

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SHORELINE MUNICIPAL CODE CHAPTER 10.05 MODEL TRAFFIC ORDINANCE AND ESTABLISHING THREE (3) EFFECTIVE DATES.

WHEREAS, Washington's Model Traffic Ordinance (MTO) is set forth in Chapter 308-330 of the Washington Administrative Code (WAC) and serves as a guide which local jurisdictions may adopt by reference or any part thereof as that jurisdiction's traffic laws; and

WHEREAS, the City of Shoreline initially adopted Chapter 10.05 SMC, the City's Model Traffic Ordinance, with amendments, in 1996 with the passage of Ordinance No. 70 and has amended it over the years, with the last amendment occurring in 2017 with the passage of Ordinance No. 803; and

WHEREAS, as authorized by WAC 308-330, the City has excluded sections of this WAC from its local traffic ordinance and has also added sections to reflect local circumstances; and

WHEREAS, Chapter 10.05 SMC establishes a monetary penalty for impounded vehicles but does not set forth any monetary penalties for parking violations, resulting in the penalty defaulting to the Washington State minimum of \$20.00; and

WHEREAS, the cost of the issuing and processing parking violations is in excess of this amount and, with the future light rail stations anticipated to increase parking violations, increasing the penalty will assist in cost recovery; and

WHEREAS, in addition, amendments to Chapter 10.05 SMC are necessary to provide clarity to the chapter and to reflect current practices in administering impoundment of vehicles; and

WHEREAS, adequate time is necessary for King County and the Shoreline Police to implement the increased penalty;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment – SMC Chapter 10.05 Model Traffic Ordinance. Chapter 10.05 is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Publication and Effective Dates.

A. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City.

B. Section A of Exhibit A to this Ordinance shall be effective five (5) days after publication.

C. Section B of Exhibit A to this Ordinance shall take effect at 12:01 am Local Time, January 1, 2021 and shall expire at 11:59 pm Local Time December 31, 2022.

D. Section C of Exhibit A to this Ordinance shall take effect at 12:01 am Local Time, January 1, 2023.

PASSED BY THE CITY COUNCIL ON JUNE 1, 2020



Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Julie Ainsworth-Taylor
Assistant City Attorney

Publication Date: June 4, 2020
Effective Date of Exhibit A, Section A: June 9, 2020
Effective Date of Exhibit A, Section B: January 1, 2021
Effective Date of Exhibit A, Section C: January 1, 2023

SECTION A – Effective five (5) days after publication of Ordinance

SMC 10.05.030 is amended as follows:

SMC 10.05.030 MTO amendments.

A. WAC 308-330-406 is amended to read as follows:

WAC 308-330-406 RCW sections adopted – Abandoned, unauthorized, and junk vehicle tow truck operators.

The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators 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
- 46.55.020 Registration required – Penalty.
- 46.55.025 Registration or insurance required—Penalty.
- 46.55.035 Prohibited acts—Penalty.
- 46.55.037 Compensation for private impounds.
- 46.55.040 Permit required—Inspections of equipment and facilities.
- 46.55.050 Classification of trucks—Marking requirements—Time and place of inspection—Penalty.
- 46.55.060 Business location—Requirements.
- 46.55.063 Fees, schedules, contracts, invoices.
- 46.55.070 Posting requirements—Exception.
- 46.55.075 Law enforcement impound—Required form, procedures.
- 46.55.080 Law enforcement impound, private impound—Master log—Certain associations restricted.
- 46.55.085 Law enforcement impound—Unauthorized vehicle in right-of-way.
- 46.55.090 Storage, return requirements—Vehicles, personal belongings—Combination endorsement for tow truck drivers—Viewing impounded vehicle.
- 46.55.100 Impound notice—Abandoned vehicle report—Owner information, liability—Disposition report.
- 46.55.105 Responsibility of registered owner—Buyer and seller remedies.
- 46.55.110 Notice to legal and registered owners.
- 46.55.130 Notice requirements—Public auction—Accumulation of storage charges.
- 46.55.140 Operator's lien, deficiency claim, liability.
- 46.55.150 Vehicle transaction file.
- 46.55.160 Availability of records, equipment, and facilities for audit and inspection.
- 46.55.170 Complaints, where forwarded.
- 46.55.230 Junk vehicles—Removal, disposal, sale—Penalties—Cleanup restitution payment.
- 46.55.240 Local ordinances – Requirements.

4B. RCW 46.55.010 Towing and Impoundment: Definitions is adopted in full with the following amendments to subsections (4-5) and (13-14):

(4 5) “Junk vehicle” means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- a) Is three years old or older;
- b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
- c) Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
- d) Has an approximate fair market value equal only to the approximate value of the scrap in it;

(13 14) “Unauthorized vehicle” means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately
- (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (iv) Vehicles used for human habitation under RCW 46.61.570(5) as adopted in subsection (B)(1) of this section 24 hours
- (v) Failing to displaying registration tabs properly mounted in accordance with RCW 46.16.240, 46.16.047, 46.16.160, and WAC 308-96A-295 and in compliance with RCW 46.55.113 as adopted in subsection (A)(2) of this section 24 hours

(b) Private locations:

- (i) On residential property Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
- (iii) On private, nonresidential property, not posted 24 hours

	<u>Subject to removal after:</u>
a. Public Locations	
i. <u>Constituting an accident or a traffic hazards as defined in RCW 46.55.113</u>	<u>Immediately</u>
ii. <u>On a highway and tagged as described in RCW 46.55.085</u>	<u>24 Hours</u>
iii. <u>In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070</u>	<u>Immediately</u>
iv. <u>Vehicles used for human habitation under RCW 46.61.570(5) as adopted in subsection E of this section</u>	<u>24 hours</u>
v. <u>Failing to display registration tabs properly mounted in accordance with RCW 46.16.240, 46.16.047, 46.16.160, and WAC 308-96A-295, and in compliance with RCW 46.55.113 as adopted in subsection C of this section</u>	<u>24 hours</u>
b. Private Locations	
i. <u>On private residential property</u>	<u>Immediately</u>
ii. <u>On private, non-residential property, properly posted under RCW 46.55.070</u>	<u>Immediately</u>
iii. <u>On private, non-residential property, not posted</u>	<u>24 hours</u>

2 C. RCW 46.55.113 Towing and Impoundment: Removal by police officer - Definition is adopted in full with the following amendment to subsection (2):

(2) In addition, a police officer may take custody of a vehicle, at ~~his or her~~ their discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

- (a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;
- (b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
- (c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
- (d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;
- (e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;
- (f) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;
- (g) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more;

- (h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;
- (i) When a vehicle with an expired registration of more than forty-five days is parked on a public street; or
- (j) When the vehicle is a junk vehicle and is parked, wholly or partially, on a public right-of-way.

3. ~~RCW 46.55.120 is adopted with the following addition of subsection (1)(f):~~

~~(1) Vehicles or other items of personal property registered or titled with the department are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:~~

~~...
(f) To redeem vehicles impounded under RCW 46.20.342, RCW 46.61.502 and RCW 46.61.504, the redeeming individual must obtain an authorization to release from the Shoreline Police Department, verifying proof of ownership or authorization under subsection (a), liability insurance for the vehicle, a valid driver's license and payment of an administrative fee as established in Chapter 3.01 SMC. The administrative fee shall be for the purposes of offsetting City costs of implementing, enforcing and administering the impound.~~

B D. WAC 308-330-462 is amended to read as follows:

WAC 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

- 46.08.185 Electric vehicle charge stations – Signage – Penalty.
- 46.61.560 Stopping, standing, or parking outside business or residence districts.
- 46.61.575 Additional parking regulations.
- 46.61.581 Parking spaces for persons with disabilities—Indication, access—Failure, penalty.
- 46.61.582 Free parking for persons with disabilities—Exceptions.
- 46.61.583 Special plate or card issued by another jurisdiction.
- 46.61.585 Winter recreational parking areas—Special permit required.
- 46.61.587 Winter recreational parking areas—Penalty.
- 46.61.590 Unattended motor vehicle—Removal from highway.

4. E. RCW 46.61.570 Rules of the Road: Stopping, standing, or parking prohibited in specified places—Reserving portion of highway prohibited is adopted in full with the following amendments to subsection (1)(a) and adding a new subsection, subsection (5):

(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:

(a) Stop, stand, or park a vehicle:

- (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (ii) On a sidewalk or street planting strip;
- (iii) Within an intersection;
- (iv) On a crosswalk;
- (v) Between a safety zone and the adjacent curb or within thirty feet 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;
- (vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (viii) On any railroad tracks;
- (ix) In the area between roadways of a divided highway including crossovers;
- (x) At any place where official signs prohibit stopping or parking;
- (xi) On public right-of-way unless said vehicle displays current and valid registration tabs properly mounted in accordance with RCW ~~46.46.010(1)~~ 46.16A.030;
- (xii) Within the same block to avoid a time limit regulation specified in that particular area, except as provided in RCW 46.61.582 and 46.61.583;
- (xiii) Park a commercial vehicle which is more than 80 inches wide overall on any arterial, street or alley in residentially zoned areas as defined in SMC 20.40, Subchapter 1 or on streets or arterials abutting residentially zoned areas between the hours of midnight and six a.m.;
- (xiv) Directly adjacent to a curbside, next to clearly visible residential mail boxes between 10:00 a.m. and 3:00 p.m. on any day of scheduled mail delivery by the United States Postal Service;
- (xv) In public locations under circumstances which constitute an unauthorized vehicle;
- (xvi) Within a bicycle lane, which is that portion of the paved section of the roadway designated by official signs or markings by the city for the movement of bicycles on the roadway;

(xvii) Within a transit priority lane designated by official signs or markings by the city as a bus only lane except to execute a right turn or to yield to emergency vehicles;
or

(xviii) Within a dedicated turn lane, which is that portion of the paved section of the roadway designated by official signs or markings by the city for the purpose of making a right or left turn at an intersection or to a side road; and

(5) It shall be unlawful to use a vehicle for human habitation on or in any public right-of-way or parking area. "Human habitation" means the use of a vehicle for sleeping, setting up housekeeping or cooking.

SECTION B – Effective 12:01 am Local Time, January 1, 2021 to 11:59 pm Local Time, December 31, 2022.

SMC 10.05.035 Penalties is amended as follows:

SMC 10.05.035 Penalties

~~Unauthorized vehicle as defined in RCW 46.55.010(13)(a)(v) and amended by SMC 10.05.030(A)(1) which are impounded by police shall be subject to a civil infraction not to exceed \$50.00.~~

Except for parking infractions under RCW 46.19.050, any person found to be in violation of any provision of this chapter shall be deemed to have committed a parking infraction and for each such violation shall be subject to a monetary penalty in the amount of forty dollars (\$40.00).

Any person having been assessed a monetary penalty under this chapter shall pay that penalty in the time provided on the infraction citation/ticket or seek a hearing contesting the infraction. If the penalty is not paid in the time afforded, a twenty-five dollar (\$25.00) delinquency penalty shall be assessed.

SECTION C – Effective 12:01 am Local Time, January 1, 2023 .

SMC 10.05.035 Penalties is amended as follows:

SMC 10.05.035 Penalties

Except for parking infractions under RCW 46.19.050, any person found to be in violation of any provision of this chapter shall be deemed to have committed a parking infraction and for each such violation shall be subject to a monetary penalty in the amount of fifty dollars (\$50.00).

Any person having been assessed a monetary penalty under this chapter shall pay that penalty in the time provided on the infraction citation/ticket or seek a hearing contesting the infraction. If the penalty is not paid in the time afforded, a twenty-five dollar (\$25.00) delinquency penalty shall be assessed.