

ORDINANCE NO. 2006-06-057

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 10.28 RELATING TO ENFORCEMENT OF VISIBILITY REQUIREMENTS AT TRAFFIC INTERSECTIONS.

WHEREAS, Bellingham Municipal Code ("BMC") Chapter 10.28 regulates nuisances within the City of Bellingham; and,

WHEREAS, the City currently declares it a nuisance to interfere with the visibility of drivers on City streets; and,

WHEREAS, the City should define visibility to clarify this regulation and to assist in its enforcement actions against those violating this prohibition; and,

WHEREAS, this nuisance should not be limited to merely trees, shrubs, or foliage but should also include any obstruction whether naturally occurring or man made; and,

WHEREAS, the City has authority under state law to regulate sight distances and nuisances relating to streets; and,

WHEREAS, this Ordinance is intended to promote the health, safety, and welfare of the citizens of Bellingham and those traveling on City streets;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 10.28.010 is hereby amended as follows:

10.28.010 - Definitions

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Enforcement officer" means any police officer or the City Code Enforcement Officer. It also means the Fire Chief, the Directors of the Departments of Public Works and Planning and Economic Development, and the Director of the Bellingham and Whatcom County District Department of Health, or their respective delegated representatives.

B. "Nuisance" means any act, condition, omission, thing, or use of property which does the following:

- (1) Annoys, injures, or endangers the safety, health, comfort, or repose of the public;

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210 Lottie Street
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Ordinance Amending BMC 10.28.101
Regarding Street Visibility Requirements (1)

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- (2) Offends public decency;
- (3) Unlawfully interferes with, obstructs, or renders dangerous for passage a waterway, public park, street, sidewalk, alley, or highway; or
- (4) In any way renders the public insecure in life or in the use of property.

Section 2: Bellingham Municipal Code Section 10.28.020 is hereby amended as follows:

10.28.020 - Nuisances Declared

Each of the following, unless otherwise permitted by law, is declared to be a nuisance.

A. [UNCHANGED];

B. The existence of any natural or man-made obstruction, such as, by way of example and not limitation, signs, billboards, fencing, buildings, improvements, or landscaping, which includes trees, shrubs, hedges, or foliage, unless by written consent or permit of the city, which is apt to destroy, impair, interfere or otherwise restrict the following:

- (1) Streets, sidewalks, sewers, utilities, or other public improvements,
- (2) Free use of, or access to, streets, sidewalks, sewers, utilities, or other public improvements;

C. [UNCHANGED];

D. [UNCHANGED];

E. [UNCHANGED];

F. [UNCHANGED];

G. [UNCHANGED];

H. [UNCHANGED];

I. [UNCHANGED];

J. All trees, hedges, billboards, or other natural or man-made obstructions, such as fences, buildings, improvements, and landscaping, which prevent or otherwise impair or interfere with persons having visibility of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached. "Visibility" means, for purposes of this subsection, a clear

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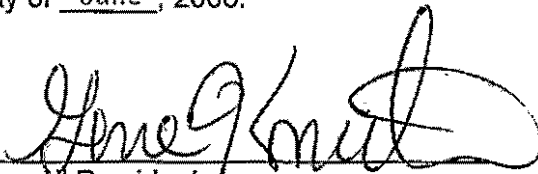
Ordinance Amending BMC 10.28.101
Regarding Street Visibility Requirements (2)

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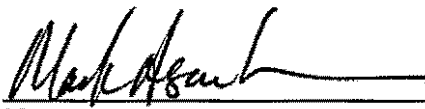
and unobstructed view of an intersection and traffic control device(s) plus a sufficient length along the intersecting streets for motor vehicle operators to anticipate and minimize potential conflicts. Intersections include all cases where two streets intersect. Clear and unobstructed vision on streets is measured pursuant to Figures 1 (Sight Clearance Distances – Arterial Streets) and 2 (Sight Clearance Distances – Residential Streets), which are attached hereto and incorporated herein by this reference.;

- K. [UNCHANGED];
- L. [UNCHANGED];
- M. [UNCHANGED];
- N. [UNCHANGED];
- O. [UNCHANGED];
- P. [UNCHANGED];
- Q. [UNCHANGED];
- R. [UNCHANGED];
- S. [UNCHANGED];
- T. [UNCHANGED];
- U. [UNCHANGED];
- V. [UNCHANGED].

PASSED by the Council this 5th day of June, 2006.


Council President

APPROVED by me this 13th day of June, 2006.


Mayor

City of Bellingham
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210 Lottie Street
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Attest: Therese Holm
Finance Director

Approved as to form: Jason Worington
Office of the City Attorney

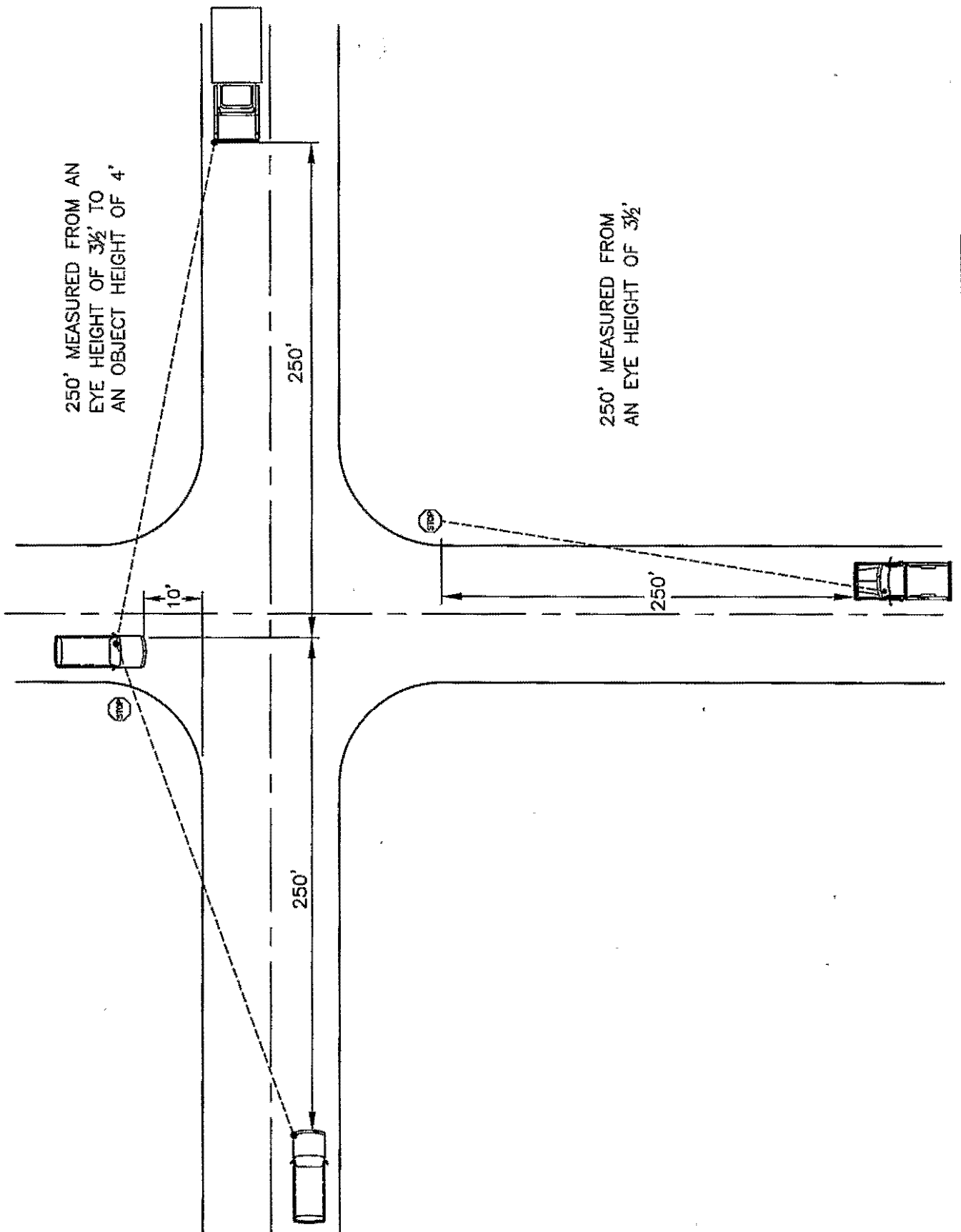
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Ordinance Amending BMC 10.28.101
Regarding Street Visibility Requirements (4)

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SIGHT DISTANCE REQUIREMENTS FOR 35 mph
ARTERIAL STREETS



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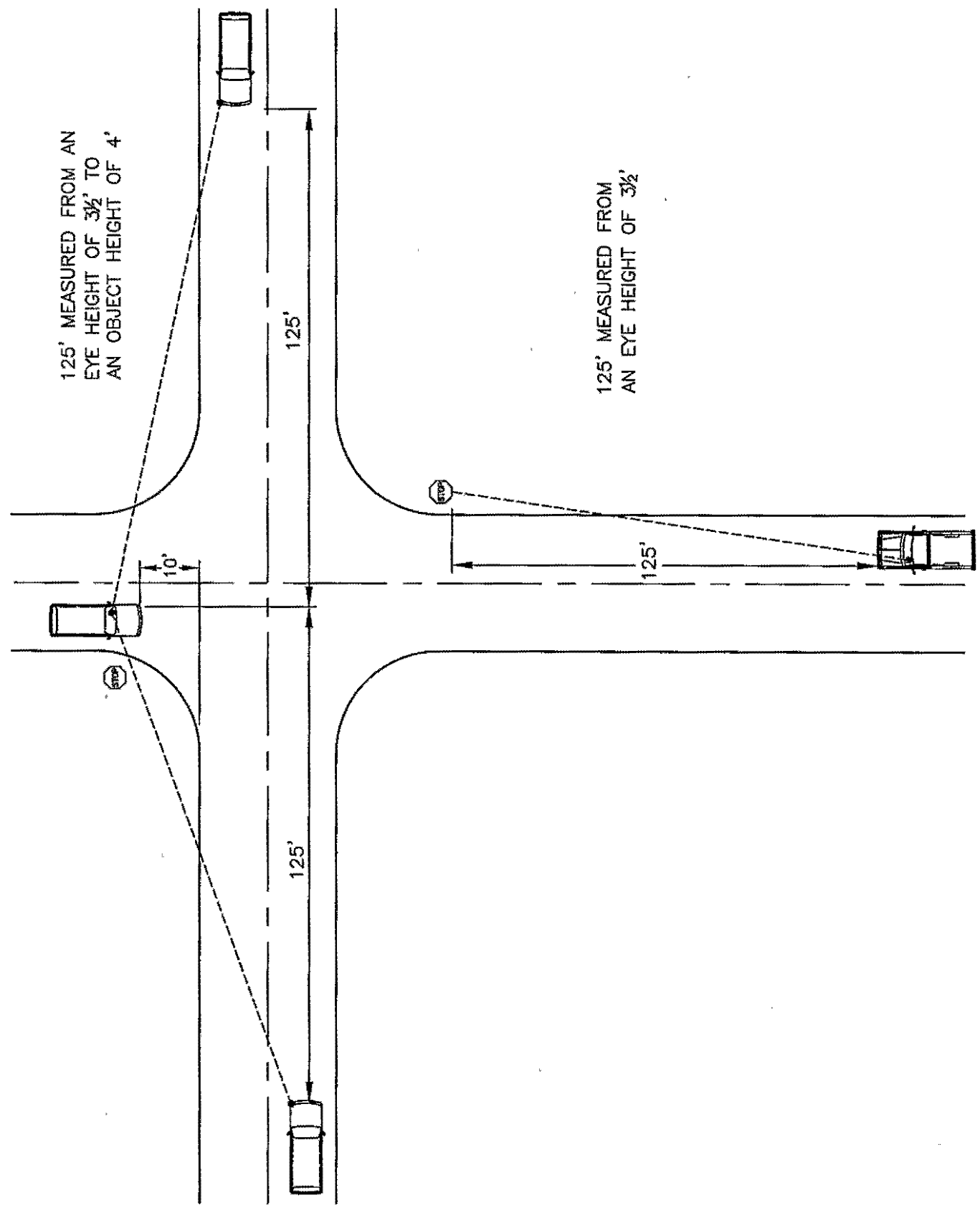
City Engineer

Date

CITY OF BELLINGHAM
ABATEMENT
SIGHT CLEARANCE DISTANCES
ARTERIAL STREETS

DRAWING
ST-250

SIGHT DISTANCE REQUIREMENTS FOR 25 mph
RESIDENTIAL STREETS



APPROVED

City Engineer

Date

CITY OF BELLINGHAM
ABATEMENT
SIGHT CLEARANCE DISTANCES
RESIDENTIAL STREETS

DRAWING

ST-248