles (3 permits)
- K&K Properties (now Taylor Engineering; 4 permits)
- Saunders Floor Coverings (5 permits)
- Top of China (now Etsi Bravo and Black Cypress; 3 permits)
- Leo's Shoe Service (now Taqueria Chaparrito; 2 permits)

Staff proposes cleanup of this provision to issue those permits by address, since business names have changed, and may continue to change, over time.

### Other Parking Code Amendment Recommendations

#### Chain Parking

Persons are prohibited from parking vehicles for more than two consecutive hours anywhere in the downtown free parking zone. If someone merely moves their vehicle from one parking place to another, even if they travel outside the downtown free parking zone, they are still subject to the two hour limit. This can only be enforced if it can be determined that the vehicle was not outside of the downtown free parking zone for a period of time longer than to just relocate the vehicle.

A "chain parking" violation occurs when a vehicle is ticketed for a two hour violation, and is later found parked for more than two additional hours at another location within the downtown

free parking zone on the same day, that second violation is considered a “chain parking” violation. The fine for chain parking is double that of the basic overtime parking fine. This is a simplified version of a progressive fine structure, limited to a single day and limited to two violations. If the progressive fine structure is enacted, that second violation would merely be a second violation, whether it was the same day or not. A “chain parking” violation would become moot.

If a progressive fine structure is adopted for overtime downtown parking, the chain parking violation will be unnecessary and should be repealed.

### **Parking Adjacent to a Yellow Curb**

The violation of parking adjacent to a yellow curb has been determined by the local court as unenforceable without an underlying separate parking violation. Consequently, this violation should be repealed.

### **168 Hour Parking Restriction**

Pullman City Code Chapter 12.25 is designed to address street storage of vehicles, boats, RV's, and utility trailers. PCC §12.25.030(1)(a) prohibits the placement of a camper or canopy on the street unless it's attached to a vehicle. PCC §12.25.030(1)(b) prohibits the “storing” of any “vehicle” on the street for more than 168 hours. The definition of “storage” is more than 168 hours, and the definition of a “vehicle” includes trailers (with or without a boat or other cargo) and RV's.

Pullman City Code §12.20.185 makes it a civil infraction for any person to fail to move their vehicle from the same location (including within the same block) for 168 consecutive hours (seven days). As described in Pullman City Code §12.20.010, the purpose of this regulation is to prohibit abusive long-term storage of vehicles on public streets, thereby increasing the availability of parking spaces for the use of the general public. Also, many residential streets in Pullman are narrow, and allowing vehicles to be parked for long periods of time further narrows streets on a more consistent basis.

Staff experience has found that violations of this regulation are reported to the Police Department after many days have already passed since the vehicle has been moved. Most of the time they are reported after a complainant observes that a vehicle has not moved for over seven days. Once a police officer or code enforcement officer is notified, and makes note of the vehicle, another seven days must pass before enforcement action can be taken.

City snow plow crews report that vehicles parked for numerous consecutive days in the same location inhibit their ability to properly clear streets of snow and ice. They have to maneuver around vehicles, preventing the area in front, and behind, the vehicle from being cleared, reducing available parking. The snow plows also must maintain a safe distance from the side of the vehicle, reducing the area of the roadway that can be cleared. Pullman City Code §12.25.030(b) authorizes the Public Works Director to remove a vehicle if necessary to perform snow removal. Reducing the amount of time a vehicle can be stored on the street would help reduce the need for invoking an emergency action by the Public Works Director.

Staff suggests consideration of reducing the amount of hours allowed to store a vehicle on the street from seven days (168 hours) to four days (96 hours). Additionally, instead of requiring staff

to mark a vehicle before taking enforcement action four days later, allow enforcement action with evidence gathered by an enforcement officer that a vehicle has obviously not been moved for required time period.. An example is a buildup of snow and ice in a manner that it is obvious the vehicle has not been moved for more than four days. Staff also recommends expanding the area of enforcement to include all municipal parking lots.

### **Parking in City/Park Parking Lots**

Pullman City Code §12.10.120 states, "It is unlawful to park any vehicle in any municipal parking lot in the downtown free parking zone, except in the designated parking spaces, or to so park contrary to the rules established for the use of such city lot or in any place or manner contrary to any regulatory signs posted by the Director of Public Works." Staff suggests removing the reference to the downtown free parking zone, which would grant authority to the Public Works Director to establish parking regulations in all municipal parking lots, including parks, city hall, etc.

One regulation staff would recommend to the Public Works Director is to restrict parking in City park parking lots from 3:00 am to 6:00 am. Allowing vehicles to parking in parks overnight would not only circumvent the restrictions of vehicle storage on the street, but also inhibits the ability of the City to clean and clear the lots, and allows for use of the park for purposes not intended.

### **Feedback from Community Groups**

Staff issued a news release and posted on social media that this discussion topic would take place during the April 17 Pullman City Council meeting. Those wishing to express their opinions were encouraged to appear at the meeting or provide input to the Police Department, which will be shared with Council.

Additionally, staff has notified of the Council meeting, and solicited feedback from, the following community groups:

- ASWSU
- College Hill Association
- Downtown Business Association
- Pullman Chamber of Commerce
- Whitman County Landlord-Tenant Association