ORDINANCE NO.

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 9.38.130 of the Kent City Code regarding the parking and storage prohibition of large vehicles on City streets to clarify that application of that code section is determined by the vehicle’s maximum gross vehicle weight rating.

RECITALS

A. On April 19, 2016, the Kent City Council adopted Ordinance No. 4192, which increased the weight threshold at which parking is prohibited on City streets from a vehicle with a gross vehicle weight of 8,000 pounds to a vehicle with a gross vehicle weight rating in excess of 14,000 pounds.

B. Throughout Ordinance No. 4192, reference is made to the weight determination being based upon the vehicle’s maximum gross vehicle weight rating, which is the only weight law enforcement officers are able to confirm through state Department of Licensing records. Although “gross vehicle weight rating” is referred to in the recitals of Ordinance No. 4192, and in Council’s findings at section 9.38.120 of the Kent City Code (“KCC”), due to a drafting oversight “gross vehicle weight rating” was not expressly included within the parking prohibition established in KCC 9.38.130. This ordinance corrects that oversight.

Amend KCC 9.38.130—Gross Vehicle Weight Rating

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NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - 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 vehicles on city streets – Penalty and exemptions.
A. **Parking prohibited.** No vehicle, including a truck, van, trailer, or semi-trailer, whether licensed or unlicensed, with a maximum gross vehicle weight rating that exceeds fourteen thousand and one (14,001) pounds may be stored or parked upon any city street.

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.

C. **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.
D. **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.

Suzette Cooke, Mayor

Amend KCC 9.38.130—
Gross Vehicle Weight Rating
ATTEST:

SUE HANSON, INTERIM CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 20th day of September, 2016.
APPROVED: 20th day of September, 2016.
PUBLISHED: 23rd day of September, 2016.

I hereby certify that this is a true copy of Ordinance No. 4214 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

SUE HANSON, CITY CLERK

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