

ORDINANCE NO. 1999-04-020

AN ORDINANCE OF THE CITY OF BELLINGHAM REPEALING TITLE 11 OF THE BELLINGHAM MUNICIPAL CODE AND ENACTING A NEW TITLE 11 REGULATING VEHICLES AND TRAFFIC; RE-ADOPTING THE MODEL TRAFFIC ORDINANCE (MTO) AS CONTAINED IN THE WASHINGTON ADMINISTRATIVE CODE, CHAPTER 308-330, AS THE TRAFFIC CODE FOR THE CITY; ENACTING A NEW CHAPTER 11.18 VEHICLE IMPOUNDMENT, AND PROVIDING FOR THE CODIFICATION OF THE TITLE.

WHEREAS, by enactment of Ordinance No. 19011 the City of Bellingham adopted by reference certain provisions of the Model Traffic Ordinance (MTO) as contained in the Washington Administrative Code Chapter 308-330 as the traffic code for the City of Bellingham; and

WHEREAS, the codified version of Title 11 has not been updated to reflect this decision; and

WHEREAS, in ordinance No. 10911 the City readopted certain chapters of Title 11 without addressing the remaining chapters and it is necessary to repeal the entire Title 11 and re-enact a new Title 11 to eliminate those chapters that are duplicative of the MTO provisions and to update the codification of Title 11; and

WHEREAS, the Legislature recently enacted Washington laws of 1998, Chapter 203, which amended portions of RCW 46.55 and added new sections related to the impoundment of vehicles driven by persons who have a suspended or revoked license; and

WHEREAS, the Legislature has authorized the impoundment of vehicles operated by drivers with suspended or revoked licenses to protect public safety and to enforce the State's driver licensing laws, and

WHEREAS, RCW 46.55.240 authorizes a City to adopt a local ordinance concerning unauthorized, abandoned, or impounded vehicles;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN that the following changes be made to the Bellingham Municipal Code as follows:

Section 1. Current Title 11 Vehicles and Traffic is hereby repealed.

Section 2. A new Title 11 is hereby enacted and codified in the Bellingham Municipal Code as follows:

Title 11 – VEHICLES AND TRAFFIC

- 11.03 General Provisions
- 11.15 Driving Rules Generally
- 11.18 Vehicle Impoundment
- 11.33 Parking, Standing, and Stopping
- 11.36 Parking Meters
- 11.38 Residential Parking Zone
- 11.39 Loading and Loading Zones
- 11.48 Bicycles
- 11.52 Skateboards
- 11.63 Highways and Arterials
- 11.72 Vehicle Equipment Rules in Addition to Model Traffic Ordinance

11.03 GENERAL PROVISIONS

- 11.03.010 Adoption by Reference
- 11.03.020 Sections of the MTO Not Adopted
- 11.03.030 Sections of the MTO Adopted in Part
- 11.03.040 Offenses Committed Prior to Effective Date
- 11.03.050 Prosecution Under Expired or Repealed Ordinance
- 11.03.060 References to the Revised Code of Washington
- 11.03.070 References to the Washington Administrative Code
- 11.03.080 Effect of Headings
- 11.03.090 Severability
- 11.03.100 Provisions to be Construed in Pari Materia
- 11.03.110 Public Employees to Obey Traffic Regulations
- 11.03.120 Savings Provisions

11.03.010 Adoption by Reference

The Washington Model Traffic Ordinance (“MTO”), Washington Administrative Code (“WAC”) 308-330, as presently constituted or hereinafter amended, is adopted by reference as the traffic code of the City of Bellingham except as expressly provided herein.

11.03.020 Sections of the MTO Not Adopted

The following sections of the MTO, Chapter 308-330 WAC, are not adopted by reference and are expressly deleted:

- WAC 308-330-322 Transportation of hazardous materials
- WAC 308-330-330 Motor vehicle wreckers
- WAC 308-330-375 Disposition of abandoned and junk motor vehicles

WAC 308-330-430 Obedience to angle-parking signs and markings
 WAC 308-330-433 Parking not to obstruct traffic
 WAC 308-330-436 Parking for certain purposes unlawful
 WAC 308-330-439 Standing in passenger loading zone
 WAC 308-330-442 Standing in loading zone
 WAC 308-330-445 Standing in a tow away zone
 WAC 308-330-448 Violating permits for loading or unloading
 WAC 308-330-451 Standing or parking on one-way roads
 WAC 308-330-454 Stopping, standing or parking of buses and taxicabs
 WAC 308-330-457 Restricted use of bus stops and taxicab stands
 WAC 308-330-460 Right of way for parking
 WAC 308-330-462 Stopping, standing and parking
 WAC 308-330-500 Bicycle license required
 WAC 308-330-505 Bicycle license application
 WAC 308-330-510 Issuance of bicycle license
 WAC 308-330-515 Attachment of bicycle license plate or decal
 WAC 308-330-520 Inspection of bicycles
 WAC 308-330-525 Renewal of bicycle license
 WAC 308-330-530 Bicycle transfer of ownership
 WAC 308-330-535 Bicycle rental agencies
 WAC 308-330-600 Parking meter spaces
 WAC 308-330-610 Parking meters - deposit of coins and time limits
 WAC 308-330-620 Parking meters - use of slugs prohibited
 WAC 308-330-630 Tampering with parking meter
 WAC 308-330-640 Parking meters - Rule of evidence
 WAC 308-330-650 Parking meters - Application of proceeds
 WAC 308-330-660 Service parking
 WAC 308-330-720 Citation on illegally parked vehicle
 WAC 308-330-730 Failure to comply with citation on parked vehicle
 WAC 308-330-740 Presumption in reference to illegal parking
 WAC 308-330-825 Littering

11.03.030 Sections of the MTO Adopted in Part

The following sections of the MTO, Chapter 308-330 WAC, are adopted in part, as follows:

WAC 308-330-325 Accidents, reports. The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088 and 46.52.090.

The remaining section is hereby deleted as follows: RCW 46.52.100

WAC 308-330-408 Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, 46.61.085, and 46.61.220.

The remaining section is hereby deleted as follows: RCW 46.61.024

11.03.040 Offenses Committed Prior to Effective Date

The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

11.03.050 Prosecution Under Expired or Repealed Ordinance

No offense committed and no penalty or forfeiture incurred previous to the time when any ordinance expires or is repealed, whether such repeal be express or implied, shall be affected by such expiration or repeal, unless a contrary intention is expressly declared in the expiring or repealing ordinance, and no prosecution for any offense or for the recovery of any penalty or forfeiture pending at the time any ordinance expires or is repealed, whether such repeal be express or implied, shall be affected by such expiration or repeal, but the same shall proceed in all respects as if such ordinance had not expired or been repealed, unless a contrary intention is expressly declared in the expiring or repealing ordinance. Whenever any ordinance defining an offense or making conduct unlawful is amended or repealed, whether such amendment or repeal be express or implied, any offense committed, conduct engaged in or penalty or forfeiture incurred while the ordinance was in force shall be punished or enforced as if the ordinance were in force, notwithstanding such amendment or repeal, unless a contrary intention is expressly declared in the amendatory or repealing ordinance, and every such amendatory or repealing ordinance shall be so construed as to save all proceedings under the amended or repealed ordinance pending at the time of the amendatory or repealing ordinance, unless a contrary intention is expressly declared therein.

11.03.060 References to the Revised Code of Washington

References to the Revised Code of Washington (RCW) incorporates, by reference, such sections of the Revised Code of Washington now in effect or as subsequently amended including, but not

limited to, any applicable definitions section associated with such sections. In adopting State statutes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and, in those sections adopted which define both misdemeanors and felonies, only the language applicable to misdemeanors and gross misdemeanors is to be applied.

11.03.070 References to the Washington Administrative Code

References to the Washington Administrative Code (WAC) incorporates, by reference, such sections of the Washington Administrative Code now in effect or as subsequently amended, including, but not limited to, any applicable definition section associated with such sections. In adopting State statutes and administrative codes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and, in those sections adopted which define both misdemeanors and felonies, only the language applicable to misdemeanors and gross misdemeanors is to be applied.

11.03.080 Effect of Headings

Section headings contained in this title shall not be deemed to govern, limit, or modify, or in any manner affect the scope, meaning or extent of the provisions of any section hereof.

11.03.090 Severability

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

11.03.100 Provisions to be Construed in Pari Materia

The provisions of this title shall be construed in pari materia even though as a matter of proper legislative history they were not enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

11.03.110 Public Employees to Obey Traffic Regulations

The provisions of this Title shall apply to the drivers of all vehicles owned or operated by the United States, the State, or any county, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Title.

11.03.120 Savings Provisions

(1) This title shall not have a retroactive effect and shall not apply to any accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to a violation of

a traffic ordinance of the city occurring prior to the effective date of this title.

(2) Except as otherwise provided herein, all permits lawfully issued under the provisions of any ordinance repealed by the ordinance codified in this title shall remain in force and effect until the expiration thereof, unless the same are sooner surrendered or revoked, subject, however, to all other provisions of this title.

(3) All speed zones, highway closures and one-way streets lawfully established prior to the effective date of this title shall remain in full force and effect unless otherwise provided in this title.

11.15 DRIVING RULES IN ADDITION TO THE MODEL TRAFFIC ORDINANCE

- 11.15.020 Use of Coaster, Roller Skates, Rollerblades and Similar Devices Restricted
- 11.15.030 Blocking Roadway
- 11.15.330 Improper Turn – Cutting Corners
- 11.15.380 Driver Inattention
- 11.15.390 Failure to Maintain Control

11.15.020 Use of Coasters, Roller Skates, Rollerblades and Similar Devices Restricted

(1) No person upon roller skates, rollerblades, or riding in or by means of any coaster, skateboard, toy vehicles, 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.

(2) Any person using such a device shall exercise due care and caution to avoid hindering, delaying, or endangering pedestrians using ways normally open to pedestrian traffic.

11.15.030 Blocking Roadway

No person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

11.15.330 Improper Turn – Cutting Corners

No driver of a vehicle shall, with intent to avoid turning at a controlled intersection or to avoid any traffic control device, leave the traveled portion of one highway and momentarily enter a parking lot, vacant land or other private or public property, in order to enter the traveled portion of another highway.

11.15.380 Driver Inattention

It is a traffic infraction for a person to drive a vehicle in an inattentive manner.

For purposes of this section, "inattentive manner" means to drive in such a manner so as to fail to maintain a careful lookout in the direction of travel or to otherwise drive without due vigilance for persons or property in or near the path of such vehicle.

11.15.390 Failure to Maintain Control

It shall be a traffic infraction for a driver of a motor vehicle to fail to maintain proper control of the vehicle at all times.

11.18 VEHICLE IMPOUNDMENT

- 11.18.010 Applicable state law adopted by reference
- 11.18.020 Impounds authorized in addition to RCW 46.55.113
- 11.18.030 Impoundment of a vehicle where driver is arrested for a violation of RCW 46.20.342 or RCW 46.20.420 – Period of Impoundment (Replaces portions of RCW 46.55.120)
- 11.18.040 Redemption of impounded vehicles (Replaces portions of RCW 46.55.120)
- 11.18.050 Post-impoundment hearing procedure
- 11.18.060 Contract for towing and storage – Administrative fee

11.18.010 Applicable State Law adopted by reference

Provisions of Chapter 46.55 RCW as adopted by WAC 308-330-406 are hereby incorporated into the Bellingham Municipal Code Chapter 11.18 by this reference, except as specifically provided herein.

11.18.020 Impounds Authorized in addition to RCW 46.55.113

In addition to the impound situations that are authorized pursuant to RCW 46.55.113, a Bellingham police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under the following circumstances:

- A. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
- B. When the vehicle is illegally occupying a truck, commercial load zone, bus, loading, taxi, or other similar zone where, by order of the Director of Engineering or Chiefs of Police or Fire, parking is limited to designated classes of vehicles or is prohibited during certain hours on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or

C. When a vehicle is parked in a public right-of-way or on publicly owned or controlled property in violation of any law, ordinance, or regulation and there are 4 or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least 45 days from the date of the filing of the notice of infraction.

11.18.030 Impoundment of a vehicle where driver is arrested for a violation of RCW 46.20.342 or RCW 46.20.420 - Period of Impoundment (Replaces portions of RCW 46.55.120)

A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or RCW 46.20.420, the vehicle is subject to impoundment at the direction of a police officer.

B. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342 within the past 5 years, the vehicle shall be impounded for 15 days.

C. If a vehicle is impounded because a driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted two or more times of a violation of RCW 46.20.342 within the past 5 years, the vehicle shall be impounded for 30 days.

D. If the vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 (1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 30 days.

E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 (1) (a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted 1 time of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 60 days.

F. If a vehicle is impounded because a driver is arrested for a violation of RCW 46.20.342 (1) (a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted 2 or more times of a violation of RCW 46.20.342 (1) (a) or (b) within the past 5 years, the vehicle shall be impounded for 90 days.

11.18.040 Redemption of impounded vehicles (Replaces portions of RCW 46.55.120)

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

A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to BMC 11.18.030 must prior to redemption establish that he or she has a valid driver's license and is in compliance with BMC 11.18.040 B. A vehicle impounded pursuant to BMC 11.18.030 or BMC 11.18.020 (3) can be released only pursuant to a written order from the police department or a court.

B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing and storage) and the administrative fee imposed pursuant to BMC 11.18.070, prior to redeeming such vehicle. Such towing contractor shall accept payment as provided in RCW 46.55.120 (1) (b), as now or hereafter amended. If the vehicle was impounded pursuant to section 11.18.030 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C. The Chief of Police, or his/her designee, is authorized to release a vehicle impounded pursuant to Section 11.18.030 prior to the expiration of any period of impoundment upon the petition of the spouse or domestic partner of the driver, based upon economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from the release of the vehicle, including but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If the release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.18.040 A. and B.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a hearing before an administrative hearings officer to contest the validity of an impound or the amount of the removal, towing, and storage charges or administrative fee if such request is in writing, in a form approved by the Chief of Police and signed by the person, and is received by the Chief of Police within 10 days (including Saturdays, Sundays, and holidays) of the earlier date of the date the notice was mailed to such person pursuant to RCW 46.55.110, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2) (a). Such hearing shall be provided as follows:

1. If all the requirements to redeem the vehicle, including the expiration of any period of impoundment under section 11.18.030, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided for in Section 11.18.040 D. shall be held within 90 days of the written request for hearing.

2. If not all the requirements to redeem the vehicle, including expiration of any period of impoundment under section 11.18.030, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to Section 11.18.040 D., which shall be held within 2 business days (excluding Saturdays, Sundays, and holidays) of the written request for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in Section 11.18.040 D. may petition the Chief of Police, or his/her designee, for an extension to file a request for hearing. Such request shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If a person fails to file a timely request for a hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment and administrative fee are deemed to be proper, and the City shall not be liable for removal, towing, and storage charges arising from the impoundment.

5. In accordance with RCW 46.55.240 (1) (d) , a decision made by an administrative hearings officer may be appealed to Bellingham Municipal Court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in Municipal Court within 15 days (including Saturdays, Sundays, and holidays) after the decision of the administrative hearings officer and must pay a filing fee in the same amount required for filing of a suit in District Court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearings officer's decision is final.

11.18.050 Post-impoundment hearing procedure

Hearings requested pursuant to Section 11.18.040 shall be held by an administrative hearings officer designated by the Chief of Police. The hearings officer shall determine whether the impoundment was proper and whether the associated removal, towing, storage, and administrative fees were proper. The administrative hearings officer shall not have the authority to determine the commission or mitigation of any parking infraction .

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. If the impoundment is found to be proper, the administrative hearings officer shall enter an order so stating. In the event that the costs of impoundment (removal, towing, and storage) and administrative fee have not been paid or another applicable requirements of Section

11.18.040 have not been satisfied or any period of impoundment under Section 11.18.030 has not expired, the administrative hearings officer's order shall also provide that the impounded vehicle shall be released only after payment to the City of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of Section 11.18.040 B. and payment of the costs of impoundment and the administrative fee to the towing company and after expiration of any period of impoundment under Section 11.18.030.

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

D. In the event that the administrative hearings officer finds that the impound was proper, but that the removal, towing, and storage or administrative fees charged for the impoundment were improper, the administrative hearings officer shall determine the correct fees to be charged. If the costs for impoundment and the administrative fees have been paid, the administrative hearings officer shall enter a judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee for the amount of overpayment.

E. No determination of any facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. An appeal of the administrative hearings officer's decision in Municipal Court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or removal, towing, storage, or administrative fees are improper, any judgment against the City shall include the amount of the Municipal Court filing fee.

11.18.070 Contract for towing and storage - Administrative fee

A. If a vehicle is impounded pursuant to BMC 11.18.020 C. or BMC 11.18.030, an administrative fee shall be levied when the vehicle is redeemed.

B. The administrative fee shall be collected by the contractor performing the impound and shall be remitted to the Finance Department and deposited in an appropriate account. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter. The administrative fee shall be calculated and set by the Chief of Police in an amount not to exceed \$100.

11.33 – PARKING, STANDING, AND STOPPING

- 11.33.010 Traffic Control Devices Required – Stopping, Standing & Parking
(WAC 308-330-409)
- 11.33.030 Obedience to Angle-Parking Signs or Markings (WAC 308-330-430)
- 11.33.035 Back-in Angle Parking Prohibited
- 11.33.040 Parking Not to Obstruct Driveways
- 11.33.050 Parking for Certain Purposes Unlawful
- 11.33.060 Stopping, Standing or Parking Prohibited in Specific Places – Reserving
Portion of Highway Prohibited
- 11.33.070 Additional Parking Regulations
- 11.33.090 Certain Types of Firms Using Commercial Vehicles May Obtain
Mechanic’s Vehicle Permit
- 11.33.100 Permit Tags or Signs – Where Parking permitted – Display of Tag –
Violation & Penalty
- 11.33.110 Parking in Public Off-Street Parking Facility
- 11.33.120 Unattended Motor Vehicle
- 11.33.130 Limitations on Backing
- 11.33.140 Standing in a Tow-Away Zone
- 11.33.150 Standing or Parking on One-Way Roadways
- 11.33.160 Stopping, Standing, and Parking of Busses and Taxicabs Regulated
- 11.33.170 Restricted Use of Bus Stops and Taxicab Stands
- 11.33.175 Taxicab Stands – Designation – Regulation – Impound Authorized
- 11.33.180 Right-Of-Way for Parking
- 11.33.185 Parking Within Residential Yards Prohibited
- 11.33.190 Service Parking
- 11.33.200 Presumption in Reference to Illegal Parking
- 11.33.210 Authority to Issue Citations
- 11.33.220 Parking Violations Civil Infractions – Procedure
- 11.33.230 Penalties for Parking Infractions – Procedure and Penalty on Failure
to Appear
- 11.33.240 Citation on Illegally Parked Vehicle
- 11.33.250 Parking Management Zone Established - Map

11.33.010 Traffic Control Devices Required - Stopping, Standing & Parking (WAC 308-330-409)

No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

11.33.030 Obedience To Angle-Parking Signs Or Markings

Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

11.33.035 Back-In Angle Parking Prohibited

No person shall back a vehicle, other than a motorcycle, into a space signed or marked for angle parking. This restriction shall not apply to commercial vehicles during actual loading and unloading or to construction vehicles during the loading or unloading of tools and/or building materials.

11.33.040 Parking Not To Obstruct Driveways

No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

11.33.050 Parking For Certain Purposes Unlawful

- (1) No person shall park any vehicle upon any highway for the principal purpose of:
 - (a) Displaying advertising.
 - (b) Displaying such vehicle for sale or rent.
 - (c) Selling merchandise from such vehicle, except when authorized.
- (2) No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

**11.33.060 Stopping, Standing Or Parking Prohibited In Specific Places -
Reserving Portion Of Highway Prohibited**

- (1) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle:
 - (a) In any alley: Provided, when lawful under the provisions of this title, it is unlawful to stop, stand, or park a vehicle in such a manner as to leave available less than eight feet of width of roadway in the alley, or adjacent thereto, for the free movement of vehicular traffic and in any event it shall be unlawful to park in that portion of the alley marked as a fire lane;

- (b) No person shall stand or park a passenger vehicle in any alley at any time except momentarily to pick up or discharge a passenger or passengers or to load or unload property and then only for a period not to exceed five minutes;
- (c) No person shall stand or park a commercial vehicle in any alley for any purpose or length of time other than the expeditious loading and unloading of goods and then in no case shall the stop for loading or unloading of materials exceed thirty minutes, provided, that any such vehicle is properly licensed as a commercial vehicle by the State of Washington Department of Motor Vehicles;
- (d) Upon or along any street or highway when traffic will be unreasonably obstructed;
- (e) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (f) Within 50' of the nearest rail of a railroad crossing;
- (g) Within 6' of the nearest rail or railroad tracks except as provided herein, in the case of a railroad crossing;
- (h) Upon any street, except when loading or unloading property if the vehicle is over eighty inches in width, provided that such stopping, standing, or parking is permitted in areas zoned by this code as a manufacturing or industrial use district;
- (i) On or within 20' of a crosswalk;
- (j) On the roadway side of any vehicle stopped or parking at the edge or curb of a street;
- (k) In front of a public or private driveway or within 5' of the end of the curb leading thereto. A vehicle in violation of this provision may be impounded immediately in the manner provided by this title for unauthorized vehicles if such vehicle obstructs ingress or egress to or from the driveway.
- (l) Alongside or opposite any city street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (m) Within 200' of fire apparatus stopped in answer to a fire alarm;
- (n) Within any space signed or marked as a fire exit; also within that portion of any city street contiguous to and opposite any corridor, passage, fire escape, exit or entrance door, or any other place adjacent to, or any door opening in an outer wall of any building

or other structure containing, in whole or in part, any theater, public auditorium, church, dance hall, or other place of public assembly through which the public must pass to leave such building.

- (o) Within 15' of a fire hydrant, unless otherwise designated;
- (p) In such a manner that motor fuel leaks from the tank thereof;
- (q) Within an intersection;
- (r) By reparking the vehicle in the same block to avoid a time limit regulation specified in this title;
- (s) In any garage, parking area, or other property owned and operated by the city where signs prohibit such parking without lawful authority or permission where the vehicle shall be parked for a consecutive period of time longer than that period lawfully permitted. Such violating vehicle may be summarily abated by impounding in the manner provided by this title for unlawfully parked vehicles. The impounding of such vehicle shall not prevent or preclude the institution and prosecution of charges in the Municipal Court or elsewhere for violation of this title;
- (t) In any park, except in areas designated by the Director of the City Parks Department;
- (u) On a planting strip: Provided, it is permissible to stop, stand, park, or angle park a vehicle in such strip on: (a) a city street serving only a commercial, manufacturing or industrial area and when such strip is not planted, or (b) where the planting strip is paved or otherwise improved for parking purposes. The paved area, when constructed at sidewalk grade, shall be served by regulation concrete driveways and shall be separated from the sidewalk and from the curb by a planted area not less than four feet in width. The paved area, when constructed at roadway grade, shall be subject to the posted parking prohibitions applying to the adjacent roadway;
- (v) On a sidewalk or sidewalk area;
- (w) Within 30' upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway, except in Parking Management Zone;
- (x) Upon any city street, if the vehicle is a trailer, unless the trailer is attached to a vehicle by which it may be propelled or drawn: Provided, that in case of accident such trailer may be moved to the side of the street, and, if a good and sufficient red signal be displayed at both ends thereof during the hours of darkness, such trailer may be permitted or allowed to remain for a period not exceeding 24 hours pending removal; except that

such trailer shall not remain upon any portion of a city street where standing or parking is limited or prohibited for a period longer than is necessary to effect its removal;

(y) For a consecutive period of longer than 24 hours in one place upon the city street;

(z) On that portion of any street lawfully set aside for the movement of traffic in the direction opposite to that which the parked vehicle faces;

(aa) Between safety zone and the adjacent curb or within 30' of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(ab) Within 20' of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75' of said entrance when properly signposted;

(ac) Upon any city street, if the vehicle has been left in the care of the owner or operator of any parking lot or garage, or his agent.

(ad) At any place or time where official signs or markings prohibit stopping, standing, or parking;

(ae) For purposes of unloading the vehicle in such a manner as to cause damage to the surface of the street;

(af) For purposes of loading or transporting any materials in such a manner as to cause loud noises to the disturbance of the peace;

(ag) Within 10' of a United States mailbox, except temporarily for the purpose and while engaged in the delivery or pickup of postal items;

(ah) Upon any street or alley when such vehicle does not display current and proper vehicle license plates for the state in which it is purported to be registered;

(ai) Within any parking space or area signed or marked with insignia approved by the City Engineer as a disabled parking space, including spaces provided on private property without charge, except as allowed by Section 11.30.080.

(aj) Registered to a vehicle rental company or car dealership, or their affiliates, or otherwise within the vehicle rental company's or car dealership's custody or control, upon any street when parked thereon by the owner, operator or agent of a vehicle rental company or car dealership, or with the knowledge of the owner, operator or agent that said vehicle is parked on the street, for the purpose of storing such vehicle. There shall

be a rebuttable presumption that the vehicle has been parked upon the street by or with the knowledge of the owner, operator or agent of the rental car company or car dealership for storage purposes if the vehicle is parked upon the street within 2 square blocks of the place of business of the rental company or car dealership. Each vehicle parked in violation of this subsection shall constitute a separate offense.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restrictions at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the State Highway Commission upon highways under the respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right, except as provided in BMC 11.33.190.

(5) It shall be unlawful for any person to remove or erase chalk marks placed on a vehicle's tire by a police officer or parking control official without first removing the vehicle beyond the block where the vehicle was located when the chalk marks were placed on the tire.

11.33.070 Additional Parking Regulations (RCW 46.61.575)

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12" of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12" of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand curb or as close as is practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The state highway commission with respect to highways under its jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

**11.33.090 Certain Types Of Firms Using Commercial Vehicles May Obtain
Mechanic's Vehicle Permit**

1. Any person, firm or corporation engaged in the plumbing, electrical, construction, refrigeration, or repair business or trade and any other persons engaged in similar trades or businesses within the city limits, requiring the use of a motor vehicle or motor vehicles licensed as a truck or commercial vehicle by the State of Washington in connection with any work being performed by said person, firm, corporation, or any of their employees, may obtain a permit designated as a Mechanic's Vehicle Permit, which permit shall be issued upon the approval of the Parking Services Manager, shall be issue upon the payment of \$75.00, and may be renewed annually.
2. Application for a Mechanic's Vehicle's Permit shall be made to the Parking Services Manager on such forms as are prescribed. The applicant shall set forth the applicant's business and the necessity for such permit. The Parking Services Manager shall investigate the facts as necessary. If it appears a necessity exists, the Parking Services Manager may authorize the issuance of such permit.
3. In addition to the requirement that the vehicle benefited by said permit have a truck or commercial license, said motor vehicle shall also have a decal or lettering of a permanent nature identifying the person, firm, or corporation using said vehicle, prominently affixed to some portion of the exterior of said vehicle, provided that the latter requirement may be dispensed with in the case of an individual vehicle if a written waiver is first obtained from the Parking Services Manager.

**11.33.100 Permit Tags Or Signs- Where Parking Permitted-Display Of Tag-Violation
& Penalty**

1. Any person, firm or corporation who has been issued a permit pursuant to Section 11.33.090 shall be furnished a suitable card, tag or other sign by the Parking Services Division which card, tag, or sign shall signify that the person, firm, or corporation has been issued a Mechanic's Vehicle Permit, the expiration date thereof, and such other information as the Parking Services Division determines is appropriate. The card, tag, or sign when prominently displayed in a vehicle described in Section 11.33.090 will have the effect of relieving the owner or other person responsible for said vehicle from compliance with the provisions of this title regulating time limits for parking, standing or stopping on city streets and in alleys; provided, however, such vehicle shall not park, stand, or stop in any special zones such as bus zones or loading zones except as is permitted for all other vehicles by this title. Said card, tag, or sign shall have the foregoing effect only when the terms of Section 11.33.090 have been complied with and when the subject vehicle is actually being used by the owner or operator in connection with and while engaging in his trade or business for the purpose of ready access to tools and equipment contained therein.

2. A violation of the provisions of this section and Section 11.33.090 shall be considered a violation of the provisions of this title on stopping, standing, or parking; provided that use of the card, tag, or sign on a motor vehicle other than one complying with Section 11.33.090 shall be a misdemeanor, and, upon conviction, the violator shall be punished by a fine not to exceed \$500 and in addition to said fine upon the first conviction of the latter violation, the card, tag, or sign involved shall be surrendered to the Parking Services Division and the subject permit shall be suspended for a period of 30 days. Upon a second or subsequent conviction of the latter offense within a two-year period, the period of suspension and surrender shall be for a period of 90 days.

11.33.110 Parking In Public Off-Street Parking Facility

(1) It shall be considered a violation of the provisions herein regarding parking, standing, or stopping for a motor vehicle to leave a public off-street parking facility without the required fee for the use of said facility having first been paid and thereafter for the motor vehicle to be housed in a public off-street parking facility while such fee remains unpaid.

(2) A separate violation of this section shall occur each time a public off-street parking facility is used to house a vehicle upon which there is owing a fee for use of a facility.

(3) The payment of any fine or penalty imposed for a violation of this section shall not be considered as a credit toward the satisfaction of any unpaid parking fee.

11.33.120 Unattended Motor Vehicle (WAC 308-330-464)

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

11.33.130 Limitations On Backing (WAC 308-330-464)

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway.

11.33.140 Standing In A Tow-Away Zone (WAC 308-330-445)

No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect.

11.33.150 Standing Or Parking On One-Way Roadways (WAC 308-330-451)

In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

11.33.160 Stopping, Standing, And Parking Of Buses And Taxicabs Regulated (WAC 308-330-454)

(1) The operator of a bus shall not stand or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than 18" from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stand or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

11.33.170 Restricted Use Of Bus Stops And Taxicab Stands

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop at a bus stop or taxicab stand which is not adjacent to a fire hydrant for the purpose of or while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand.

11.33.175 Taxicab Stands - Designation - Regulation - Impound Authorized

A. Taxicab stands in the Central Business District shall be designated by the Downtown Parking Commission, subject to review by the City Council. Designated taxicab stands shall be appropriately signed. Taxicab stands may be located adjacent to fire hydrants only with the written authorization of the Fire Chief for each stand so located.

B. No operator of a taxicab shall permit the taxicab to remain unattended, at any time, at a taxicab stand. A taxicab shall be considered unattended if its operator is not located in or immediately adjacent to the taxicab.

C. No person shall stop, stand or park a taxicab at a taxicab stand which is adjacent, or within 15', of a fire hydrant without first obtaining a revocable permit from the Fire Chief. Such permits shall be issued to taxicab operators and owners which are licensed under the provisions of Chapter 6.54 of the Bellingham Municipal Code provided such operators and owners agree to abide by conditions established by the Fire Chief for the use of such taxicab stands.

D. Any vehicle left unattended at a taxicab stand which is adjacent to or within 15' of a fire hydrant may be immediately impounded at the owner's expense and in the manner provided by this title for unauthorized vehicles.

11.33.180 Right-Of-Way For Parking (WAC 308-330-460)

The driver of any vehicle who first begins driving or maneuvering his vehicle into a vacant parking space shall have a prior right-of-way to park in such place, and it shall be unlawful for another driver to attempt to deprive him thereof by blocking his access or otherwise. For the purpose of establishing right-of-way in this section it shall be considered proper to back into any but a front-in angle parking space.

11.33.185 Parking Within Residential Yards Prohibited

No person shall stop, stand, or park a vehicle within the area designated as a Minimum Front Yard, or Side Yard on a flanking street, as defined in Bellingham Municipal Code Section 20.30.040(F), within a residentially zoned area, when the required minimum front or side yard abuts any sidewalk or curb. Parking shall be permitted in and upon designated driveways as provided in this section. The designated driveway is defined as the surfaced roadway leading from the street to the garage, covered parking area, or other permitted off street parking area.

11.33.190 Parking Meter Hoods

The Parking Services Manager is authorized to issue a permit for parking meter hoods upon payment of the fee as set forth herein and upon the following conditions:

(1) Application shall be made to the Parking Services Manager on such forms as are prescribed. The applicant shall set forth the applicant's business and the necessity for such permit. The Parking Services Manager shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the Parking Services Manager may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a parking meter hood to be used in covering any "non-handicapped" parking meter. The Parking Services Manager shall have responsibility for determining the number and location of meter hoods to be issued in response to permit requests, taking into account the needs of the application and the operational needs of the parking system.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate on the identification card the exact place where the commercial service work is being performed and the identity of the permittee using the hood.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall, before vacating the space at the conclusion of the work, remove the hood. The hood shall not be allowed to remain in place after 6 p.m. on any day, or anytime on Sundays. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space controlled by the hooded parking meter unless so authorized by the Parking Services Manager on the face of the permit.

(6) The Parking Services Manager may revoke any permit if the parking meter hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the Parking Services Office and the deposit, as set forth in paragraph 7 of this section, shall be forfeited. Any misuse of a parking meter hood shall be reported to the Parking Services Manager.

(7) The permittee shall also pay a deposit in an amount prescribed by the Parking Services Manager at the time of issuance of the hood, which shall remain the property of the City of Bellingham. In case a hood or other property issued with the hood becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit such deposit or a portion thereof.

11.33.200 Presumption In Reference To Illegal Parking

(1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner or 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 RCW 46.90.720 and Section 11.33.220 has been followed.

11.33.210 Authority To Issue Citations

Designated employees other than police officers may be deputized to issue citations for violations of parking regulations and those persons designated as meter persons or meter officers shall be considered employees of the Police Department.

11.33.220 Parking Violations Civil Infractions - Procedure

Violations of Chapters 11.33 and 11.36 are civil infractions, and shall be processed in accordance with the following procedure:

A. A citation for an infraction under Chapters 11.33 and 11.36 represents a determination that an infraction has been committed, and is final unless contested as provided in this section. The citation shall include the license or registration number of the offending vehicle, the time and date of the infraction, a description of the infraction, the location of the infraction, and the penalty to be paid.

B. Any person cited for an infraction under Chapters 11.33 and 11.36 may pay the prescribed penalty within 15 days:

- (1) Directly to the municipal court;
- (2) At any collection box or other authorized point marked as such; or
- (3) By deposit in the U.S. mail.

(C) Any person desiring to contest a citation issued under Chapters 11.33 and 11.36 shall contact the Municipal Court within 7 days of issuance, indicating his desire to contest the citation. The clerk shall assign a date and time for the hearing on the court's regular litigation hearing calendar, or such other date and time as the Municipal Judge may direct.

(D) If the person receiving a parking citation fails to contact the court within 15 days, then the determination that the infraction was committed is final and not subject to appeal.

(E) Any person desiring a hearing as to only the amount of the penalty or bail imposed may do so, in the same fashion and subject to the same time limits as for a contest of issuance of the citation.

11.33.230 Penalties For Parking Infractions - Procedure And Penalty On Failure To Appear

Civil penalties for parking infractions and procedures on failure to appear are as follows:

A. The civil penalty for parking meter and overtime infractions shall be \$5; for disabled parking infractions, \$250; and for all other parking infractions, \$10.

If payment is received by the Municipal Court within 72 hours after issuance of the citation, the penalty for parking meter and overtime infractions shall be reduced to \$3.

B. If the person committing a parking infraction fails to respond as directed on the citation within 15 days, the civil penalty shall increase by \$10. The Municipal Court shall send said person notification of the increased penalty, advising that failure to respond before the 30th day will result in an additional civil penalty of \$25, and that failure to respond to 5 or more parking infractions is a separate misdemeanor. If the person fails to respond to the notice of parking infraction before the 30th day the civil penalty shall increase by an additional \$25.

C. If paid after the 7th day but before the 30th day after issuance of the citation, the penalty for overtime parking is \$5. The penalty for all other all infractions, except disabled parking infractions, under Chapters 11.33 and 11.36 is \$10. If the person committing the infraction has not appeared within 7 days of issuance of the infraction, the clerk of the Municipal Court will send a letter to him of the increase of the penalty, and advising that failure to respond before the 30th day to 5 or more parking citations is a separate misdemeanor.

D. Failure to respond within 30 days from the date of issuance of the citation to 5 or more parking infractions is a misdemeanor which shall be punishable by a fine not to exceed \$25 per parking infraction.

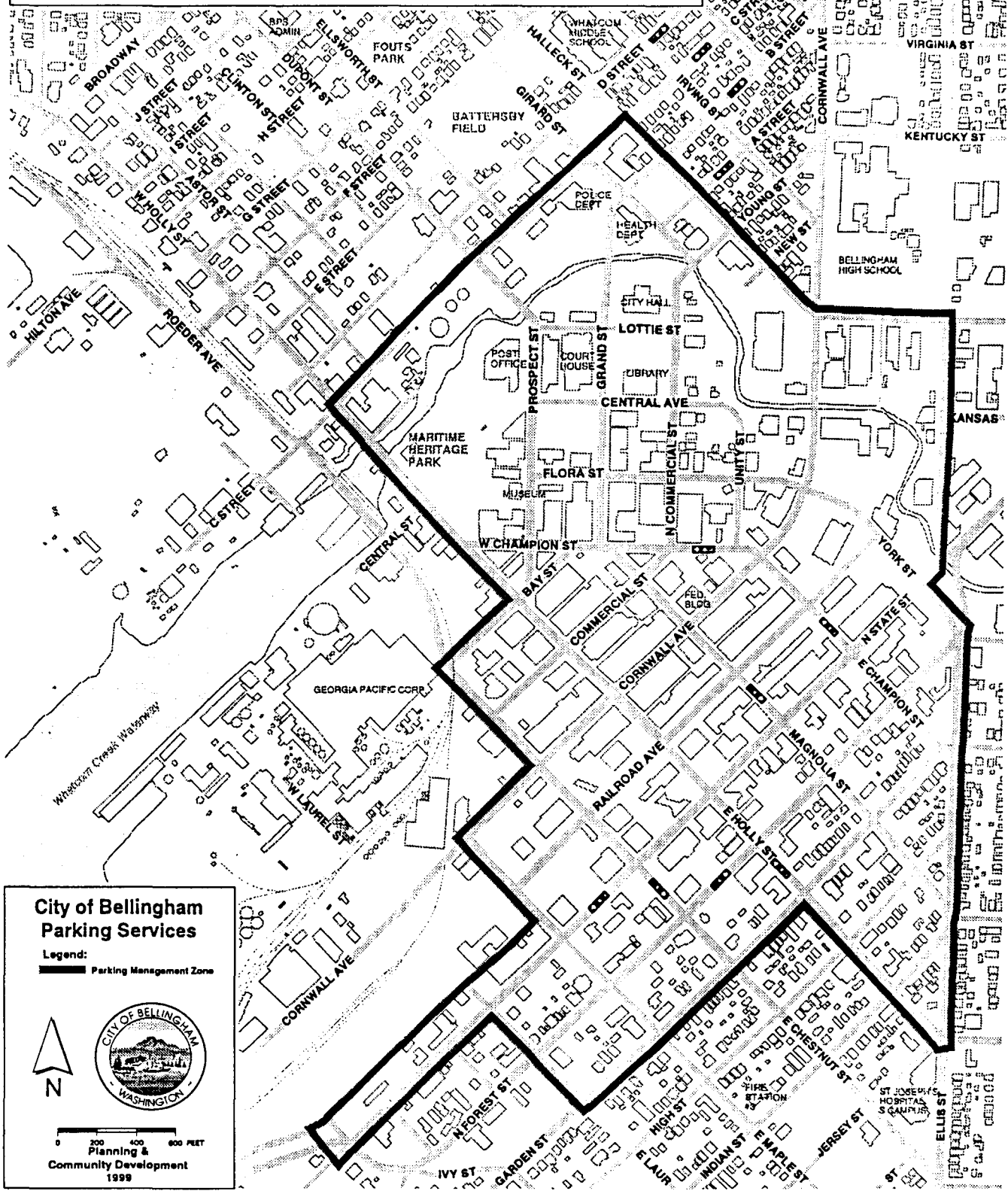
11.33.240 Citation On Illegally Parked Vehicle

Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter on Chapter 11.36, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

11.33.250 Parking Management Zone Established – Map.

A Parking Management Zone is established and shall be defined as the area depicted on the map following this chapter.

PARKING MANAGEMENT ZONE



11.36 – PARKING METERS

- 11.36.010 Police Department to Regulate parking Meters (WAC 308-330-255)
- 11.36.020 Parking Meter Spaces (WAC 308-330-600)
- 11.36.030 Parking Meters – Deposit of Coins and Time Limits (WAC 308-330-610)
- 11.36.040 Parking Meters – Use of Slugs Not Permitted (WAC 308-330-620)
- 11.36.050 Tampering with Parking Meter (WAC 308-330-630)
- 11.36.060 Parking Meters – Rule of Evidence (WAC 308-330-640)
- 11.36.070 Parking Meters – Application of Proceeds (WAC 308-330-650)

11.36.010 Police Department To Regulate Parking Meters

The Police Department shall be responsible for the regulation and use of parking meters in the Parking Management Zones.

11.36.020 Parking Meter Spaces (WAC 308-330-600)

No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces.

11.36.030 Parking Meters - Deposit Of Coins And Time Limits (WAC 308-330-610)

- (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States or Canadian coin or coins of the approximate denomination as indicated on the parking meter or a city-issued token shall have been deposited therein for unexpired intervals of time, and said meter has been placed in operation.
- (2) No person shall permit a vehicle within his control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.
- (3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than the maximum lawful parking time designated on the meter, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

11.36.040 Parking Meters - Use Of Slugs Not Permitted (WAC 308-330-620)

No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States or Canadian coins or city-issued tokens.

11.36.050 Tampering With Parking Meter (WAC 308-330-630)

No person shall deface, injury, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter.

11.36.060 Parking Meters - Rule Of Evidence (WAC 308-330-640)

The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

11.36.070 Parking Meters - Application Of Proceeds (WAC 308-330-650)

(1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in the Parking Management Zone; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs of any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, and for making collections from such parking meters. The net proceeds derived from the operation of parking meters after payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities.

11.38 RESIDENTIAL PARKING ZONE

- 11.38.010 Residential Parking Zone Established
- 11.38.020 Residential Parking Permits
- 11.38.030 Eligibility for Residential Parking Permits
- 11.38.035 Eligibility of Non-Dwelling Unit Residents and Non-Residents for Residential Parking Permits
- 11.38.040 Applications for Permits
- 11.38.050 Issuance of Permits
- 11.38.060 Use and Validity of Permits
- 11.38.070 Visitor's Permits
- 11.38.080 Revocation of Permits
- 11.38.090 Appeal
- 11.38.100 Violation – Penalty

11.38.010 Residential Parking Zone Established

The area including Forest Street between Olive Street and Cedar Street, Cedar Street between the alley east of State Street and Garden Street, Garden Street between Olive Street and Beech Street, and Olive, Palm, Bryant, and Sycamore Streets between Forest Street and Garden Street, as depicted on the map attached as Appendix A, is a residential parking zone, to be known as Residential Parking Zone 1; and the area bounded by Maple Street, Newell Street, Jersey Street and the Sehome Hill Arboretum, including Maple, Newell, Mason, Liberty, Laurel, Key, Myrtle, Ivy and Jersey Streets, and Key Street between Maple Street and Chestnut Street, as depicted on the map which is attached as Appendix B, is a residential parking zone, to be known as Residential Parking Zone 2. A property shall be included within a residential parking zone only if its address includes a street which is within the zone. On and after September 22, 1997, it shall be a parking infraction to park between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except holidays, on any street within a residential parking zone unless the parked vehicle displays a valid residential parking permit or visitor's parking permit for the residential parking zone in which it is parked.

11.38.020 Residential Parking Permits

When properly issued and displayed, a residential parking permit and a visitor's parking permit shall authorize a specified vehicle to park within a residential parking zone for which the permit was issued; provided that the permit shall not authorize parking for more than 24 consecutive hours in any one location. The permit shall not guarantee a parking space, nor shall it exempt the vehicle or operator from observing zones where parking is prohibited at all or specified times, including but not limited to permanent or temporary no parking zones, loading zones, fire zones and all other applicable regulations contained in Title 11 of this code. [Ord. 10848A §1, 1997]

11.38.030 Eligibility For Residential Parking Permits

A. Eligibility. Permits may be issued only to persons who reside in a legal dwelling unit in the residential parking zone, who own and/or have legal control of a motor vehicle and only for those non-commercial motor vehicles not exceeding 10,000 pounds licensed gross vehicle weight which are owned by or under the legal control of the resident. Visitor's permits may be issued only to persons who reside in a dwelling unit in the residential parking zone.

B. Proof of Residence. Proof of residence shall be established by:

1. Display of a valid driver's license reflecting a current address in a legal dwelling unit in the residential parking zone, or
2. Display of a deed, lease, rental agreement or other document which, in the discretion of the Finance Director, establishes residency, and which shows residency in the residential parking zone.

C. Ownership of Motor Vehicle. Proof of ownership and/or legal control of a motor vehicle may be established by display of a valid vehicle registration in the applicant's name, or by display of a valid vehicle registration together with a lease agreement or other documentation which, in the discretion of the Finance Director, establishes that the applicant has legal use and control of the vehicle.

11.38.035 Eligibility Of Non-Dwelling Unit Residents And Non-Residents For Residential Parking Permits

Permits may be issued to the owner or manager of occupancies within the residential parking zones other than dwelling units, including, but not limited to, boarding and rooming houses, churches, conditional uses, day care and day treatment centers, schools and nonconforming uses other than dwelling units; provided that no more than 2 residential parking permits and 2 annual visitor's permits per each dwelling unit equivalent shall be issued for use of each occupancy. The owner or manager may distribute the permits to residents of the occupancy. Permits shall not be used except by residents and the owner and manager of the property, and, in the case of visitor's permits, by visitors of the occupancy. Both the permit applicant and the resident using a permit are responsible for its use. "Dwelling unit equivalent" for purposes of this section shall mean the number of dwelling units which would be permitted on the property under the zoning in effect at the time the permits are issued. Together with a permit application, the permit applicant shall present to the Finance Director a form signed by the Director of Planning and Community Development, or designee, which indicates, solely for the purposes of this ordinance, the number of dwelling unit equivalents for the occupancy for which permits are requested. The property located at 501-505 N. Garden Street, which is not located within the residential parking zone but is adjacent to it, shall be allowed up to a total of 5 residential parking permits for zone 1, to be issued to the owner or manager of the property.

11.38.040 Applications For Permits

- A. The Finance Director is authorized to issue residential parking permits to eligible residents who own or have legal control of a motor vehicle.
- B. Application shall be made on forms provided by the Finance Director which shall include:
1. The name, address and telephone number of the applicant;
 2. Make, model, color, year and license plate number (and state) of the vehicle for which the permit is sought;
 3. The number of vehicles owned by or under the control of the applicant;
 4. Signature of the applicant and an acknowledgment that the applicant is familiar with the terms of this chapter.
- C. Each application shall be accompanied by payment of a fee established by Council Resolution.
- D. If the information required in paragraph B is unchanged, the permit may be renewed by mail.

11.38.050 Issuance Of Permits

Upon receipt of a completed application form and presentation of satisfactory proof of eligibility the Finance Director shall issue a residential parking permit for the vehicle described in the permit, provided that no more than a total of two permits may be issued to all persons in any one legal dwelling unit. The Finance Director shall send copies of all permits to the Police Department promptly upon issuance.

Each permit shall contain the number of the residential parking zone for which it was issued and the serial number of the permit, together with such other information as may be determined by the Finance Director.

11.38.060 Use And Validity Of Permits

- A. **Display.** Permits shall be displayed in the vehicle in the location stated on the permit.
- B. **Validity.** Permits shall be valid only for the vehicle for which they are issued and only so long as the permit holder owns or controls the vehicle and resides at the address specified in the application.

C. Expiration. Permits shall expire on October 1 following the date of issue, provided that permits issued during or before September of 1997, shall expire on October 1, 1998, and permits issued in September of a later year shall expire on October 1 of the following year.

11.38.070 Visitor's Permits

A. The Finance Director is authorized to issue visitor's permits. No more than two annual visitor permits may be issued per residential address. Visitor's permits may be issued to persons who establish proof of residence as provided in 11.38.030. An application for a visitor's permit shall be on forms provided by the Finance Department and shall, at a minimum, contain the name, address and telephone number of the applicant, an acknowledgment that the applicant is familiar with the terms of this Chapter, and a signature of the applicant. Visitor's permits shall be valid only for vehicles not exceeding 10,000 pounds gross vehicle weight.

B. The fee for an annual visitor's permit shall be established by Council Resolution.

C. Visitor's permits are for the temporary use of guests of the permit holder while visiting the permit holder and for use of a borrowed or rented vehicle by the resident. Any other use is prohibited.

D. Annual Visitor's permits expire on October 1 after the date of issuance, provided that permits issued in August or September of 1997, shall expire on October 1, 1998, and permits issued in September of a later year shall expire on October 1 of the following year.

E. Visitor's permits must be displayed in the vehicle in the location stated on the permit. They shall contain the number of the residential parking zone for which it was issued, a serial number of the permit and the expiration date of the permit.

F. Eligible residents may also be issued any number of temporary visitor's permits, which shall be valid for not more than five days after the date of issuance, which permits shall be subject to the same application procedure and terms of use (except for expiration date) as for other visitor's permits. The fee for a temporary visitor's permit shall be established by Council Resolution.

11.38.080 Revocation Of Permits

Permits and/or visitor's permits may be revoked by the Finance Director for any of the following reasons:

A. The permit holder has made any false, misleading or incomplete statement in the application.

B. Violation of any of the provisions of this chapter or ineligibility of the permit holder.

C. Termination of the residential parking zone.

If the Finance Director finds that a residential permit or a visitor's permit should be revoked for any of the reasons set forth above, the Finance Director shall send a written notice to the permit holder, which notice shall contain the following information:

1. That the permit will be revoked not sooner than 10 days from the date of the letter.
2. That unless a written notice of appeal is filed with the Finance Director not later than 10 days from the date of the letter, the permit will be deemed revoked.
3. That if a written notice of appeal is filed within the required time, a hearing will be set.
4. The reasons for the revocation.

11.38.090 Appeal

Upon receipt of an appeal, the City Council Public Safety Committee shall set a time for hearing within 30 days and shall notify the appellant of the date, time and place of hearing. The Committee may affirm, reverse or modify the revocation decision, or order suspension for a specified period.

11.38.100 Violation - Penalty

It shall be unlawful for any person to do any of the following:

- A. To make any false or misleading statement in application for a permit.
- B. To transfer a permit to another person or to a vehicle not authorized by the permit.
- C. To alter a permit in any respect in order to gain privileges not authorized by the permit.
- D. To display on a vehicle a permit which has been suspended or revoked.
- E. Except for permit fees received by the City of Bellingham, to sell or receive anything of value in exchange for a permit.

The penalty for a violation of this section shall be a fine not to exceed \$500.

11.38.110 Procedures And Penalties For Parking Infractions

The provisions of 11.33.220, 11.33.230 and 11.33.240 of this Title shall apply to parking infractions defined in this Chapter.

11.39 – LOADING AND LOADING ZONES

- 11.39.010 Standing in Passenger Loading Zone (WAC 308-330-439)
- 11.39.020 Standing in Loading Zone (WAC 308-330-442)
- 11.39.030 Violating Permits for Loading or Unloading at an Angle to the Curb
(WAC 308-330-448)

11.39.010 Standing In Passenger Loading Zone (WAC 308-330-439)

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

11.39.020 Standing In Loading Zone (WAC 308-330-442)

(1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed 30 minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

11.39.030 Violating Permits For Loading Or Unloading At An Angle To The Curb (WAC 308-330-448)

It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property.

11.48 – BICYCLES

- 11.48.010 Police Department to Administer Bicycle Licenses (WAC 308-330-250)
- 11.48.020 Parent or Guardian Shall not Authorize or Permit Violation by a Child
(RCW 46.61.700)
- 11.48.030 Effect of Regulations – Penalty (RCW 46.61.750)
- 11.48.040 Traffic Laws Apply to Persons Riding Bicycles (RCW 46.61.755)
- 11.48.050 Riding on Bicycles (RCW 46.61.760)
- 11.48.060 Clinging to Vehicles (RCW 46.61.765)
- 11.48.070 Riding on Roadways and Bicycle Paths (RCW 46.61.770)

- 11.48.080 Carrying Articles (RCW 46.61.775)
- 11.48.090 Hand Signals (RCW 46.61.758)
- 11.48.100 Lamps and Other Equipment on Bicycles (RCW 46.61.780)
- 11.48.110 Bicycle Dealers (WAC 308-330-540)
- 11.48.120 Bicycles – Obedience to Traffic Control Devices (WAC 308-330-545)
- 11.48.130 Bicycles – Parking (WAC 308-330-550)
- 11.48.140 Bicycles – Riding on Sidewalks
- 11.48.150 Impoundment of Bicycles
- 11.48.160 Bicycles – Penalties (WAC 308-330-560)
- 11.48.170 Unclaimed Bicycles (WAC 308-330-565)
- 11.48.180 Bicycle Racing

11.48.010 Police Department To Administer Bicycle Licenses (WAC 308-330-250)

The Police Department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter.

11.48.020 Parent Or Guardian Shall Not Authorize Or Permit Violation By A Child Or Ward (RCW 46.61.700)

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.

11.48.030 Effect Of Regulations – Penalty (RCW 46.61.750)

(1) It is a traffic infraction for a person to do any act forbidden or fail to perform any act required in Sections 11.48.030 through 11.48.100 (RCW 46.61.750 through 46.61.780).

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

11.48.040 Traffic Laws Apply To Persons Riding Bicycles (RCW 46.61.755)

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in Sections 11.48.030 through 11.48.100 (RCW 46.61.750 through 46.61.780) and except as to those provisions of this chapter which by their nature can have no application.

11.48.050 Riding On Bicycles (RCW 46.61.760)

(1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

11.48.060 Clinging To Vehicles (RCW 46.61.765)

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

11.48.070 Riding On Roadways And Bicycle Paths (RCW 46.61.770)

(1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

11.48.080 Carrying Articles (RCW 46.61.775)

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

11.48.090 Hand Signals (RCW 46.61.758)

All hand signals required of persons operating bicycles shall be given in the following manner:

1. **Left turn.** Left hand and arm extended horizontally beyond the side of the bicycle;
2. **Right turn.** Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;
3. **Stop or decrease speed.** Left hand and arm extended downward beyond the side of the bicycle.

The hand signals required by this section shall be given before initiation of a turn.

11.48.100 Lamps And Other Equipment On Bicycles (RCW 46.61.780)

(1) Every bicycle when in use during the hour of darkness as defined in Section 11.72.050 (RCW 46.37.020) shall be equipped with a lamp on the front which shall emit a white light

visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

11.48.110 Bicycle Dealers (WAC 308-330-540)

Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the Chief of Police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon.

11.48.120 Bicycles - Obedience To Traffic Control Devices (WAC 308-330-545)

(1) Any person operating a bicycle shall obey the instructions of official traffic-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 directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

11.48.130 Bicycles - Parking (WAC 308-330-550)

No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such a manner as to afford the least obstruction to pedestrian traffic.

11.48.140 Bicycles - Riding On Sidewalks (WAC 308-330-555)

(1) No person shall ride a bicycle upon a sidewalk in a business district. This provision shall not apply to law enforcement officers engaged in the performance of their duties.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic-control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

11.48.150 Impoundment Of Bicycles

Whenever a peace officer finds a bicycle unattended in such a position that it constitutes an obstruction to vehicular or pedestrian traffic, or a bicycle that is deemed abandoned or unsafe for operation, he or she is authorized to remove such bicycle, and such bicycle when removed, shall be impounded and such peace officer may provide for the removal thereof to the nearest place of safety.

11.48.160 Bicycles – Penalties (WAC 308-330-560)

Violation of any provision of WAC 30-330-500 – WAC 308-330-540 is a traffic infraction.

11.48.170 Unclaimed Bicycles (WAC 308-330-565)

All unclaimed bicycles in the custody of the Police Department shall be disposed of as provided in Chapter 63.32 RCW.

11.48.180 Bicycle Racing

(1) No person shall engage in or sponsor a bicycle race upon the highways of the city except pursuant to approval by the Chief of Police or his designee.

(2) An application for a permit together with a processing fee of \$3.00 shall be submitted at least 7 days prior to any anticipated bicycle racing event to the Police Department. Said application shall include the following information:

- (a) The names, addresses, and telephone numbers of the persons who will be sponsoring the event; or, if an organization or other group of individuals, then the name, address, and telephone number of a person(s) who is responsible for the group's activities and can act as their spokesperson;
- (b) The route or course over which the racing event will transpire;
- (c) The date(s) and time(s) the event will occur;
- (d) An estimate of the number of spectators and participants anticipated; and

(e) Such other information as the Chief of Police may require.

(3) The Chief of Police or his designee may place such conditions upon the permit issued as he may deem necessary to insure that the event is conducted in an orderly manner with due regard for the maintenance and preservation of the public health, safety, and welfare. If the Chief of Police or his designee shall have reasonable grounds to believe that the activity will violate any ordinance or a statute, or if after issuance of the permit there are reasonable grounds to believe the activity will be in violation of any condition placed on the permit, or if there are reasonable grounds to believe that the public health, safety, or welfare will be endangered by the event, then the Chief of Police or his designee may deny, revoke, or modify said permit.

(4) Any person aggrieved by any decision of the Chief of Police or his designee relating to a permit under this section may appeal that decision to the City Council by filing a timely notice of appeal with the City Council staff within 10 days of the date of such decision.

11.52 SKATEBOARDS

11.52.010 Use Of Skateboards In The Central Business District And In The Fairhaven Business District

It is unlawful for any person to use, operate, play with or propel a skateboard upon, over or along the public streets, alleys, sidewalks, parking lots or other public places in the Central Business District and in the Fairhaven Business District

11.52.020 Map Of Central Business District

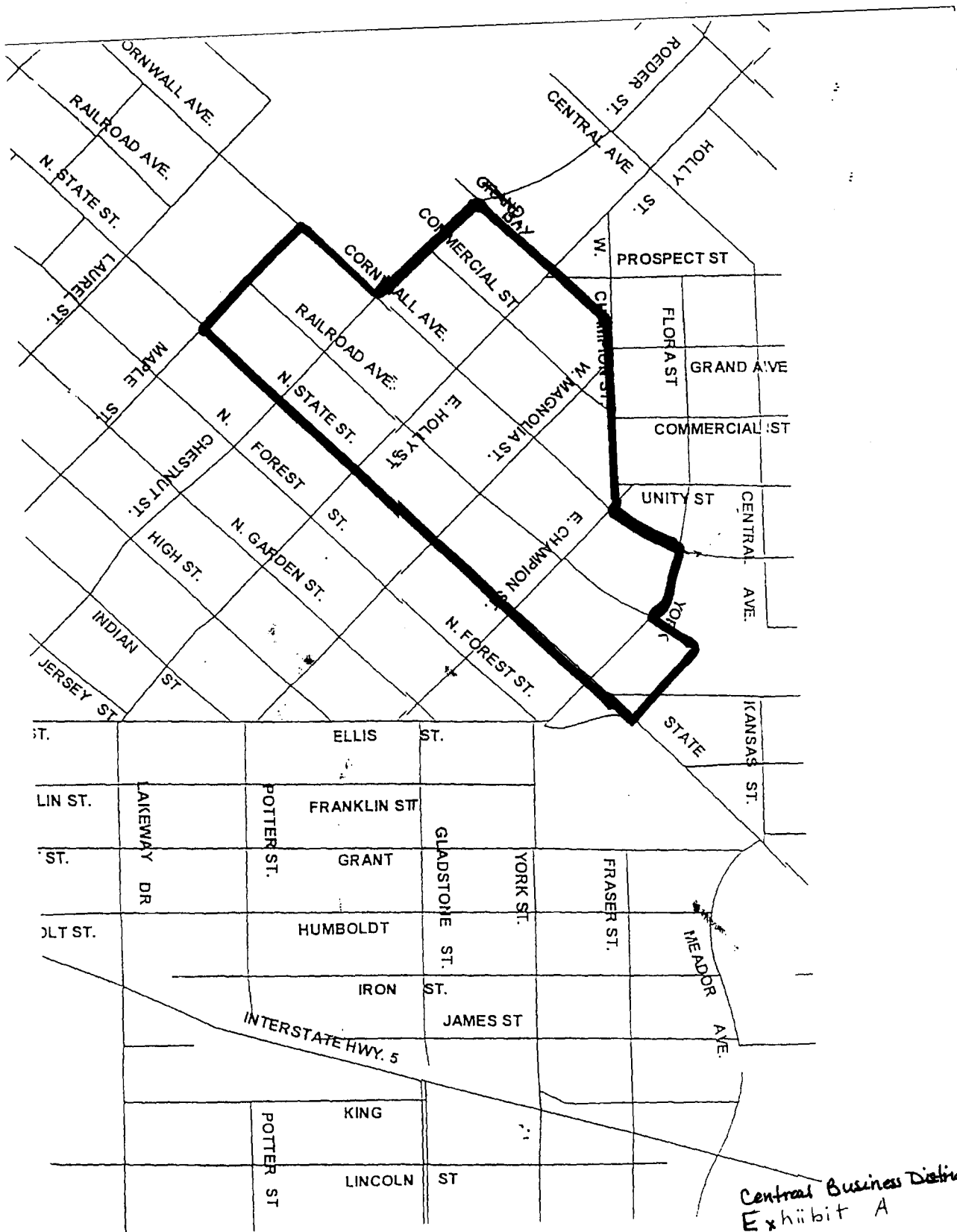
The Central Business District, for purposes of this chapter, shall be defined as the area depicted on the map following this Chapter and as described as follows: On the east bounded by State Street from Whatcom Creek to Maple Street, on the south Maple Street from State Street to Cornwall Street to the intersection of Chestnut and Bay Street, on the west from the intersection of Chestnut and Bay Street to Champion Street, on the southwest from Champion Street to the intersection of Cornwall and York Street, on the north from the intersection of Cornwall and York Street to Railroad and up to Whatcom Creek between Railroad and State Street.

11.52.025 Map Of Fairhaven Business District

The Fairhaven Business District, for purposes of this chapter, shall be defined as the area depicted upon the map following this Chapter, and as described as follows: That area bounded by Mill Avenue on the north from 10th Street to 13th Street to Larrabee Avenue on the east, Larrabee Avenue on the south from 13th Street to 10th Street and 10th Street from Larrabee to Mill Avenue on the west. In addition the prohibited area in the Fairhaven District includes 12th Street from Larrabee Avenue to Cowgill and sidewalks on both sides of the street for that distance, and Harris Avenue from 10th Street to 4th Street, including sidewalks.

11.52.030 Violation - Penalty

Any person violating any provision of this chapter shall be guilty of a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than \$250.00. Community service hours may be imposed in lieu of or in addition to any monetary penalty.



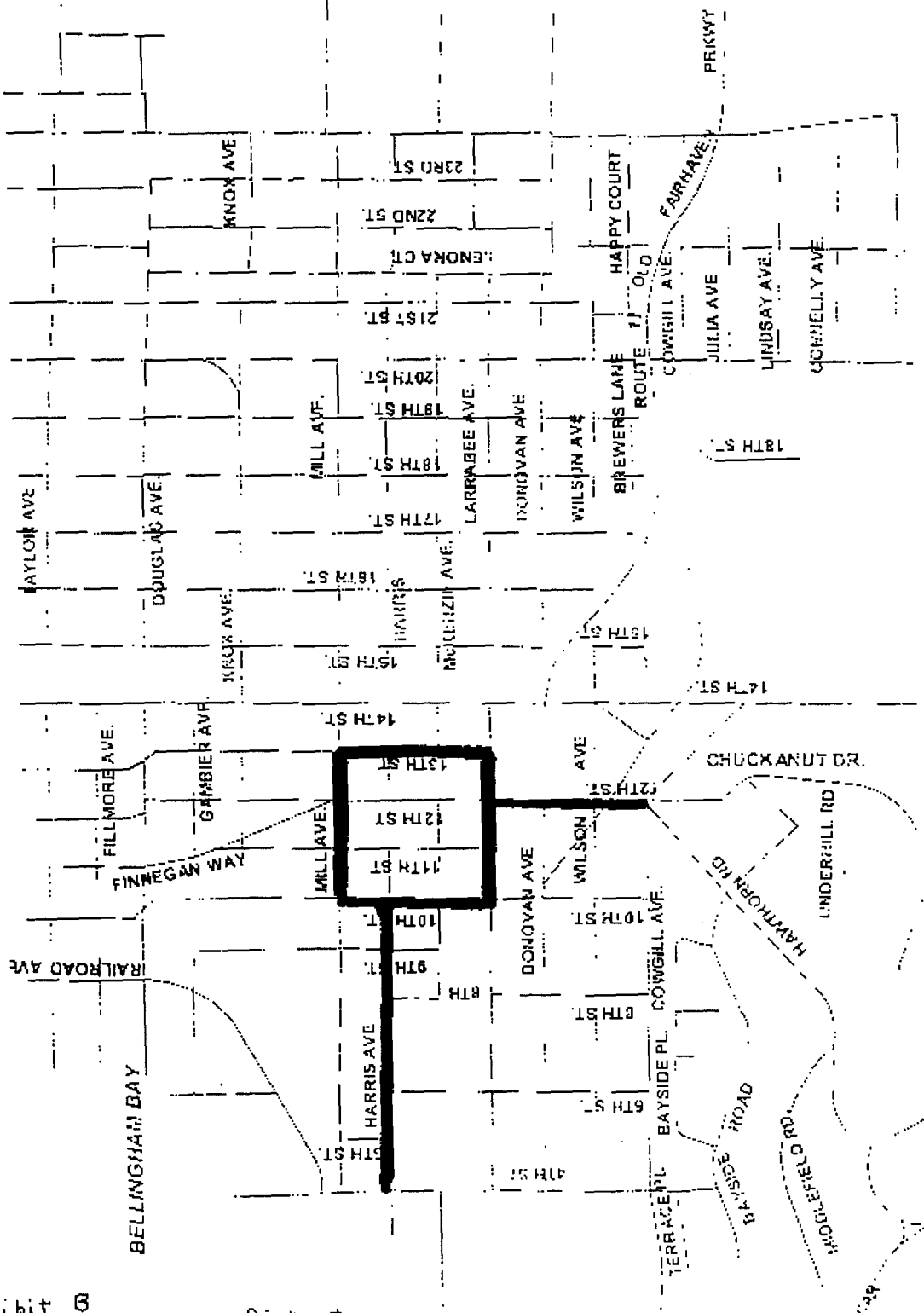


Exhibit B
Bellingham Business District

11.63 HIGHWAYS AND ARTERIALS

- 11.63.010 "Limited Access Facility" Defined (RCW 47.52.010)
- 11.63.020 "Existing Highway" Defined (RCW 47.52.011)
- 11.63.030 Design of Facility – Ingress and Egress Restricted – Closure of Intersecting Roads (RCW 47.52.040)
- 11.63.040 Marking of Facility with Signs (RCW 47.52.110)
- 11.63.050 Violations Specified – Penalty (RCW 47.52.120)
- 11.63.060 Traffic Devices on County Roads and City Streets (RCW 47.36.060)
- 11.63.070 Stop Signs, "Yield" Signs – Duties of Persons Using Highway – Presumption (RCW 47.36.110)
- 11.63.080 Forbidden Devices – Penalty (RCW 47.36.180)
- 11.63.090 Signs or Flagmen at Thoroughfare Work Sites (RCW 47.36.200)
- 11.63.100 Signs or Flagmen at Thoroughfare Work Site – Drivers of Vehicles Engaged in Work Must Obey Signs or Flagmen (RCW 47.36.220)
- 11.63.110 Arterial highways Designated – Stopping on Entering (RCW 46.61.195)
- 11.63.120 Stop Intersections Other Than Arterial May Be Designated (RCW 46.61.200)
- 11.63.130 Restrictions on Use of Controlled-Access Roadway (RCW 46.61.160)
- 11.63.140 Arterial Street System for Trucks (RCW 46.44.082)

11.63.010 "Limited Access Facility" Defined (RCW 47.52.010)

For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system.

11.63.020 "Existing Highway" Defined (RCW 47.52.011)

For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

11.63.030 Design Of Facility--Ingress And Egress Restricted--Closure Of Intersecting Roads (RCW 47.52.040)

The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: Provided, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary.

11.63.040 Marking Of Facility With Signs (RCW 47.52.110)

After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area.

11.63.050 Violations Specified—Penalty (RCW 47.52.120)

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right-of-way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: Provided, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such

facility at any point other than a point designated by the establishing authority as an approach to said facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in the city or county jail for not less than 5 days nor more than 90 days, or by both fine and imprisonment. Nothing contained herein shall prevent the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

11.63.060 Traffic Devices On County Roads And City Streets (RCW 47.36.060)

Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over 15,000 according to the latest federal census, shall adequately equip with traffic devices, streets which are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. Such traffic devices, signs, signals and markers shall comply with the uniform state standard for the manufacture, display, direction and location thereof as designated by the state highway commission. The design, location, erection and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to such city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the state highway commission and if such city or town fails to comply with any such directions, the state highway commission shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state, which have accrued or may accrue to the credit of such city or town and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the state highway commission.

11.63.070 Stop Signs, "Yield" Signs - Duties Of Persons Using Highway – Presumption (RCW 47.36.110)

In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington department of highways "Manual for Signing." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through such portion of the highway in a careful manner and at a reasonable rate of speed not to exceed 20 miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: Provided, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

The driver of a vehicle approaching a "Yield" sign shall reduce speed or stop if necessary in order to yield the right-of-way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right-of-way as provided by this statute.

11.63.080 Forbidden Devices – Penalty RCW 47.36.180)

It shall be unlawful to erect or maintain at or near a city street, county road or state highway any structure, sign, or device

(1) Visible from a city street, county road or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger", "stop", "slow", "turn", or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign:

(3) Visible from a city street, county road or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the Washington State Highway Commission, the Chief of the Washington State Patrol, the County Sheriff or the Chief of Police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the Washington State Highway Commission, the Chief of the Washington State Patrol, the County Sheriff or the Chief of Police of any city or town may abate the nuisance.

If the owner shall fail to remove any such structure or device within 15 days after being notified to remove such structure or device, he shall be guilty of a misdemeanor.

11.63.090 Signs Or Flagmen At Thoroughfare Work Sites (RCW 47.36.200)

When construction, repair or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge or other thoroughfare commonly traveled and when such work

interferes with the normal and established mode of travel on such highway, county road, street, bridge or thoroughfare, such location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the State of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the Washington state highway commission.

11.63.100 Signs Or Flagmen At Thoroughfare Work Site- Drivers Of Vehicles Engaged In Work Must Obey Signs Or Flagmen (RCW47.36.220)

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagmen stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

11.63.110 Arterial Highways Designated - Stopping On Entering (RCW 46.61.195)

A. All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington State Highway Commission shall have the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

B. Those city streets designated by the Washington State Highway Commission as forming a part of the routes of state highways through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways.

C. The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington State Highway Commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

D. The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as approved by law.

E. The following streets located in the City of Bellingham are made a part of the city's arterial street system:

10th Street.....	Donovan Street to Harris Avenue
11th Street.....	South State Street to Douglas Avenue
12th Street.....	Mill Avenue to Hawthorne Road
14th Street.....	South State Street to Harris Avenue
20th Street.....	Knox Avenue to Taylor Street
21st Street.....	Donovan Avenue to Bill McDonald Parkway

30th Street.....	Old Fairhaven Parkway to Lake Samish Drive
32nd Street.....	Old Fairhaven Parkway to Fielding Avenue
Alabama Street.....	Cornwall Avenue to Dakin Street
East Bakerview Road.....	East City Limits to Meridian Street
West Bakerview Road.....	Meridian Street to Allans Road
Bellis Fair Parkway.....	Meridian Street to Cordata Parkway
Bennett Drive.....	McLeod Road to north city limits
Bill McDonald Parkway.....	Samish Way to 21st Street
Birchwood Avenue.....	Northwest Avenue to Squalicum Parkway
Boulevard.....	North State Street to South State Street
Britton Road.....	North Shore Drive to north city limits
Broadway.....	West Holly Street to Sunset Drive
Cedarwood Avenue.....	Northwest Avenue to west city limits
Central Avenue.....	Roeder Avenue to West Holly Street
Champion Street.....	Ellis Street to Commercial Street and Grand Avenue to West Holly
Chestnut Street.....	Bay Street to Ellis Street
Chuckanut Drive.....	Hawthorne Road to south city limits
South College Drive.....	West College Drive to Bill McDonald Parkway
West College Drive.....	South College Drive to Highland Drive
Commercial Street.....	Chestnut Street to Young Street
Cordata Parkway.....	Bellis Fair Parkway to Kellogg Road
Cornwall Avenue.....	Pine Street, Chestnut Street and East Champion Street to Illinois Street
Cottonwood Avenue.....	West Maplewood Avenue to west city limits
Donovan Avenue.....	Old Fairhaven Parkway to 32nd Street
Dupont Street.....	Lottie Street to Broadway
Eldridge Avenue.....	Broadway to west city limits
Electric Avenue.....	Lakeway Drive to Alabama Street
Ellis Street.....	East Maple Street to York Street
Ellis Street.....	North State Street to Sunset Drive
Elm Street.....	Broadway to Northwest Avenue
Fielding Avenue.....	32nd Street to I-5 on-ramp southbound
Fieldston Road.....	Hawthorne Road to Willow Road
Finnegan Way.....	Douglas Avenue to Mill Avenue
Flora Street.....	Prospect to Cornwall Avenue
Forest Street.....	North State Street to North State Street
F Street.....	Alabama Street to Roeder Avenue
Garden Street.....	Ellis Street to 14th Street
Girard Street.....	Young Street to Broadway
Hannegan Road.....	East Sunset Drive to north city limits

Harris Avenue.....	12th Street to Marine Park
Harris Avenue.....	12th Street to 21st Street
Hawthorne Drive.....	12th Street to Fieldston Road
High Street.....	Oak Street to Highland Drive
Highland Drive.....	Cedar Street and Garden Street to Knox Avenue
Holly Street.....	Ellis Street to Broadway
Illinois Street.....	James Street to Lynn Street
Indian Street.....	Ellis Street to Oak Street
Iowa Street.....	James Street to Woburn Street
James Street.....	Meador Avenue to north city limits
Kellogg Street.....	Meridian Street to Cordata Parkway
Knox Avenue.....	14th Street to 20th Street
Lafayette Street.....	Eldridge Avenue to Monroe Street
Lake Samish Drive.....	Chuckanut Drive to city limits
Lakeway Drive.....	Ellis Street to city limits
Lincoln Street.....	Lakeway Drive to Meador Avenue
Lynn Street.....	Eldridge Avenue to Northwest Avenue
Magnolia Street.....	Ellis Street to Champion Street
East Maple.....	Samish Way to Ellis Street
West Maplewood Avenue.....	Northwest Avenue to city limits
Meador Avenue.....	Lincoln Street to State Street
Meridian Street.....	Broadway to north city limits
Monroe Street.....	Lafayette Street to Meridian Street
North Shore Drive.....	Alabama Street to city limits
Northwest Avenue.....	Elm Street to north city limits
Ohio Street.....	Cornwall Avenue to King Street
Old Fairhaven Parkway.....	I-5 to 12th Street
Orleans Street.....	Alabama Street to East Sunset Drive
Pacific Street.....	Iowa Street to Alabama Street
Prospect Street.....	West Holly Street to Lottie Street
Roeder Avenue.....	Bay Street to Squalicum Way
Samish Way.....	East Maple Street to southeast city limits
Squalicum Parkway.....	Birchwood Avenue to Ellis Street
Squalicum Way.....	Roeder Avenue to Meridian Street
North State Street.....	Iowa Street to Boulevard
South State Street.....	Boulevard to 11th Street
Summer Street.....	Broadway to Sunset Drive
Sunset Drive.....	Summer Street to Ellis Street
East Sunset Drive.....	Ellis Street to northeast city limits
Taylor Street.....	20th Street to 21st Street
Willow Road.....	Fieldston Road to Chuckanut Drive
Woburn Street.....	Lakeway Drive to Sunset Drive

Yew Street.....
Yew Street.....
York Street.....

Iowa Street to Alabama Street
Lakeway Drive to south city limits
Ellis Street to Cornwall Avenue

11.63.120 Stop Intersections Other Than Arterial May Be Designated (RCW 46.61.200)

In addition to the points of intersection of any public highway with any arterial public highway which is constituted by law or by any proper authorities of this state or any city or town of this state, the state highway commission with respect to state highways, and the proper authorities with respect to any other public highways, shall have the power to determine and designate any particular intersection, or any particular highways, roads or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection; and upon the determination and designation of such points at which vehicles will be required to come to a stop before entering such intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state highway commission indicating that such intersection has been so determined and designated and that vehicles entering the same are required to stop. It shall be unlawful for any person operating any vehicle when entering any intersection determined, designated and bearing the sign aforesaid, to fail and neglect to bring such vehicle to a complete stop before entering such intersection.

11.63.130 Restrictions On Use Of Controlled-Access Roadway (RCW 46.61.160)

The state highway commission may by resolution or order, and local authorities may by ordinance or resolution, with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle.

The state highway commission or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such devices.

11.63.140 Arterial Street System For Trucks (RCW 46.44.082 added)

A. The following city streets or portions of streets are designated and classified as the arterial street system for truck traffic routes in the city:

- (1) Bakerview Road;
- (2) Bennett Road. That part of Bennett Road lying within the corporate limits of the city, from McLeod Road to the north city limits;

- (3) Cornwall Avenue - Wharf Street. Cornwall Avenue from Chestnut Street to Pine Street, and Wharf Street from Cornwall Avenue to State Street;
- (4) Forest Street - York Street. Forest Street from Chestnut Street to York Street, and York Street from Forest Street to State Street;
- (5) Harris Avenue - 12th Street. Harris Avenue from 12th Street to 4th Street, and 12th Street from Harris Avenue to Donovan Avenue;
- (6) Iowa Street. From James Street to Gordon Lane;
- (7) Maple Street. From Cornwall Avenue to State Street;
- (8) Meridian Street. From Squalicum Way to the north city limits;
- (9) Ohio Street. From State Street to King Street;
- (10) Roeder Avenue - S. Central Avenue - Chestnut Street. Roeder Avenue from Squalicum Way to S. Central Avenue; S. Central Avenue to Chestnut Street; and Chestnut Street to Forest Street;
- (11) Squalicum Way. From Meridian Street to the Port of Bellingham property at the Squalicum Creek bridge on Roeder Avenue;
- (12) State Street - Wharf Street. State Street between James Street and Wharf Street;
- (13) Ellis Street. Ellis Street between York Street and State Street;
- (14) Old Fairhaven (SR 11). From the intersection of Julia Avenue with 32nd Street to the intersection of 12th Street with Donovan Avenue.

B. The following city streets or portions of streets are designated and classified as the limited-use arterial street system for truck traffic routes in the city: Boulevard - South State Street - 11th Street - Finnegan Way - 12th Street. Limited to local traffic between the Fairhaven industrial area and the central waterfront, and for local traffic originating on the central waterfront with deliveries in the South Hill, Happy Valley, Fairhaven, South or Edgemoor neighborhoods. Boulevard from Wharf Street to South State Street, South State Street from the Boulevard to 11th Street, 11th Street from South State Street to Finnegan Way, Finnegan Way from 11th Street to 12th Street, and 12th Street from Finnegan Way to Donovan Avenue.

C. The City Engineer is authorized and directed to make the necessary map changes and file the same according to law so as to at all times have on file with the property officers of the state and city an up-to-date map showing the arterial street systems for trucks designated by this section.

D. Trucks or other vehicles licensed for 28,000 pounds or over shall restrict their travel upon the other public ways of the city to only make pickups or deliveries of merchandise or freight to points not accessible by a truck route. Such travel off the arterial street system for trucks, including travel to terminals or garages, shall be over the shortest practicable route between the destination and the nearest entrance or exit to the truck route. Travel between multiple pickup and delivery points shall be performed off the arterial street system for trucks only where the distance traveled off the truck route will be shorter between such points than the off-route distance required to return to the truck route and reach the next destination by way of another exit. Nothing contained in this section shall be construed so as to permit trucks to exceed load limitations otherwise provided for.

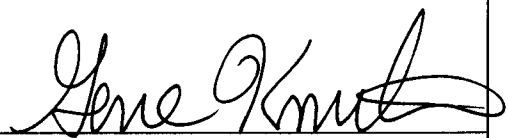
11.72 VEHICLE EQUIPMENT RULES IN ADDITION TO MODEL TRAFFIC ORDINANCE

11.72.465 Compression Brakes

11.72.465 - Compression Brakes

It shall be unlawful for any person, other than a member of a municipal or other duly constituted fire department or district, to use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. (Ord. 10285, 1992.)

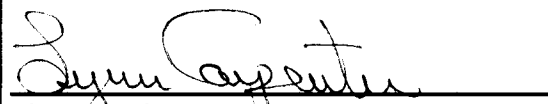
PASSED by Council this 26th day of April, 1999.


Council President

APPROVED by me this 30th day of April, 1999.



Mayor

ATTEST:


Finance Director

4/30/99
Published

APPROVED AS TO FORM:



Office of the City Attorney

Published: