

**CITY OF STEVENSON, WASHINGTON
ORDINANCE NO. 2024-1206**

AN ORDINANCE OF THE CITY OF STEVENSON, WASHINGTON, AMENDING STEVENSON MUNICIPAL CODE TITLE 10 – VEHICLES AND TRAFFIC; ESTABLISHING A PURPOSE, POLICY, AND DEFINITIONS; ASSIGNING DUTIES; REMOVING REDUNDANT CLAUSES; AND ESTABLISHING PROCEDURES TO MODIFY SPEED LIMITS; AND REPEALING SECTIONS OF ORDINANCES 996 AND 1080

WHEREAS, the statewide framework for regulating vehicles and traffic was established in the mid 1990’s, and the City’s embrace of that framework has been incomplete and inconsistent; and

WHEREAS, the City Council desires to amend SMC Title 10 – Vehicles and Traffic to create frameworks to better address community concerns and remove redundancies;

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1. Title 10 of the Stevenson Municipal Code Amended. The title of the Stevenson Municipal Code entitled "Vehicles and Traffic," codified as Stevenson Municipal Code (SMC) Title 10, is hereby amended to read as set forth on Exhibit “A” attached hereto and by this reference incorporated herein:

Key: ~~Strikethrough~~ means repealed. Underlined means new.

Section 2. Continuance. This ordinance affects SMC Title 10 only insofar as set forth herein. All provisions not amended shall remain in full force and effect and shall be interpreted as a continuation of those previous provisions and not as a new enactment.

Section 3. Repealer. Sections 2 and 3 of Ordinance 996, adopted July 21, 2005 and codified as SMC 10.24.020 and SMC 10.24.030; portions of Section 1 of Ordinance 1080, adopted September 18, 2014 and codified as SMC 10.40.090 and SMC 10.40.100; and a portion of SMC Section 1 of Ordinance 1081 and intended to be codified as SMC 10.40.090 are hereby repealed.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective following passage and publication as provided by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2024.

Scott Anderson, Mayor

APPROVED AS TO FORM:

ATTEST:

Robert C. Muth
City Attorney

Leana Kinley, City Clerk

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 [CityCity](#) 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 [CityCity](#) 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 [CityCity](#) and the standing, parking and loading on public highways.
- B. It is the policy of the [CityCity](#) of Stevenson to:
 - 1. Manage the transportation system in a manner which contributes to community appearance and livability, recognizes and respects the characteristics of natural features, and minimizes the effects on abutting land uses.
 - 2. Prioritize the safety of non-motorized users of public highways within the corporate limits of the [CityCity](#).
 - 3. Facilitate and support safety at railroad crossings.
 - 4. Facilitate efficient short-term parking and manage on-street parking to permit the safe and efficient operation of the transportation system.

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 [CityCity](#) of Stevenson. Any references to the traffic

engineer in the Model Traffic Ordinance or this Title shall be construed to mean the cityCity 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.

(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 CityCity shall be 25 miles per hour.
- B. Whenever the CityCity 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 CityCity 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 CityCity 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].

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 cityCity is authorized and directed to establish such loading zones by reason of consideration to volume and nature of business within the blocks of the cityCity, 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 cityCity, 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 cityCity shall, by appropriate notices and signs, post notice of such loading zones and hours thereof.

10.08.030 Signing requirements.

The cityCity 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 10.12 PARKING PROHIBITED IN CERTAIN AREAS¹

10.12.010 Definitions.

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

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

- 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 [cityCity](#) for any period of time exceeding five minutes; and
- B. U.S. mail couriers are excepted from the provisions of this section; and
- 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 10.0 8-.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 [cityCity](#), nor within such hours on Second Street between the east and west corporate limits of the [cityCity](#), 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 [cityCity](#) 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 [cityCity](#), 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 [cityCity](#), parking limitations as to time limitations and area limitations within such corporate limits, and the [cityCity](#) 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 [cityCity](#).

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 [cityCity](#); it shall also be unlawful for any person to sled upon any public pathway or public sidewalk within the corporate limits of the [cityCity](#).

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 [cityCity](#) 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 cityCity limits of the cityCity of Stevenson unless the brakes are muffled by means of a mechanical muffling device.
- 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 cityCity defines the words and phrases listed below as follows:

- A. "CityCity" means the cityCity of Stevenson, its elected officials, its employees, and its agents.
- B. "CityCity street" means every way, lane, road, street, boulevard, and every way or place in the cityCity open as a matter of right to public vehicular traffic inside the cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity street with a speed limit in excess of ~~thirty~~thirty-five miles per hour; however, a person may cross a cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity 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 cityCity 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~~City street is subject to all of the duties Chapter 46.61 RCW et seq. imposes on an 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 [cityCity](#) 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 [cityCity](#).
- 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.