

**CITY OF MERCER ISLAND
ORDINANCE NO. 24C-14**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE RELATED TO PARKING
REGULATIONS.**

WHEREAS, cities can set the monetary penalty for parking infractions; and

WHEREAS, the parking citation fee at Mercer Island is \$20.00, set by the Administrative Office of the Courts as the default amount when no citation fee is established in the code; and

WHEREAS, a parking citation fee of \$20.00 does not deter motorists from overstaying existing parking regulations; and

WHEREAS, the Town Center Commuter Parking Permit Program was established in 2001 to provide an alternative to the Park & Ride for Mercer Island Residents; and

WHEREAS, the recent studies of the Town Center parking supply showed that Town Center Commuter Parking Permit Program is underutilized; and

WHEREAS, sunsetting the Town Center Commuter Parking Permit Program would preserve valuable on-street parking, provide consistency with parking regulations in Town Center, and better facilitate future changes in the parking system; and

WHEREAS, the Mercer Island City Council recommended the increase of the parking citation fee and the sunsetting of the Town Center Commuter Parking Permit at its meeting on July 16, 2024; and

WHEREAS, the chapters in the Mercer Island Municipal Code affected by this ordinance require miscellaneous code clean up;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Repealed. Effective 01/01/2025, MICC 10.18.080 is repealed.

Section 2. Adopted. Effective 01/01/2025, MICC 10.36.330 shall be adopted and added to chapter 10.36 MICC as set forth in Exhibit A of this ordinance.

Section 3. Amended. Chapter 10.74 MICC shall be amended as set forth in Exhibit B of this ordinance.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 5. Effective date. This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON OCTOBER 1, 2024.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

EXHIBIT A

10.36.330 Parking offenses—Payment and processing.

In cases where a notice of traffic infraction has been issued for a parking violation involving overtime parking or parking in violation of posted parking restrictions, the notice of infraction shall be filed with the Mercer Island Municipal Court and the court shall thereafter have jurisdiction over the parking violation.

Any person who commits a parking infraction shall be assessed the following civil penalty, unless otherwise provided herein:

1. All parking infractions: \$54.00;
2. Unauthorized handicapped zone parking: \$450.00.

EXHIBIT B

10.74.010 Authority.

- A. *General.* The city has authority to restrict parking or impose time limits on parking, consistent with MICC Title 10, MICC 10.02.030, RCW 46.61.570(2), as adopted by MICC 10.36.220 and through the exercise of its police powers.
- B. *Authority of city staff.*
 - 1. *City engineer.* The city engineer or his or her designee shall have the authority to administer this chapter, including making determinations regarding issuance and revocation of parking permits to qualified residents.
 - 2. *Director of finance.* The director of finance or his or her designee shall have the authority to issue all permits and to set and collect all permit fees.
 - 3. *Police chief.* The police chief or his or her designee shall have the authority to enforce violations of this chapter.

10.74.020 Parking permits.

- A. *Permits required.* A valid Mercer Island parking permit must be obtained from the city and prominently displayed, as directed by the city, on any vehicle parked on any city street or in any off-street parking lot with posted restrictions requiring such permit. Such parking permit does not guarantee a parking space, does not authorize parking for more than 72 consecutive hours in any one location and does not exempt the permit holder from observing zones where parking is prohibited at all or specified times for safety reasons or for reasons other than those related to the parking permit, including but not limited to permanent or temporary no parking zones, loading zones, fire zones, and disabled parking areas.
- B. *Permit types.*
 - 1. ~~Section repealed. Town center parking permit. Any noncommercial Mercer Island resident may apply for a Town Center parking permit for each licensed vehicle under his or her control and registered to a Mercer Island address. A permit may also be issued if a vehicle is registered to an address outside Mercer Island, but the owner can provide satisfactory proof to the city of Mercer Island residency. A Town Center parking permit allows a Mercer Island resident to park in the Town Center as provided in MICC 10.74.030(B).~~
 - 2. *North Mercer restricted parking district permit.* A noncommercial Mercer Island resident whose home address is within the boundaries of the North Mercer restricted parking district, as established in MICC 10.74.030(A), may apply for a North Mercer restricted parking district permit, which shall grant the privileges of a Town Center parking permit as well as those of a North Mercer restricted parking district permit.
 - a. *Guest vehicle parking permits.* A noncommercial Mercer Island resident whose home address is within the boundaries of the North Mercer restricted parking district, as established in MICC 10.74.030(A), may apply for up to two guest parking permits, each requiring a separate fee, subject to the procedures and conditions set forth in subsections C, D, E, F, and G of this section and as provided in MICC 10.74.030(A)(1)(a).
 - b. *Temporary contractor parking permits.* A noncommercial Mercer Island resident whose home address is within the boundaries of the North Mercer restricted parking district, as

established in MICC 10.74.030(A), may apply for temporary contractor permits, each requiring a fee, subject to the procedures and conditions set forth in subsections C, F, and G of this section and MICC 10.74.030(A)(1)(b).

- C. *Application.* The application shall be submitted on a form provided by the city and the resident shall provide the information requested and sign it, attesting to the accuracy of the information provided and acknowledging the terms and conditions of permit privileges.
- D. *Fees.*
1. *Annual fee.* The city is authorized to charge an annual fee in connection with the issuance of parking permits. The amount of the fee shall be set by the director of finance or designee. The director of finance may establish a biennial system for permit renewal and fee collection.
 2. *Reissuance fee.* An additional permit fee may be assessed for each permit requested to be reissued for any reason.
 3. *Nonrefundable.* All permit fees are nonrefundable.
- E. *Permit issuance, expiration and renewal.*
1. *Issuance.* A ~~Town-Center-or~~ restricted parking district permit will be issued only for a specific vehicle and is nontransferable to any other vehicle or to any individual who is not ~~an eligible Mercer Island resident or a~~ resident of the North Mercer restricted parking district; provided, a guest vehicle parking permit is transferable as provided in MICC 10.74.030(A)(1)(a).
 2. *Reissuance.* ~~An eligible Mercer Island resident or~~ A resident of the North Mercer restricted parking district may request reissuance of a permit in the event an issued permit has been lost or stolen or a permitted vehicle has been sold, stolen or destroyed. The resident may be required to sign a declaration regarding the circumstances leading to the re-issuance request and stating that, when possible, the original permit has been removed or otherwise destroyed.
- F. *Permit revocation and civil penalty for unauthorized use.*
1. *Revocation.* Permit privileges may be revoked for any of the following reasons:
 - a. Any material misrepresentation on a permit application;
 - b. Any unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not ~~an eligible Mercer Island resident or a~~ a resident of the North Mercer restricted parking district;
 - c. Any other unauthorized use of a permit.
 2. *Civil penalty.* It is a violation of this chapter and a civil penalty may be assessed for unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not ~~an eligible Mercer Island or a~~ a North Mercer restricted parking district resident or for any other unauthorized use of a permit.
- G. *Appeal of issuance or revocation determinations.*
1. *Notification of process.* If the city engineer or his or her designee determines that any type of parking permit should be denied or revoked based on the criteria set forth in this chapter, he or she shall cause a written notice to be sent to the resident permit holder at the address contained on the application. The notice shall contain the following information:

- a. A statement that the parking permit shall be denied or revoked on a specified date, which shall be 14 calendar days from the date of the letter.
 - b. Notification that unless a written notice of appeal setting forth the reasons for the appeal is filed with the city clerk by not later than 5:00 p.m., two full business days before the date specified in subsection (G)(1)(a) of this section, the permit shall be deemed denied or revoked.
 - c. A statement that if a written notice of appeal is filed within the required time, the date, time and place of a hearing before the city manager shall be set. The notice shall also inform the resident that he or she may request consideration of the appeal on written submissions in lieu of a hearing and that such request must be made in writing at the same time the appeal is filed.
 - d. The city's reasons for the denial or revocation.
2. *Process.*
- a. *Hearing date.* The city clerk shall set a date for hearing within 30 days of receipt of a notice of appeal and shall notify the appellant of the date, time and place of hearing at least ten business days before the hearing, and that the date upon which the notice stated the permit would be deemed denied or revoked shall be stayed, pending the final appeal decision.
 - b. *Hearing.* The appellant may testify orally and present witnesses before the city manager and/or furnish a written statement. No formal hearing shall be required if an appellant has requested consideration of the appeal on written submissions in lieu of a hearing, but the written decision of the city manager shall be rendered in the same time frame as though the hearing had taken place. The city manager shall issue a written decision, including a statement of reasons for the decision, within ten business days after the hearing, which shall be promptly mailed to the appellant. The city manager may affirm or reverse the denial or revocation decision. The city manager's determination shall be final. Any appeal to superior court must be commenced within 30 calendar days of the date of issuance of the final decision.
 - c. *Mail.* All documents required to be mailed by either the city or appellant shall be mailed by certified or registered mail, postage prepaid, return receipt requested.

10.74.030 Parking restrictions.

Parking of vehicles on the specified portions of the following city streets shall be prohibited or restricted as posted. It is a violation of this chapter to park in the following areas contrary to the restrictions and prohibitions below:

- A. *In the North Mercer neighborhood.*
 - 1. *Establishment of North Mercer restricted parking district.* All streets described in subsection (A)(2) of this section are hereby established as a restricted parking district where parking shall be restricted except by permits issued to district residents. The city engineer shall have discretion to exclude those streets or a portion of streets included within this district from the restricted parking district if the occupants of a majority of the residences on such streets or portion of such streets request such exclusion in writing.

- a. *Guest vehicle parking permit.*
 - i. A noncommercial resident within the North Mercer restricted parking district may apply for a maximum of two guest vehicle parking permits per address in conjunction with a North Mercer restricted parking district permit.
 - ii. Guest vehicle parking permits are transferable among vehicles of guests of residents of the North Mercer restricted parking district and must be displayed as required by the city.
 - iii. A valid guest vehicle parking permit, displayed as required by the city, confers on the vehicle bearing it the same parking privileges and restrictions as a North Mercer restricted parking district permit; provided, a guest vehicle parking permit does not confer privileges outside the boundaries of the North Mercer restricted parking district.
 - iv. The application, fee, permit issuance, expiration and renewal, revocation and penalty, and appeal provisions of MICC 10.74.020(C) through (G) apply to guest vehicle parking permits.
- b. *Service vehicles/temporary contractor permit.*
 - i. *Service vehicles.*
 - (a) A service vehicle is a vehicle not owned by a North Mercer restricted parking district resident, with conspicuous identification of the service it provides permanently affixed to the vehicle, that is used for the purpose of providing short-term repair, construction, landscaping services, delivery, utility, refuse, health commodities, life support or emergency service for a residence within the restricted district for less than two consecutive days. Personal vehicles used by domestic employees, such as housekeepers or child care providers, are not considered service vehicles.
 - (b) Service vehicles may park during restricted hours in the North Mercer restricted parking district without a permit for up to two consecutive days. Personal vehicles used by domestic employees, such as housekeepers or child care providers, must park on private property or use a residence guest vehicle parking permit.
 - (c) If a service vehicle will use on-street parking for more than two consecutive parking-restricted days, the owner or occupant of the residence receiving the service must either provide off-street parking, provide a residence guest permit, or obtain a temporary contractor parking permit.
 - ii. *Temporary contractor parking permit.*
 - (a) A noncommercial resident within the North Mercer restricted parking district who holds a current North Mercer restricted parking district permit may apply for a temporary contractor parking permit.

- (b) A temporary contractor license may be requested for a contractor that:
 - (1) Needs on-street parking in the North Mercer restricted parking district for more than two consecutive days to provide service to a North Mercer restricted parking district resident that cannot be accommodated by the resident's guest vehicle permit; and
 - (2) Has a current Mercer Island business license permitting it to operate within city limits.
- (c) At the discretion of the city engineer, or his or her designee, and upon payment of a nonrefundable fee to be set by the director of finance, a temporary contractor parking permit may be issued for 30, 60, or 90 days, depending on the estimated length of the project, and must be displayed as required by the city. A temporary contractor parking permit is not transferable and will not be valid beyond its expiration date.
- (d) A resident may be allowed two active temporary contractor permits for work being performed at a single address. If a compelling need can be shown, the city may issue up to two additional temporary contractor permits, but no residence can have the benefit of more than four active temporary contractor permits at any time.
- (e) A valid temporary contractor parking permit, displayed as required by the city, confers on the vehicle bearing it the same parking privileges and restrictions as a North Mercer restricted parking district permit; provided, a temporary contractor parking permit does not confer privileges outside the boundaries of the North Mercer restricted parking district.
- (f) The application, revocation and penalty, and appeal provisions of MICC 10.74.020(C), (F) and (G) apply to temporary contractor vehicle permits.

2. *Restricted parking.* Parking on the following specified city streets or portions thereof is restricted to noncommercial vehicles of district residents displaying a valid North Mercer restricted parking district permit, and other vehicles displaying parking permits as allowed by subsection (A)(1) of this section, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.:

- a. SE 24th Street: North side between 78th Avenue SE and 81st Avenue SE;
- b. 78th Avenue SE: Both sides between SE 24th Street and SE 22nd Street;
- c. 80th Avenue SE: Both sides between SE 22nd Street and SE 24th Street;
- d. 81st Avenue SE: East side between SE 24th Street and North Mercer Way; and
- e. 82nd Avenue SE: Both sides from SE 24th north to dead end.

3. *Prohibited parking.* Parking is prohibited as to all vehicles, including those with a North Mercer restricted parking district permit, on the following streets or portions thereof:
- a. SE 22nd Place: North side between 78th Avenue SE and 80th Avenue SE;
 - b. SE 22nd Street: Both sides between 80th Avenue SE and 81st Avenue SE;
 - c. SE 24th Street:
 - i. South side between 78th Avenue SE and 81st Avenue SE;
 - ii. Both sides between 81st Avenue SE and 84th Avenue SE;
 - d. SE 26th Street: Both sides between North Mercer Way and 84th Avenue SE;
 - e. North Mercer Way: Both sides between 76th Avenue SE and Island Crest Way;
 - f. 80th Avenue SE: Both sides between SE 20th Street and SE 22nd Street;
 - g. 81st Avenue SE:
 - i. Both sides between 82nd Avenue SE and SE 22nd Street;
 - ii. Both sides between SE 22nd Street and SE 24th Street;
 - iii. West side between SE 24th Street and North Mercer Way; and
 - h. 84th Avenue SE: Both sides between SE 24th Street and North Mercer Way.

B. *In the Town Center.*

- a. *Two-hour limit.* Parking is restricted to two-hour limits as follows:
 - i. Sunset Highway:
 - (a) South side between 77th Avenue SE and 78th Avenue SE;
 - ii. SE 27th Street:
 - (a) Both sides between 76th Avenue SE and 77th Avenue SE;
 - (b) South side between 78th Avenue SE and 80th Avenue SE;
 - iii. SE 28th Street: North side between 78th Avenue SE and 80th Avenue SE;
 - iv. 76th Avenue SE: Both sides between SE 27th Street and Extension of SE 27th Street;
 - v. 77th Avenue SE: Both sides between Sunset Highway and SE 27th Street;
 - vi. 78th Avenue SE:
 - (a) The west side between Sunset Highway and SE 27th Street;
 - (b) Both sides between SE 27th Street and SE 28th Street;
 - vii. 80th Avenue SE: West side between SE 27th Street and SE 28th Street;
- b. *Thirty-minute limit.* Parking is restricted to 30 minutes, as follows:
 - i. SE 28th Street: Two spaces as indicated on the north side between 78th Avenue SE and 80th Avenue SE.

- c. *Three-minute limit.* Parking is restricted to three minutes for loading/unloading, as follows:
 - i. 76th Avenue SE: Two spaces as indicated on the east side between SE 24th Street and SE 27th Street.
 - d. *Four-hour limit.* Parking is restricted to four hours in the cul-de-sac located on the east end of Sunset Highway.
2. ~~Section repealed. Permit parking. Parking is restricted to vehicles with a valid Mercer Island Town Center or North Mercer restricted parking district parking permit between 7:00 a.m. and 9:00 a.m. Monday through Friday on the following streets or portions thereof:~~
- a. ~~SE 29th Street: Both sides between 77th Avenue SE and 78th Avenue SE;~~
 - b. ~~SE 30th Street: Both sides between 78th Avenue SE and 80th Avenue SE;~~
 - c. ~~78th Avenue SE: Both sides between SE 28th Street to SE 29th Street;~~
 - d. ~~80th Avenue SE: Both sides between SE 28th Street and SE 30th Street.~~
3. *Prohibited parking.* Parking is prohibited as to all vehicles on the following streets or portions thereof (no parking anytime):
- a. Sunset Highway: Both sides between the two cul-de-sacs, except for seven spaces on the south side adjacent to 7700 Sunset Highway;
 - b. SE 27th Street: Both sides between 76th Avenue SE Extension and Island Crest Way, except for two spaces on the south side between 78th Avenue SE and 80th Avenue SE;
 - c. ~~Section repealed. In the off-street lot located in the vicinity of 7648 SE 27th Street: Parking is restricted to vehicles with a valid Mercer Island Town Center or North Mercer restricted parking permit at all times.~~
- D. *Exceptions.*
- 1. *Disabled privileges.* The establishment of the parking restrictions in this section shall not limit parking of vehicles as authorized by RCW 46.16.381 providing special parking privileges for disabled persons.
 - 2. *Holidays.* The parking restrictions established in this section shall not apply on the following holidays, as set forth in MICC 10.02.030, adopting WAC 308-330-127: New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

10.74.040 Enforcement.

- A. *Civil infraction.* Any violation of this chapter shall be considered a civil infraction and shall be filed in and subject to the rules of ~~King County district court~~ the Mercer Island Municipal Court.
- B. *Civil penalty.* ~~City council shall, by resolution, set monetary penalties for:~~ The monetary penalty for the following infractions shall be fifty-four dollars.
 - 1. Parking violations in permit-restricted areas; and
 - 2. Any unauthorized transfer of a permit to any unauthorized vehicle or to any individual who is not eligible for ~~a Town Center or~~ North Mercer restricted parking district permit, or for any other unauthorized use of a permit.