

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING PUBLIC SAFETY OFFENSES IN THE CRIMINAL CODE AND MODEL TRAFFIC ORDINANCE TO 1) ADD MISDEMEANORS FOR POSSESSING VEHICLE THEFT TOOLS, MAKING A FALSE STATEMENT TO A PUBLIC SERVANT, AND OFFENSES ON TRANSIT PROPERTY OR VEHICLES; 2) MAKING UNCLASSIFIED OFFENSES MISDEAMENORS; 3) ADDING INFRACTIONS FOR UNAUTHORIZED VEHICLES, PARKING COMMERCIAL VEHICLES ADJACENT TO RESIDENTIAL ZONES, AND INATTENTIVE DRIVING; AND ADDING A FEE FOR AUTHORIZING IMPOUND RELEASE; AND AMENDING SHORELINE MUNICIPAL CODE CHAPTERS 9.10 AND 10.05.

WHEREAS, the City's criminal code should be updated to reflect current gaps in enforcement tools and appropriate cost recovery.

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

Section 1. New Section. A new section, Shoreline Municipal Code 10.05.035, *Penalties*, is hereby adopted as follows:

10.05.035. Penalties.

Unauthorized vehicles 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.

Section 2. Amendment. Shoreline Municipal Code section 10.05.030, *MTO amendments*, is hereby amended to read as follows:

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, 46.55.025, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.075, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.120,

46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, and 46.55.240.

1. RCW 46.55.010 is adopted with the following amendments to subsections (4) and (13):

...

(13) "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 SMC 10.50.030.B.1. | 24 hours |
| (v) Failing to display current and valid 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 SMC 10.05.030.A.2. | 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 |

2. RCW 46.55.113 is adopted with the following amendment to subsection (2):

(2) In addition, a police officer may take custody of a vehicle, at his or her 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;
- ~~(i)~~ (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 a \$100.00 administrative fee to the City of Shoreline's Finance Department. The administrative fee shall be for the purposes of offsetting City costs of implementing, enforcing and administering the impound.

B. 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 46.61.560, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

1. RCW 46.61.570 is adopted with the following amendments:

(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 46.16.010(1);
- (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.; and
- (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; and
- (xv) In public locations under circumstances which constitute an unauthorized vehicle.

Section 3. Amendment. Shoreline Municipal Code section 9.10.050, *Punishment – Restitution*, is hereby amended to read as follows:

9.10.050 Punishment – Restitution.

A. Unless specifically provided otherwise, every person convicted of a gross misdemeanor, ~~or a crime not otherwise classified~~, shall be punished by imprisonment in jail for a maximum term of not more than one year, or by a fine in an amount of not more than \$5,000, or by both such imprisonment and fine.

B. Unless specifically provided otherwise, every person convicted of a misdemeanor, or a crime not otherwise classified, shall be punished by imprisonment in jail for a maximum term of not more than 90 days, or by a fine in an amount of not more than \$1,000, or by both such imprisonment and fine.

...

Section 4. Amendment. Shoreline Municipal Code 9.10.060, *Limitation of action*, is hereby amended to read as follows:

9.10.060 Limitation of action.

A. A gross misdemeanor, ~~or a crime not otherwise classified~~, may not be prosecuted more than two years after its commission. A misdemeanor, or a crime not otherwise classified, may not be prosecuted more than one year after its commission.

B. Periods of limitation toll for any period of time the person charged is not usually and publicly resident within this state.

C. If a complaint or an information filed before the end of a period of limitation is thereafter set aside, then the period is extended by a period equal to the length of time from the filing to the setting aside

Section 5. Amendment. Shoreline Municipal Code section 9.10.490, *Obstructing governmental operation*, is hereby amended to read as follows:

9.10.490 Obstructing governmental operation.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW

9A.76.010 Definitions.

9A.76.020 Obstructing a public servant.

9A.76.030 Refusing to summon aid for a peace officer.

9A.76.040 Resisting arrest.

9A.76.050 Rendering criminal assistance –Definition of terms.

9A.76.060 Relative defined.

9A.76.070 Rendering criminal assistance in the first degree.

9A.76.080 Rendering criminal assistance in the second degree.

9A.76.090 Rendering criminal assistance in the third degree.

9A.76.100 Compounding.

9A.76.130 Escape in the third degree.

9A.76.160 Introducing contraband in the third degree.

9A.76.170 Bail jumping.

9A.76.175 Making a false or misleading statement to a public servant

9.62.010 Malicious prosecution.

9.62.020 Instituting suit in name of another.

Section 6. Amendment. Shoreline Municipal Code section 9.10.620, *Trespass and prowling*, is hereby amended to read as follows:

9.10.620 Trespass and prowling.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW

- 9A.52.010 Definitions.
- 9A.52.060 Making or having burglar tools.
- 9A.56.063 Making or possessing motor vehicle theft tools
- 9A.52.070 Criminal trespass in the first degree.
- 9A.52.080 Criminal trespass in the second degree.
- 9A.52.090 Criminal trespass – Defenses.
- 9A.52.100 Vehicle prowling in the second degree; provided, that motor home shall also be covered by this provision.
- 9A.52.120 Computer trespass in the second degree.
- 9A.52.130 Computer trespass – Commission of other crime.

Section 7. Amendment. Shoreline Municipal Code section 9.10.470 is hereby amended to read as follows:

9.10.470 Miscellaneous crimes.

A. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW

- 9.91.010 Denial of civil rights – Terms defined.
- 9.91.025 Unlawful bus conduct.
- 9.91.060 Leaving children unattended in parked automobile.
- 9.91.090 Fraudulent destruction of insured property.
- 9.91.110 Metal buyers – Records of purchases – Penalty.
- 9.91.130 Disposal of trash in charity donation receptacle.

B. Civil infractions – misdemeanors relating to transit property or transit vehicles.

A. Infractions. The following actions are prohibited in, on or in relation to, all public transit properties. For conduct not amounting to a violation of another applicable state or local law bearing a greater penalty or criminal sanction than is provided under this section, a person who commits one of the following acts in, on or in relation to transit property is guilty of a civil infraction to which chapter 7.80 RCW applies.

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to unreasonably disturb others, or to obstruct the

flow of passenger or bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

2. Allowing his or her animal to leave waste on transit property;

3. Rollerskating, rollerblading or skateboarding;

4. Riding a bicycle, motorcycle or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. In tunnel facilities, bicycles must be walked at all times and may not be transported on escalators. However, nothing in this section shall be construed to apply to commissioned peace officers or county employees engaged in authorized activities in the course of their employment;

5. Eating or drinking. However, eating and drinking nonalcoholic beverages are permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a container designed to prevent spillage is permitted on transit property;

6. Bringing onto a transit passenger vehicle any package or other object which blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole discretion, cause a danger to passengers or displace passengers or expected passengers;

7. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted;

8. Engaging in public communication activities or commercial activities except as authorized under K.C.C. 28.96.020 through 28.96.210.

9. Riding transit vehicles or using benches, floors or other areas in tunnel and other passenger facilities for the purpose of sleeping rather than for their intended transportation-related purposes;

10. Camping in or on transit property; storing personal property on benches, floors or other areas of transit property;

11. Entering or crossing the transit tunnel roadway or transit vehicle roadways in and about other passenger facilities, except in marked crosswalks or at the direction of county or public safety personnel;

12. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion;

13. Hanging or swinging on bars or stanchions, with feet off the floor, inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;

14. Engaging in any sport or recreational activities on transit property;

15. Parking a vehicle in an approved parking area on transit property for more than seventy-two consecutive hours;

16. Using a transit facility for residential or commercial parking purposes;

17. Performing any nonemergency repairs or cleaning of a vehicle parked on transit property; and

18. Conducting driver training on transit property.

B. Misdemeanors. The following actions are prohibited in, on or in relation to all transit properties. For conduct not amounting to a violation of another applicable state or local criminal law bearing a greater penalty than is provided under this chapter, a person who commits one of the following acts in, on or in relation to transit property is guilty of a misdemeanor.

1. Unreasonably disturbing others by engaging in loud, raucous, unruly, harmful, abusive or harassing behavior;
2. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage. However, possessing and drinking an alcoholic beverage is not prohibited in the tunnel facilities if authorized as part of a scheduled special event for which all required permits have been obtained and when said facilities are not in use for transit purposes;
3. Entering nonpublic areas, including but not limited to tunnel staging areas and equipment rooms, except when authorized by the director or when instructed to by county or public safety personnel;
4. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids;
5. Throwing an object at transit property or at any person in transit property;
6. Failing to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance;
7. Possessing an unissued transfer or tendering an unissued transfer as proof of fare payment;
8. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation;
9. Falsely claiming to be a transit operator or other transit employee; or through words, actions and/or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, creating a false impression that he or she is a transit operator or other transit employee;
10. Bringing onto transit property odors which unreasonably disturb others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source;
11. Engaging in gambling or any game of chance for the winning of money or anything of value; and
12. Discharging a laser-emitting device on a transit vehicle, directing such a device from a transit vehicle toward any other moving vehicle or directing such a device toward any transit operator or passenger.

Section 8. New Chapter. A new Shoreline Municipal Code Chapter, 10.09, *Inattentive driving*, is hereby adopted as follows:

Sections:

10.09.010 Inattentive Driving.

10.09.020 Violation – Penalty.

10.09.010 Inattentive Driving.


It is unlawful for any person to operate a motor vehicle in an inattentive manner. For the purpose of this section, “inattentive manner” means the operation of a vehicle in a manner which evidences a lack of attentiveness required to safely operate a vehicle under prevailing conditions, including the nature of the roadway, presence of other traffic, presence of pedestrians and roadway conditions.

10.09.020 Violation – Penalty

Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction punishable by a penalty of not more than \$250.00.

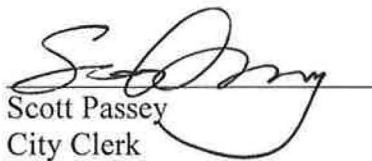
Section 9. Publication; Effective Dates. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2009.



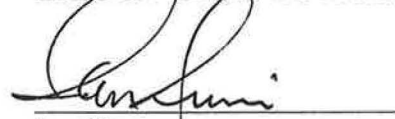
Mayor Cindy Ryu

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of publication: September 17, 2009

Effective date: September 22, 2009