ORDINANCE NO. 19-0554

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEOOOD, WASHINGTON, RELATING TO PARKING OF VEHICLES IN THE RIGHT-OF-WAY; ADOPTING A NEW CHAPTER 10.12 OF THE EDGEOOOD MUNICIPAL CODE ENTITLED "PARKING"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has experienced rapid growth in recent years, which has included the construction of new public roads—some that include on-street parking areas, and some that do not; and

WHEREAS, with the influx of new residents, the number of parking-related complaints has increased; and

WHEREAS, the City has adopted the Model Traffic Ordinance ("MTO") in Edgewood Municipal Code Chapter 10.09; and

WHEREAS, the City contracts with the Pierce County Sheriff’s Office for law enforcement, who enforces Pierce County Code ("PCC") parking provisions within the City; and

WHEREAS, while the PCC and MTO provide some regulations related to parking, the City has found that additional or different regulations are necessary to protect the public health, safety and welfare of its citizens and visitors in line with the regulations being enforced by other municipalities in the area; and

WHEREAS, the Council considered this Ordinance during its July 16, 2019 and July 30, 2019 study sessions; and

WHEREAS, the Council considered this Ordinance during its regular City Council meeting of August 13, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEOOOD, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:


Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.
Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

ADOPTED THIS 13TH DAY OF AUGUST, 2019.

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

Ann Marie Soto, Interim City Attorney

Published: 08/15/19
Effective Date: 08/20/19
CHAPTER 10.12
PARKING

Sections:
10.12.005 Purpose.
10.12.010 Definitions.
10.12.030 No parking in fire lane.
10.12.040 Owner responsible.
10.12.050 Violation – Penalty.
10.12.060 Impoundment authorized.

10.12.005 Purpose.
The City adopted the Model Traffic Ordinance (chapter 308-330 WAC) by reference in Chapter 10.09 EMC. Pursuant to RCW 46.61.570, the Model Traffic Ordinance authorizes the City to restrict parking and establish no parking zones on city streets and other rights-of-way within the city. The City Council finds that it is necessary and appropriate for public safety reasons to establish restricted parking and no parking zones on City streets and other rights-of-way within the City. It is the intent of this Chapter to ensure the effective utilization of the City’s public parking resources, promote and protect property values, and to provide for the health, safety, and welfare of the citizens. In the case of any conflict between this Chapter and the statutes and regulations adopted by reference in Chapter 10.09 EMC, the provisions of this Chapter shall apply.

10.12.010 Definitions.
The definitions contained in RCW 46.04 (as adopted by reference in Chapter 10.09 EMC) are applicable in this Chapter. The following additional definitions are applicable in this Chapter unless the context otherwise requires:

“Block” means the area comprised of properties along each side of a street between two intersections.

“Fire lane” means the area within any public or private property reserved for fire vehicles and other firefighting apparatus and emergency equipment to use, travel upon and/or park.

“Parking zone” means any continuous section on the same street or either side of the street having the same parking time restriction.

“Recreational vehicle” means a travel trailer, camper, mobile home, motor home, fifth-wheel trailer, or similar vehicles which provide facilities for human habitation. “Recreational vehicles” also includes boats, personal watercraft, snowmobiles and the like.

“Right-of-way” or “street” means any highway, avenue, lane, road, drive, place, boulevard, alley, right-of-way, way, sidewalk, planting or parking strip, shoulder and every way or place in the City of Edgewood open as a matter of right to public vehicular travel or parking or other similar public use. For the purposes of this chapter, this definition does not include any of the facilities listed above that are privately-owned and maintained.
"Vehicle" means the same as defined under RCW 46.04.670, while also including a boat trailer with or without a boat situated thereon and a marine vehicle, trailered or non-trailered.

10.12.015 Enforcement authority.
It shall be the duty of the Edgewood Police Department to enforce this chapter.

Unless otherwise authorized under a Street Use Permit, obtained pursuant to Chapter 12.16 EMC, the parking and storage of vehicles upon City streets and right-of-way is prohibited or limited as specified below:

A. When official signs, markings or other devices are erected or placed upon any rights-of-way or any portion thereof regulating parking by vehicles, no person shall park a vehicle or cause a vehicle to remain on any rights-of-way in violation of such signs, markings or other devices. Vehicles in violation of this section are subject to impoundment as provided by law.

B. A vehicle may not be parked on any right-of-way unless the vehicle can be placed completely off the traveled portion of the roadway.

C. No person shall park a vehicle upon any right-of-way in a manner that obstructs, interferes with, or impedes the flow of traffic or in any manner that otherwise creates a safety hazard.

D. No person shall park a vehicle upon any right-of-way in such a manner as to leave available less than 20 feet of the width of the roadway (or entire width of the paved roadway if less than 20 feet) for free movement of vehicular traffic.

E. No person shall park, leave, or allow to remain any unlicensed vehicle and/or other equipment on any right-of-way.

F. It is unlawful to park any commercial vehicles, including detached commercial trailers, on any right-of-way.

G. It is unlawful for the owner, operator, or user of any recreational vehicle to park or leave such vehicle parked on any right-of-way.

H. It is unlawful to park a vehicle upon the roadway within 30 feet of an intersection.

I. No person shall park on any right-of-way a vehicle which is temporarily or permanently inoperative for any reason whatsoever, except parking for emergency repairs not requiring more than 48 consecutive hours total time shall be permitted.

J. No person shall park any vehicle on any right-of-way for more than 48 consecutive hours.

K. No person shall park on any right-of-way any vehicle, including any recreational vehicle, incapable of self-locomotion.

L. No person shall park a vehicle within 10 feet of a clearly visible mailbox which is located directly adjacent to curbside or on a public right-of-way, between the hours of 8:00 a.m. and 6:00 p.m. on all days of scheduled mail delivery by the United States postal service. Vehicles in violation of this section are subject to impoundment as provided by law.

M. No person shall park a vehicle in any areas designated with official "No Parking" signage or markings. In addition, the following areas are subject to immediate impoundment:
NO PARKING – TOW-AWAY ZONE

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westridge Parkway (31st Street East)</td>
<td>Freeman Road East</td>
<td>86th Avenue East</td>
</tr>
<tr>
<td>104th Avenue East</td>
<td>8th Street East</td>
<td>13th Street Court East</td>
</tr>
<tr>
<td>22nd Street East</td>
<td>Meridian Avenue East</td>
<td>104th Avenue East</td>
</tr>
<tr>
<td>104th Avenue East</td>
<td>22nd Street East</td>
<td>24th Street East</td>
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<tr>
<td>24th Street East</td>
<td>108th Avenue East</td>
<td>110th Avenue East</td>
</tr>
<tr>
<td>110th Avenue East (west side)</td>
<td>24th Street East</td>
<td>2600 Block</td>
</tr>
<tr>
<td>110th Avenue East (east side)</td>
<td>21st Street Court East</td>
<td>24th Street East</td>
</tr>
<tr>
<td>36th Street East</td>
<td>11600 Block</td>
<td>116th Avenue Court East</td>
</tr>
<tr>
<td>24th Street East</td>
<td>97th Ave Ct E</td>
<td>Meridian Ave East</td>
</tr>
</tbody>
</table>

N. The limitations in this section shall not relieve any person from the duty to observe more restrictive official signs prohibiting or limiting parking of vehicles in specified places or at specified times.

10.12.030 No parking in fire lane.
A. No person shall stop, stand or park a vehicle, whether occupied or not, within any fire lane except:
   1. Momentarily to pick up or discharge a passenger or passengers, provided the driver must remain with the vehicle at all times and must immediately vacate the fire lane if a fire truck or other firefighting or emergency vehicle arrives; or
   2. When necessary to temporarily avoid conflict with other moving traffic; or
   3. In compliance with the direction of a police officer, fire official, traffic control sign, signal or device.
B. Fire lane locations shall be designated by the building official, fire marshal or city traffic engineer and identified either by a red painted curb or appropriate signage prohibiting parking due to the fire lane.
C. For the purposes of this chapter and unless otherwise officially marked and designated, all cul-de-sacs and emergency vehicle turnarounds shall be considered fire lanes, with or without marking or signage.

10.12.040 Owner responsible.
A. Every person in whose name a vehicle is registered shall be responsible for any violation of this Chapter caused by the parking of the vehicle in violation of this Chapter.
B. It shall be no defense that the vehicle was parked illegally by another, unless proof is presented that the vehicle has been stolen and had not been returned to the registered owner by the date of the violation.
C. This section shall not apply to registered owners transferring vehicle ownership who have complied with RCW 46.52.140 prior to the date of the violation.
10.12.050 Violation – Penalty.
A. Unless otherwise designated, a violation of any provision of this Chapter is a civil infraction, which shall be subject to a monetary penalty in the amount of $20.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

B. Violations of Section 10.12.030 – “No Parking in Fire Lane” are civil infractions and the violator shall be subject to a monetary penalty in the amount of $150.00.

10.12.060 Impoundment authorized.
In addition to any other penalty provided by this Chapter, any vehicle in violation of this Chapter may be subject to impoundment as provided by Chapter 46.55 RCW as now enacted or as subsequently amended.