#### 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herein as presently constituted or hereinafter amended, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this chapter set forth in Section 10.04.060 and except as provided in Section 10.04.020.

(Ord. 1119 § A, 2001; Ord. 611 § 1, 1980; Ord. 539 § 1, 1976).

#### 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.

(Ord. 539 § 2, 1976).

#### 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.

(Ord. 539 § 6, 1976).

# 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.

(Ord. 539 § 5, 1976).

# 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

#### Title 10 - VEHICLES AND TRAFFIC

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

(Ord. 539 § 4, 1976).

#### 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).

(Ord. 539 § 3, 1976).

(Ord. No. 23-1680, § 3, 1-16-2024)

# 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, except for those sections specifically excluded in Section 10.05.020 of this chapter.

(Ord. 954 § A(part), 1994).

# 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, 308-330-500, 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.

(Ord. 954 § A(part), 1994).

Commented [HG2]: Check for relevancy.

Commented [JH3R2]: Note 308-330-197 off road/nonhighway vehicles

**Commented [JH4R2]:** Section -406 re impounding abandoned unauthorized and junk vehicles is relevant

## 10.05.030 Ordinance filing.

Incident to the adoption of the Washington Model Traffic Ordinance, three copies of the text of the portions of the Washington Model Traffic Ordinance adopted in this chapter, authenticated by the city clerk, shall be filed in the office of the city clerk for use and examination by the public.

(Ord. 954 § A(part), 1994).

#### 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 directorPublic Works Director.

(Ord. 954 § A(part), 1994).

## 10.05.050 Inattention.

It is a traffic infraction for any person to operate a vehicle in an inattentive manner on the streets of the city. For the purpose of this section, "inattentive" means lax or slack or that the driver is not maintaining watchfulness or that control of the vehicle is imprudent.

(Ord. 958 § A(part), 1994).

# Chapter 10.08 PARKING AND LOADING<sup>1</sup>

# 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.

"LMC" means Lynden Municipal Code.

<sup>1</sup>Editor's note(s)—Ord. No. 1531, § 1, adopted May 15, 2017, repealed the former Ch. 10.08, §§ 10.08.010—10.08.100, and enacted a new Ch. 10.08 as set out herein. The former Ch. 10.08 pertained to similar subject matter and derived from Ord. No. 434, §§ 1, 2, adopted 1966; Ord. No. 590, §§ 1, 2, adopted 1979; Ord. No. 603, §§ 1—5, adopted 1979; Ord. No. 619, § A, adopted 1980; Ord. No. 669, § A, adopted 1982; Ord. No. 677, § A, 1983; Ord. No. 692, § A, adopted 1983; Ord. No. 754, § A, 1986; Ord. No. 775, § A, adopted 1987; Ord. No. 912, § A, adopted 1992; Ord. No. 944, § A, adopted 1994; Ord. No. 1076, § B, adopted 1999; Ord. No. 1154, § A, adopted 2002; Ord. No. 1237, § A, adopted 1987; Ord. No. 1258, § A, adopted 2006; Ord. No. 1290, § A, adopted 2007; Ord. No. 1304, § A, adopted 2007; Ord. No. 1366, § A, adopted Nov. 2, 2009; Ord. No. 1417, § A, adopted Feb. 6, 2012.

**Commented [HG5]:** Not sure this needs to appear in LMC? Can we delete as it's covered through State Law?

**Commented [HG6]:** This is just a starting point on definitions. We can add others.

"City parking facility" means any City-owned or City-controlled parking facility, including all parking lots and parking areas within city rights-of-way, 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.

"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. (see chapter 9 definition of vehicle which makes reference to Chap 11 – which does not exist)

"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.

10.08.010020. Angle parking—

#### A. Establishment.

The city-council, upon recommendation of the <u>public works director Public Works</u>

<u>Director street superintendent</u>, 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.

(Ord. No. 1531, § 1, 5-15-2017)

### B. 10.08.020 Angle parking—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.

(Ord. No. 1531, § 1, 5-15-2017)

# C.—10.08.030 Angle loading—Permit requirements.

The city council, upon recommendation of the public works directorPublic Works

<u>Director</u>street superintendent is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicles and shall grant to such persons the privilege as therein stated and authorized therein, and it is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit; provided, however, that no permit issued hereunder shall be exclusive.

Commented [HG7]: Combined all the 'angle parking' issues under 10.08.020.

#### (Ord. No. 1531, § 1, 5-15-2017)

### D.C. 10.08.040 Left turn into angle parking space—Prohibited.

No person shall propel a motor 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.

(Ord. No. 1531, § 1, 5-15-2017)

# 10.08.050 030 Curb loading zones—

### A. Establishment.

The city-council, upon recommendation of the city <u>public works directorPublic Works</u>

<u>Director street superintendent</u> 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.

(Ord. No. 1531, § 1, 5-15-2017)

# B. 10.08.055 Curb loading zone—Violations of Curb Loading Zones.

Violations. Any person parking at the location and time <u>posted</u>-<u>designated in LMC Section 10.08.050</u>, in violation thereof, or in violation of a loading zone lawfully established by permit under LMC Section 10.08.060030 (<u>verify citation after edits are complete</u>), shall be guilty of an infraction, punishable in the same manner as set forth for infractions in <u>the LMC. Section 10.08.090(C)</u>.

(Ord. No. 1531, § 1, 5-15-2017)

# C. 10.08.060 Curb loading zones—Permit requirements.

The city council, upon recommendation of the city <u>public works directorPublic Works</u>

<u>Director</u>street superintendent, shall not hereafter designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each zone; provided, however, that no permit issued hereunder shall be exclusive. The city street superintendent upon granting a permit and issuing such signs, shall collect from the applicant and deposit in the city treasury a service fee of two hundred fifty dollars per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of their misuse or upon expiration of permit. Every permit shall expire at the end of one year.

Commented [HG8]: Combined curb loading under

#### (Ord. No. 1531, § 1, 5-15-2017)

#### 10.08.070-040 Parking of vehicles restricted.

<u>Vehicles which are parked in violation of this section are unauthorized vehicles subject to impound as detailed in LMC 10.08.030.</u>

#### A. General Provisions.

- No motor vehicle or nonmotorized vehicle shall remain upon the city streets or rights-of-way
  in one location for more than seventy-two consecutive hours.
  - 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 motor vehicle shall be parked within the traveled portion of an alley except in authorized spaces.
  - 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.
  - 3.5. 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.
  - 4.6. 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.

(Ord. No. 1531, § 1, 5-15-2017)

# **B. Parking Restrictions**

- 1. No Parking. It is unlawful for any person to park any motorized or nonmotorized vehicle within the city limits of Lynden on the streets listed below.
  - a. Bradley Road between Viniup Road and Line Road.
- 2. Partial Parking Restrictions.
  - a. The Director shall have the authority to enact parking restrictions on city parking facilities within the city limits.
  - <u>b.</u> 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.

**Commented [HG9]:** This is current code I just moved it to compile related sections.

### 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. on the following streets between nine a.m. and five thirty p.m. for a period of time exceeding three hours except on Saturdays and Sundays or days designated as state holidays:
  - i. The south side of the west half of Front Street between Second and Third Streets;
  - ii. Front Street between Third Street and Seventh Street;
  - iii. Other areas signed or appropriately marked as a three-hour parking limit.

It is unlawful for any person to park any motor vehicle for a period of time longer than fifteen minutes in any parking space signed or appropriately marked as a fifteen-minute parking limit.

b. b. The Director shall have the authority is authorized to enact time-sensitive parking restrictions on streets within the city limits.

#### 4. Place and Manner

- a. a. The City may enact additional parking rules regarding the Place and Manner of vehicle parking, and
- 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.

# 10.08.050 Parking Violations

- A. A violation of parking on a roadway where parking is always prohibited is a civil infraction and shall subject the violator to a C-2 penalty (see LMC 1.24.040).
- B. A violation of manner of parking or violation of a time-sensitive parking restriction referenced in this section is a civil infraction. If the vechicle is not towed under "impound without notice", then it-and shall subject the violator 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 within twelve months:

**Commented [HG10]:** This is current code I just moved up from below.

Third violation within twelve months:

Fourth violation within twelve months:

C-1 Penalty

C-2 Penalty

Fifth violation within twelve months:

C-3 Penalty

Sixth violation and all subsequent violations

within twelve months:

C-4 Penalty

# 10.08.060 Impound of Unauthorized Vehicles

Any vehicle parked and/or used in violation of this chapter or any regulation or restriction established thereunder, or any other applicable provision of the City of Lynden or of any ordinance, is an unauthorized vehicle declared to be a nuisance 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 a police officer or code 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 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 has been parked on any street or City parking facility within the City and there are three (3) or more outstanding parking infractions issued against the vehicle for each of which 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.

# Historic Business DistrictLMC 19.11? Historic Business District

- B. Impound Without Notice. As authorized pursuant to RCW 46.55.080(1), a vehicle may be impounded under the direction of 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:
  - 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
  - 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

**Commented [HG11]:** This section is all new - adapted from City of Bremerton.

**Commented [HG12]:** Strike facilities here since we are not able to track warnings given in parks.

- 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 is subsection (b)(1) of this section as determined by the police officer or code enforcement officer.

## 10.08.070080 Public carrier stand establishment.

The <u>public works directorPublic Works Director</u> <u>city street superintendent</u> is authorized <u>and required</u> 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.

10.08.090 Parking restrictions It is unlawful for any person to park any motor vehicle on any portion of Bradley Road within the city limits of Lynden. between nine a.m. and five thirty p.m. on certain streets—Violation and penalty schedule.

- A. When corresponding time limit signs are posted, it is unlawful for any person to
  park any motor vehicle on the following streets between nine a.m. and five thirty p.m.
  for a period of time exceeding three hours except on Saturdays and Sundays or days
  designated as state holidays:
  - The south side of the west half of Front Street between Second and Third Streets;
  - ii.—2. Front Street between Third Street and Seventh Street;
  - Other areas signed or appropriately marked as a three hour parking limit.

**Commented [HG13]:** Moved to a combined section on parking restrictions.

- B. It is unlawful for any person to park any motor vehicle for a period of time longer than fifteen minutes in any parking space signed or appropriately marked as a fifteenminute parking limit.
- A. C. A violation of this provision is a civil infraction and shall subject the violator to a <u>C 2 penalty (see LMC 1.24.040)</u>. A violation of any provision of this section is a civil infraction and shall subject the violator to the following penalties:
- First offense within any twelve months: a written warning;
- 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 within twelve months:

Third violation within twelve months:

Fourth violation within twelve months:

Fifth violation within twelve months:

Sixth violation and all subsequent violations within twelve months:

C-1 Penalty

C-2 Penalty

C-3 Penalty

C-4 Penalty

Within twelve months:

(Ord. No. 1531, § 1, 5-15-2017; Ord. No. 23-1680, § 3, 1-16-2024)

### 10.08.095-070 Business issued parking permits required

- A. A. Hotels and other businesses located within the Historic Business District (HBD) and offering overnight sleeping accommodations shall be granted the right to issue permits allowing their guests to park a motor vehicle in excess of any posted three-hour-parking limit.
  - 1. , provided that tThe bearer is of this type of permit must be a registered guest at that an HBD hotel. Said permits shall only be valid for the length of stay of the registered guest.
  - 2. B. Permit parking 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 Lynden Community Centerhotel staff.
- A-B. Parking permits may be issued for other City Parking Facilities only by City Council approved agreement.

# 10.08.100 Parking prohibited on certain streets.

A. It is unlawful for any person to park any motor vehicle on any portion of Bradley Road within the city limits of Lynden. **Commented [HG14]:** We should expand this to recognize the permits that are issued by PW to residents at 610 Front (Newsroom Pub bldg) and 408 Front (Yoga bldg) per the approved parking agreements.

**Commented [HG15]:** Moved to a combined section on parking restrictions above.

B. A violation of this provision is a civil infraction and shall subject the violator to a C-2 penalty (see LMC 1.24.040).

(Ord. No. 1531, § 1, 5-15-2017; Ord. No. 1592, § 3, 9-3-2019; Ord. No. 23-1667, § 1, 3-20-2023; Ord. No. 23-1680, § 3, 1-16-2024)

#### **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).

# 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:

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(Supp. No. 22)

[] Driver is arrested and unable to decide of or otherwise. Authority: RCW 46.55.11	on steps to protect property due to intoxication 3(4).
[] The vehicle is stolen. Authority: RCW 46	.55.113(5).
[] The vehicle is parked in a properly mark a special plate or decal. Authority: RCV	ed disabled person stall and it does not contain $V$ 46.55.113(6).
[] Other:	
You are further notified that such vehicle will be personally delivering to, or by mailing to, the Lyr Grover Street. Suite B-1, Lynden, WA 98264, Tel. "Request for Impoundment Hearing" prior to the already been impounded and you wish to contest with 10 days of the impound by personally delive the Lynden Municipal Court, 323 Front Street 30 4270.	nden Police Department, 203 19th Street,1610: (360)354-2828, a copy of the following e date specified above. If the vehicle has set the validity of the impound, you must do so ering to, or by mailing a copy of the following to
Signed by:	
	Authorized Enforcement Officer
IN THE LYNDEN M	UNICIPAL COURT
CITY OF LYNDEN, a	
municipal corporation	REQUEST FOR
v.	) IMPOUNDMENT ) HEARING
	)
(Owner's name)	) NO. )
I, as owner of the vehicle listed above, request a impoundment of the vehicle described in the for that in order to prevent the impound, this reque Department before the date listed in the "Notice impounded I understand that I must request a here RCW 46.55.120.	egoing "Notice of Impound;" and I understand st must be returned to the Lynden Police of Impound." If the vehicle has already been
Dated:	
Signature of owner	
Address and telephone	

30 Authorization.			
e city is authorized to cont	ract with a private	e vendor to provi	de towing service

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