

## Chapter 10.04 TRAFFIC CODE

Sections:

### 10.04.010 Statutes adopted.

The "Washington Model Traffic Ordinance," Chapter 46.90 RCW, hereinafter in this title, referred to as the "MTO," and RCW Sections 46.52.088, 46.61.074, 46.61.202, 46.61.215, 46.61.261, 46.61.264, 46.61.266, 46.61.269, 46.61.520, 46.61.540, 46.61.606, 46.61.608, 46.61.614, 46.64.017, and Chapter 176, 1st Ex. Sess., laws of 1979 are hereby adopted by reference as and for the traffic ordinance of this City as if set forth in full herein as presently constituted or hereinafter amended, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this chapter set forth in Section 10.04.060 and except as provided in Section 10.04.020.

In the event of any conflict between the provisions of this Chapter of Lynden Municipal Code (LMC) and the Model Traffic Ordinance, whether as currently enacted or subsequently amended, the provisions of this Chapter LMC shall govern and take precedence, to the extent lawful.

### 10.04.020 Statute sections not adopted.

The following sections of the MTO are not adopted by reference and are expressly deleted: RCW Sections 46.90.500 through 46.90.540, 46.12.070 and 46.12.010, 46.16.135, 46.16.380, and 46.16.505, 46.20.031, 46.20.041 and 46.20.391, are expressly deleted: RCW Sections 46.90.500 through 46.90.540, 46.12.070 and 46.12.010, 46.16.135, 46.16.380, and 46.16.505, 46.20.031, 46.20.041 and 46.20.391, 46.37.351, 46.37.365, 46.37.370, 46.37.425, and 46.37.590, 46.44.090 through 46.44.120, 46.48.170.

### 10.04.030 Ordinance filing.

Incident to the adoption of the MTO by reference, by the ordinance codified in this chapter, copies of the text of the adopted MTO and of other statutes shall be filed as required by RCW 35A.12.140 for use and examination by the public.

### 10.04.040 Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of the ordinance codified in this chapter shall be paid into the general fund of the ~~city~~City.

### 10.04.050 Noncompliance deemed misconduct.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of Section 10.04.040 shall constitute misconduct in

**Commented [HG1]:** Check references to ensure relevancy.

**Commented [CC2]:** There is no .074, there is .072 and .075?  
.072 relates to Special traffic control signals  
.075 relates to display of unauthorized signs, signals, or markings

**Commented [CC3]:** There is no .017, there is a .015?  
.015 relates to "Citation and notice to appear in court—  
Issuance—Contents—Arrest—Detention.

office and shall be grounds for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials.

**10.04.060 Violation—Penalty.**

Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference in Section 10.04.010, any person who is convicted of violating or failing to comply with any of the provisions of the ordinance codified in this chapter shall be guilty of a civil infraction and subject to a C-4 penalty (see LMC 1.24.040).

**Chapter 10.05 WASHINGTON MODEL TRAFFIC ORDINANCE—ADOPTED**

Sections:

**10.05.010 Washington Model Traffic Ordinance—Adopted.**

The Washington Model Traffic Ordinance, as set forth in the Washington Administrative Code, Chapter 308-330, is adopted as the traffic ordinance and traffic law of the ~~city~~City, except for those sections specifically excluded in Section 10.05.020 of this chapter.

In the event of any conflict between the provisions of this Chapter of Lynden Municipal Code (LMC) and the Model Traffic Ordinance, whether as currently enacted or subsequently amended, the provisions of this Chapter LMC shall govern and take precedence, to the extent lawful.

**10.05.020 Model Traffic Ordinance sections not adopted.**

The following sections of the Washington Model Traffic Ordinance, as set forth in the Washington Administrative Code, are not adopted by the city of Lynden: Washington Administrative Code Sections 308-330-005, 308-330-142, 308-330-145, 308-330-148, 308-330-172, 308-330-210, 308-330-215, 308-330-250, 308-330-255, ~~308-330-406~~, 308-330-500, 308-330-505, 308-330-510, 308-330-515, 308-330-520, 308-330-525, 308-330-530, 308-330-535, 308-330-540, 308-330-600, 308-330-610, 308-330-620, 308-330-630, 308-330-640, 308-330-650 and 308-330-660.

**10.05.030**

(reserved)

**10.05.040 Traffic engineer.**

The duties of traffic engineer, outlined in the Washington Model Traffic Ordinance, shall be performed by the city Public Works Director.

## Chapter 10.08 PARKING AND LOADING

### 10.08.010 Definitions

"Block" means the area comprised of properties along each side of a street between two (2) intersections or an intersection and a road end.

"Boat or vessel" means every description of watercraft used or capable of being used as a means of transportation on the water including marine vehicle (trailered or nontrailered).

"LMC" means Lynden Municipal Code.

"City Parking Facility" means any City-owned or City-controlled parking facility, including all parking lots and parking areas within city rights-of-way (streets), and city parks.

"Director" means Public Works Director or other department director authorized by the LMC to enforce this chapter, or their designee, including, but not limited to, parking enforcement officer, unless another director is referenced.

"Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient and is not immobilized or permanently affixed to a mobile home lot and further includes a dune buggy or off-road vehicle (trailered or nontrailered).

"Vehicle" means any self-propelled vehicle such as a car, truck, van, motorcycle, wheeled all-terrain vehicle, or any other similar self-propelled vehicle – further intended to apply to trailers capable of being towed.

"Unauthorized Vehicle" – Consistent with RCW 46.55.010 an unauthorized vehicle is one that parks in areas where parking is not allowed or remains at a public or private facility for longer than permitted on posted signs. Depending on where the vehicle is parked and the length of time it has been there, it is subject to impoundment either immediately or within 24 hours.

### 10.08.020. Angle parking

#### A. Establishment.

The city, upon recommendation of the Public Works Director, shall determine upon what streets other than those forming a part of any primary or secondary state highway, angle parking shall be permitted. Parallel parking only shall be allowed on all other streets. Upon those public highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

**Commented [HG4]:** Combined all the 'angle parking' issues under 10.08.020.

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**B. Length of vehicles.**

No vehicle more than twenty-one feet in length shall park in any angle parking space. The penalty fee for violation of this section shall be set by resolution of the Lynden City Council.

**C. Left turn into angle parking space—Prohibited.**

No person shall propel a vehicle into any angle parking space within the city by turning the vehicle to the operator's left. The penalty fee for violation of this section shall be set by resolution of the Lynden City Council.

**10.08.030 Curb loading zones**

**A. Establishment.**

The city, upon recommendation of the city Public Works Director is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. No person shall be granted the right, use or franchise for vehicle parking of any portion of the surface area of any public highway to the exclusion of any other like person.

**B. Violations of Curb Loading Zones.**

Violations. Any person parking at the location and time posted, in violation thereof, or in violation of a loading zone lawfully established by permit under LMC Section 10.08.030, shall be guilty of an infraction, punishable in the same manner as set forth for infractions in [the Chapter 1.24](#) LMC.

**10.08.040 Parking of vehicles restricted.**

Vehicles which are parked in violation of this section are unauthorized vehicles subject to [civil penalty and](#) impound as detailed in LMC 10.08.~~030~~[050 and .060](#).

**A. General Provisions.**

1. No vehicle or nonmotorized vehicle shall remain upon the city streets or rights-of-way in one location for more than seventy-two consecutive hours.
2. No vehicle except those owned by the City of Lynden may remain parked in a city Parking Facility overnight unless otherwise posted or permitted.
3. No vehicle shall be parked within the traveled portion of an alley except in authorized spaces.

**Commented [HG5]:** Combined curb loading under 10.08.020.

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4. The trailer portions of any truck or tractor trailer combination shall not be parked unattached from the truck or tractor at any time on any of the streets of the city.
  5. No person shall move a motorized or nonmotorized vehicle from one parking space back to the same parking space or to another parking space within the same block on the same street for the purpose of evading the time limitation on parking therein.
  6. No person shall erase or obliterate, for the purpose of interfering with checking for overtime parking, a chalk mark or other identifying mark placed on the tire or tires of a parked vehicle by a police officer, parking enforcement officer or other authorized person.
  - 6.7. No person shall park any recreational vehicle, boat or vessel, or trailer, as defined in LMC 10.10.010, on any street for longer than ~~twenty-fourseventy-two (7224)~~ hours, unless such activity is authorized pursuant to a permit pursuant to section LMC 10.08.080. If any time after the initial unpermitted ~~twenty-fourseventy-two (7224)~~ hour period the vehicle is still parked in the same location on the street in violation of the ~~twenty-fourseventy-two (2472)~~ hour parking restriction and is then reparked on the same street within the same block for any period of time up to ~~twenty-fourseventy-two (2472)~~ hours, it shall be considered to be parked in the same location within the street and therefore still in violation of the ~~twenty-fourseventy-two (2472)~~ hour parking restriction.

## B. Parking Restrictions

1. No Parking.
    - a. It is unlawful for any person to park any motorized or nonmotorized vehicle within the city limits of Lynden where parking is prohibited by a posted sign or on the streets listed below:
      - i. Bradley Road between Vinup Road and Line Road.
  2. Partial Parking Restrictions.
    - a. The Director shall have the authority to enact parking restrictions on city-City parking facilities within the city limits.
    - b. Corresponding signs detailing the parking restrictions must be conspicuously posted. Parking restrictions may be seasonal in nature.
    - c. Off-street parking restrictions do not apply to city-owned vehicles.
  3. Time-Sensitive Parking Restrictions.
    - a. When corresponding time limit signs are posted, it is unlawful for any person to park any motor vehicle in violation of the posted times.
    - b. The Director is authorized to enact time-sensitive parking restrictions on streets within the city limits.
  4. Place and Manner Restrictions
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- a. The City may enact additional parking rules regarding the Place and Manner of vehicle parking.
  - b. Rules shall be clearly marked and posted by appropriate signage.
  - c. Place and manner rules do not apply to city-owned vehicles being actively used for official duties.

#### 5. Unauthorized Disabled Parking

- a. It is a civil infraction for any person to park a vehicle in a space reserved for physically disabled persons without a valid unexpired placard or special license plate.
- ~~d.~~b. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate required under this section.

#### 6. Parking Against Traffic

Unless otherwise allowed by City code, ordinance, or resolution, it is unlawful to stop or park a vehicle on a street unless all of the following conditions are met:

- a. The vehicle is stopped or parked parallel to the curb or at an authorized angle, depending on the specific designation for the area.
- b. The vehicle is parked facing the same direction as the flow of traffic on the adjacent side of the street.
- c. The vehicle is within 12 inches of the curb or, if there is no curb, as close as practicable to the edge of the shoulder.

#### 7. Inoperable, Junk, and Abandoned Moto Vehicles

- a. Inoperable Vehicles. It is unlawful to park or store an inoperable motor vehicle on a street or on public property. For purposes of this subsection, an "inoperable motor vehicle" is defined as a motor vehicle which is:
  - i. By any reason of dismantling, disrepair, or other cause is incapable of being propelled under its own power;
  - ii. Unsafe for operation on the streets and highways of this state due to inability to comply with the Washington Model Traffic Ordinance as adopted pursuant to Chapter 10.05.010 LMC; or
  - iii. Damaged to such extent as to render it illegal for operation on any street, including but not limited to any of the following: broken head or taillight, broken or missing mirror, missing window or windshield, deflated tire, missing seat or steering wheel or other general conditions that would render a vehicle incapable of being driven on a public highway.

e.b. Junk and Abandoned Vehicles. Removal, disposal, sale of junk and abandoned vehicles are governed by Chapter 46.55 RCW, adopted as part of the Washington Model Traffic Ordinance pursuant to Chapter 10.05.02 BMC.

#### **10.08.050 Parking Violations**

A. ~~A violation of parking~~ on a roadway where parking is ~~always~~ prohibited per 10.08.040 (B)(1) and (2) is a civil infraction and shall subject the violator to a C-2 penalty (see LMC 1.24.040).

B. ~~A Parking in violation of manner of parking or violation of a time sensitive parking restrictions set forth in 10.08.040(B)(3)-(7) referenced in this section~~ is a civil infraction. Vehicles parked in violation of LMC 10.08.040(B)(3)-(7) may be towed with or without notice pursuant to LMC 10.08.060. If the vehicle is not towed under "impound without notice", then it shall subject the violator. ~~Violators are also subject~~ to the following penalties:

1. First offense within any twelve months: a written warning.
2. Second offense within twelve months: a second written warning. The second warning shall notify the defendant that subsequent violations within twelve months of the first violation will be punishable subject the violator to the monetary penalties set forth in subsection 3 below.
3. Third and subsequent offense(s) within twelve months:

Third violation within twelve months:	C-1 Penalty
Fourth violation within twelve months:	C-2 Penalty
Fifth violation within twelve months:	C-3 Penalty
Sixth violation and all subsequent violations within twelve months:	C-4 Penalty

C. Failure to pay parking violations or civil penalties may result in notification to the Washington State Department of Licensing (DOL) pursuant to RCW 46.16A.120. The DOL may record the violations on the vehicle's record and withhold vehicle registration renewal until the violations are resolved. If this occurs, registered owners will receive notice from the DOL detailing the violations and associated penalties prior to registration expiration. Proof of payment must be provided to clear any holds on the vehicle's registration.

#### **10.08.055 Enforcement Procedures**

The parking regulations set forth in this chapter and the Washington Model Traffic Ordinance as adopted pursuant to Chapter 10.04 and 10.05 LMC shall be enforced by the Director, the Parks Director, the City's police officers and other law enforcement officers, and/or the City's parking enforcement officers.

#### **10.08.060 Impound of Unauthorized Vehicles**

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Any vehicle parked and/or used in violation of this ~~chapter~~ Chapter or any regulation or restriction established thereunder, ~~or any other applicable provision of the City of Lynden LMC,~~ or ~~of any ordinance of the City of Lynden,~~ is an unauthorized vehicle and is hereby declared to be a nuisance and may be impounded and removed at the direction of the Director, Parks Director, or a law enforcement or parking enforcement officer, in accordance with the following procedures, which may be summarily abated by the impounding and removal of the vehicle as follows:

A. Impound with Notice. As authorized pursuant to RCW 46.55.080(1), and additionally described in LMC 10.10, an unauthorized vehicle left within a street may be impounded under the direction of the Director, the Parks Director, a police officer or ~~code parking~~ enforcement officer after notice of such proposed impoundment has been securely attached to and conspicuously displayed on the vehicle for a period of twenty-four (24) hours prior to such impoundment pursuant to RCW 46.55.085 under the following circumstances:

1. Violations of Parking Code. When such vehicle is parked and/or used in violation of the provisions of this ~~chapter~~ Chapter or any other law, ordinance or regulation; or
2. Chronic Nuisance is Created. A vehicle is hereby declared to be a chronic nuisance and subject to impound as provided herein when it:
  - i. ~~has been~~ parked on any street or facility within the City; and
  - ii. there are three (3) or more outstanding parking infractions issued against the vehicle; and
  - iii. for each of which said outstanding parking infraction a person has failed to respond, failed to appear at a requested hearing, or failed to pay a parking infraction for at least forty-five (45) days from the date of the filing of the notice of infraction.

B. Impound Without Notice. As authorized pursuant to RCW 46.55.080(1), a vehicle may be impounded under the direction of the Director, the Parks Director, a police officer or parking enforcement officer, or the Director's designee, with or without citation and without giving prior notice to its owner as required in subsection (a) of this section, only under the following circumstances:

1. Public Safety. When a vehicle is unattended upon a street where the vehicle constitutes an obstruction to traffic or jeopardizes public safety as defined in RCW 46.55.113; or
2. City Parking Facility. When an unauthorized vehicle is parked in a City owned or controlled parking facility which is properly posted with parking restrictions pursuant to RCW 46.55.070; or



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3. Parking on City Property. When a vehicle is parked within an area not designated for parking and blocking the use of the area by others or creates a public safety hazard.
  4. Other Impoundment. In addition to the impound provisions set forth in subsections (A) and (B) of this section and those penalties established pursuant to this chapter, a vehicle in violation of any of the parking regulations established herein may be impounded by a registered tow truck operator at the direction of a police officer pursuant to those requirements established in WAC 308-330-406 and other related sections of the Washington Model Traffic Ordinance as adopted pursuant to Chapter 10.045 LMC. (See RCW 46.55.113)
  5. Immobilization of Vehicle. In lieu of impoundment, a vehicle may be immobilized with a restraining device (i.e., boot). A vehicle that has been immobilized for forty-eight (48) or more hours may be impounded, unless the vehicle needs to be towed sooner for public safety reasons as set forth in subsection (b)(1) of this section as determined by the police officer or code enforcement officer.
- C. Costs of Impound. The registered owner shall be responsible for all towing and storage costs relating to impounds of an unauthorized vehicle. If the vehicle is immobilized pursuant to this Chapter, the Public Works Department shall affix to said vehicle a notice setting forth procedures for release and directing that, in addition to the payment of fines, the registered owner shall pay an administrative immobilization fee of one hundred dollars (\$100.00) before the vehicle may be released.

#### **10.08.070 Public carrier stand establishment.**

The Public Works Director is authorized to establish bus stops, bus stands and taxicab stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

#### **10.08.070-080 Business issued parking permits required**

- A. Hotels and other businesses offering overnight sleeping accommodations located within the Historic Business District (HBD) ~~and offering overnight sleeping accommodations shall be granted the right~~ are eligible to issue permits allowing their guests to park a motor vehicle in excess of ~~any~~ posted parking limits. These businesses must notify the Director of the need for permits. Parking permits will be issued by hotel staff.
1. The bearer of this type of permit must be a registered guest at an HBD hotel and are required to display the permit prominently. Said permits shall only be valid for the length of stay of the registered guest.

2. This Permit-permit parking shall only will be allowed in the city-owned parking lot located at the southeast corner of 5<sup>th</sup> and Grover Streets between 10:00 a.m. and 2:00 p.m., Monday through Friday. ~~Said parking permits will be issued by the hotel staff.~~

B. 408 and 610 Front Street. Parking permits will be issued by the Public Works Department to businesses located at 610 Front St. and 408 Front St. in accordance with the approved parking agreements. These permits must be prominently displayed in the vehicle at all times while parked in designated areas.

~~B.C.~~ Parking permits may be issued for other City Parking Facilities only by City Council approved agreement.

#### 10.08.090 Posting of Parking Signs

##### A. General Sign Requirements

1. Signs must measure at least 15 inches by 24 inches with clearly legible and visible lettering.
2. Signs must be placed near each entrance and in conspicuous, visible locations on the property to inform drivers of parking regulations.

##### B. Public Parking Facilities

Signs for publicly owned or controlled parking facilities, including streets, must:

1. Disclose that unauthorized vehicles will be impounded; and
2. State the times or other conditions when a vehicle may be considered unauthorized and subject to impoundment; and
3. Include the name, telephone number, and address of the towing firm or a phone number for vehicle redemption.

##### C. Private Nonresidential Property

1. Unauthorized vehicles may not be impounded or towed within the first 24 hours of parking unless required signs are posted as described in subsection (1).
2. Signs must indicate:
  - a. The times when a vehicle may be considered unauthorized and subject to impoundment; and
  - b. The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

##### D. Residential Property Exemption

Title 10 - VEHICLES AND TRAFFIC  
Chapter 10.10 CONTRACTS FOR TOWING SERVICES

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1. [Residential properties are exempt from sign-posting requirements. Property owners or authorized persons may have unauthorized vehicles impounded immediately upon giving written authorization.](#)

[E. Department Oversight](#)

1. [The Public Works Department shall ensure that signs are posted in accordance with this section.](#)

**Chapter 10.10 CONTRACTS FOR TOWING SERVICES**

Sections:

**10.10.010 Towing services contracts—Adopted.**

The RCW 46.55 as adopted by WAC 308-330-406 is adopted as the towing ordinance of the city by this reference except as specifically provided in this chapter.

(Ord. 1213 § A, 2004).

[In the event of any conflict between the provisions of this Chapter of Lynden Municipal Code \(LMC\) and RCW 46.55, whether as currently enacted or subsequently amended, the provisions of this Chapter LMC shall govern and take precedence, to the extent lawful.](#)

**10.10.020 Written form of authorization to impound.**

Pursuant to RCW 46.55.240(1)(b), a form of authorization to impound is adopted. Impound forms should be substantially in compliance with the following form:

Case No. \_\_\_\_\_

NOTICE OF IMPOUND

Date/Time of Impound \_\_\_\_\_

Location of Impound \_\_\_\_\_

Description of Vehicle \_\_\_\_\_

License of Vehicle (Number) \_\_\_\_\_ (State) \_\_\_\_\_

- ☐ The vehicle is parked in a parking space rented on a monthly basis pursuant to a written contract to someone other than the owner or operator of such vehicle. Authority: RCW 46.55.080.

- ☐ The vehicle has not been removed within 24 hours from the time a notification sticker is attached. Authority: RCW 46.55.085.

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- ☐ The vehicle is standing on a roadway in violation of RCW 46.61.560. Authority: RCW 46.55.113(1).
  - ☐ The vehicle is unattended on a highway, [as defined by RCW 46.04.197](#), and is obstructing traffic or jeopardizing public safety. Authority: RCW 46.55.113(2).
  - ☐ The vehicle is unattended at an accident scene or the driver is unable to decide on steps to protect a vehicle involved in accident due to physical or mental or intoxicated condition. Authority: RCW 46.55.113(3).
  - ☐ Driver is arrested and unable to decide on steps to protect property due to intoxication or otherwise. Authority: RCW 46.55.113(4).
  - ☐ The vehicle is stolen. Authority: RCW 46.55.113(5).
  - ☐ The vehicle is parked in a properly marked disabled person stall and it does not contain a [valid unexpired](#) special plate or decal. Authority: RCW 46.55.113(6).
  - ☐ Other: \_\_\_\_\_

You are further notified that such vehicle will be impounded unless you request a hearing by personally delivering to, or by mailing to, the Lynden Police Department, 203 19<sup>th</sup> Street, Lynden, WA 98264, Tel.: (360)354-2828, a copy of the following "Request for Impoundment Hearing" prior to the date specified above. If the vehicle has already been impounded and you wish to contest the validity of the impound, you must do so with 10 days of the impound by personally delivering to, or by mailing a copy of the following to the Lynden Municipal Court, 300 4<sup>th</sup> Street, Lynden, WA 98264, Tel.: (360)354-4270.

Signed by:

\_\_\_\_\_  
Authorized Enforcement Officer or Designee

IN THE LYNDEN MUNICIPAL COURT

CITY OF LYNDEN, a	)	
municipal corporation	)	REQUEST FOR
	)	IMPOUNDMENT
v.	)	HEARING
	)	
	)	NO.
(Owner's name)	)	

I, as owner of the vehicle listed above, request a hearing to contest the validity of the impoundment of the vehicle described in the foregoing "Notice of Impound;" and I understand that in order to prevent the impound, this request must be returned to the Lynden Police Department before the date listed in the "Notice of Impound." If the vehicle has already been

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impounded I understand that I must request a hearing with [in](#) 10 days of the impound pursuant to RCW 46.55.120.

Dated:

Signature of owner

Address and telephone

**10.10.030 Authorization.**

The city is authorized to contract with a private vendor to provide towing services.