

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04

SHORT TITLE

Sections:

10.04.010 Designated.

10.04.010 Designated.

The ordinance codified in this title may be known and cited as the “traffic ordinance”. (Ord. 282 § 109, 1968).

Chapter 10.08

ADOPTION OF TRAFFIC REGULATIONS

Sections:

10.08.010 Statutes designated.

10.08.020 Inattentive driving.

10.08.040 Adoption of state traffic statute – Criminal offenses.

10.08.080 Adoption of state statutes regulating disposition of traffic infractions.

10.08.010 Statutes designated.

(1) The following state traffic statutes are hereby adopted, as if set forth in full.

(a) RCW

46.12.101

(2) & (5) Transfer of ownership, how perfected.

(b) RCW

46.16.010 Licenses and plates required Exceptions.

46.16.065 Small trailer license fee Conditions.

46.16.135 Monthly tonnage license – Penalty.

46.16.140 Over licensed capacity.

46.16.145 Over licensed capacity – 2nd offense.

46.16.145 Over Licensed capacity – 3rd offense.

46.16.170 Improper gross weight signs/no signs.

46.16.240 Attachment of plates to vehicles violations enumerated.

46.16.260 License registration certificate/ maximum gross weight license – Signature required – Carried in vehicle – Penalty – Inspection – Exceptions.

46.16.381 License plates, cards, and decals for certain disabled persons – Qualifications – Transfer of vehicle – Fees – Rules – Violations, penalties and defense.

46.16.505 Campers – License and plates – Application – Fees.

10.08.010

(c) RCW		46.37.230	Use of multiple-beam road lighting equipment.
46.20	Possession of suspended/cancelled/revoked license.	46.37.340	Defective braking equipment.
46.20.041	Physically or mentally disabled persons – Procedure – Restrictions – Violations – Penalty.	46.37.351	Brakes on commercial equipment required.
46.20.055	Instruction permits end temporary licenses.	46.37.360	Improper maintenance of brake.s
46.20.190	License to be in immediate possession and displayed on demand.	46.37.369	Defective equipment/wheels/front suspension.
46.20.205	Failure to notify DOL of new address in required time.	46.37.375	Defective steering.
46.20.343	Unlawful to allow unauthorized minor child or ward to drive.	46.37.380	No horn or warning device.
46.20.344	Unlawful to allow unauthorized person to drive.	46.37.390	Mufflers, prevention of noise – Smoke and air contaminants – Standards – Definitions.
46.20.500	Special endorsement for motorcycle operator’s license – Moped exception.	46.37.400	Equipment violation/mirrors.
(d) RCW		46.37.410	Equipment violation/wipers/windshield obstruction.
46.30.020	No vehicle insurance.	46.37.420	Restrictions as to tire equipment.
46.30.040.1	No insurance ID card.	46.37.425	Authority of state commission on equipment with reference to tires – Rules and regulations – Penalty.
(e) RCW		46.37.430	Illegally tinted windows.
46.32.060	Moving defective vehicle unlawful (authority to impound).	46.37.440	Fail to carry flares/warning devices.
(f) RCW		46.37.450	Fail to display warning devices (disabled vehicles).
46.37.010	Scope en effect of regulations – General penalty.	46.37.465	Improper fuel system safety requirements.
46.37.020	When lighted lamps and signaling devices are required.	46.37.480	Television viewers and earphones.
46.37.070	Stop lamps and turn signals required.	46.37.490	Safety load chains end devices required.
46.37.090	A and B Additional equipment required on certain vehicles.	46.37.500	Splash guards required.
46.37.100		Equipment violation/lamps wrong color.	46.37.513
46.37.110	Reflectors/clearance/marker lamps not mounted properly.	46.37.517	Sharp protrusions/body hardware.
46.37.140	Lamps, reflectors, and flags on projecting load.	46.37.522	Motorcycles and motor-driven cycles – When head lamps end tail lamps to be lighted.
46.37.180	Spot lamps and auxiliary lamps.	46.37.530	Motorcycle helmet requirement.
46.37.190	Red lights on emergency vehicles, school buses, private carrier buses – Colored lights and sirens on emergency and law enforcement vehicles – Driver’s duty to yield and atop.	46.37.535	Motorcycle helmet requirement.
		(g) RCW	
		46.44.010	Exceeding legal width.
		46.44.020	Exceeding legal height.
		46.44.030	Exceeding legal length.
		46.44.034	Maximum length front/rear protrusions.
		46.44.036	Combinations of units/exceeds limits.
		46.44.037	Unlawful combination of units.

46.44.038	Permit required to exceed width/height/length restrictions.	46.61.100	Drive on right side of roadway Exceptions
46.44.041	Exceeding maximum gross weight/axle.	46.61.110	Overtaking a vehicle on the left.
46.44.041A	Exceeding maximum gross weight/axle 2nd violation.	46.61.115	When overtaking on the right is permitted.
46.44.041B	Exceeding maximum gross weight/axle 3rd violation.	46.61.120	Limitations on overtaking on the left.
46.44.042	Maximum gross weight/tire factor.	46.61.125	Further limitations on driving to left of center of roadway.
46.44.042a	Maximum gross weight/tire factor 2nd violation.	46.61.135	One-way roadways and rotary traffic island.
46.44.042b	Maximum gross weight/tire factor 3rd violation.	46.61.140	Driving on roadways laned for traffic.
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46.44.090	Special permit violations/oversize/overweight.	46.61.195	Arterial highways designated – Stopping or entering.
46.44.091	Exceeding gross weight special permit.	46.61.205	Vehicle entering highway from private road or driveway.
46.44.095	Violation of additional tonnage permits.	46.61.210	Operation of vehicles on approach of authorized emergency vehicles.
46.44.100	Failure to weigh where required by law.	46.61.235	Pedestrians’ right of way in crosswalks.
46.44.105	Refusal to submit to weighing.	46.61.250	Pedestrians on roadways.
46.44.105a	Over legal load.	46.61.255	Hitchhiking (in restricted area) limited access highway.
46.44.105b	Over legal load – 2nd violation.	46.61.266	Pedestrians under the influence of alcohol or drugs.
46.44.105c	Over legal load – 3rd violation.	46.61.290	Required position and method of turning at intersection.
46.44.105d	Violation of any posted limitation on highway or section of highway.	46.61.295	“U” turns.
	(h) RCW	46.61.300	Starting parked vehicle.
46.52.030	Accident reports.	46.61.305	Turning, stopping, moving right or left – Signals required – Improper use prohibited.
46.52.088	Reports – False information.	46.61.310	Signals by hand and arm or signal lamps.
	(i) RCW	46.61.340	Failure to stop at railroad on approach of train.
46.61.050	Obedience to and required traffic-control devices.	46.61.365	Emerging from alley, driveway, or building.
46.61.060	Pedestrian control signals.	46.61.370	Overtaking and passing school bus.
46.61.080	Interference with official traffic-control devices or railroad signs or signals.		

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- 46.61.385 School patrol – Appointment – Authority – Finance – Insurance.
- 46.61.400 Basic rule and maximum limits.
- 46.61.425 Minimum speed regulation – Passing slow moving vehicle.
- 46.61.519 Alcoholic beverages – Drinking or open container in vehicle on highway – Exceptions.
- 46.61.5195 Disguising alcoholic beverage container.
- 46.61.560 Parking on roadway.
- 46.61.570 Stopping, standing, or parking prohibited in specified places – Reserving portion of highway prohibited.
- 46.61.600 Failure to secure parked vehicle (runaway).
- 46.61.605 Illegal backing.
- 46.61.610 Riding on motorcycles.
- 46.61.611 Riding on motorcycles – Maximum height or handlebars.
- 46.61.612 Riding on motorcycles – Both feet not to be on same side.
- 46.61.615 Obstructions to driver’s view or driving mechanism.
- 46.61.625 Riding in trailers.
- 46.61.635 Following or parking within 500 feet of fire apparatus on emergency.
- 46.61.640 Crossing fire hose.
- 46.61.645 Throwing or depositing glass, etc., on highway prohibited – Removal.
- 46.61.655 Permitting escape of load materials.
- 46.61.660 Carrying persons or animals on outside part of vehicle.
- 46.61.670 Driving with wheels off roadway.
- 46.61.725 Clinging to vehicles.
- 46.61.687 Child passenger restraint required – Conditions – Penalty for violation – Dismissal – Noncompliance not negligence.
- 46.61.688 Safety belts – Use required – Penalties – Exemptions.

(j) RCW

- 46.70 Motorcycle helmet requirement.

(k) RCW

- 46.90.545 Bicycles – Obedience to traffic-control devices.

(2) Failure to perform any act required or the performance of any act prohibited in this section is designated as a traffic infraction and shall be punished by a monetary penalty of not more than \$250.00. (Ord. 796 § 1, 1990; Ord. 780 § 1, 1989).

10.08.020 Inattentive driving.

(1) It is unlawful for any person to operate a motor vehicle within the city in an inattentive manner. For the purposes of this section, “inattentive manner” means the operation of a motor vehicle in a manner which evidences a lack of the degree of attentiveness required to safely operate the vehicle under the prevailing conditions of the roadway, presence of other traffic, presence of pedestrians and weather conditions.

(2) The offense of operating a motor vehicle in an attentive manner shall be considered to be a lesser offense than, but included in the offense of operating a motor vehicle in a negligent manner, and shall be subject to the penalty provided in the applicable bail schedule adopted by the district court. (Ord. 780 § 2, 1989).

10.08.040 Adoption of state traffic statute – Criminal offenses.

The following state traffic statute is hereby adopted by reference, as if set forth in full:

RCW

- 46.61.525 Operating motor vehicle in a negligent manner – Penalty – Exception.

(Ord. 780 § 3, 1989).

10.08.080 Adoption of state statutes regulating disposition of traffic infractions.

The following state statutes regulating the disposition of traffic infractions are hereby adopted by reference, as if set forth in full:

(1) RCW 46.63.030 – Notice of traffic infraction – Issuance.

(2) RCW 46.63.060 – Notice of traffic infraction – Determination final unless contested – Form. (Effective until July 1, 1984).

(3) RCW 46.63.060 – Notice of traffic infraction – Determination final unless contested – Form. (Effective July 1, 1984).

(4) RCW 46.63.070 – Response to notice of traffic infraction – Contesting determination – Hearing – Failure to respond or appear. (Effective July 1, 1984).

(5) RCW 46.63.070 – Response to notice of traffic infraction – Contesting determination – Hearing – Failure to respond or appear. (Effective July 1, 1984).

Chapter 10.12

DEFINITIONS

Sections:

- 10.12.010 Generally.
- 10.12.060 Highway.
- 10.12.070 Official time standard.
- 10.12.080 Park, parking.
- 10.12.090 Police officer.
- 10.12.100 Right-of-way.
- 10.12.105 Street.
- 10.12.110 Stand or standing.
- 10.12.120 Stop.
- 10.12.130 Stop or stopping.
- 10.12.140 Traffic division.

10.12.010 Generally.

The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter, unless where used the context thereof shall clearly indicate to the contrary. (Ord. 282 § 1, 1968).

10.12.060 Highway.

“Highway” means every way, place, lane, road, street, boulevard, parking lot, whether publicly or privately owned and/or maintained, any part of which is open, at any time, to the use of the public for purposes of vehicular travel. (Ord. 905 § 1, 1994; Ord. 282 § 6(a), 1968).

10.12.070 Official time standard.

“Official time standard” means whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in this city. (Ord. 282 § 4, 1968).

10.12.080 Park, parking.

“Park or parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. (Ord. 282 § 3(d), 1968).

10.12.090 Police officer.

“Police officer” means every officer of this

10.12.100

municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 282 § 5(a), 1968).

10.12.100 Right-of-way.

“Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Ord. 282 § 2, 1968).

10.12.105 Street.

“Street” means every way, place, lane, highway, road, boulevard, or public lot, whether publicly or privately owned and/or maintained, any part of which is open, at any time, to the use of the public for purposes of vehicular travel. (Ord. 905 § 2, 1994).

10.12.110 Stand or standing.

“Stand or standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers. (Ord. 282 § 3(c), 1968).

10.12.120 Stop.

“Stop,” when required, means complete cessation of movement. (Ord. 282 § 3(a), 1968).

10.12.130 Stop or stopping.

“Stop or stopping,” when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (Ord. 282 § 3(b), 1968).

10.12.140 Traffic division.

“Traffic division” means the traffic division of the police department of this city, or in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department of this city. (Ord. 282 § 5(b), 1968).

Chapter 10.16

OBEDIENCE PROVISIONS

Sections:

10.16.010 Police and fire department officials – Authority.

10.16.020 Compliance with title required.

10.16.030 Police and fire department officials – Compliance with orders required.

10.16.010 Police and fire department officials – Authority.

(1) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce this title.

(2) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(3) Members of the fire department when authorized by the senior fire department officer in charge, are authorized in emergencies to direct traffic or assist the police department in directing traffic in the vicinity of the fire station, or at any place en route to or from the scene of any emergency, or at the scene of such emergency. (Ord. 322 § 1, 1970; Ord. 282 § 8, 1968).

10.16.020 Compliance with title required.

It is unlawful for any person to do any act forbidden or fail to perform any act required in this title. (Ord. 282 § 9, 1968).

10.16.030 Police and fire department officials – Compliance with orders required.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Ord. 282 § 10, 1968).

Chapter 10.20**MISCELLANEOUS REGULATIONS**

Sections:

- 10.20.010 Use of coasters, roller skates, etc.
- 10.20.020 Driving on sidewalk.
- 10.20.030 Opening and closing vehicle doors.
- 10.20.040 Clinging to moving vehicles.
- 10.20.050 Boarding or alighting from vehicles.
- 10.20.060 Unlawful riding.
- 10.20.070 Railroad trains not to block streets.
- 10.20.080 Manner of operation of vehicles or motor-driven cycles.

10.20.010 Use of coasters, roller skates, etc.¹

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by city ordinance. (Ord. 282 § 11, 1968).

10.20.020 Driving on sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (Ord. 288 § 2, 1968; Ord. 282 § 44, 1968).

10.20.030 Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (Ord. 282 § 44.1, 1968).

10.20.040 Clinging to moving vehicles.

Any person riding upon any bicycle, motor-cycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway. (Ord. 282 § 45, 1968).

10.20.050 Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. 282 § 46, 1968).

10.20.060 Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies intended for merchandise. (Ord. 282 § 47, 1968).

10.20.070 Railroad trains not to block streets.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the train in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (Ord. 282 § 48, 1968).

10.20.080 Manner of operation of vehicles or motor-driven cycles.

(1) No person shall drive any vehicle or motor-driven cycle so as to cause, by excessive or unnecessary acceleration, the tires of any such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel, or blow the horn of any vehicle or motor-driven cycle excessively, or race the motor thereof excessively.

(2) A person found guilty as provided in this section shall be guilty of a misdemeanor. (Ord. 475 §§ 2, 3, 1977).

1. See also Ch. 10.84 SMC.

Chapter 10.24

TRAFFIC-CONTROL DEVICES

Sections:

- 10.24.010 Installation authority.
- 10.24.020 Design.
- 10.24.030 Required for enforcement purposes – Exception.
- 10.24.040 Presumption of legality.
- 10.24.050 Display of unauthorized signs, signals prohibited.
- 10.24.060 Interference prohibited.
- 10.24.070 Play streets – Designation.
- 10.24.080 Play streets – Driving restrictions.
- 10.24.090 Crosswalk, safety zone designation.
- 10.24.100 Traffic lane marking – Driving restrictions.

10.24.010 Installation authority.

The street superintendent shall place and maintain traffic-control signs, signals, and devices when and as required under this title, to make effective the provisions of this title, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this title, or under state law, or to guide or warn traffic. (Ord. 282 § 13, 1968).

10.24.020 Design.

All traffic-control signals, signs, and traffic-control devices to be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway must be approved by the State Highway Commission prior to their installation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices. (Ord. 282 § 14, 1968).

10.24.030 Required for enforcement purposes – Exception.

No provision of this title for which official

traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no devices are erected or in place. (Ord. 282 § 15, 1968).

10.24.040 Presumption of legality.

(1) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(2) Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence. (Ord. 282 § 15.1, 1968).

10.24.050 Display of unauthorized signs, signals prohibited.

(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal, or marking is declared to be a public nuisance and

the authority having jurisdiction over the highway is empowered to remove the sign, signal or marking or cause it to be removed without notice. (Ord. 282 § 16, 1968).

10.24.060 Interference prohibited.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (Ord. 282 § 17, 1968).

10.24.070 Play streets – Designation.

The street superintendent shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the play street. (Ord. 282 § 18, 1968).

10.24.080 Play streets – Driving restrictions.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof. (Ord. 288 § 2, 1968; Ord. 282 § 19, 1968).

10.24.090 Crosswalk, safety zone designation.

The street superintendent is authorized to:

(1) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 282 § 20, 1968).

10.24.100 Traffic lane marking – Driving restrictions.

(1) The street superintendent is authorized to mark traffic lanes upon the roadway of any

street or highway where a regular alignment of traffic is necessary.

(2) Where such traffic lanes have been marked, it is unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (Ord. 288 § 2, 1968; Ord. 282 § 21, 1968).

Chapter 10.28

SPEED LIMITS

Sections:

- 10.28.010 State laws applicable.
- 10.28.020 Decrease – Intersections – State highways.
- 10.28.030 Increase – Zones designated.
- 10.28.040 Decrease – Maximum speed.
- 10.28.050 Regulation by signals.

10.28.010 State laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this title, as authorized by state law, declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it is unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this title when signs are in place giving notice thereof. (Ord. 282 § 22, 1968).

10.28.020 Decrease – Intersections – State highways.

(1) Decrease of State Speed Limits at Certain Intersections. *Reserved.*

(2) Decrease of State Speed Limits on State Highways. It is determined upon the basis of engineering and traffic investigation that the speed permitted by state law on the following state highways within the corporate limits is greater than is reasonable under the conditions found to exist on such highways, and it is declared that a reasonable and safe speed limit is:

(a) The speed limits for all vehicles on SR-532 are as follows:

(i) Thirty-five miles per hour from mp 3.80 (.06 mi. west Jct. 104th Drive NW) to mp 4.25 (Jct. 98th Drive NW/99th Avenue NW),

(ii) Forty-five miles per hour from mp 4.25 (Jct. 98th Drive NW/99th Avenue NW) to mp 5.36 (0.1 mi. east of Jct. SR-530 Wye Conn.),

(iii) Fifty miles per hour from mp 5.36 (0.1 mi. east of Jct. SR-530 Wye Conn.) to mp 5.91 (.01 mi. east Jct. 72nd Avenue NW);

(b) Thirty miles per hour for all vehicles on SR-530 from the south city limits north to intersection with 85th Drive NW; and

(c) Thirty-five miles per hour for all vehicles on SR-530 from 85th Drive NW northerly to the north city limits. (Ord. 611 § 1, 1983; Ord. 352 § 1, 1971; Ord. 282 § 23, 1968).

10.28.030 Increase – Zones designated.

Reserved. (Ord. 282 § 24, 1968).

10.28.040 Decrease – Maximum speed.

The maximum speed on 272nd Street NW (Husby Street) from State Secondary Highway 530 to 78th Avenue NW shall be 25 miles per hour, and the maximum speed on 272nd Street NW from 78th Avenue NW to 72nd Street NW (Lindstrom Road) shall be 20 miles per hour. (Ord. 432 § 1, 1975; Ord. 368 § 1, 1971; Ord. 282 § 25, 1968).

10.28.050 Regulation by signals.

The street superintendent is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner. (Ord. 282 § 26, 1968).

Chapter 10.32

TURNS

Sections:

- 10.32.010 Markers.
- 10.32.020 Restricted turn signs.
- 10.32.030 No-turn signs – Obedience required.

10.32.010 Markers.

(1) The street superintendent is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections in accordance with the provisions of this title and RCW 47.36.060.

(2) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Ord. 288 § 2, 1968; Ord. 282 § 27, 1968).

10.32.020 Restricted turn signs.

The street superintendent is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted. (Ord. 288 § 2, 1968; Ord. 282 § 28, 1968).

10.32.030 No-turn signs – Obedience required.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 288 § 2, 1968; Ord. 282 § 29, 1968).

Chapter 10.36

ONE-WAY STREETS AND ALLEYS

Sections:

- 10.36.010 Sign posting.
- 10.36.020 Designated.
- 10.36.030 Movement restriction.

10.36.010 Sign posting.

Reserved. (Ord. 282 § 30, 1968).

10.36.020 Designated.

The following street or streets are designated one-way streets and traffic shall be permitted to proceed in only one direction as follows:

(1) Only southbound traffic shall be permitted on Augusta Street between SR-532 and 270th Street NW.

(2) Only westbound traffic shall be permitted on 270th Street NW from 90 feet west of 99th Avenue NW for a distance of 75 feet.

(3) Only northbound traffic shall be permitted on 101st Avenue NW between 270th Street NW and 271st Street NW.

(4) Only westbound traffic shall be permitted on the alley located approximately midway and parallel between 271st Street NW and 270th Street NW and connecting the Florence Road to 88th Avenue NW. (Ord. 766 § 1, 1989; Ord. 611 § 2, 1983; Ord. 352 § 2, 1971; Ord. 282 §§ 31, 111, 1968).

10.36.030 Movement restriction.

Reserved. (Ord. 282 § 32, 1968).

Chapter 10.40

STOPS

Sections:

- 10.40.010 Emerging from alley or private driveway.
- 10.40.020 Sign – Erection.
- 10.40.030 Stop, yield intersections – Sign requirements.
- 10.40.040 Stop, yield intersections – Driving regulations.
- 10.40.050 Entering stop intersections.
- 10.40.060 Entering yield intersections.
- 10.40.070 Sign – Design.
- 10.40.080 Intersection, crosswalk obstructing prohibited.
- 10.40.090 Signal indicating approval of railroad train.
- 10.40.100 Arterial highways designated.

10.40.010 Emerging from alley or private driveway.

It is unlawful for the driver of a vehicle to emerge from an alley, driveway, building exit, private way, or private property or from off the roadway of any public highway, onto the roadway of any public highway or across a sidewalk or into the sidewalk area extending across any such alley, driveway, building exit, private way or private property without bringing such vehicle to a full stop and yielding the right-of-way to all pedestrians upon such sidewalk and all vehicles upon such public highway.

No vehicle shall back into or out of an alley, except when the alley is obstructed.

No driver shall enter any street at any point other than a street intersection at a rate of speed exceeding five miles an hour, nor operate a vehicle in excess of 15 miles per hour in any alley. (Ord. 288 § 2, 1968; Ord. 282 § 33, 1968).

10.40.020 Sign – Erection.

Except on such streets that form a part of the route of a primary or secondary state highway upon which the state law requires the State Highway Commission to install, operate, maintain, and control traffic-control devices,

whenever any city ordinance designates and describes an arterial highway, it shall be the duty of the street superintendent to place and maintain a stop sign on each and every street intersecting such arterial highway or intersecting that portion thereof described and designated as such by any city ordinance. (Ord. 282 § 35, 1968).

10.40.030 Stop, yield intersections – Sign requirements.

The street superintendent is authorized to determine and designate intersections where particular hazard exists upon other than arterial streets and to determine whether vehicles shall:

(1) Stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

(2) Yield the right-of-way to vehicles on a different street at such intersection as prescribed in SMC 10.40.060 in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (Ord. 282 § 36, 1968).

10.40.040 Stop, yield intersections – Driving regulations.

(1) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. (Ord. 282 § 36.1, 1968).

10.40.050 Entering stop intersections.

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by SMC 10.40.040(2), and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. (Ord. 282 § 36.2, 1968).

10.40.060 Entering yield intersections.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. (Ord. 282 § 36.3, 1968).

10.40.070 Sign – Design.

Every stop sign shall be of a standard design adopted by the State Highway Commission. (Ord. 282 § 37, 1968).

10.40.080 Intersection, crosswalk obstructing prohibited.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 288 § 2, 1968; Ord. 282 § 38, 1968).

10.40.090 Signal indicating approval of railroad train.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at

a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 282 § 39, 1968).

10.40.100 Arterial highways designated.

Those streets and parts of streets described in Schedule II herein are declared to be arterial highways for the purpose of this section.

Schedule II

In accordance with the provisions of this section and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

- (1) SSH 532 from west city limits to east city limits;
- (2) SSH 530 from north city limits to south city limits;
- (3) Pearson Street from Market Street to Main Street;
- (4) North Street (2nd NW) from Market Street to Lindsay Street;
- (5) Pearson Street from Market Street to Lindsay Street;
- (6) Center Street (1st NW) from Market Street to Lindsay Street;
- (7) Center Street (1st NW) from Market Street to Stillaguamish Street;
- (8) Market Street from north city limits to SSH 532;
- (9) Main Street (a/k/a Burnway, a/k/a State Street in former town of E. Stanwood, a/k/a Ravenna Way) from Market Street east to intersection with Cedarhome Drive (a/k/a Cedarhome Road);
- (10) Husby Street from SSH 530 to east city limits;
- (11) Cedarhome Road from intersection with SSH 530 to junction with Cedarhome Road Revision (a/k/a Ravenna Way);
- (12) Cedarhome Road from intersection with Cedarhome Road Revision (a/k/a Ravenna Way) to east city limits;
- (13) Washington Street from Husby to Cedarhome Road;
- (14) Sunset Drive on north boundary of Stanwood (9th St. NE) for the entire length thereof to east city limits;

(15) Klett Street from intersection with SSH 532 to north intersection with Sunset Drive;

(16) Florence-Warm Beach Road from State (Main) Street to south city limits;

(17) Kunze Street from Main (Burnway) Street to south city limits;

(18) Union Street (Giard) from State (Main) Street south to SSH 532;

(19) 99th Avenue NW (formerly Stillaguamish Avenue) for its entire length;

(20) 83rd Drive NW (formerly Gunderson Street) for its entire length;

(21) Cedarhome Drive, North (formerly Cedarhome Drive) from its intersection with Cedarhome Drive (formerly Ravenna Drive) northeasterly to its re-intersection with Cedarhome Drive;

(22) The intersection of Main Street, 271st NW (a/k/a Burnway, a/k/a State Street) and Giard Street, 88th Avenue NW. (Ord. 477 § 1, 1977; Ord. 379 § 1, 1972; Ord. 288 § 2, 1968; Ord. 282 §§ 34, 112, 1968).

Chapter 10.46

STOPPING, STANDING AND PARKING*

Sections:

I. General Provisions

- 10.46.005 New ordinance supersedes prior ordinances.
- 10.46.010 Definitions generally.
- 10.46.015 Central business district defined.
- 10.46.020 Short title.
- 10.46.025 Other definitions.
- 10.46.030 Exercise of police power.
- 10.46.035 Chapter application.
- 10.46.040 Regulations not exclusive.
- 10.46.045 Additional regulations promulgation authority.

II. General Restrictions and Regulations

- 10.46.050 Parallel parking – Requirement generally – Exceptions.
- 10.46.055 Parallel parking – Method.
- 10.46.060 Conformance to designated parking method required.
- 10.46.065 Angle parking – Maximum vehicle length.
- 10.46.070 Parking in taxicab stands.
- 10.46.075 Leaving unattended vehicle.
- 10.46.080 Leaving children in unattended vehicle.
- 10.46.085 Parking in alleys.
- 10.46.090 Storage, display and overtime parking.
- 10.46.095 Obstructing driveways.

III. Prohibited Parking Places and Areas

- 10.46.100 Prohibited parking places.
- 10.46.105 No-parking areas – Identification.

IV. Restricted Parking Zones

- 10.46.110 Overtime parking – Report – Notice of order to report to court.
- 10.46.115 Parking stalls for handicapped persons.

V. Loading Zones

- 10.46.120 Identification – Loading zones.
- 10.46.125 Parking in loading zones.

VI. Violations

- 10.46.130 Evidence of violation – Standing or parking.
- 10.46.135 Fines and penalties.
- 10.46.140 Impoundment.

*Prior legislation: Ords. 599, 621, 637, 667 and 688.

I. General Provisions

10.46.005 New ordinance supersedes prior ordinances.

The ordinance codified in this chapter shall supersede any and all vehicular ordinances dealing with stopping, standing and parking, rendering them null and void. (Ord. 986, 1998).

10.46.010 Definitions generally.

The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter, unless where used the context thereof shall clearly indicate to the contrary. (Ord. 986, 1998).

10.46.015 Central business district defined.

“Central business (or traffic) district” means all streets and portions of streets within or contiguous to any neighborhood or main street business zoned district, general commercial, light or general industrial zoned districts as described in SMC Title 17. (Ord. 986, 1998).

10.46.020 Short title.

The ordinance codified in this chapter may be known and cited as the “stopping, standing and parking ordinance.” (Ord. 986, 1998).

10.46.025 Other definitions.

(1) The definition of words and phrases contained in RCW 46.16.381 and 46.04.010 through 46.04.700 except RCW 46.04.150 and 46.04.355, adopted by reference in Chapter 10.08 SMC, shall, for the purposes of this

chapter, have the same meanings ascribed to the words and phrases therein.

(2) The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section, unless where used the context thereof clearly indicates to the contrary.

(3) “Commercial loading zone” means a designated portion of the street along the curb reserved for use in loading and unloading commodities, merchandise, produce, freight or animals by commercial vehicles only.

(4) “Individual parking space” means a portion of the paved section of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as shall be specified and marked off by the public works department of the city.

(5) “Nonmetered parking zones” means portions of streets described and established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected by the parking enforcement personnel of the city.

(6) “Parking” means the standing of a vehicle upon a street, whether such vehicle is occupied or not, and whether such vehicle is accompanied or not by an operator, for a period of time in excess of two minutes.

(7) “Passenger loading zone” means a designated portion of the street along the curb reserved for use in loading and unloading passengers by passenger vehicles only.

(8) “Street” means and includes streets, avenues, ways, boulevards, drives, highways, city-owned parking areas and all places, except alleys open to the public for the use of vehicles. (Ord. 986, 1998).

10.46.030 Exercise of police power.

This chapter shall be deemed and construed as an exercise of the police power of the state, and is deemed expedient to maintain the peace, good government and welfare of the city and its trade, commerce and manufacturers. (Ord. 986, 1998).

10.46.035

10.46.035 Chapter application.

The provisions of this chapter prohibiting the standing or parking of vehicles shall apply at all times or at those times specified in this chapter or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device. (Ord. 986, 1998).

10.46.040 Regulations not exclusive.

The provisions of this chapter imposing time limits on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (Ord. 986, 1998).

10.46.045 Additional regulations promulgation authority.

The city council may by ordinance or resolution adopt additional regulations as to parking and angle parking, and may, by ordinance, alter or amend the provisions of this chapter. (Ord. 986, 1998).

II. General Restrictions and Regulations

10.46.050 Parallel parking – Requirement generally – Exceptions.

All vehicles within the city shall park parallel as defined in this chapter except where indicated by sign or parking lines. (Ord. 986, 1998).

10.46.055 Parallel parking – Method.

In any place where parallel parking is permitted or required, it is unlawful to park a vehicle with the right wheels of the vehicle more than one foot from the curb nearest the vehicle. (Ord. 986, 1998).

10.46.060 Conformance to designated parking method required.

No person shall parallel park a vehicle at any location designated as a location for angle parking, nor angle park a vehicle at any location designated as a location for parallel parking. (Ord. 986, 1998).

10.46.065 Angle parking – Maximum vehicle length.

On portions of the street where angle parking is allowed, it is unlawful to angle park a vehicle the length of which exceeds 20 feet overall. (Ord. 986, 1998).

10.46.070 Parking in taxicab stands.

It is unlawful for the operator of any vehicle other than a taxicab or a for-hire vehicle to park in any officially designated taxicab stand. (Ord. 986, 1998).

10.46.075 Leaving unattended vehicle.

No person having control or charge of a motor vehicle shall park or angle park such vehicle on any street unattended without stopping the motor of the vehicle and, when parked upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway, so that in the event of release of the brakes such vehicle will not move. (Ord. 986, 1998).

10.46.080 Leaving children in unattended vehicle.

The City adopts the following RCW sections:

(1) RCW 46.61.685 – Leaving children unattended in standing vehicle with motor running; and

(2) RCW 9.91.060 – Leaving children unattended in parked automobile. (Ord. 986, 1998).

10.46.085 Parking in alleys.

It is unlawful for any person to stop or park in an alley any vehicle, except for loading or unloading purposes. Commercial vehicles may stop or park in such restricted areas for loading or unloading purposes only for periods not to exceed 15 minutes. (Ord. 986, 1998).

10.46.090 Storage, display and overtime parking.

No person shall use the city street, right-of-way, alley or parking area:

(1) For parking in excess of 72 hours;

(2) For the purpose of storage, display, sale or abandonment of any type vehicle, including farm vehicles;

(3) In violation of any posted sign or painted curb;

(4) To place, or allow to remain, any object or equipment. (Ord. 986, 1998).

10.46.095 Obstructing driveways.

No owner, driver or other person having charge of any vehicle shall permit such vehicle to stand or to be parked alongside of or in front of any portion of any sidewalk on any street in the city where such portion of the sidewalk has been sloped from the street property line down to the level of the outer edge of the adjacent pavement for the purpose of permitting vehicles to cross such portion of the sidewalk in going to or from the street and any oil station, garage or other place of business or alongside of or in front of any portion of any sidewalk in the city where other provision has been made with the consent of the city for the vehicular crossing across such sidewalk, or in front of any private driveway in the city, which driveway has been established with the consent of the city. (Ord. 986, 1998).

III. Prohibited Parking Places and Areas

10.46.100 Prohibited parking places.

(1) It is unlawful for the operator of a vehicle to stop, stand, park or angle park such vehicle in or on any of the following places except when necessary to avoid conflict with other traffic or to comply with other provisions of this code or with the direction of a police officer or traffic-control sign or signal:

(a) Within an intersection;

(b) On a crosswalk;

(c) Between a safety zone and the adjacent curb or within 25 feet of points on the curb immediately opposite the end of a safety zone unless some other distance is indicated by a sign as authorized in this chapter;

(d) Within 20 feet of a crosswalk, or of the intersection of property lines at street intersections;

(e) Within 30 feet upon the approach to any flashing beacon, stop sign, traffic-control

signal or traffic devices located at the side of the roadway;

(f) In front of the driveway entrance to any fire or police station or within any marked area contiguous to such driveway;

(g) In front of or within 15 feet of a fire hydrant;

(h) In front of a public or private driveway, or within five feet of the end of the curb radius leading thereto;

(i) On a sidewalk or parking strip;

(j) Alongside or opposite any street excavation or obstruction when such stopping, parking or angle parking would obstruct traffic;

(k) In any alley, except that trucks or properly marked commercial vehicles may park or angle park in alleys for such time, not in excess of 15 minutes, as may be necessary for the expeditious loading or unloading of such vehicles or the delivery or pickup of articles or materials;

(l) Upon any bridge, overpass, underpass, trestle or approaches thereto;

(m) Within any space marked as a fire exit;

(n) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(o) Outside of the limits of the individual parking spaces (stalls) designated for vehicular nonmetered on-street parking by the street division of the city;

(p) Within 30 feet of the nearest rail of a railroad crossing;

(q) At any place where all official signs prohibit stopping;

(r) In the traveled portion of any roadway.

(2) No person shall move a vehicle not owned by him into any such prohibited area or away from a curb such distance as is unlawful. (Ord. 986, 1998).

10.46.105 No-parking areas – Identification.

The city shall paint the curb adjoining all no-parking and prohibited parking areas yellow or shall post signs prohibiting parking on the curb adjoining no-parking and prohibited

10.46.110

parking areas in order to identify such restricted zones. It is unlawful for any other person to paint the curbs or post no-parking signs in such restricted zones unless the person is given authority to do so by the city council. (Ord. 986, 1998).

IV. Restricted Parking Zones

10.46.110 Overtime parking – Report – Notice of order to report to court.

(1) Designation and Enforcement. When official signs are erected by the public works department or under the direction of the mayor or chief of police designating a restricted parking zone no person shall park a vehicle in a manner contrary to the instructions on the sign.

(2) Report. It is the duty of the chief of police or such other official of the city as may be delegated authority over standing violations of this chapter to report the following:

(a) The number or location of the parking space in which the vehicle is or has been parking in violation of any provision of this chapter;

(b) The state license number of such vehicle;

(c) The time during which the vehicle is or has been parking in violation of any of the provisions of this chapter;

(d) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

(3) Notice of Violation. Each officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parking in violation of the provisions of this chapter, and instructing the owner or operator to report to the traffic violations bureau in regard to such violation. (Ord. 986, 1998).

10.46.115 Parking stalls for handicapped persons.

(1) It is unlawful to park a vehicle in any parking stall designated by a sign as a disabled parking stall for a handicapped person unless the parked vehicle has a windshield placard with the international symbol of access and it is displayed by being suspended from the rear-

view mirror or displayed on the dashboard or utilizes special disabled person license plates on the vehicle (RCW 46.16.381).

(2) Any unauthorized use of special placards or special license plates is a misdemeanor.

(3) Monetary penalty for this infraction as stated in RCW 46.16.381(7) gives the courts authority to impose additional penalty sufficient to reimburse the city for any cost it may have incurred in removal and storage of the improperly parked vehicle. See Chapter 3.30 SMC, Fee Schedule. (Ord. 986, 1998).

V. Loading Zones

10.46.120 Identification – Loading zones.

The city shall paint the curbs adjoining all commercial and passenger loading zones white in order to identify such loading zones; provided, however, the public works director shall also be authorized to designate bus loading zones by marking the curbs alternately with five feet of yellow and five feet of red for the length of the zone, starting and ending with yellow; and further, the bus loading zones shall be additionally designated by posted signs designating the areas as a bus loading zone and further designated by a sign which shall read “No Parking Any Time”. (Ord. 986, 1998).

10.46.125 Parking in loading zones.

It is unlawful to stand, park or angle park any vehicle in any place established as a loading zone as designated in SMC 10.46.155 except for the purpose of, and only for such period of time as necessary for, expeditious loading or unloading of such commercial or passenger vehicle. In no case shall the stop for loading or unloading of articles or materials or passengers exceed 15 minutes in time. (Ord. 986, 1998).

VI. Violations

10.46.130 Evidence of violation – Standing or parking.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was

parked in violation of a law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked the vehicle to a point where and for the time during which such violation occurred. (Ord. 986, 1998).

10.46.135 Fines and penalties.

(1) Violations of this chapter are civil infractions. Fines or penalties are to be paid to the city clerk-treasurer for each violation or each day a violation continues. For monetary penalties see Chapter 3.30 SMC, Fee Schedule.

(2) Fines paid within 10 days of citation will be discounted for prompt payment.

(3) Failure to pay the fine or penalty shall be reported to the Washington Department of Licensing to enable them to withhold renewal of the vehicle's license until the outstanding fines and penalties have been paid. (Ord. 986, 1998).

10.46.140 Impoundment.

(1) A vehicle may be subject to immediate impoundment by the chief of police or his designee if:

(a) Any vehicle is parked in violation of this chapter or violates any other provisions.

(b) After posting of a notice or after expiration of 72 hours of posting or any immediate safety hazard obstructing traffic flow.

(2) The cost of such impoundment, storage and towing shall be paid by the owner or operator of such vehicle before the vehicle is released. (Ord. 986, 1998).

Chapter 10.48

EMERGENCY VEHICLES

Sections:

10.48.010 Regulations.

10.48.010 Regulations.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the speed limits prescribed herein so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any authorized emergency vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (Ord. 282 § 12, 1968).

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Chapter 10.52

PROCESSIONS¹

Sections:

- 10.52.010 Driving through – Restrictions.
- 10.52.020 Driver regulations.
- 10.52.030 Funeral – Identification required.

10.52.010 Driving through – Restrictions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this title. This provision shall not apply to intersections where traffic is controlled by traffic-control signals unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the funeral procession. (Ord. 288 § 2, 1968; Ord. 282 § 40, 1968).

10.52.020 Driver regulations.

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Ord. 288 § 2, 1968; Ord. 282 § 41, 1968).

10.52.030 Funeral – Identification required.

A funeral composed of a procession of vehicles shall be identified as such by a display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division. (Ord. 282 § 42, 1968).

1. See also Ch. 10.76 SMC, Parades.

Chapter 10.54

DRIVING UNDER THE INFLUENCE²

Sections:

- 10.54.010 Offense designated.
- 10.54.020 Physical control of vehicle.
- 10.54.030 Tests.
- 10.54.040 Records.
- 10.54.050 Evidence in determining influence.
- 10.54.060 Violations – Penalties.

10.54.010 Offense designated.

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within this city while:

(a) He has one-tenth of one percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or

(b) He is under the influence of or affected by intoxicating liquor or any drug; or

(c) He is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this city or state shall not constitute a defense against any charge of violating this section. (Ord. 555 § 1, 1980).

10.54.020 Physical control of vehicle.

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this city while:

(a) He has one-tenth of one percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or

2. See also Ch. 10.56, Intoxication Test.

10.54.030

(b) He is under the influence of or affected by intoxicating liquor or any drug; or

(c) He is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this city or state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway. (Ord. 555 § 2, 1980).

10.54.030 Tests.

(1) Any person who operates a motor vehicle upon the public highways of this city or state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcohol content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this city while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only; provided, that if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in SMC 10.54.010, which arrest results from an accident in which another

person has been injured and there is a reasonable likelihood that such other person may die as a result in injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this city while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to

obtain a hearing. The person upon receiving such notice may in writing and within 10 days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to a superior court; provided, that this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. (Ord. 555 § 3, 1980).

10.54.040 Records.

Every justice of the peace, police judge and

clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Director of Licensing at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

10.54.050

The Director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the Director for an abstract of convictions and forfeitures, which the Director shall furnish.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be 90 days in the county jail and a \$200.00 fine. The penalty so imposed shall not be suspended. (Ord. 555 § 4, 1980).

10.54.050 Evidence in determining influence.

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath, or other bodily substance is less than one-tenth of one percent by weight of alcohol in the person's blood, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 cubic centimeters of blood. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section or SMC 10.54.010 or 10.54.020 shall be performed according to methods approved by the state toxicologist and by an individual possessing a valid permit

issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawals of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. (Ord. 555 § 5, 1980).

10.54.060 Violations – Penalties.

(1) Every person who is convicted of a violation of SMC 10.54.010 or 10.54.020 shall be punished by imprisonment for not less than one day nor more than six months, and by a fine of not more than \$500.00. The person shall, in addition, be required to complete a course at an alcohol information school approved by the Department of Social and Health Services. One day of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral

and the facts upon which the suspension or deferral is based.

(2) On a second or subsequent conviction of DWI or Physical Control as is described in SMC 10.54.010 and 10.54.020 within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine not more than \$1,000. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be 90 days in jail and a \$200.00 fine. The penalty so imposed shall not be suspended or deferred.

In addition to any nonsuspendable and non-deferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding 180 days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of 25 percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any city ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; provided, that all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive

use of the department or driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in Chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in SMC 10.54.010 or 10.54.020 shall:

(a) On the first conviction under either such offense, be suspended by the department for not less than 30 days; provided, that the court may recommend that no suspension action be taken;

(b) On a second conviction under either such offense within a five-year period, be suspended by the department for not less than 60 days;

(c) On a third or subsequent conviction under either such offense within a five-year period, be revoked by the department.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes. (Ord. 555 § 6, 1980).

Chapter 10.56

INTOXICATION TEST¹

Sections:

- 10.56.010 Administration.
- 10.56.020 Persons incapable of refusal.
- 10.56.030 Refusal – Penalty.
- 10.56.040 Driving under influence of liquor or drugs prohibited.
- 10.56.050 Intoxication criteria.
- 10.56.060 Chemical analysis.
- 10.56.070 Administration of blood test.
- 10.56.080 Additional test.
- 10.56.090 Information to be available to tested person’s attorney.
- 10.56.100 Violations designated – Penalty.

10.56.010 Administration.

Any person who operates a motor vehicle upon the public highways of the city shall be deemed to have given consent, subject to the provisions of SMC 10.56.040 through 10.56.090, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this city while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in SMC 10.56.040 through 10.56.090. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered

shall be of his breath only. (Ord. 299 § 1(a), 1969).

10.56.020 Persons incapable of refusal.

Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by this chapter, and the test or tests may be administered, subject to the provisions of SMC 10.56.040 through 10.56.090. (Ord. 299 § 1(b), 1969).

10.56.030 Refusal – Penalty.

If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given; but the law enforcement officer shall forward to the Department of Motor Vehicles a sworn report that he had reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of the city while under the influence of intoxicating liquor, and that the person has refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive. (Ord. 299 § 1(c), 1969).

10.56.040 Driving under influence of liquor or drugs prohibited.

It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of a vehicle within the city. (Ord. 299 § 2(a), 1969).

10.56.050 Intoxication criteria.

Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person’s blood at the time alleged as shown by chemical

1. See also Ch. 10.54, Driving under the Influence.

analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor;

(2) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor;

(3) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor;

(4) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 cubic centimeters of blood;

(5) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor. (Ord. 299 § 2(b), 1969).

10.56.060 Chemical analysis.

Chemical analysis of the person's blood or breath to be considered valid under the provisions of SMC 10.56.040 through 10.56.090 shall have been performed according to methods approved by the Washington State Toxicologist and by an individual possessing a valid permit issued by the Washington State Toxicologist for this purpose. (Ord. 299 § 2(c), 1969).

10.56.070 Administration of blood test.

When a blood test is administered under the provisions of SMC 10.56.010 through 10.56.030, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens. (Ord. 299 § 2(d), 1969).

10.56.080 Additional test.

The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. (Ord. 299 § 2(e), 1969).

10.56.090 Information to be available to tested person's attorney.

Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. (Ord. 299 § 2(f), 1969).

10.56.100 Violations designated – Penalty.

Any person who is convicted of:

(1) Operating a motor vehicle while under the influence of or affected by the use of intoxicating liquor, or of any narcotic drug; or

(2) Being in actual physical control of a motor vehicle while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug; unless otherwise expressly provided by any supervening statute of the state of Washington, shall be punished according to the provisions set forth in SMC 1.12.010. (Ord. 347 § 1, 1971; Ord. 299 § 4, 1969).

Chapter 10.60

LOAD RESTRICTIONS

vehicle, and proceeding thereon no farther than the nearest intersection thereafter. (Ord. 382 § 2, 1972; Ord. 282 § 93, 1968).

Sections:

- 10.60.010 Certain streets – Restrictions.
- 10.60.020 Commercial vehicles prohibited on certain streets.
- 10.60.030 Certain vehicles – Restrictions.

10.60.010 Certain streets – Restrictions.

Whenever the condition of any city street is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such city street, or will be dangerous to traffic thereon; or when the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such city street or a portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the mayor, after finding that an emergency exists, may then order all or portions of such city street temporarily closed by posting notices at each end of the closed portion thereof and at all intersecting streets, which order shall be effective immediately. (Ord. 382 § 1, 1972; Ord. 282 §§ 91, 117, 1968).

10.60.020 Commercial vehicles prohibited on certain streets.

Schedule VIII

Reserved.

(Ord. 282 §§ 92, 118, 1968).

10.60.030 Certain vehicles – Restrictions.

When signs are erected giving notice thereof, no person shall operate any motor vehicle capable of being licensed to carry over 12,000 pounds gross weight, at any time upon any of the streets, or portions of streets, described in Schedule VIII, attached hereto and made part of this chapter, except that such vehicles may be operated thereon for the purpose of delivering or on-loading materials or merchandise, but only by entering such street at the intersection nearest the destination of the

Chapter 10.64

PEDESTRIANS

Sections:

- 10.64.010 Subject to traffic-control devices.
- 10.64.020 Crosswalk use.
- 10.64.030 Responsibility.
- 10.64.040 Obedience to bridge and railroad signals required.
- 10.64.050 Due care by drivers.
- 10.64.060 Soliciting ride – Where prohibited.
- 10.64.070 Soliciting ride – Limited access facility.
- 10.64.080 Soliciting ride – Emergency.
- 10.64.090 Soliciting employment.
- 10.64.100 Watching or guarding vehicle.

10.64.010 Subject to traffic-control devices.

Pedestrians shall be subject to traffic-control signals as declared in RCW 46.61.230, 46.61.235, 46.61.240 and 46.61.245, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (Ord. 282 § 49, 1968).

10.64.020 Crosswalk use.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Ord. 282 § 50, 1968).

10.64.030 Responsibility.

(1) Pedestrians shall not step into that portion of the street open to moving traffic at any point between intersections in the central business district, in any business district, on any arterial highway, or between adjacent intersections of streets protected by stop signs, except at marked crosswalks or other places specially provided.

(2) Pedestrians shall not cross street intersections diagonally except at such signalized intersections that provide for a pedestrian all-walk phase.

(3) Pedestrians crossing a roadway other than at intersection crosswalks shall yield the right-of-way to all vehicles upon the roadway. (Ord. 282 § 51, 1968).

10.64.040 Obedience to bridge and railroad signals required.

(1) *Reserved.*

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (Ord. 282 § 52, 1968).

10.64.050 Due care by drivers.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise special precaution upon observing any child or any confused or incapacitated person upon a roadway. (Ord. 288 § 2, 1968; Ord. 282 § 53, 1968).

10.64.060 Soliciting ride – Where prohibited.

No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle. (Ord. 405 § 1, 1973).

10.64.070 Soliciting ride – Limited access facility.

It is unlawful for any person to solicit a ride for himself or another from within the right-of-way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county or city having jurisdiction over the highway. (Ord. 405 § 2, 1973).

10.64.080 Soliciting ride – Emergency.

The provisions of SMC 10.64.060 and 10.64.070 shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving, a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire. (Ord. 405 § 3, 1973).

10.64.090

10.64.090 Soliciting employment.

No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle. (Ord. 405 § 4, 1973)

10.64.100 Watching or guarding vehicle.

No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Ord. 405 § 5, 1973).

Chapter 10.68

BICYCLES

Sections:

10.68.010 Applicability of provisions.

10.68.020 –

10.68.100 *Reserved.*

10.68.110 Obedience to traffic-control devices.

10.68.120 Parking.

10.68.130 Riding on sidewalks.

10.68.140 Penalty for violation.

10.68.010 Applicability of provisions.

(1) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (Ord. 282 § 54, 1968).

10.68.020 License – Required.

Reserved. (Ord. 282 § 55, 1968).

10.68.030 License – Application.

Reserved. (Ord. 282 § 56, 1968).

10.68.040 License – Issuance.

Reserved. (Ord. 282 § 57, 1968).

10.68.050 License – Attachment of plate.

Reserved. (Ord. 282 § 58, 1968).

10.68.060 Inspection.

Reserved. (Ord. 282 § 59, 1968).

10.68.070 License – Renewal.

Reserved. (Ord. 282 § 60, 1968).

10.68.080 Transfer of ownership.

Reserved. (Ord. 282 § 61, 1968).

10.68.090 Rental agencies.

Reserved. Ord. 282 § 62, 1968).

10.68.100 Dealers.

Reserved. (Ord. 282 § 63, 1968).

10.68.110 Obedience to traffic-control devices.

(1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians. (Ord. 282 § 64, 1968).

10.68.120 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (Ord. 282 § 65, 1968).

10.68.130 Riding on sidewalks.

(1) No person shall ride a bicycle upon a sidewalk within a business district.

(2) The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, no person shall disobey the signs.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 282 § 66, 1968).

10.68.140 Penalty for violation.

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than \$25.00 or by imprisonment for not more than six days in jail or both, except that in the case of children under 18 years of age, the juvenile offender shall be delivered to the juvenile court for appropriate action. (Ord. 282 § 67, 1968).

Chapter 10.72

ENFORCEMENT

Sections:

- 10.72.010 Procedure of police officers.
- 10.72.020 Citation – Disposition, records.
- 10.72.030 Citation – Illegal cancellation.
- 10.72.040 Citation – Record, report audit.
- 10.72.070 Illegal parking – Presumption of responsible person.
- 10.72.080 Arrest warrant issuance.
- 10.72.090 Fines and forfeitures – Disposition.
- 10.72.100 Fines and forfeitures – Official misconduct.
- 10.72.110 Vehicle impoundment.
- 10.72.120 Driver’s license availability for display.

10.72.010 Procedure of police officers.

(1) Whenever any person is arrested for any violation of this title, except those mentioned in subsection (2) hereof, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements and be handled and disposed of in accordance with the Traffic Rules for Courts of Limited Jurisdiction, and RCW 46.64.010. The arrested person may secure release, if permitted by the arresting officer, by posting bail in an amount not less than that prescribed for the offense for which the arrest was made, by a bail schedule which shall be established by the appropriate judicial authority for allailable offenses. Upon the arrested person’s failing or refusing to post such bail, he may be taken into custody of such arresting officer and so remain or be placed in confinement.

(2) The provisions of subsection (1) shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person or to any person charged with reckless driving, or to any person charged with driving while under the influence of intoxicating liquor or narcotic or other drugs, or to any person whom the arresting officer shall have good cause to believe has committed any felony, and the arresting officer shall take such

10.72.020

person to the police station to be booked. (Ord. 282 § 95, 1968).

10.72.020 Citation – Disposition, records.

(1) Every police officer upon issuing a traffic complaint and citation to an alleged violator of any provision of the motor vehicle laws of this state or of any city traffic ordinance shall deposit the complaint and the abstract of court record copy of such traffic complaint and citation with his immediate superior officer, who shall cause the original to be delivered to the city traffic court or to the traffic violations bureau. The police record copy of the traffic complaint and citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the clerk-treasurer, together with such book when all traffic complaint and citations therein have been used.

(2) Upon the filing of such original citation in the city traffic court as aforesaid, the citation may be disposed of only by trial in the traffic court or by other official action by a judge of the traffic court, including forfeiture or by payment of a fine to the traffic violations bureau of the traffic court.

(3) The chief of police shall require the return to him of each traffic complaint and citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(4) The chief of police shall also maintain or cause to be maintained in connection with every traffic complaint and citation issued by a member of the police department a record of the disposition of the charge by the city traffic court or its traffic violations bureau.

(5) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the city traffic court, or by any other court on the traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(6) It is unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy

thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this section. (Ord. 282 § 96, 1968).

10.72.030 Citation – Illegal cancellation.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. (Ord. 282 § 97, 1968).

10.72.040 Citation – Record, report audit.

(1) Every record of traffic citations, complaints thereon, and warrants issued therefor required in this chapter shall be audited at least monthly by the clerk-treasurer, who shall submit a report of such audit together with a summary thereof to the mayor and city council. Such reports shall be public records.

(2) For the purpose of this chapter, the clerk-treasurer or his duly authorized representative shall have access at all times to all necessary records, files, and papers of the city traffic court, its traffic violations bureau, and the police department. (Ord. 282 § 98, 1968).

10.72.070 Illegal parking – Presumption of responsible person.

(1) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in SMC 10.72.050 and 10.72.060 has been followed. (Ord. 282 § 101, 1968).

10.72.080 Arrest warrant issuance.

(1) Residents. The court shall issue a warrant for the arrest of any defendant who is a resident of this state and who has failed to appear

before the court or the traffic violations bureau either in person or by counsel in answer to a traffic complaint and citation upon which he has given his written promise to appear. If the warrant is not executed within 30 days after issue, the court shall make an entry of the notification on the docket, and may add a charge against the defendant for failure to appear after a written promise to do so and mark the case closed, subject to being reopened when the appearance of the defendant is thereafter obtained.

(2) Nonresidents. If a nonresident defendant fails to appear before the court or the traffic violations bureau either in person or by counsel in answer to a traffic complaint and citation upon which he has given his written promise to appear, the court shall mail a notice to the defendant at the address stated in the complaint and citation requesting him to abide by his promise and appear in person or by counsel on a day certain, and notifying him that his failure to appear after a written promise to do so is a misdemeanor for which he may also be charged. If the nonresident defendant fails to respond within 30 days after the date set in the notice, the court shall issue a warrant for his arrest and shall make an entry of the notification on the docket, and may add a charge against the defendant for failure to appear after a written promise to do so, and mark the case closed, subject to being reopened when the appearance of the defendant is thereafter obtained. (Ord. 282 § 102, 1968).

**10.72.090 Fines and forfeitures –
Disposition.**

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid into the city general fund. (Ord. 282 § 103, 1968).

**10.72.100 Fines and forfeitures – Official
misconduct.**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in the city general fund, to comply with the provi-

sions of SMC 10.72.090 shall constitute misconduct in office and shall be grounds for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 282 § 104, 1968).

10.72.110 Vehicle impoundment.

(1) Members of the police department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by this city, under the circumstances hereinafter enumerated:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;

(b) When a vehicle upon a highway (or street, including tunnels, bridges or approaches) is so disabled as to constitute an obstruction to traffic, or when the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(2) Whenever an officer removes a vehicle from a street as authorized in this section he shall report the abandoned vehicle to the Chief of the Washington State Patrol, and if the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the registered or legal owner thereof, such officer shall immediately give or cause personal notice to be given in writing to such owner, if any record exists of the registered or legal owner in the state of Washington, of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. The abandoned vehicle shall be taken into the custody of the sheriff of the county where it has been abandoned, and stored. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(3) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer shall immediately send or cause to be sent written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

(4) Any cost incurred in the removal thereof shall be paid by the owner of the vehicle so removed, and the cost shall be a lien upon such vehicle. (Ord. 282 § 105, 1968).

10.72.120 Driver’s license availability for display.

Every motor vehicle licensee shall have his driver’s license in his immediate possession at all times when operating a motor vehicle, and shall display the license upon demand to any police officer or to any other person when and if required by law to do so. (Ord. 303 § 1, 1969; Ord. 282 § 106(a), 1968).

Chapter 10.76

PARADES¹

Sections:

- 10.76.010 Short title.
- 10.76.020 Definitions.
- 10.76.030 Permit required – Exceptions.
- 10.76.040 Application.
- 10.76.050 Standards of issuance.
- 10.76.060 Notice of rejection.
- 10.76.070 Appeal procedure.
- 10.76.080 Alternate permit.
- 10.76.090 Notice to city and other officials.
- 10.76.100 Contents of permit.
- 10.76.110 Duties of permittee.
- 10.76.120 Public conduct during parades.
- 10.76.130 Revocation of permit.

10.76.010 Short title.

This chapter shall be known and may be cited as the “Parade Ordinance of the City of Stanwood”. (Ord. 401 § 1, 1973).

10.76.020 Definitions.

The following definitions shall apply when used in this chapter:

- (1) “Parade” is any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.
- (2) “Parade permit” is a permit as required by this chapter.
- (3) “Ambulance director” is the person chargeable with the operation of the city ambulance. (Ord. 401 § 2, 1973).

10.76.030 Permit required – Exceptions.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police. This chapter shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the

1. See also Ch. 10.52 SMC, Processions.

immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions;

(4) Practice sessions by a group or entrant which has previously obtained the approval of the chief of police. (Ord. 486, 1977; Ord. 401 § 3, 1973).

10.76.040 Application.

A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(1) Filing Period. An application for a parade permit shall be filed with the chief of police not less than 10 days nor more than 30 days before the date on which it is proposed to conduct the parade.

(2) Contents. The application for a parade permit shall set forth the following information:

(a) The name, address and telephone number of the person seeking to conduct such parade;

(b) If the parade is proposed to be conducted for or on behalf of, or by an organization, the name and address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(d) The date when the parade is to be conducted;

(e) The route to be traveled, the starting point and the termination point;

(f) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;

(g) The hours when such parade will start and terminate;

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(i) The location by streets of any assembly areas for such parade;

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(k) The interval of space to be maintained between units of such parade;

(l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;

(m) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(3) Dissemination of Parade Information. The permittee will make available to each entrant or separately identifiable group participating in the parade written information setting forth substantially the following:

(a) Identification number, if any;

(b) Assembly time and starting time;

(c) Rules, if any, for judging, together with criteria;

(d) List of entries, if convenient;

(e) Schematic map of assembly area and parade route.

(4) Late Applications. The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 10 days before the date such parade is proposed to be conducted.

(5) Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$10.00. (Ord. 401 § 4, 1973).

10.76.050 Standards of issuance.

The chief of police, after conferring with the fire chief and mayor, shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of

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police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parades will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire fighting equipment en route to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit. (Ord. 401 § 5, 1973).

10.76.060 Notice of rejection.

The chief of police shall act upon the application for a parade permit within five days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within five days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit. (Ord. 401 § 6, 1973).

10.76.070 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal within seven days after its receipt. (Ord. 401 § 7, 1973).

10.76.080 Alternate permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this chapter. (Ord. 401 § 8, 1973).

10.76.090 Notice to city and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall advise the city clerk-treasurer who shall send a copy thereof to the following:

- (1) The mayor;
- (2) The city attorney;
- (3) The fire chief;
- (4) The city engineer;
- (5) The city ambulance director. (Ord. 401 § 9, 1973).

10.76.100 Contents of permit.

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this chapter. (Ord. 401 § 10, 1973).

10.76.110 Duties of permittee.

- (1) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (2) Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his

person during the conduct of the parade. (Ord. 401 § 11, 1973).

10.76.120 Public conduct during parades.

(1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(2) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) Parking on Parade Route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 401 § 12, 1973).

10.76.130 Revocation of permit.

The chief of police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth. (Ord. 401 § 13, 1973).

Chapter 10.80

CITY DOCK

Sections:

10.80.010 Time limits.

10.80.020 Fees.

10.80.030 Payment.

10.80.040 Violation – Penalty.

10.80.050 Lien.

10.80.010 Time limits.

Time limits for the use of the city dock are as follows:

(1) No charge – maximum stay: eight hours;

(2) Daily rate – maximum stay: three days;

(3) Weekly rate – maximum stay: seven days;

(4) Monthly rate – maximum stay: 30 days;

(5) Weekly and monthly rates are available only when dock facilities are not required for short-term use as determined by the public works director;

(6) Renewals of weekly and monthly facilities are allowed on a first-come first-served basis only;

(7) Daily use is limited to three times per month with 24 hours between uses;

(8) Payment of daily, weekly or monthly rates does not guarantee exclusive use if the craft leaves then returns. (Ord. 518 § 1, 1979).

10.80.020 Fees.

Fees for the use of the city dock are as follows:

Up to eight hours: no charge;

Daily rate: \$4.00 per day;

Weekly rate: \$1.00 per foot;

Monthly rate: \$4.00 per foot. (Ord. 518 § 2, 1979).

10.80.030 Payment.

(1) Daily Fees. A lockbox and deposit envelopes shall be provided on the dock for deposit of daily fees.

(2) Weekly and Monthly Fees. Weekly and monthly fees shall be paid to the city clerk-treasurer, who shall transmit a copy of the

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receipt showing the boat and time of stay to the police department.

(3) The police department is directed to check the lockbox for payments by craft using the dock and transmit the payment envelopes to the city clerk-treasurer. (Ord. 518 § 3, 1979).

10.80.040 Violation – Penalty.

The police department is directed to write a citation for any craft using the city dock in violation of this chapter, for which citation a fine of \$25.00 shall be payable to the city clerk-treasurer. (Ord. 518 § 4, 1979).

10.80.050 Lien.

When a citation has been issued by the police department and remains unpaid for 10 days, the city clerk-treasurer is directed to place a lien on the craft as provided by the Revised Code of Washington. (Ord. 518 § 5, 1979).

Chapter 10.84

TOY VEHICLES¹

Sections:

10.84.010 Definitions.

10.84.020 Negligent operation.

10.84.030 Business area – Use prohibited.

10.84.040 Parent responsibility.

10.84.100 Violation – Penalties.

10.84.010 Definitions.

“Toy vehicles” are coasters, roller skates, scooters, skateboards, go carts, and other similar vehicles designed for use as a toy or sport activity rather than for useful transportation. (Ord. 731 § 2, 1987).

10.84.020 Negligent operation.

It is unlawful for any person to operate a toy vehicle in a negligent manner upon any roadway, sidewalk or publicly owned parking lot. For the purpose of this section, “to operate in a negligent manner” means the operation of a toy vehicle in such a manner as to endanger or be likely to endanger any persons or property. (Ord. 731 § 3, 1987).

10.84.030 Business area – Use prohibited.

It is unlawful for any person to operate a toy vehicle upon any roadway, sidewalk, or publicly owned parking lot in any area of the city used for business purposes. (Ord. 731 § 4, 1987).

10.84.040 Parent responsibility.

It is unlawful for any parent, guardian or other person having control of a minor child to allow said minor to operate a toy vehicle in violation of this chapter. (Ord. 731 § 5, 1987).

10.84.100 Violation – Penalties.

The police chief or his designee may issue a civil infraction in the following amounts to any person violating provisions of this chapter.

First offense: \$10.00;

Second offense: \$25.00;

1. See also SMC 10.20.010.

Third offense: \$100.00;
Fourth offense: \$200.00. (Ord. 731 § 6,
1987).

Chapter 10.90

MOTORIZED FOOT SCOOTERS

Sections:

10.90.010 Definitions.

10.90.020 Operation of motorized foot
scooters.

10.90.030 Parent responsibility.

10.90.040 Violation – Enforcement authority
and penalties.

10.90.050 Seizure and forfeiture.

10.90.010 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. (Ord. 1144 § 1, 2004).

**10.90.020 Operation of motorized foot
scooters.**

(1) Motorized foot scooters shall not be operated upon a public roadway by any person under 16 years of age.

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

(3) Operators of motorized foot scooters shall adhere to all rules of the road applicable to motorized vehicles.

(4) Motorized foot scooters shall not be operated on city-owned property, city parks, upon designated walkways, pathways, sidewalks, or any other place where motorized vehicles are expressly prohibited.

(5) Motorized foot scooters shall not be operated anytime during one half-hour after sunset to one half-hour before sunrise without reflectors of a type approved by the state patrol.

(6) At no times shall a passenger be allowed to ride on a motorized foot scooter.

(7) Motorized foot scooters shall not be operated in a negligent manner upon any roadway or city right-of-way within the city of Stanwood. For the purpose of this section, “to

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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 Stanwood.

(8) 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. (Ord. 1144 § 1, 2004).

10.90.030 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. 1144 § 1, 2004).

10.90.040 Violation – Enforcement authority and penalties.

The city of Stanwood 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 person, including a parent or guardian, violating any of the provisions of this chapter. In any case, the amount shall not exceed \$250.00. In addition to issuing an infraction, law enforcement officers may impound the motorized foot scooter in accordance with SMC 10.90.050, and may sell or destroy seized property upon order of the court in accordance with SMC 10.90.050.

The following monetary penalties shall apply:

- (1) First offense: \$40.00;
- (2) Second offense: \$80.00;
- (3) Third and future offenses: \$250.00.

Payment of civil fines 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. 1144 § 1, 2004).

10.90.050 Seizure and forfeiture.

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

(1) First Seizure. Any person who has property seized for the first time pursuant to this chapter may prevent forfeiture of said property by contacting the police department within 10 days of receipt of notice of violation and requesting the property be returned. All monetary penalties imposed must be paid prior to release of seized property.

(2) Second Seizure. Any person who has property seized a second time pursuant to this chapter may cause the property to be impounded for a period of no less than 10 days from the receipt of notice of violation. All monetary penalties imposed must be paid prior to release of property.

(3) Third and Future Seizures. Any person who has property seized a third or more times pursuant to this chapter shall cause the property to be subject to forfeiture. The chief of police, or designee, may apply to the court for an order of forfeiture in accordance with RCW 35.20.250. (Ord. 1144 § 1, 2004).