

February 4, 2015

CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1049

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING
NORTH BONNEVILLE MUNICIPAL CODE TITLE 10 AND 12 AND ADOPTING CHAPTER
10.12 PARKING.**

WHEREAS, pursuant to chapter 35A.11 RCW, the City is duly authorized to regulate parking on public streets, right-of-ways and municipal parking lots as an exercise of the City's police power for the health, safety and welfare of its residents; and

WHEREAS, the City of North Bonneville has deemed it necessary and desirable to regulate parking in public areas to protect the public health, safety and welfare of the residents of the City; and

WHEREAS, the Council now desires to amend Title 10 and 20 of the NBMC to clarify provisions of parking in public streets, right of ways and municipal parking lots;

WHEREAS, the new Chapter 10.12 will address parking within the city;

NOW, THEREFORE, The City Council of the City of North Bonneville does hereby ordain as follows:

Section 1.

Title 10 Vehicles and Traffic
Chapter 10.12 Parking, Standing and Stopping.
Repeal in its entirety

Title 12 Streets, Sidewalks, Pathways, Public Places
Chapter 12.08 Overnight Parking
Repeal in its entirety

Section 2.

Adopting Chapter 10.12 Parking

Chapter 10.12 Parking is hereby adopted and added as follows:

Chapter 10.12 Parking

Sections:

- 12.14.010 Purpose.
- 12.14.020 Definitions.
- 12.14.030 Parking restricted.
- 12.14.040 Permitted overnight parking.
- 12.14.050 Parking permit revocation; appeal
- 12.14.060 Parking on municipal property.
- 12.14.070 Infractions; penalties.
- 12.14.080 Redemption rights; hearing.
- 12.12.090 Posting requirements.

10.12.010 Purpose.

The provisions of this chapter regulate parking, standing and stopping of vehicles upon marked stalls of municipal parking lots, streets, access roads and right of ways open to the public. Pursuant to Chapter 10.04, the city has adopted by reference the Model Traffic Ordinance, which provides for regulation of parking in addition to the provisions of this chapter.

10.12.020 Definitions.

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

"Overnight" means parking is prohibited and can be enforced between the hours of 4:00 a.m. and 6:00 a.m. except as permitted.

"Parking" means the standing of a vehicle upon a street, road, right of way, or marked stall, whether such vehicle is occupied or not, and whether or not such vehicle is accompanied by an operator.

"Vehicle" means any device in, upon, or by which any person or persons, or property is or may be transported upon a public highway.

10.12.030 Parking restricted.

A. No person having control over a vehicle, may park such vehicle upon any right of way, street, access road, municipal parking lot, or leave such vehicle in the same public place overnight. Exceptions to the overnight parking are any vehicles which are permitted in accordance with Section 10.12.040.

B. In addition to the Washington Model Traffic Ordinance adopted by Chapter 10.04, no person may park or leave any vehicle, whether attended or unattended, upon the traveled portion of the roadway in such a manner as to block or obstruct the flow of vehicular traffic.

C. It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of the roadway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

D. No vehicle shall be parked on any street or marked stalls during snowstorms in such a manner as to impede removal of snow accumulation. Vehicles found to be impeding snow removal will be subject to impoundment.

10.12.040 Permitted overnight parking.

Overnight parking shall be permitted in marked stalls as follows:

A. The owner or resident of each residential unit within the Central Business District CBD shall be allowed an annual permit to park up to two (2) vehicles per residential unit.

B. The owner or tenant of each commercial unit within the CBD possessing a current city business license shall be allowed an annual permit to park one (1) vehicle per commercial unit.

C. In addition to permits authorized in subsections A and B above, any resident of North Bonneville may apply for one (1) at-large annual permit to park in a city parking lot through an assignment process. Residents requesting an at-large annual permit shall pay a fee established by the City Council. At-large annual permits shall be issued on a first-come first-serve basis. At large annual permits are not transferable.

D. All persons seeking to park their vehicle overnight or for more than seven (7) days shall comply with the annual parking lot permit provisions noted in attachment "A". Items not fitting the vehicle definition shall be evaluated on a case by case basis for parking lot compatibility. The following factors should be relied upon for evaluation purposes: precedent; self powered; street legal; operable; use and appearance.

E. All vehicles that are issued an annual permit or at large annual permit must be currently licensed according to Washington State Department of licensing standards, operational and fit wholly within a parking space. The City reserves the right to have the permit holder demonstrate that a vehicle is operational to the City's satisfaction. Owners of vehicles intended to be parked overnight requiring more than one parking space must obtain a temporary permit according to the provisions of 10.12.040(J) below.

F. Parking space usage is not intended for commercial purposes, such as food or beverage stands or retail sales.

G. Annual parking permits and at large annual permits shall be issued upon request, subject to the provisions of 10.12.040. All parking permits expire on December 31 of each calendar year.

H. A temporary permit for overnight parking may be obtained in special circumstances to accommodate visitors and/or special events. A person wishing to receive a temporary overnight parking permit shall fill out a form available for this purpose. The Mayor or designee shall have the discretion to approve a temporary overnight parking permit for up to seven (7) consecutive days within any 60 day period based upon criteria set forth under 10.12.040(J).

I. Parking permits must be prominently displayed in or on the assigned vehicle according to City instruction.

J. The parking applicant shall comply at all times with the following criteria or risk losing their permit. The Mayor or designee is authorized to impose specific conditions on all permits, before or after issuance, in order to ensure that the following criteria are met:

1. Overnight parking shall not interfere with adjacent commercial or residential uses;
2. The overnight placement of a vehicle shall not adversely impact adjacent properties or the public right-of-way to include impacts arising from noise, lighting, fluid discharge, interference with designated pedestrian and/or vehicle travel ways. Vehicle placement shall not pose a threat to the public health, safety or welfare.
3. Vehicles must be currently licensed and operational.
4. Temporary overnight parking permits may be issued for commercial purposes, such as food or beverage stands or retail sales, or may be issued in support of community events. However, the vehicle parking space may not be relied upon for the commercial purpose. Temporary parking permits for vehicles requiring more than one parking space are available for a maximum up to 30 days once a year.
5. Parking permit holders shall possess a valid driver's license that is available for inspection on request unless they are exempt from possessing a drivers license in accordance with the provisions of RCW 46.20.025 as those requirements relate to overnight parking.

10.12.050 Parking permit revocation; appeal.

A. A person's parking permit may be revoked after one (1) day's notice of such violation of any provisions of this chapter and is subject to appeal procedure. A revoked permit serves as a basis for denial of a future parking application.

B. Any person who was denied a permit or had a permit revoked may appeal such determination to the City Council. The appellant shall fill out an appeal form within 14 days after such denial or revocation. An appeal will stay the denial or revocation until the matter is heard and a decision determined. The City Council shall set a time and place for a hearing on such appeal and notice shall be given to the appellant in writing to the address listed on the permit application at least three (3) days prior to the date set for hearing. The City Council's decision shall be final.

10.12.060 Parking on municipal property.

A. Vehicle parking or standing on property owned, leased or operated by the city is subject to the following restrictions:

1. Where pavement markings or signs designate parking stalls on such property, all vehicles must be parked within such stalls, pavement markings and not elsewhere on such property; and
2. Where signs or pavement markings prohibit or restrict parking without proper authority or permission, no vehicle may be parked or left standing without such permission.

B. Any vehicle parked or standing on such property, which is not complying with the restrictions set forth herein, is declared to be a nuisance. Impounding as provided by state law may summarily abate such nuisance. The impounding of a motor vehicle does not prevent or preclude the institution and prosecution of charges in the municipal court or other appropriate court for violation of any provision of this chapter.

10.12.070 Infractions; penalties.

Any person violating the provisions of this chapter is subject to a civil infraction pursuant to North Bonneville Municipal Code chapter 1.08, and may have their vehicle towed and impounded in accordance with the provisions of RCW 46.55.

10.12.080 Redemption rights; hearing

The redemption rights and hearing procedures, which results in the towing and impoundment of vehicles will be applied according to the provisions of RCW 46.55.

10.12.090 Posting requirements

Prior to towing or impounding a vehicle in violation of provisions of this chapter, the City shall comply with the posting requirements noted in RCW 46.55.070, to include adherence to appropriate signage placement, presence and content requirements.

Section 3.

Severability.


If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4.

Effective Date and Publication.

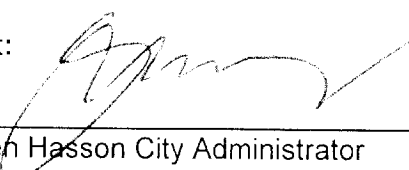
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON 2/11/15, 2015.




Don Stevens, Mayor

Attest:



Steven Hasson City Administrator

Approved as to Form:



Ken Woodrich City Attorney