

**ORDINANCE NO. 1674**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to Marina parking, adding and codifying new sections to chapter 15.12 DMMC setting parking lot rates and prohibiting acts in the Marina, and amending DMMC 15.12.010 - .050.

**WHEREAS**, the City of Des Moines is implementing pay parking on the Marina floor and Beach Park in order to increase security and to create a revenue stream that can finance future capital improvement projects, and

**WHEREAS**, City staff has prepared an operations plan in order to effectively install and operate the pay parking system on the Marina floor and Beach Park, and

**WHEREAS**, in order to implement the pay parking operation, certain code amendments need to be made, and

**WHEREAS**, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** A new section is added to chapter 15.12 DMMC to read as follows:

**Rates.** The City Manager is authorized to set the rates for parking in the Marina. Customers are charged the rates in effect at the time and date of entry into the Marina. Charges are calculated from the time of entry until the time of payment. Varying rate structures may be applicable. The City Manager is authorized to set annual fees for the issuance of annual parking passes.

**Sec. 2.** A new section is added to chapter 15.12 DMMC to read as follows:

**Prohibited acts.** The following acts shall be prohibited in the Marina:

(1) No person shall deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking payment center, ticket device, or gate.

(2) No person shall enter the paid parking area with a vehicle without either using an access device or obtaining an entry ticket, nor shall any person exit the paid parking area with a vehicle without paying the rate owed.

(3) No person shall use any other ticket to exit the paid parking area other than the ticket they obtained for entry.

(4) No person shall allow the unauthorized use of a parking pass or access device including but not limited to allowing the use of the pass or access device for an unauthorized vehicle or individual or lending or selling the pass or access device to another.

**Sec. 3.** DMMC 15.12.010 and section 1 of Ordinance No. 591 as amended by section 1 of Ordinance No. 1565 are amended to read as follows:

**Marina parking lots - Closure.** The City Manager or the City Manager's designee is directed to close the marina parking lots to all vehicular traffic (with certain exceptions specified in this chapter) during such hours as are set by resolution of the City Council, and post such restriction at such locations and in such a manner which reasonably informs the public.

**Sec. 4.** DMMC 15.12.020 and section 2 of Ordinance No. 591 as amended by section 2 of Ordinance No. 1565 are amended to read as follows:

**Motor vehicle trespass designated.** The operator of a motor vehicle who enters a parking lot at the marina between the hours set by the City Council and posted as provided in DMMC 15.12.010, or whose vehicle is found in a marina parking lot during such hours, commits the traffic infraction of motor vehicle trespass. The penalty for a violation of

or failure to comply with this section is set according to the Washington Statewide Bail Schedule.

**Sec. 5.** DMMC 15.12.040 and section 5 of Ordinance No. 591 as amended by section 1 of Ordinance No. 1018 as amended by section 3 of Ordinance No. 1565 are amended to read as follows:

**Exemptions.** The following are exempt from the provisions of DMMC 15.12.010 and DMMC 15.12.020:

(1) Residents and guests of residents whose real property parking is contiguous to a marina parking lot; except that this exemption is limited to transit through the parking lots. Persons in this category who park in a marina parking lot shall forfeit the exempt status.

(2) Users of the marina who have legitimate reasons to park in a marina parking lot in connection with boating or fishing activities; including, but not limited to, marina tenants, occupants of guest moorage, persons actively using the public fishing pier for fishing, and individuals displaying a valid parking pass issued pursuant to Rule 10.0 of the Marina Rules and Regulations. This exemption is limited to vehicles that have conspicuously displayed on the vehicle a parking pass issued by the Harbormaster. A decision of the Harbormaster denying a parking pass may be appealed to the City Manager and the Hearing Examiner in accordance with rules and regulations for the marina.

(3) Official federal, state, or local law enforcement, fire protection, or medical vehicles while in performance of official duties.

(4) Vehicles of users of the marina for City-approved special events during the hours of the event.

(5) Vehicles of patrons and employees of a marina restaurant or business during the hours of operation of the restaurant or business.

**Sec. 6.** DMMC 15.12.050 and section 4 of Ordinance No. 591 as amended by section 57 of Ordinance No. 1009 are amended to read as follows:

**Violation - Penalty.**

(1) No person shall violate or fail to comply with this chapter.

(2) Unless specifically noted, a violation of or failure to comply with this section is a class 2 civil infraction.

**Sec. 7. Codification.** Section 1 and 2 of this Ordinance shall be codified as new sections in chapter 15.12 DMMC entitled "Marina Parking Lot Rates" and "Prohibited Acts."

**Sec. 8. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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**Sec. 9. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

**PASSED BY** the City Council of the City of Des Moines this 16th day of February, 2017 and signed in authentication thereof this 16th day of February, 2017.

  
M A Y O R

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Published: February 23, 2017

Effective Date: March 18, 2017

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1674, Adopted February 16, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to Marina parking, adds and codifies new sections to chapter 15.12 DMMC setting parking lot rates and prohibiting acts in the Marina, and amends DMMC 15.12.010 - .050.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC  
City Clerk

Published: February 23, 2017