ORDINANCE NO. 4192

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 9.38.120 and 9.38.130 of the Kent City Code to (i) increase the weight threshold applicable to the parking and storage prohibition of large vehicles on City streets from 8,000 pounds to 14,001 pounds, (ii) to apply the parking prohibition to all vehicles meeting the weight threshold, not just commercial vehicles; (iii) and to add exemptions to the parking prohibition for vehicles being actively loaded or unloaded, vehicles being used to provide active construction or hired services at an adjacent property, vehicles being used for government, public utility or emergency services, or recreational vehicles regulated under KCC 9.38.145.

RECITALS

A. The parking of large vehicles, including semi-truck tractors and semi-trailers, is regulated through the Kent City Code. The parking of these large vehicles and trailers on City streets is regulated under the City’s parking code at KCC 9.38.130, while their parking on private property is regulated under the City’s zoning code provisions at KCC 15.08.085.

B. Under KCC 15.08.085 and the City’s zoning code, commercial vehicles are not allowed to be parked upon residentially zoned property with an SR-2 or greater zoning designation if they have a gross vehicle weight rating of 26,001 pounds or more. If residentially zoned property

1 Amend KCC 9.38.120 and KCC 9.38.130
Re: Parking of Large Vehicles
has a zoning designation of SR-1 and a land use of US (urban separator), truck tractors used in the hauling of semi-trailers are not allowed on the property, nor are any other commercial vehicles that are longer than 19 feet.

C. Under KCC 9.38.130 and the City's parking code, commercial vehicles are not allowed to be parked upon city streets if they exceed 8,000 pounds "as defined in RCW 46.44.036, 46.44.037, or 46.44.041". The RCW references that follow the weight limitation of 8,000 pounds have created enforcement difficulties for the City because the referenced RCWs do not pertain to the calculation or designation of gross vehicle weight. In addition, the 8,000 pound threshold is low and includes within its parking prohibition many vehicles that citizens may use for daily transportation purposes, including full-size pickup trucks, heavy-duty pickup trucks, minivans, and cargo or step vans.

D. This ordinance revises KCC 9.38.130 to remove reference to the inapplicable RGW provisions and to increase the weight threshold at which parking is prohibited from 8,000 pounds to a weight in excess of 14,000 pounds. This ordinance also removes the limited application of KCC 9.38.130 to only commercial vehicles and applies it more broadly to all vehicles with a gross vehicle weight rating in excess of 14,000 pounds. Finally, the ordinance establishes a number of exceptions to the parking limitation based on the vehicle's weight—a vehicle that is being actively loaded or unloaded, a vehicle that is being used for the exclusive purpose of providing active construction or other hired services to a property at the parked location, recreational vehicles that are regulated under KCC 9.38.145, or government vehicles, public utility vehicles, or emergency vehicles.

2 Amend KCC 9.38.120 and KCC 9.38.130
Re: Parking of Large Vehicles
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**ORDINANCE**

**SECTION 1.** - *Amendment – KCC 9.38.120.* Section 9.38.120 of the Kent City Code, entitled "Parking of trucks on city streets—Finding," is amended as follows:

**Sec. 9.38.120. Parking and storage of large vehicles on city streets – Finding.**
A. The city council finds that the parking and storage of commercial trucks, vans, tractor trailers, and semi-trailers, and other vehicles, with a maximum gross vehicle weight rating that exceeding eight fourteen thousand and one (8,00014,001) pounds, present unacceptable risks and hazards to public health, safety, and welfare when such vehicles are parked or stored on city streets at times when such vehicles are not engaged in business or commercial activity.

B. The city council also recognizes that under some circumstances, it may benefit the public health, safety, and welfare to park the above described vehicles on certain city streets, and that there should be a mechanism to permit the chief of police to suspend the enforcement of parking restrictions relating to those vehicles to allow those vehicles to park on city streets temporarily and during certain time frames.

**SECTION 2.** - *Amendment – KCC 9.38.130.* Section 9.38.130 of the Kent City Code, entitled "Parking and storage of certain vehicles – Penalty," is amended as follows:

**Sec. 9.38.130. Parking and storage of large certain vehicles on city streets vehicles – Penalty and exemptions.**

3 Amend KCC 9.38.120 and KCC 9.38.130
Re: Parking of Large Vehicles
A.  **Parking prohibited.** No commercial vehicle, including a truck, vehicle, van, trailer, or semi-trailer, whether licensed or unlicensed, that exceeds the fourteen thousand and one (14,001) pounds as defined in RCW 46.44.036, 46.44.037, or 46.44.041 may be stored or parked upon any city street for longer than two (2) hours, except for those periods of time when such vehicle is being loaded or unloaded or where parking or storage is otherwise prohibited.

B.  **Exemptions.** The parking limitation provided in this section shall not apply to the following:

1. A vehicle that is being actively loaded or unloaded;
2. A vehicle that is being used for the exclusive purpose of providing active construction or other hired services to a property at that location, including construction, carpentry, plumbing, landscaping, and moving services.
3. Recreational vehicles whose parking is regulated under KCC 9.38.145.
4. City of Kent or other government vehicles, public utility vehicles, or emergency vehicles.

CB.  **Penalty and impoundment.** Any violation of this section shall be an infraction and punishable by a monetary penalty of two hundred fifty dollars ($250). Vehicles parked in violation of this section are subject to impoundment as provided by law.

DG.  **Authority to suspend enforcement.** The chief of police shall have the authority to suspend the enforcement of this section in the event he or she, in his or her discretion, determines that suspension of enforcement will benefit the public health, safety, and welfare. Any suspension of enforcement of this section shall be in writing delivered to the office of the mayor and shall specify the times and dates in which the suspension shall be effective. The suspension of enforcement shall also suspend the
enforcement of KCC 9.38.180(A)(15), (B)(6), and (C)(2), as well as applicable sections of KCC 9.38.020. Any truck, vehicle, van, trailer, or semi-trailer parked in accordance with the terms of the suspension of enforcement shall be parked in compliance with applicable requirements of the Revised Code of Washington and the Washington Administrative Code.

**SECTION 3.** – **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 4.** – **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 5.** – **Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

\[Signature\]

Suzette Cooke, Mayor

ATTEST:

\[Signature\]

Ronald F. Moore, City Clerk

5 Amend KCC 9.38.120 and KCC 9.38.130
Re: Parking of Large Vehicles
APPROVED AS TO FORM:

[Signature]
TOM BRUBAKER, CITY ATTORNEY

PASSED: 19th day of April, 2016.
APPROVED: 19th day of April, 2016.
PUBLISHED: 22nd day of April, 2016.

I hereby certify that this is a true copy of Ordinance No. 4192 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
RONALD F. MOORE, CITY CLERK

Amend KCC 9.38.120 and KCC 9.38.130
Re: Parking of Large Vehicles