

CITY OF SEATTLE

ORDINANCE

...title

An ORDINANCE relating to homelessness and people living in vehicles; amending Sections 11.30.040, 11.35.010, 11.72.070, 11.72.145, 11.72.240, 11.72.260, 11.72.270, 11.72.351, 11.72.440, 11.72.500, 11.76.020, and 15.02.048; adding a new Section 11.14.713 to the Seattle Municipal Code; and adding a new Chapter 11.36, consisting of Sections 11.36.010, 11.36.020, 11.36.030, 11.36.040, 11.36.050, 11.36.060, and 11.36.070 to the Seattle Municipal Code.

...body

WHEREAS, the City of Seattle declared a civil State of Emergency on November 2, 2015, to address the homelessness crisis; and

WHEREAS, the City remains in a State of Emergency because of the homelessness crisis; and

WHEREAS, Seattle is included in the region's Point in Time Count, which is a count of sheltered and unsheltered homeless persons on a single night in January that is required by the United States Department of Housing and Urban Development to receive federal funds under the McKinney-Vento Act; and

WHEREAS, the 2017 Point in Time Count documents 3,857 individuals experiencing homelessness without shelter in the City of Seattle; and

WHEREAS, the 2017 Point in Time Count estimates 1,550 individuals of the 3,857 unsheltered individuals experiencing homelessness without shelter reside inside of a vehicle; and

WHEREAS, the Mayor's Bridging the Gap to Pathways Home addresses the immediate needs of people who are living unsheltered in our community; and

WHEREAS, the City acknowledges that a response is critically important in addressing the needs of all people experiencing homelessness including those residing inside vehicles; and

WHEREAS, Councilmember Mike O'Brien convened the Vehicular Living Workgroup in February 2017 to establish a set recommendations for solutions that meet the needs of vulnerable populations living in vehicles due to inaccessible housing and address neighborhood impacts of vehicular living; and

WHEREAS, the Vehicular Living Workgroup reiterated that parking enforcement actions such as impoundment, immobilization and monetary penalties do not preserve the public peace, health, safety and welfare nor reduce the issues of homelessness; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 11.14.713 is added to Chapter 11.14 of the Seattle Municipal Code as follows:

Section 11.14.713 Vehicular residence

A. "Vehicular residence" means a passenger car (11.14.703), commercial vehicle (11.14.115), commuter ride-sharing vehicle (11.14.125), junk motor vehicle (11.14.268), private carrier bus (11.14.355), school bus (11.14.535), shuttle bus (11.14.567), sightseeing or charter bus (11.14.575), motor vehicle with camper (11.14.075), or motor home (11.14.350) that is a dwelling place.

B. "Dwelling place" means a vehicle identified in Section 11.14.713.A that a person or persons uses as a shelter in lieu of emergency shelter, temporary housing or permanent housing.

Section 2. Section 11.30.040 of the Seattle Municipal Code, last amended by Ordinance 123632, is amended as follows:

Section 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 hercof 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 and there are four 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 45 days from the date of the filing of the notice of infraction, unless the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010; or

8. When the vehicle is a "junk motor vehicle" as defined in SMC 11.14.268, and is parked on a street, alley, or way open to the public, or on municipal or other public property ((-)) , unless the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010; or

* * *

10. When a vehicle with an expired registration of more than forty-five days is parked on a public street ((-)) , unless the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010; or

11. When the vehicle is impounded pursuant to Section 12A.10.115 ((-)) , unless the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010; or

* * *

Section 3. Section 11.35.010 of the Seattle Municipal Code, last amended by Ordinance 124558, is amended as follows:

11.35.010 Scofflaw list

* * *

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 ((-)) ; or

3. the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

C. A vehicle shall remain on the scofflaw list until all outstanding parking infraction penalties, court costs (including but not limited to collection agency remuneration authorized under RCW 3.02.045), default penalties on parking traffic infractions imposed under Section 11.31.120, immobilization release fees imposed under subsection 11.35.020.H, costs of impoundment (including removal, towing and storage fees) imposed under Section 11.30.120, towing administrative fees imposed under Section 11.30.290 and immobilization administrative

fees under subsection 11.35.020.11, and interest, have been paid, ((or)) a time payment plan has been arranged with the Seattle Municipal Court or their authorized agent, or the vehicle has been identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

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.

E. A vehicle identified as a vehicular residence is diverted from being placed on the scofflaw list if its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 4. A new Chapter 11.36 is added to the Seattle Municipal Code as follows:

CHAPTER 11.36 VEHICULAR RESIDENCES

11.36.010 Established

There is hereby established a Vehicular Residences Program to assist persons experiencing homelessness who reside inside vehicles. The Seattle Police Department and the Human Services Department shall have the authority to develop and administer the program.

11.36.020 General Purpose

The purpose of the Vehicular Residences Program is to provide for and promote the health, safety and welfare of the general public by diverting persons living in vehicular residences to services and providing alternative paths to parking enforcement.

11.36.030 Identification

A vehicle of a qualifying vehicle type defined in Section 11.14.713 shall be identified as a vehicular residence by the City if:

A. The vehicle user or users indicate that the vehicle is being used as a dwelling place consistent with 11.14.713 to the Police Department; and

B. The Police Department in conjunction with the Vehicular Residences Program can reasonably determine that the vehicle appears to be lived-in by observing criteria such as and not limited to the following:

1. The view through the vehicle's front to rear windows is blocked;
2. The vehicle's side windows, rear windows, or both are blocked by sheeting, panels, curtains, or any combination thereof to restrict visibility;
3. Items associated with vehicular residency such as generators, bicycles, or storage containers are externally secured to the vehicle;
4. There are unusually large volumes of possessions contained within or near the vehicle.

C. Declassification. The Vehicular Residences Program shall determine when a vehicle shall lose its designation as a vehicular residence.

D. The Director of the Human Services Department in consultation with the Chief of Police may promulgate by rule additional criteria for determining whether a vehicle is being used as a dwelling place.

11.36.040 Diversions for parking enforcement

1 A. Vehicular Residences Program. Only vehicular residences with users who are
2 participating in the Vehicular Residences Program as described in Chapter 11.36.010 shall
3 qualify for any and all diversions for parking enforcement described in Section 11.36.040.

4 B. Impoundment. A vehicular residence is diverted from an impoundment action
5 that may result from any of the following circumstances:

6 1. When a vehicle is parked in a public right-of-way or on other publicly owned
7 or controlled property and there are four or more parking infractions issued against the vehicle
8 for each of which a person has failed to respond, failed to appear at a requested hearing, or
9 failed to pay a parking infraction for at least 45 days from the date of the filing of the notice of
10 infraction, as described in Section 11.30.040 A7; or

11 2. When a vehicle is a "junk motor vehicle" as defined in Section 11.14.268,
12 and is parked on a street, alley, or way open to the public, or on municipal or other public
13 property, as described in Section 11.30.040 A8; or

14 3. When a vehicle with an expired registration of more than forty-five days is
15 parked on a public street, as described in Section 11.30.040 A10; or

16 4. When the vehicle is impounded pursuant to Section 12A.10.115.

17 5. Nothing in this Section 11.36.040 shall be construed as preventing
18 impoundment of a parked vehicles that interferes with intended uses of rights-of-way or poses
19 an immediate danger to the public.

20 C. Immobilization.

1 1. A vehicular residence shall not be entered onto the scofflaw list described in
2 Section 11.35.010.

3 2. A vehicular residence shall not be immobilized as a result of being on the
4 scofflaw list as described in Section 11.35.020.

5 D. Parking infractions. A vehicular residence is diverted from a notice of a parking
6 infraction and any monetary penalties resulting thereof for the following parking restrictions:

7 1. Section 11.72.070, Commercial and large size vehicles

8 2. Section 11.72.145, Expired/Improper plates

9 3. Section 11.72.240, Moving vehicle to avoid time limit

10 4. Section 11.72.260, Overtime

11 5. Section 11.72.270, Repeated overtime

12 6. Section 11.72.35 1A, Restricted parking zone

13 7. Section 11.72.440, Over 72 hours

14 8. Section 11.72.500, Parking junk vehicle on street

15 9. Section 11.76.020, Parking time limit

16 E. Nothing in this Section shall be interpreted as preventing or discouraging the Seattle
17 Police Department from enforcing laws using impoundment as an enforcement against any other
18 criminal conduct. The Seattle Police Department, Fire Department and other first responders
19 shall respond appropriately to emergency situations, such as fires, crimes, or medical crises and

shall cooperate with other public safety agencies in accordance with operative mutual aid agreements.

F. The Seattle Police Department in conjunction with the Human Services Department may promulgate by rule making additional protocols for implementation and to respond to extraneous circumstances as they are related extensive parking.

11.36.050 Record of vehicular residences

A. The Police Department shall keep a record for all vehicles determined to be vehicular residences under the provisions of this chapter. The record shall include at least the following information:

1. Manufacturer's trade name or make;
2. Vehicle license number and state of registration;
3. Vehicle identification number;
4. Location of vehicle at last known sighting;
5. Exception for traffic enforcement exercised, including reference to the appropriate section or sections of this subtitle;
6. Record of referral to the Human Services Department or a human services provider with which the Human Services Department contracts for the Vehicular Residences Program; and
7. Date of vehicular residence status removal.

11.36.060 Amnesty

Section 1. The Director shall by December 31, 2017, declare a period of amnesty during which penalties imposed under Title 11 on vehicles determined to be vehicular residences shall be waived. The amnesty shall expire, unless extended by Council, on December 31, 2018. The Director may promulgate rules and procedures to implement the provisions of this section.

Section 2. This ordinance shall take effect and be in force 30 days 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.

11.36.070 Interpretation

Nothing in this Chapter 11.36 shall be construed to interfere with the City's ability to ensure the use of public rights of way, enforce provisions against illegal dumping or otherwise maintain sanitation and public health, or address public safety concerns.

Section 5. The purpose of the Vehicular Residences Program is to provide for and promote the health, safety and welfare of the general public by diverting persons living in vehicular residences to services and providing alternative paths to parking enforcement. The Vehicular Residences Program shall be a social service program with adequate oversight, training, and clinical supervision to conduct individualized outreach and supportive services to people living inside vehicles, and shall be directly administered or contracted for by the City. The service provider or providers shall have an established record of administering sustained, equitable, person-centered care, with staff trained in working with people with behavioral health issues, including substance use disorder, mental disorders, or both; trauma-informed care, including for people who have experienced or are experiencing gender- and gender-identity-based violence and violence based on sexuality; outreach, assessment, and engagement; harm

reduction practices, including but not limited to safe needle exchange, use, and disposal, carrying and dispensing Narcan, informing individuals of rights (Good Samaritan Law) and medication assisted treatment options such as buprenorphine or methadone treatments; cultural competence; confidentiality and grievance procedures; and may include peer coaches with adequate oversight and clinical supervision.

Section 6. Section 11.72.070 of the Seattle Municipal Code, last amended by Ordinance 123420, is amended as follows:

11.72.070 Commercial and large size vehicles.

A. No person shall park a vehicle on any street or alley, except in an Industrial Zone as defined in Title 23, between the hours of midnight and six (6) a.m. if the vehicle is a truck and/or trailer or other conveyance which is over eighty (80) inches wide.

B. A vehicle identified as a vehicular residence is diverted from incurring any penalties resulting from a violation of Chapter 11.72.070 if the user or users of the vehicular residence are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 7. Section 11.72.145 of the Seattle Municipal Code, last amended by Ordinance 123632, is amended as follows:

11.72.145 Expired or improper license plates

A. No person shall stop, stand or park any vehicle on any street or alley, or in any garage, parking area or other property operated by the City unless a valid license plate or plates are attached and displayed thereon as required by RCW 46.16A.200 and Section 11.22.080.

B. A vehicle identified as a vehicular residence is diverted from incurring any penalties resulting from a violation of Chapter 11.72.145 if the user or users of the vehicular

residence are participants of the Vehicular Residences Program as described in Section
11.36.010.

Section 8. Section 11.72.240 of the Seattle Municipal Code, last amended by Ordinance
108200, is amended as follows:

11.72.240 Moving vehicle to avoid time limit

A. No person shall move and repark a vehicle on either side of a street within the
same block in order to avoid a parking time limit regulation specified for either side of the street
in that particular block.

B. A vehicle identified as a vehicular residence is diverted from incurring any
penalties resulting from a violation of Chapter 11.72.240 if the user or users of the vehicular
residence are participants of the Vehicular Residences Program as described in Section
11.36.010.

Section 9. Section 11.72.260 of the Seattle Municipal Code, last amended by Ordinance
124063, is amended as follows:

11.72.260 Overtime

A. No person shall stand or park a vehicle upon a street for a longer period of time
than the limit that is signposted except for any free-floating car sharing vehicle that conforms to
Section 11.23.160 except where otherwise indicated by the signposting on the block or for
individual parking spaces. Parking spaces may be used without respect to time limit posted on
Sundays and parking holidays, except where otherwise indicated by the signposting on the block
or for individual parking spaces.

B. A vehicle identified as a vehicular residence is diverted from incurring any
penalties resulting from a violation of Chapter 11.72.260 if the user or users of the vehicular

residence are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 10. Section 11.72.270 of the Seattle Municipal Code, last amended by Ordinance 108200, is amended as follows:

11.72.270 Overtime—Repeated

A. Each subsequent period of time, as signposted, lapsing following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of Section 11.72.260.

B. A vehicle identified as a vehicular residence is diverted from incurring any penalties resulting from a violation of Chapter 11.72.270 if the user or users of the vehicular residence are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 11. Section 11.72.351 of the Seattle Municipal Code, last amended by Ordinance 124063, is amended as follows:

11.72.351 Restricted parking zone

A. No person shall stop, stand or park a vehicle in violation of the posted or marked restrictions or when a permit or other authorization issued by the city is required as a condition for parking unless the following permit or placard is displayed: (1) an RPZ permit pursuant to chapter 11.16 SMC; (2) a free-floating car sharing permit pursuant to Section 11.23.160; or (3) a disabled placard permit, license plate, or year tab pursuant to RCW 46.19.030 or 46.19.070.

Motorcycles and scooters are authorized to park in an RPZ without an RPZ permit. It shall be a violation of this section if:

1. The RPZ permit does not match the vehicle;
2. A guest permit is being used improperly;

1 3. The zone permit does not match the zone where vehicle is parked, or

2 4. The vehicle is parked within the same zone as the permit indicates, but it
3 is parked more than six blocks away from the address for which the permit is issued.

4 B. It is unlawful and is a parking infraction to display an RPZ permit in an improper
5 location on a vehicle. The RPZ permit must be affixed to the vehicle at the lower center of the
6 rear window for which it is issued unless the vehicle is a truck, a vehicle without a rear window,
7 has a dark-tinted rear window or a surface defroster, or where the Seattle Department of
8 Transportation has approved an exemption, whereby the permit may, in the alternative, be placed
9 in the lower (left-hand) corner of the driver's side front windshield.

10 C. It is unlawful and is a parking infraction to sell, transfer, purchase or otherwise
11 acquire for value a permit or decal issued by the City per SMC 11.16.315 or 11.16.316 and to
12 subsequently use or display the permit to park in an RPZ.

13 D. A vehicle identified as a vehicular residence is diverted from incurring any
14 penalties resulting from a violation of Chapter 11.72.351 if its user or users are participants of
15 the Vehicular Residences Program as described in Section 11.36.010.

16 Section 12. Section 11.72.440 of the Seattle Municipal Code, last amended by Ordinance
17 122274, is amended as follows:

18 **11.72.440 Parking Enforcement; Seventy-two (72) hours.**

19 A. Official signs, including temporary signs, that prohibit stopping, standing or
20 parking shall be enforceable according to their terms twenty-four hours after posting.

21 B. No person shall park a vehicle on any street or other municipal property for a
22 period of time longer than seventy-two (72) hours, unless an official posted sign provides a
23 shorter period of time, or unless otherwise provided by law.

C. Authorized vehicles on municipal property are excluded from the provisions of this section, as are vehicles displaying valid proof of payment when parked in spaces controlled by a parking payment device.

D. This section shall not apply to "junk motor vehicles" or "abandoned junk motor vehicles" as defined in this Chapter.

E. Vehicles in violation of this section are subject to impound as provided for in Chapter 11.30 SMC, in addition to any other penalty provided for by law.

F. A vehicle identified as a vehicular residence is diverted from incurring any penalties resulting from a violation of Chapter 11.72.440 if its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 13. Section 11.72.500 of the Seattle Municipal Code, last amended by Ordinance 120102, is amended as follows:

11.72.500 Junk vehicles

A. No person shall park a junk motor vehicle on a street, alley, or way open to the public, or on municipal or other public property.

B. Violation of subsection A is a Class 1 civil infraction as contemplated by Chapter 7.80 RCW for which there shall be a penalty of Two Hundred Fifty Dollars (\$250), which penalty shall not be suspended or deferred.

C. A junk motor vehicle is diverted from any penalties described in Chapter 11.72.500 if the vehicle is identified as a vehicular residence and its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 14. Section 11.76.020 of the Seattle Municipal Code, last amended by Ordinance 124063, is amended as follows:

11.76.020 Parking longer than time limit

A. It is unlawful for any person to park a vehicle in any parking space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking space as indicated in the legend on the parking meter or pay station, irrespective of the amount paid; provided, that the restrictions in this Section 11.76.020 shall not apply on parking holidays except where otherwise indicated by the signposting on the block or for individual parking spaces.

B. The restrictions in this Section 11.76.020 shall not apply to the parking of certified carpool vehicles in accordance with the provisions of Section 11.23.410, or to the parking of free-floating car sharing vehicles that comply with the provisions of Section 11.23.160.

C. A vehicle identified as a vehicular residence is diverted from incurring any penalties described in Chapter 11.76.020 if its user or users are participants of the Vehicular Residences Program as described in Section 11.36.010.

Section 15. Section 15.02.048 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

Section 15.02.048 Definitions – Use

A. "Use" means exercising dominion or control over, or occupying all or part of; a public place with or without the right to do so. Use includes constructing, storing, erecting, placing upon, maintaining, or operating; any inanimate thing or object; in, upon, over, or under any public place. It includes, but is not limited to, any of the following:

1. Any arcaway, marquee, awning, clock, newsstand, sign, banner, billboard, sidewalk elevator or door, fuel opening, sidewalk café, or other structure;

2. Fencing, staging, scaffolding, an elevator or other structure or material, machinery or tools used or to be used in connection with excavating, erecting, altering, demolishing, repairing, maintaining, or painting any building;

3. Moving any building along or across any public place;

4. Storing or placing any material, equipment, inanimate object, or thing in any public place. But "use" shall not include placing an inanimate object in a location and for a limited duration of time that, under the circumstances, no reasonable person could conclude that the public's right to use or enjoy the public place, in whole or in part, has been or potentially could be interfered with;

5. Raising or lowering any safes, machinery, or other heavy articles;

6. Making or having any fire on any public place;

7. Opening, excavating, or in any manner disturbing or breaking the surface or foundation of any permanent pavement; or altering the established grade of any public place; or disturbing the surface of, digging up, cutting, excavating, or filling in any public place;

8. Constructing, reconstructing, repairing, or removing any driveway, curb, curb setback, sidewalk, crosswalk, pavement, sewers, water mains, grading, street lighting, street utilities, or appurtenances; or doing any work in, or erecting any structure under, along, or over any public place; except when permitted by ordinance;

9. Vending of any good, ticket, thing, or service of any kind, other than publications regulated under Chapter 15.14;

10. Using sound amplifying equipment, other than aids for the disabled; or

11. Closing or altering the appearance of streets; including filming, block parties, or street fairs.

C. "Use" excludes temporarily placing by a customer garbage and recyclables for curbside/alley collection in compliance with Section 21.36.080; removing snow and ice; sweeping sidewalks; ((and)) removing leaves and debris ; and parking vehicular residences in compliance with Chapter 11.36.

Section 16. This ordinance shall take effect and be in force 30 days 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.

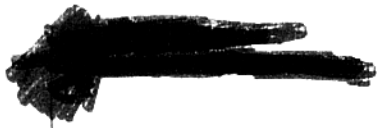
Passed by the City Council the _____ day of _____, 2017,
and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.



Monica Martinez Simmons, City Clerk

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2 (Seal)

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