

ORDINANCE NO. 2002-04-035

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 11.03.020, 11.03.030, AND 11.33.060 TO ADOPT AND INTEGRATE STATE LAWS REGARDING DISABLED PARKING.

WHEREAS, Bellingham Municipal Code Section 11.33.060(1)(ai) only permits parking in disabled parking spaces where "allowed by Section 11.30.080"; and

WHEREAS, "Section 11.30.080" was eliminated by ordinance in 1999 when Title 11 of the Municipal Code was updated; and

WHEREAS, the State of Washington has established procedures and standards for granting disabled parking placards and license plates in the Revised Code of Washington; and

WHEREAS, the City desires to permit those who have obtained disabled parking placards and license plates in accordance with State law to use disabled parking spaces in the City limits without violating Bellingham Municipal Code Section 11.33.060(1)(ai); and

WHEREAS, the City desires to provide free parking for disabled persons as provided by state law,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Section 11.03.020 of the Bellingham Municipal Code is hereby amended as follows:

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

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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

Section 2. Section 11.03.030 of the Bellingham Municipal Code is hereby amended as follows:

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

308-330-462. RCW sections adopted--Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking 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 46.61.581; 46.61.582, 46.61.583, 46.61.585.

The remaining sections are hereby deleted as follows: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.587, and 46.61.590.

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Section 3. Section 11.33.060 of the Bellingham Municipal Code shall be amended as follows:

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;

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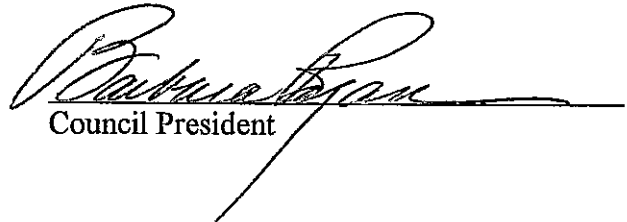
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- (n) Within any space signed or marked as a fire exit; also within that portion of any city street contiguous to and opposite any corridor, passage, fire escape, exit or entrance door, or any other place adjacent to, or any door opening in an outer 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 except as permitted by RCW 46.16.381 or other provision of law.
 - (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.
 - (ak) Upon any designated bicycle lane.
 - (al) Upon any designated fire lane on public or private property.
- (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.

PASSED by Council this 29TH day of APRIL, 2002.


Council President

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APPROVED by me this 7th day of May, 2002.

Mark Asmus
Mayor

ATTEST:

Therese Hill
Finance Director

APPROVED AS TO FORM:

Jean Livingston
Office of the City Attorney

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