

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04**MODEL TRAFFIC ORDINANCE**

Sections:

- 10.04.010 Adoption by reference.
- 10.04.020 Automatic amendment.
- 10.04.030 *Repealed.*
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- 10.04.050 *Repealed.*
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10.04.010 Adoption by reference.

The “Washington Model Traffic Ordinance,” Chapter 308-330 WAC, is adopted by reference as the traffic ordinance of the city as if set forth in full. Copies of the text of the MTO and applicable statutes shall be filed as required by RCW 35.21.180. (Ord. 94-015 § 1)

10.04.020 Automatic amendment.

The addition of any new section to or amendment or repeal of any section in the MTO is deemed to amend this chapter without the requirement of any further action by the city. (Ord. 94-015 § 2)

10.04.030 Disposition of traffic fines and forfeitures.

Repealed by Ord. 94-015. (Ord. 394 § 4, 1980)

10.04.040 Official misconduct.

Repealed by Ord. 94-015. (Ord. 394 § 5, 1980)

10.04.050 Filing of ordinance.

Repealed by Ord. 94-015. (Ord. 394 § 6, 1980)

10.04.060 Penalties.

Failure to perform any act required or the performance of any act prohibited by this chapter is designated as a traffic infraction and shall not be classified as a criminal offense, except for an offense listed at RCW 46.63.020, which listed offenses shall be punished in accordance with the punishment set forth for each offense as provided in the Revised Code of Washington. (Ord. 496 § 2, 1986; Ord. 394 § 3, 1980)

Chapter 10.08**SPEED LIMITS**

Sections:

- 10.08.010 Speed limit designated.
- 10.08.020 Speed limit reductions.
- 10.08.030 Collections.

10.08.010 Speed limit designated.

A. It is the purpose of this section to establish speed limits within the city limits of the city.

B. It is unlawful to operate a motor vehicle within the city at speeds in excess of 25 miles per hour, pursuant to RCW 46.61.400(2)(a) except as otherwise decreased or increased herein or in the resolution authorized hereby and as speed limits may be posted in accordance with law. This section shall not be applicable to any portions of State Highway 101 which may be within Sequim city limits.

C. Speed limits are increased or decreased at such times or places as designated in a resolution adopted by the city council. Any altered limit established as herein authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

D. Violation of this section shall constitute a traffic infraction and shall be punishable in accordance with the punishments allowed for infractions as set forth in the Revised Code of Washington and adopted district court rules. (Ord. 2007-007; Ord. 99-012 § 1; Ord. 467 §§ 1, 2, 3, 6, 1985)

10.08.020 Speed limit reductions.

No person shall drive a vehicle on any street or alley within the city of Sequim at a speed greater than posted or at any speed greater than is reasonable and prudent under the conditions and having regard to the potential hazards then

10.08.030

existing. In every event the speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering alleys or access areas in compliance with state motor vehicle laws and the duty of all persons to use due care and caution. For purposes of this chapter, “alley” is defined in SMC 17.08.010 and RCW 46.04.020 and 47.04.010(1). (Ord. 2007-007; Ord. 99-012 § 1)

10.08.030 Collections.

For all such penalties not under the jurisdiction of Sequim municipal court as administered by Clallam County district court, the chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter that are not paid within 30 days by referring those violations for collection to a collection agency. The chief of police is authorized to enter into agreements with collection agencies to carry out the purpose of this section. Such agency as selected shall collect the original violation fee, plus the late fee for the city of Sequim, plus a collection fee not to exceed 33 percent. Reports on collection of unpaid parking fines and penalties shall be included in the departmental activity report. (Ord. 2007-007; Ord. 99-012 § 1. Formerly 10.08.040)

Chapter 10.10

REGULATIONS FOR PORT OF PORT ANGELES WITHIN THE CITY OF SEQUIM

Sections:

- 10.10.010 Traffic regulations.
- 10.10.020 Parking regulations.
- 10.10.030 Violations.
- 10.10.040 Discretionary authority – Chief of police.
- 10.10.050 Administration.
- 10.10.060 Collections.

10.10.010 Traffic regulations.

A. No person shall drive a vehicle on any Port of Port Angeles roadway or access area at a speed greater than is reasonable and prudent under the conditions and having regard to the actual or potential hazards then existing. In every event the speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering roadways or access areas in compliance with state motor vehicle laws and the duty of all persons to use due care and caution.

B. No person shall drive a vehicle on Port of Port Angeles roadways or access areas at a speed in excess of maximum limits clearly posted by the executive director of the Port of Port Angeles.

C. Any speed limits authorized and established hereunder shall be effective when signs giving notice thereof are erected. (Ord. 98-001 § 1)

10.10.020 Parking regulations.

A. The executive director of the Port of Port Angeles shall designate areas in which parking is allowed, freely or by authorization, or not allowed, by appropriate markings on the ground and/or signs posted on or about the areas, clearly giving notice thereof.

B. No parking or stopping of vehicles shall be allowed in roadways or areas designated for access, except in the areas designated for loading and/or unloading freight, boats and/or passengers.

C. Vehicle parking without a permit shall be allowed in all designated parking areas unless clearly marked as restricted parking areas. Restricted areas shall include, but are not limited to, areas marked “Permit Parking Only,” “Port of Port Angeles Vehicles Only,” “Load-Unload Only,” “Disabled Parking Only,” or such other areas as the executive director of the Port of Port Angeles may determine.

D. Vehicles authorized to park in restricted areas are as follows:

1. Port of Port Angeles Vehicles. Port-owned vehicles with insignias;

2. Load/Unload Only. Trucks, licensed commercial vehicles, and attended vehicles loading and/or unloading freight, boats, and/or passengers, for a reasonable period of time necessary to accomplish the loading and/or unloading, but in no event over 15 minutes;

3. Permit Parking Only. Vehicles which clearly display parking permits obtained from an employee of the Port authorized to issue such permits. Such permits shall be as follows:

a. Permanent numbered parking permits clearly attached to the front window or bumper;

b. Temporary parking permits clearly displayed face upwards on the dash board or other area of the car thereabouts;

4. Disabled Parking Only. Vehicles which clearly display, attached to the back window, windshield or bumper, disabled parking permits issued by a state, county, city, or other local government, or an employee of the Port authorized to issue disabled parking permits;

5. Other Restricted Parking. The executive director of the Port of Port Angeles may designate other restrictions on parking, including but not limited to the following: employee parking only, rental car parking only, no overnight camping, and attached boat trailers only.

E. The executive director of the Port of Port Angeles shall determine procedures for issuing parking permits, including types and forms of permits, fees for obtaining permits, employees authorized to issue permits, locations for the issuance of permits, or any other rules reasonably necessary to issue permits in a fair and reasonably efficient manner. (Ord. 98-001 § 1)

10.10.030 Violations.

Violation of any Port of Port Angeles traffic or parking regulation adopted and executed according to and under the authority of this chapter shall be civil traffic or parking infractions punishable to the same extent and under the same procedures as other similar civil traffic and parking ordinances, codes, and statutes of the city of Sequim, including but not limited to the provisions of this title. (Ord. 98-001 § 1)

10.10.040 Discretionary authority – Chief of police.

A. Whenever it is determined that a parking ticket has been improperly issued, the chief of police or his designee may void such ticket.

B. Whenever it is determined that the registered owner of a vehicle has not received actual notice of a parking violation, the chief of police or his designee may extend the time period for payment such that the registered owner has an opportunity to pay the original penalty within 48 hours. (Ord. 98-001 § 1)

10.10.050 Administration.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter through a parking violations bureau as authorized by the district court judge for Clallam County, with which the city has contracted for filing violations of the Sequim Municipal Code. (Ord. 98-001 § 1)

10.10.060 Collections.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter that are not paid within 30 days by referring those parking violations for collection to a collection agency. The chief of police is authorized to enter into agreements with collection agencies to carry out the purpose of this section. Such agency as selected shall collect the original violation fee, plus the late fee for the city of Sequim, plus a collection fee not to exceed 33 percent. Reports on collection of unpaid parking fines and penalties shall be included in the departmental activity reports. (Ord. 98-001 § 1)

Chapter 10.12

STOPPING, STANDING AND PARKING

Sections:

- 10.12.005 Purpose and applicability.
- 10.12.010 Definitions.
- 10.12.015 Non-vehicle use of streets.
- 10.12.017 Recreational vehicles, boats and trailers.
- 10.12.020 Parking improperly.
- 10.12.030 No parking on certain streets and alleys.
- 10.12.035 Purpose – Exercise of police power.
- 10.12.036 Designation of limited time, restricted and handicap zones.
- 10.12.040 Parking time limited on streets and alleys.
- 10.12.050 Miscellaneous regulations.
- 10.12.055 Parking and loading space dimensions.
- 10.12.060 Registered owner’s responsibility.
- 10.12.070 Sign posting required.
- 10.12.080 Chief of police authority.
- 10.12.090 Chapter supplemental to state law.
- 10.12.100 Penalties.
- 10.12.110 Discretionary authority – Chief of police.
- 10.12.120 Administration.
- 10.12.130 Collections.

10.12.005 Purpose and applicability.

The purpose of this chapter is to provide for safe parking and/or loading and unloading of vehicles on public streets and alleys and on private streets, lanes and alleys to which the regulations contained in this chapter are specifically applied as a condition of development or council action. It is intended that this chapter be complementary to the regulations for off-street parking found in Chapter 10.14 SMC, Commercial Vehicle Parking Restrictions, and Chapter 18.48 SMC, Off-Street Parking. (Ord. 2005-012; Ord. 2003-017 § 2)

10.12.010 Definitions.

The following definitions are applicable to the provisions of this chapter:

A. “Improperly park” means the parking of a vehicle, including parking in areas where parking is permitted, in such a manner as to obstruct the passage of other vehicles or pedestrians; or the parking of a vehicle in an area where parking places are designated by lines or marks in such a manner that the vehicle is across any such line or mark, or is not within the area so designated by such lines or markings; or the parking of a vehicle in a designated or undesignated parking space on the side of the street with the vehicle facing oncoming traffic; or the parking of a vehicle in a “loading zone” for any purpose other than the loading or unloading of passengers, merchandise or equipment; or the parking of a vehicle in a “back in only” zone in any manner other than with the front of the vehicle facing the street; or the parking of a vehicle in a parking area restricted for the parking for taxis, buses or handicapped parking, when the parked vehicle is not in compliance with the posted restriction.

B. “Vehicle” includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

C. “Non-vehicle” is any object which is not a vehicle. “Vehicle” is described above in SMC 10.12.010(B). (Ord. 2003-017 § 2; Ord. 98-001 § 1; Ord. 384 § 1, 1979)

10.12.015 Non-vehicle use of streets.

No non-vehicle shall be allowed to stand or park on any city street, sidewalk, alley or within any right-of-way within the city limits without a permit. A limited duration permit may be obtained from the chief of police or his or her designee. The city shall set charges for this permit by resolution. Conditions may be required on the face of the permit providing for safety marking, lighting, hours of use and safety provisions. (Ord. 2003-017 § 2)

10.12.017 Recreational vehicles, boats and trailers.

Recreational vehicles, boats and/or boat trailers and other trailers shall not be parked on public streets or in city parking lots for longer than 24 hours without a permit issued pursuant to SMC 10.14.040(C). (Ord. 2005-012)

10.12.020 Parking improperly.

No person shall improperly park a vehicle or non-vehicle in the city at any time. (Ord. 2003-017 § 2; Ord. 98-001 § 1; Ord. 384 § 2, 1979)

10.12.030 No parking on certain streets and alleys.

No person shall park a vehicle within a district or on or along any of the streets, alleys or parts of streets or alleys where such district or streets or alleys are posted as “no parking” areas and zones. (Ord. 98-001 § 1; Ord. 384 § 3, 1979)

10.12.035 Purpose – Exercise of police power.

This chapter is an exercise of the police power of the city of Sequim and is necessary for the protection of the public health, safety, and welfare through the regulation and control of stopping, standing and parking in the city of Sequim on city streets and parking lots. (Ord. 2003-017 § 2; Ord. 98-001 § 1)

10.12.036 Designation of limited time, restricted and handicap zones.

A. The director of public works, after consultation with the chief of police, is hereby authorized and required to establish limited time and/or restricted parking zones on city streets and parking lots in accordance with the purposes set out in SMC 10.12.035. He shall further designate the number of such zones and any applicable time limits. Such zones shall be defined and marked in accordance with the requirements of RCW 47.36.060. Upon designation, a description and listing of such zones shall be filed with the city clerk. Unless otherwise posted, no vehicles shall be parked on city property including parking lots, streets, alleys and rights-of-way for longer than 14 days in residential areas or for longer than 24

hours in the town center sub-area as identified in SMC 18.48.130 without a properly issued permit. In the town center sub-area, permits may be issued for resident vehicle parking in excess of 24 hours for vehicles registered to owners whose title shows a registered address within the town center sub-area.

B. Handicap Parking Zones.

1. Handicap parking zones shall be located and designated as required by Chapter 70.92 RCW.

2. It is a traffic infraction for any person to park a vehicle in a handicap parking zone without a special license plate, or placard, as provided for in RCW 46.16.381. A person charged with a violation hereof shall not be determined to have committed an infraction if he or she produces in court or prior to the court appearance the special license plate or placard required herein or demonstrates he or she was entitled to the same at the time of being ticketed.

3. Any unauthorized use of the special license plate or placard provided for in RCW 46.16.381 is a misdemeanor. (Ord. 2005-012; Ord. 98-001 § 1)

10.12.040 Parking time limited on streets and alleys.

A. When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than that specified during the hours between which the limit is in effect on any day except Sundays and public holidays.

B. Recreational vehicles, boats and/or boat trailers and other trailers shall not be parked on public streets, including alleys and rights-of-way, or in city parking lots longer than 24 hours without a permit issued pursuant to SMC 10.14.040(C). On-street or alley parking within commercial zones shall not be permitted for longer than 12 hours (for commercial vehicles, see SMC 10.14.040). (Ord. 2005-012; Ord. 98-001 § 1; Ord. 384 § 4, 1979)

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10.12.050 Miscellaneous regulations.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- A. On a sidewalk;
- B. In front of a public or private driveway or on any parking strip;
- C. Within an intersection;
- D. Within 15 feet of a fire hydrant;
- E. On a crosswalk;
- F. Within 20 feet of a crosswalk at an intersection;
- G. Within 30 feet of the approach to any flashing beacon, stop sign or traffic control signal;
- H. Within 20 feet of the driveway entrance to any fire station;
- I. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- J. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (“double parking”);
- K. Upon any bridge or other elevated structure or within a tunnel;
- L. At any place where official signs prohibit stopping, standing or parking. (Ord. 98-001 § 1; Ord. 384 § 5, 1979)

10.12.055 Parking and loading space dimensions.

The dimensions of various on-street parking and loading spaces, including handicap accessible spaces, shall be as found in the adopted city engineer standards. In the absence of a city engineer standard the dimensions found in Chapter 18.48 SMC, Off-Street Parking, shall be used. (Ord. 2003-017 § 2)

10.12.060 Registered owner’s responsibility.

In addition to the driver of the vehicle violating the provisions of this chapter, every person in whose name the vehicle is registered or licensed shall be responsible for that vehicle’s compliance with this chapter and shall further

be liable for fines imposed for all parking violations under this chapter. (Ord. 98-001 § 1; Ord. 384 § 7, 1979)

10.12.070 Sign posting required.

Whenever any parking time limit is imposed or parking is prohibited on designated streets or alleys or whenever certain methods of parking are prescribed under SMC 10.12.010, 10.12.020, 10.12.030 and 10.12.050, it shall be the duty of the chief of police to have erected appropriate signs giving notice thereof and no such regulation shall be effective unless the signs are erected and in place at the time of any alleged offense. (Ord. 98-001 § 1; Ord. 384 § 8, 1979)

10.12.080 Chief of police authority.

The city council, at a regular meeting, may by majority vote of those present direct the chief of police on the establishment and location of the parking regulations within the city limits as the council may from time to time determine to be in the interests of the general public and welfare of the citizens of the city. (Ord. 98-001 § 1; Ord. 384 § 9, 1979)

10.12.090 Chapter supplemental to state law.

The ordinance codified in this chapter shall be in addition to and supplemental to the regulations and statutes of the state, where the regulations are not inconsistent with this chapter. (Ord. 98-001 § 1; Ord. 384 § 10, 1979)

10.12.100 Penalties.

It is a civil infraction for any person to permit or allow any vehicle to be parked in violation of this chapter or to improperly park a vehicle as designated in SMC 10.12.010 and 10.12.020. The penalty for violation of this chapter as designated in SMC 10.12.010, 10.12.020, 10.12.030 and 10.12.050 shall be as established by resolution for each such violation and the penalty for violation of SMC 10.12.040 shall be as established by resolution for each such violation and the vehicle shall be issued a parking violation in the form prescribed by the chief of police. Fines shall be paid to the city police department. The above

penalties as established by resolution shall apply only if the penalty is paid within 15 days from the issuance of the notice of violation. Payment shall be deemed made if the penalty is delivered to the police department, placed in the United States mail with proper postage affixed and addressed to the Sequim Police Department, 609 W. Washington No. 16, Sequim, WA 98382-3291. The penalty for violation of handicap zone (SMC 10.12.036(B)) shall be as established by resolution for each violation. The penalty for violation of limited time or restricted zone (SMC 10.12.036(A)) shall be as established by resolution for each violation. (Ord. 2005-029 § 2; Ord. 98-001 § 1; Ord. 384 § 6, 1979)

fee not to exceed 33 percent. Reports on collection of unpaid parking fines and penalties shall be included in the departmental activity reports. (Ord. 98-001 § 1)

10.12.110 Discretionary authority – Chief of police.

A. Whenever it is determined that a parking ticket has been improperly issued, the chief of police or his designee may void such ticket.

B. Whenever it is determined that the registered owner of a vehicle has not received actual notice of a parking violation, the chief of police or his designee may extend the time period for payment such that the registered owner has an opportunity to pay the original penalty within 48 hours. (Ord. 98-001 § 1)

10.12.120 Administration.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter through a parking violations bureau as authorized by the district court judge for Clallam County, with which the city has contracted for filing violations of the Sequim Municipal Code. (Ord. 98-001 § 1)

10.12.130 Collections.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter that are not paid within 30 days by referring those parking violations for collection to a collection agency. The chief of police is authorized to enter into agreements with collection agencies to carry out the purpose of this section. Such agency as selected shall collect the original violation fee, plus the late fee for the city of Sequim, plus a collection

Chapter 10.13

ABANDONED VEHICLES

Sections:

- 10.13.010 Legislative findings adopted.
- 10.13.020 Findings.
- 10.13.030 Definitions.
- 10.13.040 Written form of authorization to impound.
- 10.13.050 Adoption by reference.
- 10.13.060 Redemption of impounded vehicles.
- 10.13.070 Contract for towing and storage.

10.13.010 Legislative findings adopted.

The city adopts the legislative findings of Washington Laws of 1998, Chapter 203, Section 1. (Ord. 2005-008 § 1)

10.13.020 Findings.

The city council finds that parking on the public rights-of-way should be regulated to promote traffic safety, enhance the smooth flow of traffic, and, in certain areas of high demand for parking, such as business districts, to fairly allocate parking spaces among the public by limiting parking time.

Further, the city council finds that parking of vehicles in the public rights-of-way for long periods of time deprives residential and other property owners and residents of fairly allocated parking spaces.

Further, the city council finds that certain vehicles are abandoned and create hazards and obstructions and aesthetic damage to the surrounding properties, and in addition are likely to encourage abandonment of other items of a similar nature in the area. (Ord. 2005-008 § 2)

10.13.030 Definitions.

The definitions set forth in this section apply throughout this chapter.

A.1. "Abandoned vehicle" means a vehicle that a registered tow truck operator or the city has impounded and held in the operator's or the city's possession for 120 consecutive hours. "Abandoned vehicle" also includes a vehicle left on blocks, jacks, ramps or otherwise elevated above the ground in an unstable

manner and unattended and also includes any of the following on city property or rights-of-way if three or more of the following are true:

- a. Vehicle license expired in excess of 30 days;
- b. The owner or person listed on the vehicle's registration does not live in the city;
- c. The vehicle is apparently inoperative;
- d. A complaint of the vehicle's abandonment has been received from a city resident;
- e. The vehicle has not been moved within the last 30 days;
- f. The vehicle is not parked within two blocks of the registered owner's address;
- g. The vehicle is being used as a storage container and is apparently inoperable;
- h. One or more flat tires;
- i. Broken windshield or rear window;
- j. Extensive body damage;
- k. Partially dismantled;
- l. Wrecked or in a condition that would inhibit or prevent use.

2. Vehicles that appear to be abandoned but are not a hazard may be impounded after 72 hours' written notice properly posted on the vehicle. The "Notice of Intent to Tow" shall be affixed on a conspicuous place on the vehicle and shall contain the following:

- a. A description of the vehicle;
- b. The location of the vehicle;
- c. The time and date the notice was issued and posted;
- d. The time and date after which the vehicle may be towed if not moved;
- e. The citing official's name and identifying number;
- f. The address and phone number of the Sequim police department.

3. Any vehicle that is left unattended on public property or on a public street may be impounded immediately and without prior notice if it is in such condition as to pose a threat to the health or safety of the public. These conditions include but are not limited to:

- a. Blocking or obstructing a roadway or a driveway;

b. Blocking or obstructing the view of oncoming traffic or of a traffic control device;

c. Blocking a fire hydrant or obstructing the mobility of an emergency vehicle;

d. A vehicle that is leaking hazardous materials, including fuel;

e. A vehicle that constitutes an attractive nuisance.

4. Any vehicle that is unattended that is a hazard, is in violation of public parking limits, or is parked in violation of the terms of a tow notice may be impounded.

B. "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

C. "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds, public and private.

1. "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or at the direction of a public official having jurisdiction over the public property upon which the vehicle is located.

2. "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle is located.

D. "Residential property" means property that has no more than four living units located on it.

E. "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time, and is subject to removal as set forth below.

1. On Public Locations.

a. Constituting an accident or traffic hazard as defined in RCW 46.55.113: time – immediately.

b. On a highway and tagged as described in RCW 46.55.085: time – 24 hours.

c. In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070: time – immediately.

2. On Private Locations.

a. On residential property: time – immediately.

b. On private nonresidential property, properly posted under RCW 46.55.070: time – immediately.

c. On private nonresidential property not posted: time – 24 hours.

3. Vehicles parked on publicly owned or controlled property including the right-of-way of any public street not provided for above which have been parked one month or more at the same location. (Ord. 2005-008 § 3)

10.13.040 Written form of authorization to impound.

There is hereby established as the official written form of authorization to impound, pursuant to RCW 46.55.240(1)(b), the state form known as the Uniform or Universal Washington State Tow/Impound Form. (Ord. 2005-008 § 4)

10.13.050 Adoption by reference.

The city of Sequim adopts by reference all the required provisions of RCW 46.55.240. (Ord. 2005-008 § 5)

10.13.060 Redemption of impounded vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to this chapter must, prior to redemption, establish that he or she has a valid driver's license and is in compliance with all provisions of this chapter.

B. Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment, removal, towing and storage, and any required administrative fees prior to redeeming such vehicle.

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Such towing contractor shall accept payment as provided in RCW 46.55.120 as now or hereafter amended.

C. Any person seeking to redeem a vehicle impounded for parking in a public right-of-way longer than allowed has a right to a hearing to contest the validity of an impoundment or the amount of removal, towing, storage and/or administrative fees. Such request for hearing must be in writing in a form approved by the chief of police and signed by such person, and is received by the chief of police within 10 days (including Saturdays, Sundays and holidays) of the latter of the date the notice was mailed to such person pursuant to this chapter or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle have been satisfied, and in the event that the person seeking to redeem an impounded vehicle pays the costs of impoundment, towing and storage and administrative fees, the impounded vehicle shall be released to such person immediately and a hearing as provided for in this chapter shall be held within 90 days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle have been satisfied, and in the event that the person seeking to redeem an impounded vehicle does not pay the cost of impoundment, towing and storage and administrative fees, the impounded vehicle shall not be released until after the hearing provided for. Such person shall have a right to a hearing within two business days (excluding Saturdays, Sundays and holidays) of the written request to the court for a hearing.

D. Any person seeking a hearing who has failed to request such a hearing within the time specified in this chapter may petition the chief of police for an extension to file a request for a hearing. Such extension shall only be granted upon the demonstration of good cause as to the reasons that the request for hearing could not be timely filed. For the purposes of this section, "good cause" shall be defined as one or more of the following circumstances beyond the control of the person seeking the hearing

that prevented such person from filing a timely request for a hearing within the time specified in this chapter as now or hereafter amended. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter if and only if a hearing request is filed within the extended period of time. If no proper request for a hearing is filed within the time required, the right to a hearing is waived and the associated costs of impoundment and administrative fee and storage are deemed to be proper and the city shall not be liable to the owner for removal, towing, or storage or administrative charges arising from the impoundment.

E. In the event the impoundment is found to be proper pursuant to a hearing or because of waiver of a hearing, the court shall enter an order so stating. In the event that removal, towing, storage and administrative costs and fees have not been paid, the order shall also provide that the impounded vehicle shall be released only after payment to the city of any costs of impoundment, storage, towing and administrative fees, and that such amounts shall be paid within 30 days of the date of the decision in the form of a written order; after which date, if no appeal has been filed and if the costs have not been paid, the vehicle may be disposed of as provided by law.

F. If the impoundment is found to be improper, the court shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment, storage and administrative fee have already been paid, the court shall enter judgment against the city in favor of the person who has paid the cost of impoundment in the amount paid.

G. The court in any proceeding shall have the authority to determine if the correct fees have been charged and to adjust the fees if the correct fees have not been charged, and order appropriate judgments favoring the party who prevails. (Ord. 2005-008 § 6)

10.13.070 Contract for towing and storage.

The city is authorized to contract with a licensed tow truck operator as provided by Chapter 46.55 RCW for removal of improperly parked vehicles, unauthorized vehicles,

and abandoned vehicles, and the contract shall provide specifically for the amount of an administrative fee, the method of calculation of a towing fee, and the method of calculation of a storage fee and the amounts thereof. The contract shall also provide that the registered tow truck operator and storer shall have all appropriate liens as provided for in RCW 46.55.140 and all of the remedies including sale at public auction for accumulated storage charges pursuant to RCW 46.55.130 or other provisions of law. Redemption rights and sale of unredeemed property are also governed by RCW 46.55.120 and other applicable portions of law. (Ord. 2005-008 § 7)

Chapter 10.14

**COMMERCIAL VEHICLE
PARKING RESTRICTIONS**

Sections:

- 10.14.005 Purpose and applicability.
- 10.14.010 Definitions.
- 10.14.020 Exclusions.
- 10.14.030 Off-street parking.
- 10.14.040 Street parking.
- 10.14.050 Disabled vehicles.
- 10.14.060 Appeal.
- 10.14.070 Restricted parking signs.
- 10.14.080 Penalties.
- 10.14.090 Discretionary authority – Chief of police.
- 10.14.100 Administration.
- 10.14.110 Collections.

10.14.005 Purpose and applicability.

It is the intent and purpose of this chapter to provide regulations for the safe parking of commercial vehicles on public streets and alleys and on private streets, lanes and alleys to which the regulations contained in this chapter are specifically applied as a condition of development or council action. It is intended that this chapter be complementary to the regulations for off-street parking found in Chapter 18.48 SMC, Off-Street Parking, and the restrictions on abandoned vehicles in Chapter 10.13 SMC. (Ord. 2005-013; Ord. 2003-017 § 3)

10.14.010 Definitions.

A. For the purpose of this chapter “commercial or industrial vehicle” means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry or farming, including, but not limited to, bulldozers, backhoes, tractors, trucks, or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. “Commercial or industrial vehicle” also includes nonmotorized dumpsters, storage units, tool lockers and any other structure.

B. For the purposes of this chapter “temporary” means not more than 24 hours.

10.14.020

C. "Parking" means locating a vehicle subject to this chapter adjacent to the curb or street surface on a public right-of-way or upon private property. (Ord. 2005-013; Ord. 98-001 § 1; Ord. 594 § 1, 1991)

10.14.020 Exclusions.

The provisions of this chapter shall not apply to vehicles which are being temporarily loaded or unloaded or parked no longer than the duration of the construction permit issued by the city on private construction sites. (Ord. 2003-017 § 3; Ord. 98-001 § 1; Ord. 594 § 2, 1991)

10.14.030 Off-street parking.

Refer to Chapter 18.48 SMC for regulations on off-street parking of commercial vehicles. (Ord. 2003-017 § 3; Ord. 98-001 § 1; Ord. 594 § 3, 1991)

10.14.040 Street parking.

A. Commercial vehicles (as defined in SMC 10.14.010(A)) shall only be parked in designated spaces designed for the size of the vehicle. The definition of "street" includes alleys, sidewalks and the entire city right-of-way where prohibitions on street parking exist.

B. Commercial vehicles shall only be parked on streets and alleys in commercial zoning districts.

C. No person shall park or store any commercial vehicle on any street, roadway, or in any alley within the city limits for a period in excess of two hours within any 24-hour period unless he/she has first obtained a permit from the chief of police or his or her designee. No charge shall be levied for this permit. The police chief may deny the requested permit if he or she finds that the parking requested would create a safety risk, or is not reasonably necessary due to alternate available parking. See also SMC 10.12.015. (Ord. 2005-013; Ord. 2003-017 § 3; Ord. 98-001 § 1; Ord. 594 § 4, 1991)

10.14.050 Disabled vehicles.

No person shall park or store a disabled vehicle of any description or any part or parts thereof in any alley or upon any street or road-

way within the city limits for more than 12 hours, unless he/she has first obtained a permit from the police department. Such permits may be granted for periods of up to 96 hours if, in the judgment of the police chief or his or her designee, such is required as an emergency measure. There shall be no charge for the permit. (Ord. 2003-017 § 3; Ord. 98-001 § 1; Ord. 594 § 5, 1991)

10.14.060 Appeal.

Any appeal of the police decision shall be made directly to the city council in writing within 10 days of the decision of the chief of police or his or her designee. (Ord. 98-001 § 1; Ord. 594 § 6, 1991)

10.14.070 Restricted parking signs.

Restricted parking signs specifying acceptable commercial and/or industrial licensed gross vehicles (GVW) shall be posted at the city limits for the purpose of enforcing this chapter. (Ord. 98-001 § 1; Ord. 594 § 7, 1991)

10.14.080 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment for not more than 90 days. (Ord. 98-001 § 1; Ord. 594 § 8, 1991)

10.14.090 Discretionary authority – Chief of police.

A. Whenever it is determined that a parking ticket has been improperly issued, the chief of police or his designee may void such ticket.

B. Whenever it is determined that the registered owner of a vehicle has not received actual notice of a parking violation, the chief of police or his designee may extend the time period for payment such that the registered owner has an opportunity to pay the original penalty within 48 hours.

C. The police chief or his or her designee may deny any requested permit. (Ord. 2003-017 § 3; Ord. 98-001 § 1)

10.14.100 Administration.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter through a parking violations bureau as authorized by the district court judge for Clallam County, with which the city has contracted for filing violations of the Sequim Municipal Code. (Ord. 98-001 § 1)

10.14.110 Collections.

The chief of police or his designee(s) shall administer the collection of fees established pursuant to this chapter that are not paid within 30 days by referring those parking violations for collection to a collection agency. The chief of police is authorized to enter into agreements with collection agencies to carry out the purpose of this section. Such agency as selected shall collect the original violation fee, plus the late fee for the city of Sequim, plus a collection fee not to exceed 33 percent. Reports on collection of unpaid parking fines and penalties shall be included in the departmental activity reports. (Ord. 98-001 § 1)

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Chapter 10.16

ARTERIALS

Sections:

10.16.010 Arterial streets designated.

10.16.010 Arterial streets designated.

The following streets or portions thereof which lie within the city limits of the city shall be and are designated as major arterial streets of the city:

A. SR 101 (Washington Street): city limit to city limit.

B. Extension of Brown Avenue from Old Olympic Highway to SR 101.

C. Sequim Avenue from Old Olympic Highway to Miller Road.

D. Third Avenue from Fir Street to Happy Valley Road.

E. Fifth Avenue from Old Olympic Highway to McCurdy Road.

F. Seventh Avenue from Hendrickson Road to Happy Valley Road.

G. Hammond Street from Fifth Avenue (east) to SR 101.

H. Fir Street from Ninth Avenue to Rhodifer Road.

I. Hendrickson Road from west city limits to north extension of Blake Avenue.

J. Prairie Street from Ninth Avenue to west city limits.

K. West Sequim Bay Road from SR 101 to east city limits.

L. Whitefeather Way from SR 101 to West Sequim Bay Road.

M. Priest Road from SR 101 to north city limits. (Ord. 95-008 § 3)

Chapter 10.20

BICYCLES

Sections:

10.20.010 Bicycle defined.

10.20.020 License required.

10.20.030 Chief of police authorized to issue licenses.

10.20.040 Annual license tabs.

10.20.050 License fees.

10.20.060 Annual relicensing.

10.20.070 Transfer of ownership.

10.20.080 Alteration of frame number.

10.20.090 Bicycle shops – Sellers to report purchases.

10.20.100 Bicycles no longer in service – Report to chief of police.

10.20.110 Violation.

10.20.010 Bicycle defined.

A “bicycle” is defined as a light vehicle with two tandem wheels, neither of which shall be less than 20 inches in diameter, with tires inflated, having a steering wheel and a saddle seat and propelled by the feet acting on treadles connected with levers. (Ord. 214 § 1, 1967)

10.20.020 License required.

It is unlawful for any person to operate or use a bicycle upon any of the streets, alleys or public highways of the city without first obtaining from the chief of police a license therefor. (Ord. 214 § 2, 1967)

10.20.030 Chief of police authorized to issue licenses.

The chief of police is authorized and directed to issue, upon written application, bicycle licenses, which shall be effective for one calendar year. All such licenses shall be dated January first of the year of issue, which licenses when issued shall entitle the licensees to operate such bicycles for which the licenses have been issued, upon all the streets, alleys and public highways and on sidewalks in sections of the city specified by the chief of police. (Ord. 214 § 3, 1967)

10.20.040

10.20.040 Annual license tabs.

The city shall provide, each year, license tabs together with registration cards. It is the duty of the chief of police to attach one such tab to each bicycle and issue a corresponding registration card to each licensee upon the payment of the required license fee. Such license tab shall remain attached during the existence of the license. The chief of police shall also keep a record of the date of issue of each licensee, to whom issued, the number thereof, and the number of the bicycle frame. (Ord. 214 § 4, 1967)

10.20.050 License fees.

The annual license fee to be paid for each bicycle shall be as established by resolution. All license fees shall be paid in advance. A fee as established by resolution shall be paid for the registration of a transfer of ownership. All license fees collected under this chapter shall be paid to the chief of police. (Ord. 2005-029 § 2; Ord. 214 § 5, 1967)

10.20.060 Annual relicensing.

Bicycles licensed under the provisions of this chapter shall be relicensed on January first of each year. The chief of police shall affix a new license tab upon each bicycle at the time of relicensing. (Ord. 214 § 6, 1967)

10.20.070 Transfer of ownership.

Every person who sells or transfers ownership of any bicycle shall report such sale or transfer within 10 days thereafter by returning to the chief of police the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred. The purchaser or transferee of the bicycle shall apply for a transfer of registration thereof within 10 days of such sale or transfer. (Ord. 214 § 7, 1967)

10.20.080 Alteration of frame number.

It is unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It is also unlawful for any person to remove, destroy, mutilate or alter

any license plate or tab or registration card during the time in which such license or registration card is operative; provided, that nothing in this section shall prohibit the chief of police from stamping, in a distinguishing manner, numbers on the frames of bicycles on which no such serial number can be found or on which such number is illegible or insufficient for identification purposes. (Ord. 214 § 8, 1967)

10.20.090 Bicycle shops – Sellers to report purchases.

All persons engaged in the business of buying secondhand bicycles shall make a monthly report to the chief of police, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof and the number of the license found thereon, if any. All persons engaged in the business of selling new and secondhand bicycles shall make a monthly report to the chief of police, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold and the kind of bicycle sold, together with a description and the frame number thereof and the number of the license plate attached thereto, if any. (Ord. 214 § 9, 1967)

10.20.100 Bicycles no longer in service – Report to chief of police.

Within 10 days after any bicycle licensed under this chapter has been dismantled and taken out of operation, such information shall be reported to the chief of police by the person in whose name the bicycle has been registered. (Ord. 214 § 10, 1967)

10.20.110 Violation.

Persons operating bicycles within the city limits of the city shall obey all traffic rules and regulations pertaining to vehicles. Violation of this provision of this section shall be deemed an infraction. (Ord. 496 § 3, 1986; Ord. 214 § 11, 1967)

Chapter 10.21

HUMAN-POWERED VEHICLES

Sections:

- 10.21.010 Definitions.
- 10.21.020 Traffic.
- 10.21.030 Negligent operation.
- 10.21.040 Unattended or parked wheeled vehicles.
- 10.21.050 Prohibited areas.
- 10.21.060 Penalties.

10.21.010 Definitions.

The following words and phrases when used shall, for the purposes of this chapter, have the following meanings ascribed to them:

A. "Skateboard" means a foot board mounted upon four or more wheels, usually propelled by human power.

B. "In-line skates" means a device having wheels which are in line with one another and which are attached to a pair of shoes, usually propelled by human power.

C. "Roller skates" means a pair of shoes mounted upon wheels and are most often propelled by the user in an upright, standing position or kneeling.

D. "Coaster," commonly referred to as a scooter, means a foot board mounted on two or more wheels, controlled by an upright steering handle, usually propelled by human power.

E. "Bicycle" means a human-powered, wheeled vehicle as defined in SMC 10.20.010, and, for purposes of this chapter, is expanded to include similar vehicles with one to four wheels.

F. "Wheeled device" shall include the above-noted devices or any other device intended to be ridden on or in, which is pushed, pulled, pedaled or relies on human power for mobility.

G. "Pedestrian-friendly zone" is described as follows:

That area bordered on the south by the north edge of the roadway of Bell Street between Third Avenue on the west and the east sidewalk of Sunnyside Avenue. Both sidewalks of Sun-

nyside between Washington Street and Maple Street. The entire section of Washington Street, including sidewalks from the west side of Third Avenue to the east side of Sunnyside Avenue.

The entire section, including sidewalks from the west side of Second Avenue to the east sidewalk of Sequim Avenue and from Washington Street to the north edge of the east/west alley between Cedar Street and Spruce Street to include the parking lots and common areas in and around the City Hall, Transit Center and Community Center.

H. "Hearing board" is the chief of police or his designee who shall act as the hearing officer to hear appeals from a violator who wishes to contest a penalty. (Ord. 2005-020; Ord. 2001-011; Ord. 99-025 § 1; Ord. 98-014)

10.21.020 Traffic.

Any person operating a bicycle, skateboard, roller skates, coaster or other human-powered wheeled device shall, in addition to observing other applicable provisions of state and local laws, obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. (Ord. 2005-020; Ord. 98-014)

10.21.030 Negligent operation.

A. No bicycle, skateboard, roller skates, coaster or other wheeled device shall be ridden in a negligent manner anywhere within the city limits of Sequim, but shall be operated with reasonable regard for the safety of the operator and other persons. For the purpose of this chapter, "negligent manner" means the operation of these devices in such a manner as to be a danger to or to endanger any person or property, as well as any other additional definitions enumerated in this chapter.

B. Whenever riding a bicycle, skateboard, roller skates, coaster or other wheeled device within the city of Sequim, such person shall

10.21.040

yield the right-of-way to all pedestrians. Failure to do so shall constitute negligent operation.

C. Whenever riding a bicycle, skateboard, roller skates, coaster or other wheeled device within the city of Sequim, no such rider shall attach the device or themselves to any moving vehicle upon any roadway or sidewalk. Doing so shall constitute negligent operation.

D. Nothing in this chapter shall apply to a person pushing or pulling a wheeled device to transport infants or consumable goods, wheelchairs or other wheeled devices allowing a person to be ambulatory within the city of Sequim, unless said wheeled device is being operated in a willful and negligent manner.

E. Nothing in this chapter shall apply to a police officer who may be riding a wheeled device as defined in the course and scope of their duties. (Ord. 2005-020; Ord. 98-014)

10.21.040 Unattended or parked wheeled vehicles.

A. No person shall park a bicycle in other than a bicycle rack. If no bicycle rack is available, the person shall leave the bicycle so that it does not obstruct a roadway, sidewalk, driveway, or building.

B. No person shall park a bicycle in violation of a motor vehicle parking provision.

C. No person shall park a bicycle secured to a publicly owned object when doing so would impede pedestrian or vehicle traffic or restrict or prevent the use of such object by any individual or is otherwise prohibited by law.

D. No person shall park a bicycle on private property without consent of the owner or person in charge. Consent shall be implied on private commercial property unless bicycle parking is expressly prohibited.

E. No person shall park a bicycle on a stand or other public property for more than 24 hours.

F. No person shall leave or park a skateboard, roller skates, coaster or other wheeled device on any public sidewalk, walkway, path, porch or other areas when doing so would constitute a hazard. (Ord. 2005-020; Ord. 98-014)

10.21.050 Prohibited areas.

A. It is unlawful for any person to operate or ride upon any skateboard, roller skates, or other wheeled device upon any street, alley, sidewalk or publicly owned parking lot in the pedestrian-friendly zone, as defined, in the city of Sequim, except for subsection B of this section. It shall further be unlawful to operate any of the enumerated devices on any sidewalk, alley, street or parking area which is privately owned and open to the public when proper signs prohibiting said activity are posted.

B. The riding of bicycles shall be allowed on streets and alleys within the pedestrian-friendly zone.

C. No one shall operate a bicycle, tricycle or other form of peddle cycle, except a two-wheeled bicycle, gas or electric toys in the skate park, including ramps, slalom course(s) or other appurtenances designed for skate park use. Roller skates, roller blades, two-wheeled bicycles and scooters are allowed to use the skate park; provided, that those devices are equipped with wheels which are of a pliable material similar to those used on two-wheeled non-cleated or knobbed bicycle tires and skateboards and which will not damage the surfaces of the skate park.

D. No one shall operate a bicycle, skateboard, roller skates or other wheeled device on any basketball or tennis facilities located within any park within the city of Sequim. (Ord. 2005-020; Ord. 2001-011; Ord. 99-025 § 2; Ord. 98-014)

10.21.060 Penalties.

A. A violation of any of the sections in this chapter is a civil infraction. A fine of \$25.00 may be assessed for each violation upon the issuance of a civil infraction citation. The issuance of a civil infraction may, but need not be, issued at the time of the violation, but may be issued within 10 working days of the original violation, excluding Saturdays, Sundays, and holidays.

B. In addition to the above fine, any person found to be riding a device as specified in this chapter may be subject to the impoundment of the device as evidence at the time of violation, until such time as the case is concluded. If the

violator is a minor, the device being held as evidence will only be released to a parent or legal guardian and only at the conclusion of the case.

C. In an effort to ensure against repeated violations of the chapter, any person(s) who has violated the provisions of this chapter and who has received one or more penalties as outlined in subsections A and B of this section on three or more occasions within a six-month period shall be issued a civil infraction citation with a fine assessment of \$25.00 and may have the device that they were riding impounded as evidence as specified above for the fourth and each subsequent violation.

D. A person charged with a violation of this chapter who has been issued a notice of civil infraction with a fine of \$25.00 attached shall have the right to appeal the matter to the police department within 15 working days, requesting a hearing of the matter. Said matter shall be heard no later than 30 calendar days from the date of the appeal. A person requesting an appeal shall post bond in the amount indicated for the violation, which shall be refunded if the hearing officer finds in his/her favor. If the appellant is found to be in violation by the hearing officer, he/she may appeal the matter to the Clallam County district court. If the district court rules in favor of the city, the appellant may be required to pay associated court costs in addition to the \$25.00 fine. In the event the offender is a juvenile, the parents of the juvenile must file an appeal and be present at the hearing. (Ord. 2005-020; Ord. 98-014)

Chapter 10.23

MOTORIZED FOOT SCOOTERS

Sections:

- 10.23.010 Definitions.
- 10.23.020 Operation of motorized foot scooters.
- 10.23.030 Parent responsibility.
- 10.23.040 Violation – Enforcement authority and penalties.
- 10.23.050 Seizure and forfeiture.

10.23.010 Definitions.

“Motorized foot scooter” means a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

This chapter shall not apply to any disabled person using a wheelchair conveyance as defined in RCW 46.04.710, or to power wheelchairs as defined by RCW 46.04.415, or to strollers used to transport small children, or city equipment. (Ord. 2004-017 § 1)

10.23.020 Operation of motorized foot scooters.

A. Motorized foot scooters shall not be operated on public roadways with a speed limit of greater than 25 miles per hour.

B. Operators of motorized foot scooters shall adhere to all rules of the road applicable to motorized vehicles.

C. Motorized foot scooters shall not be operated on city-owned property, city parks, upon designated walkways, pathways, sidewalks, the Olympic Discovery Trail, the pedestrian-friendly zone as described in SMC 10.21.010 or any other place where motorized vehicles are expressly prohibited and/or prohibited by posted signs.

D. Motorized foot scooters shall not be operated anytime during one-half hour after sunset to one-half hour before sunrise. At no times shall a passenger be allowed to ride on a motorized foot scooter.

10.23.030

E. Motorized foot scooters shall not be operated in a negligent manner upon any roadway or city right-of-way within the city of Sequim. For the purpose of this section, “to operate in a negligent manner” means to operate a motorized foot scooter in such a manner as to endanger or be likely to endanger any person or property or to obstruct, hinder or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alley, parking areas, trails or public parks within the city of Sequim.

F. Motorized foot scooters shall be equipped so that the drive motor is engaged through a switch, lever, or other mechanism that, when released, will cause the drive motor to disengage or cease to function.

G. Operation of a motorized foot scooter without a muffling device in good working order and in constant operation to prevent excessive or unusual noise, or operation with a modified muffling device, is unlawful and a violation of this chapter.

H. **Helmet Required – Passengers and Towing Prohibited.** Any person operating a motorized foot scooter upon any public area in the city of Sequim shall wear an approved helmet designed for safety that meets or exceeds the following standards, and shall have either the neck or chin strap of the helmet fastened securely while the motorized foot scooter is in motion. No person shall transport another person on or in tow of a motorized foot scooter upon any public area in the jurisdiction of the city of Sequim. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved helmet while operating a motorized foot scooter in any public area in the city of Sequim, and has the neck or chin strap of the helmet fastened securely.

1. **Standards for Helmets.** “Helmet” means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the city council may adopt. (Ord. 2004-017 § 1)

10.23.030 Parent responsibility.

It is unlawful for any parent, guardian or other person having control or custody of a minor child to allow said minor to operate a motorized foot scooter in violation of this chapter. (Ord. 2004-017 § 1)

10.23.040 Violation – Enforcement authority and penalties.

The city of Sequim police department personnel shall be responsible for enforcing the provisions of this chapter. Upon determining a violation of this chapter has occurred, law enforcement officers may, at their discretion, issue a civil infraction in the following amounts to any adult person, minor 16 years old or older, including a parent or guardian of a minor under 16 who is violating or permitting the violation of any of the provisions of this chapter. In no case shall the amount exceed \$250.00 for any one incident where more than one person is charged with a violation arising out of that incident. In addition to issuing an infraction, law enforcement officers may impound the motorized foot scooter in accordance with SMC 10.23.050, and may sell or destroy seized property upon order of the court in accordance with SMC 10.23.050.

The following monetary penalty shall apply for each offense: \$50.00.

Payment of civil fines at the Sequim police department within 24 hours of the issuance of the notice of violation (not including weekends and legal holidays) shall reduce the amount of the fine owing by 50 percent. (Ord. 2004-017 § 1)

10.23.050 Seizure and forfeiture.

All motorized foot scooters operated in violation of this chapter are subject to seizure and forfeiture in the following manner:

A. Any person found to be riding a device in violation of this chapter as specified in this chapter may be subject to the impoundment of the device as evidence at the time of violation, until such time as the case is concluded. If the violator is a minor, the device being held as evidence will only be released to a parent or legal guardian and only at the conclusion of the case.

B. A person charged with a violation of this chapter who has been issued a notice of civil infraction attached shall have the right to appeal the matter to the police department within 15 working days, requesting a hearing of the matter. Said matter shall be heard no later than 30 calendar days from the date of the appeal. A person requesting an appeal shall post bond in the amount indicated for the violation, which shall be refunded if the hearing officer finds in his/her favor. If the appellant is found to be in violation by the hearing officer, he/she may appeal the matter to the Clallam County district court. If the district court rules in favor of the city, the appellant may be required to pay associated court costs in addition to the monetary fine. In the event the offender is a juvenile, the parents of the juvenile must file an appeal and be present at the hearing. (Ord. 2004-017 § 1)

Chapter 10.24

RAILROAD TRAINS

(Repealed by Ord. 99-003)

Chapter 10.28

HOSPITAL ZONE

(Repealed by Ord. 99-003)

