



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: City Council
FROM: Ben Shumaker
DATE: April 20th, 2023
SUBJECT: Parking – Programmatic Updates, Especially Downtown

Introduction

Parking in downtown Stevenson is a complex dynamic involving, among other factors, the vehicle user base, the inventory of private/off-street parking, the City's requirements to increase off-street parking when new downtown development occurs, and the on-street parking inventory and the City's regulation thereof. These factors have conspired to a) protect the on-street parking assets from over-usage, b) confuse and frustrate those involved in on-street parking overnight, and c) hinder the feasibility of new downtown development.

In 2022, the City Council set out a strategic priority to reevaluate downtown parking dynamics. This memo introduces preliminary draft updates to Stevenson Municipal Code Title 10--the first of 4 potential actions the City Council could take as part of this reevaluation. City Council guidance is requested on the goals and objectives to be achieved through an amendment if one is made. No final action is expected until this draft is further evaluated by the public.

Potential Actions Involved in the Reevaluation of Downtown Parking Dynamics

Staff evaluation of downtown parking dynamics results in 5 potential actions for the City Council to consider:

1. **Amend SMC Title 10 – Vehicles & Traffic**
2. Adopt a Parking Master Plan
3. Adopt an optional Payment In-Lieu of providing off-street parking
4. Amend SMC Section 17.42.090 – Table of Minimum Standards—Off-Street Parking

These potential actions interrelate but can be taken independently.

Guidance Sought

At tonight's meeting, staff will verbally discuss the potential amendment to SMC Title 10, the solutions, introduce our rationale in selecting the preliminary solutions therein, and demonstrate some effects of the solutions if enacted. After discussion, staff will seek the following guidance:

Decision Point #1: Does the City Council support the goals and objectives staff used in its development of solutions?

Decision Point #2: Does the City Council see any preliminary solution as untenable to the point where it should not be included as part of the public's evaluation of the change?

Amend Title 10 – Vehicles & Traffic

Existing Elements: Title 10 of the Stevenson Municipal Code includes 8 chapters regulating various activities and adopted over a long time span:

- Traffic (Chapter .02; adopted 1994),
- Loading Zones (.08; adopted 1974, 1976),

- Parking (.12; adopted 1971, 1973, 1975, 1976, 1994),
- Animals & Sleds on Sidewalks (.16; adopted 1994),
- Watercraft (.20; adopted 1998),
- Compression Brakes (.24; adopted 2005),
- Wheeled ATVs (.40; adopted 2014),
- Unmanned Aircraft (.42; adopted 2020).

Problems: Staff from various City departments collaborated to identify the following problems presented by the existing elements, which broaden beyond parking:

- The statewide framework for regulating vehicles and traffic was established in the mid-1990's. Our embrace of that framework has been incomplete and inconsistent, and difficult to implement.
- The 25-MPH state- and citywide speed limit is unsafe for many city streets.
- Our on-street parking and loading regulations were adopted in the mid-1970s. They overlap and conflict with the 1990s-era framework. They overlap and conflict with the 2010s-era City Right-of-Way Use Code. They have not been implemented by the City. Their implementation would make downtown living a hassle. Their implementation would make it a hassle to stay downtown as an overnight visitor. Such hassles threaten the economic sustainability of our downtown (i.e., our 2022 Downtown Plan for SUCCESS!).

Goals & Objectives: The attached preliminary draft amendment to SMC Title 10 strives to advance these goals and objectives:

- Modernize our code, removing redundancies and conflicts.
- Create frameworks for decision-making.
- Increase the City's ability to respond to issues related to vehicles and traffic.
- Expand options for overnight vehicle parking downtown.
- Protect the City's ability to maintain public assets (plowing, street sweeping, catch basin clearing, tree trimming, light bulb replacement, etc.)

Preliminary Staff Solutions: The solutions recommended by Staff based on the project goals and objectives involve:

- Aligning the City's grant of Public Works Director powers and duties with those granted or otherwise made available by the state (e.g., the position of Traffic Engineer).
- Removing redundancies within Title 10 and conflicts between Title 10 and Title 12 (Streets, Sidewalks, and Public Places).
- Increasing the maximum fine for traffic infractions.
- Adopting a procedural framework to modify speed limits on all City streets.
- Reducing speed limits for alleys, school zones, gravel streets, and dead-ends/culs-de-sac.
- Clarifying how we will remove junk and unauthorized vehicles in public parking spots.
- Reformatting our parking regulations into a table with numerals instead of blocks of text.
- Relaxing on-street parking prohibitions in areas where they currently exist.
- Expanding the "relaxed" on-street parking prohibitions to areas where they don't currently exist.

Next Steps

Staff will take any guidance offered by the Council and build it into the public release draft of the potential change and conducted targeted and general outreach. Once complete, an updated draft of the amendment will be presented to the City Council, either before or along with the other potential actions related to downtown parking.

Next steps for those actions involve:

- Parking Master Plan: Planning Commission and Parking Advisory Committee evaluation, prioritization and recommendation of projects for inclusion
- Alternative Parking Contribution: City Council evaluation of feasibility
- SMC 17.42.090 Amendment: Parking Advisory Committee collection of summertime data and Planning Commission evaluation of standards

Prepared by,

Ben Shumaker
Community Development Director

- 1- Preliminary Staff Draft Amendment to SMC Title 10 (11 pages)
- 2- Effect Map (1 page)

Title 10 VEHICLES AND TRAFFIC

Chapter 10.02 TRAFFIC ORDINANCE

10.02.010 Model Traffic Ordinance and other state statutes adopted by reference.

- A. The "Washington Model Traffic Ordinance," Chapter 308-330 WAC, as now constituted and as hereafter amended, is adopted by reference as the traffic ordinance of the city as if set forth in full in this chapter.
- B. Sections 4, 5, 6, 7, 10, 11, 12 and 23 of Chapter 275, Laws of 1994, the "1994 Omnibus Drunk Driving Act," and RCW 46.20.730, as amended by Section 23 of Chapter 275, as now constituted and as hereafter amended, are adopted by reference.

Chapter 10.04 GENERAL REGULATIONS

10.04.005 Purpose—Policy.

- A. This Title is an exercise of the police power of the City of Stevenson and is necessary for the protection of the public health, safety, and welfare through the regulation and control of vehicles and other devices operating within the corporate limits of the City and the standing, parking and loading on public highways and City parking lots.
- B. It is the policy of the City of Stevenson to:
 - 1. Prioritize the safety of non-motorized users of public highways within the corporate limits of the City.
 - 2. Facilitate and support safety at railroad crossings.
 - 3. Facilitate efficient short-term parking and manage on-street parking to permit the safe and efficient operation of the transportation system.
 - 4. Protect the natural and scenic qualities of the area.
 - 5. Protect, facilitate and encourage enhancement of Rock Cove's habitat, water quality, and ambiance.

10.04.010 Definitions.

The following definitions shall apply to this Title, unless the context of the Title indicates otherwise:

- A. All definitions contained in Chapter 46.04 RCW, Definitions, as now existing and all future amendments, additions, and new sections, are hereby adopted by reference.
- B. All definitions contained in Chapter 308-330 WAC, Washington Model Traffic Ordinance, as now existing and all future amendments, additions, and new sections, are hereby adopted by reference.
- C. "Load" or "Loading" means the standing of a commercial vehicle, whether occupied or not, temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

10.04.020 Office of Traffic Engineer.

- A. The office of traffic engineer, as provided in the Washington Model Traffic Ordinance, shall be performed by the public works director of the City of Stevenson. Any references to the traffic engineer in the Model Traffic Ordinance or this Title shall be construed to mean the city public works director.

B. In addition to the duties listed in the Model Traffic Ordinance, it shall be the duty of the traffic engineer to install and maintain traffic control devices implementing this Title. Such devices shall give appropriate notice of the regulation, warning, or guidance contained herein. Such devices include, without limitation, signs, marks or lines upon the surface of the roadway, and painting or stenciling upon the surface of the roadway or curbs.

10.04.030 Violations – Penalty.

A. Unless otherwise provided, violation of this Title shall be deemed a traffic infraction. Traffic infractions shall be punishable by a maximum penalty of \$250 per violation, exclusive of statutory assessments; provided, that conduct which constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

B. Violation of Chapter 10.10 shall be deemed a traffic infraction. Traffic infractions for parking shall be punishable by a maximum penalty of \$35 for each offense plus any applicable statutory assessments imposed by the state of Washington. In addition to the monetary penalty, when any police officer finds a vehicle parked in violation of Chapter 10.10, such officer is authorized to provide for the removal of such vehicle to a place of safety or require the driver or other person in charge of the vehicle to move the same, to a position off of the restricted area as indicated by Chapter 10.10. A place of safety may include the business location of a towing service, and the registered owner of the vehicle in violation will be responsible for all costs involved in the towing service.

(RESERVED)

Chapter 10.06 SPEED LIMITS

10.06.010 Default Speed Limit, and Modification Procedures.

A. Unless otherwise provided by local or state law, the maximum lawful speed for all public highways within the corporate limits of the City shall be 25 miles per hour.

B. Whenever the City Council determines a need to advance the policy of this Title, it may, by ordinance, decrease the default speed limit of any nonarterial highway to 20 miles per hour.

C. In all other cases, the City Council may, by ordinance, modify the default speed limit pursuant to RCW 46.61.415, as now existing or hereinafter amended.

10.06.020 Decreased Speed Limits.

To promote the safety of non-motorized users, the maximum lawful speed on the following public highways within the corporate limits of the City shall be 20 miles per hour:

A. On any alleys designated as such by the Traffic Engineer pursuant to RCW 46.04.020, as now or hereafter amended.

B. Within any School or playground speed zone established by the Traffic Engineer pursuant to RCW 46.61.440, as now or hereafter amended.

C. On any street designated by the Traffic Engineer as having a driving surface of crushed rock or gravel.

D. On any street designated by the Traffic Engineer as being a dead-end or cul-de-sac.

10.06.030 Increased Speed Limits.

On the basis of an engineering and traffic investigation into the reasonable and safe condition of travel thereon, the maximum lawful speed on the following public highways shall be as listed below:

A. [Reserved].

Commented [BS1]: Same monetary penalty established in 1994. Based on the national average from that year, this is equal to ~31.5 gallons of gas.

Commented [BS2R1]: Suggest maintaining \$35 based on disproportionate impact of increase on low income populations. Acknowledge that increasing the fee will increase the deterrent effect. Ask City Council whether they want to maintain or increase to \$150.

Commented [BS3]: This begs for a map, adopted by Council instead of text.

Chapter 10.08 LOADING ZONES

10.08.010 Established Purpose.

There shall be and are established loading zones along the curbs of any street for the purpose of facilitating the loading and unloading of merchandise and persons, preventing double parking and eliminating other hazards and impediments to traffic.

10.08.020 Establishment considerations Hours and regulations Signing required.

The city is authorized and directed to establish such loading zones by reason of consideration to volume and nature of business within the blocks of the city, the volume of normal traffic and normal parking, the width and surface of the streets, the relation between the needs for parking space for the general public and parking space for the loading and unloading of merchandise and relevant factors related thereto. The city, through its duly authorized council, is further authorized to establish the hours of usage and other regulations in relation to such loading zones and the city shall, by appropriate notices and signs, post notice of such loading zones and hours thereof.

10.08.030 Signing requirements.

The city shall, upon passage of the ordinance codified in this chapter, cause to be erected by appropriate signs as provided in Section 10.08.020, the designation of such loading zones and hours thereof.

10.08.040 Use restricted during certain hours.

Loading zones, other than those adjacent to hotel entrances and exits, shall be reserved primarily for use by commercial vehicles in loading and unloading persons and commodities between the hours of eight a.m. and six p.m. on all days except Sundays and holidays, and no person shall stop, stand or park any vehicle other than a commercial vehicle therein between such hours; provided, however, that noncommercial vehicles may use such zones while actually engaged in the loading and unloading of persons or commodities only, but noncommercial vehicles shall upon demand give way to commercial vehicles whose drivers desire to use the zone for loading or unloading purposes. At all other times such zones shall be for general use under the parking regulations applicable to the district in which they are located.

10.08.050 Use by commercial vehicles restricted during certain hours.

Commercial vehicles using the loading zones established by this chapter may not stop, stand or park for any purpose other than for the purpose of using such zones for the loading and unloading of persons or commodities during the hours of eight a.m. and six p.m. on all days except Sundays and holidays. At all other times such commercial vehicles may use such loading zones for general use under the parking regulations applicable to the district in which they are located.

Chapter 10.10 PARKING AND LOADING

10.10.010 Parking and Loading Limitations – Adopted by Reference.

RCW 46.61.560 through 46.61.590, inclusive, Motor Vehicles; Rules of the Road; Stopping, Standing, and Parking, as now existing or hereafter amended, are adopted by reference as provided in RCW 35A.12.140.

10.10.020 Parking Limitations – Generally.

A. No person shall park a vehicle on a public highway or City parking lot within the corporate limits of the City after said vehicle has been designated a junk vehicle or unauthorized vehicle pursuant to SMC 8.22

Commented [BS4]: RCW 46.55.010 & 230: a high bar to clear. The vehicle needs to meet 3 of 4 specific criteria and removal involves several steps, including mailed notice and 15 days waiting period from the date of the notice.

Commented [BS5]: RCW 46.55.010: a far, far lower bar. Any vehicle parked where it shouldn't be. Also includes 11 other specific instances justifying removal. Process is either immediate or after 24 hours with notice sticker/attempt to contact via phone.

OR

in any of the circumstances listed below:

1. If the vehicle registration is expired;
2. If the vehicle is apparently inoperable and/or under repair; however, vehicles that have broken down while in normal use are allowed to remain for a period not to exceed 48 hours for emergency repairs if not on the traveled portion of the roadway; or
3. If the vehicle is parked for an unreasonable period of time, which for the purposes of this subsection, shall be more than 14 consecutive days.

Commented [BS6]: The state has enabled us to set our own different criteria through RCW 46.55.240. I left this text here just to facilitate ongoing discussions. I still think housing any local restrictions makes more sense staying in SMC 8.22.

10.10.030 Parking Limitations – Traffic Engineer Authority.

The traffic engineer may:

- A. Pursuant to WAC 308-330-265, limit parking along any highway in the corporate limits of the city when the width of the roadway is less than 28 feet.
- B. Limit usage of parking by excluding persons other than those with a disability.
- C. To promote safety at crosswalks, intersection areas, and driveways, limit the height of a vehicle allowed to stop, stand, or park upon a public highway.
- D. Establish temporary limits on parking to prevent interference with a procession or parade.

10.10.040 Parking Limitations – Specific Location Prohibitions and Time Restrictions.

- A. In addition to the foregoing limitations, no person shall stop, stand, or park a vehicle within the City in violation of Table 10.10.040 – 1: Specific Parking Restrictions.

Street Name	Location of Prohibition	Time Restriction
Ash Alley	Both sides of street between Seymour & Leavens streets	2:00 am to 5:00 am
Cascade Avenue	North side of street between western dead-end & the Cascade Avenue Boat Launch	2:00 am to 5:00 am on Monday & Wednesday
	South side of street between western dead-end & the Cascade Avenue Boat Launch	2:00 am to 5:00 am on Tuesday & Thursday
Columbia Street	East side of street between First Street & Vancouver Avenue	2:00 am to 5:00 am on Monday & Wednesday
	West side of street between First Street & Vancouver Avenue	2:00 am to 5:00 am on Tuesday & Thursday
First Street	North side of street between the west & east corporate limits of the city	2:00 am to 5:00 am on Monday & Wednesday
	South side of street between the west & east corporate limits of the city	2:00 am to 5:00 am on Tuesday & Thursday
Leavens Street	East side of street between First & Second streets	2:00 am to 5:00 am on Monday & Wednesday
	West side of street between First & Second streets	2:00 am to 5:00 am on Tuesday & Thursday
Railroad Street	Both sides of street between Seymour & Russell streets	2:00 am to 5:00 am
Russell Street	East side of street between Cascade & Vancouver avenues	2:00 am to 5:00 am on Monday & Wednesday
	East side of street between Cascade & Vancouver avenues	2:00 am to 5:00 am on Tuesday & Thursday

<u>Second Street</u>	<u>North side of street between the west & east corporate limits of the city</u>	<u>2:00 am to 5:00 am on Monday & Wednesday</u>
	<u>South side of street between the west & east corporate limits of the city</u>	<u>2:00 am to 5:00 am on Tuesday & Thursday</u>
<u>Seymour Street</u>	<u>East side of street between Railroad & Second streets</u>	<u>2:00 am to 5:00 am on Monday & Wednesday</u>
	<u>West side of street between Railroad & Second streets</u>	<u>2:00 am to 5:00 am on Tuesday & Thursday</u>
<u>Vancouver Avenue</u>	<u>South side of street between School & Columbia streets</u>	<u>2:00 am to 5:00 am on Tuesday & Thursday</u>

B. Exceptions. The following exceptions are permitted to the limitations of Table 10.10.040-1.

1. 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.
2. When authorized pursuant according to the City of Stevenson Right-of-Way Use Code.

10.10.050 Loading – Traffic Engineer Authority.

The traffic engineer, pursuant to WAC 308-330-265, may grant special loading privileges and determine the location, hours of usage, and other regulations of loading zones, passenger loading zones, and tow-away zones, and the hours of usage thereof, according to City of Stevenson Right-of-Way Use Code. Factors involved in the determination include but are not limited to:

- A. Volume and nature of business within the blocks of the city,
- B. Volume of normal traffic and normal parking,
- C. Width and surface of the streets,
- D. Relation between the needs for parking space for the general public and parking space for the loading and unloading of passengers and/or merchandise.

Chapter 10.12 PARKING PROHIBITED IN CERTAIN AREAS¹

10.12.010 Definitions.

As used in this chapter, the following words shall be defined as follows:

- A. "Parking" means the standing of a vehicle upon a street, whether such vehicle is occupied or not, and whether or not such vehicle is accompanied by an operator for a period of time in excess of two minutes.
- B. "Vehicle" means any device in, upon, or by which any person or persons, or property is or may be transported upon a public highway.

10.12.020 Parking near mail deposit receptacle restricted – Exception – Signing required.

- A. It is unlawful for any person to cause or permit to be caused a vehicle of any nature, kind or description to be parked within a linear proximity distance of ten feet from the location of any mail depository receptacle within the corporate limits of the city for any period of time exceeding five minutes; and
- B. U.S. mail couriers are excepted from the provisions of this section; and

¹ For statutory provisions on powers of local authorities regarding parking, see RCW 46.61.575.

~~C. Such mail depositories¹ areas as governed by this section shall be properly posted with appropriate signs relating to such limitations in accordance with this section.~~

~~10.12.030 Parking time on certain alleys and streets restricted.~~

~~No person, firm, company or corporation shall park any vehicles as described and defined in Section 10.08-.010, from the hours of two-thirty a.m. to five-thirty a.m. in any alley designated as such within the corporate limits of the city, nor within such hours on Second Street between the east and west corporate limits of the city, and on Russell Street from Vancouver Avenue to Cascade Avenue and on Vancouver Avenue from School Street to Strawberry Road.~~

~~10.12.040 Parking prohibited on certain streets—Signing required.~~

~~A. From and after February 15, 1973, it is unlawful to park any vehicle whatsoever without regard to limitation as to time along the north side of the street commencing from the intersection of Vancouver Avenue and Columbia Street on the east boundary to the intersection of Vancouver Avenue and School Street on the west boundary.~~

~~B. Such prohibition of parking as ordained in this section shall be continuous in nature and no exception thereto shall be permitted during any time of a twenty-four-hour period of any day.~~

~~C. Motor vehicles shall be defined as including every device capable of being moved on a highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway.~~

~~D. The city shall post in conspicuous places along such street within the boundaries as aforementioned, proper street signs effecting notice of prohibition of parking as set forth in this section.~~

~~10.12.050 Parking limitations and enforcement authorized.~~

~~The city, through its duly authorized council, is authorized and directed from time to time henceforth from the date of enactment of the ordinance codified in this section, to be empowered to designate by posting all proper parking limitation sites upon such streets, alleys and thoroughfares therein the city, parking limitations as to time limitations and area limitations within such corporate limits, and the city is further empowered and directed to designate such areas and times and places as to parking limitations and authorize its enforcement agencies to enforce same by penalties prescribed in Section 10.12.070.~~

~~10.12.060 Provisions deemed exercise of police power.~~

~~This chapter is enacted as an exercise of police power for the protection of persons and property and to relieve the congestion of traffic in the city.~~

~~10.12.070 Violation Penalty.~~

~~Each conviction for violation of any provision of this chapter shall constitute a traffic infraction and shall be punished by a fine in the amount of thirty-five dollars for each offense plus any applicable statutory assessments imposed by the state of Washington.~~

Chapter 10.16 RIDING OF ANIMALS AND SLEDS ON SIDEWALKS

10.16.010 Riding and sledding unlawful.

It is unlawful for any person to accompany, to lead, to drive, or to ride any domesticated animal other than cats or dogs, upon any public pathway or public sidewalk within the corporate limits of the city; it shall also be unlawful for any person to sled upon any public pathway or public sidewalk within the corporate limits of the city.

10.16.020 Violation-Penalty.

Each violation of this chapter shall constitute a Class 4 civil infraction and shall be punishable by a fine of not more than twenty-five dollars, plus statutory assessments, for each offense and upon conviction thereof.

Chapter 10.20 WATERCRAFT REGULATIONS

10.20.010 Definitions.

For the purposes of this chapter the following terms shall have the following meanings:

"Buoy" means a waterway marker designed to float on water while anchored in fixed position and used to convey an official message.

"No wake zone" means an area within which no person shall operate a vessel in other than a careful and prudent manner or at a speed that will produce a visible wake.

"Sign" means a device designed to carry on official message which is attached to another object, such as piling, buoy, pier, or the land itself.

"Vessel" means every watercraft used or capable of being used as a means of transportation on the water.

10.20.020 No wake zones designated.

It is unlawful for any person to operate a motorized vessel across the waters of Rock Cove within the hereinafter defined no wake zones in such a manner as to create a visible wake. No wake zones are defined to be:

- A. All of the area described as Rock Cove lying to the north of the State Route 14 Bridge;
- B. All of the area described as Rock Creek lying to the north of the State Route 14 Bridge.

10.20.030 Exemptions.

This provision shall not apply to watercraft operated for emergency or rescue purposes by the Skamania County sheriff's office, state of Washington, or city of Stevenson.

10.20.040 Sign and regulatory markings installation.

The public works director will be authorized to install signs and buoys with regulatory markings identifying the "no wake zone"; the marking system will conform to chapter 352-66 WAC, Uniform Waterway Marking System.

10.20.050 Violation—Penalty.

Violation of this chapter shall constitute a Class 2 civil infraction punishable by a fine of one hundred twenty-five dollars, plus applicable state statutory assessments for a first violation. Any subsequent violations of this chapter is punishable as a misdemeanor.

Chapter 10.24 COMPRESSION BRAKES

10.24.010 Unmuffled compression brakes prohibited.

A. As used in this section, the term "compression brakes" means the use of an add-on engine brake or diesel exhaust brake to retard the forward motion of a motor vehicle by the compression of the engine. "Compression brakes" are sometimes referred to as "jake brakes."

B. Except as provided in this section, no person shall use compression brakes within the city limits of the city of Stevenson unless the brakes are muffled by means of a mechanical muffling device.

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- C. This section shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.
 - D. It shall be an affirmative defense that such unmuffled compression brakes were applied in an emergency to protect persons and/or property.

~~10.24.020 Signing.~~

~~The public works department is authorized and directed to post at reasonable locations within the city signs indicating, "Unmuffled compression brakes prohibited" or substantially similar wording.~~

~~10.24.030 Penalty.~~

~~Any person violating the provisions of this chapter shall have committed a traffic infraction; violations of this section shall be punishable by a maximum penalty of two hundred fifty dollars per violation.~~

Chapter 10.40 WHEELED ALL-TERRAIN VEHICLES

10.40.010 Definitions.

When used in this chapter, the city defines the words and phrases listed below as follows:

- A. "City" means the city of Stevenson, its elected officials, its employees, and its agents.
- B. "City street" means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the city limits.
- C. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
- D. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
- E. "Sidewalk" means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.
- F. "Wheeled all-terrain vehicle" means:
 - 1. Any motorized nonhighway vehicle with handlebars that are fifty inches or less in width, has a set height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less; or
 - 2. A utility-type vehicle designed for and capable of travel over designed roads which travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following:
 - a. Has a minimum width of fifty inches;
 - b. Has a minimum weight of at least nine hundred pounds; or
 - c. Has a wheelbase of over sixty-one inches.

A wheeled all-terrain vehicle is an off-road vehicle for purposes of Chapter 4.24 RCW.

10.40.020 Use of wheeled all-terrain vehicle on city streets.

Subject to the restrictions and requirements set forth in this chapter, a person with a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of thirty-five miles per hour or less including State Route 14.

10.40.030 Restrictions on use of wheeled all-terrain vehicle on city streets.

- A. A person who operates a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the vehicle is in motion, including any passengers;
- B. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees;
- C. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011, within the scope of the agency's official duties;
- D. A person may only operate a wheeled all-terrain vehicle on city streets with the appropriate current and proper on-road vehicle registration affixed to the rear of the wheeled all-terrain vehicle in compliance with RCW Ch. 46.09;
- E. A person may only operate a wheeled all-terrain vehicle on city streets with the equipment required for wheeled all-terrain vehicle in compliance with SMC 10.40.040 and RCW Ch. 46.09; and
- F. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW.

10.40.040 Equipment requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all equipment requirements of RCW Ch. 46 including, but not limited to, headlights, tail lamps, stop lamps, reflectors, turn signals, mirrors, windshields, horns, brakes, spark arresters, and muffling devices. An adequate and operating muffling device must be installed and must comply at all times with RCW 46.09.470.

10.40.050 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with the registration requirements of Chapter 46.09 RCW.

10.40.060 Duty to obey traffic-control devices and rules of the road.

Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road applicable to vehicle or pedestrian traffic and must obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a city street is subject to all of the duties Chapter 46.61 RCW et seq. imposes on a operator of a vehicle, except those provisions which by their nature have no application.

10.40.070 Prohibited uses.

- A. No person may operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.
- B. Passengers are only allowed in wheeled all-terrain vehicle designed for two or more passengers. No passengers under the age of five are allowed. No wheeled all-terrain vehicle operator may tow other devices or persons behind a wheeled all-terrain vehicle. All passengers must wear a securely fastened motorcycle helmet while the vehicle is in motion.
- C. No operator may operate a wheeled all-terrain vehicle parallel to another wheeled all-terrain vehicle in a single lane of traffic.

10.40.080 Prohibited areas.

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- B. It is unlawful to operate a wheeled all-terrain vehicle in a park, except on a park drive or in a designated parking lot.

~~10.40.090 Violation—Penalty.~~

~~A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed two hundred fifty dollars, exclusive of statutory assessments; provided, that conduct which constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.~~

~~10.40.100 Severability.~~

~~Each separate provision of this chapter is independent of all other provisions. If any provision of the chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.~~

Chapter 10.42 UNMANNED AIRCRAFT SYSTEMS

10.42.010 Definitions.

For the purposes of this chapter:

"Unmanned Aircraft" shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

"Unmanned Aircraft Systems" shall mean an unmanned aircraft and associated elements, including, but not limited to, any communication links and components that control the unmanned aircraft.

"Person" shall mean any individual, firm, trust, partnership, public or private association or corporation.

"Model Aircraft" shall mean an unmanned aircraft or unmanned aircraft system operated by any person strictly for hobby or recreational purposes.

10.42.020 Use of unmanned aircraft prohibited.

- A. No person shall use an unmanned aircraft to record or transmit any visual image or audio recording of any person or private real property located in the city under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, inside a private residence or office, and inside an enclosed yard).
- B. This section shall not prohibit the use of any model aircraft, which is flown in compliance with section 336 of the FAA Modernization and Reform Act of 2012 and which does not transmit or record visual images or audio recordings of any person or real property located in the city.
- C. This section shall not prohibit the use of any unmanned aircraft by law enforcement or public safety agencies:
 - 1. If a warrant is issued authorizing the use of an unmanned aircraft; or
 - 2. For the purpose of providing emergency management, fire, or police protection services in response to a life-threatening emergency, or for surveying the condition of person or property during a duly declared state of emergency;
 - 3. Under circumstances where a warrant would not otherwise be required by law.

10.42.030 Violation.

Violation of this section as a first offense shall constitute a misdemeanor. Repeated violations shall be charged as a gross misdemeanor.

Time Limitations on OVERNIGHT PARKING

- Current Limitation (Nightly 2:30—5:30 am)(Modified to hours below)
- Expanded Limitation (Mon, Wed or Tues, Thurs 2:00—5:00am)
- No Limitation/No Parking Available

- Off-Street Parking Lot
- Building Footprint

