

Ordinance No. 00035

[\(Council Minutes 96/01/08\)](#)

ORDINANCE NO. 35

AN ORDINANCE of the City Council of the City of Lakewood, Washington, relating to parking restrictions and use of City right-of-ways, including display of merchandise or property for sale on City right-of-ways

WHEREAS, in connection with the various City streets and right-of-ways, there are occasions when property is displayed on right-of-ways or where right-of-ways are used or vehicles are parked in certain manners or for longer periods than would be conducive to safe and convenient flow of vehicular and pedestrian traffic through commercial or residential neighborhoods; and,

WHEREAS, it would be appropriate to provide regulations which address use of City right-of-ways, including parking restrictions and restrictions on use of the right-of-ways, including limitations on the display of merchandise or other property for sale.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. A. Parking on the roadway or in a manner which impedes traffic - Exceptions. It shall be unlawful for any driver or operator of a vehicle to stop, park or leave standing any vehicle, whether attended or unattended, on the travel portion of any public roadway or park, stop or leave any motor vehicle in any other location which impedes, restricts or prevents travel over, or across any public roadway. Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed the amount of twenty dollars (\$20.00), in addition to other costs and assessments provided by law.

B. It is provided, however, that this Section of the Ordinance shall not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop; and, this section shall not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in collection of solid waste or recyclables, or both under RCW Chapter 81.77, 35.21, and 35A.21 or by contract under RCW 36.58.030.

Section 2. Use of city right-of-ways - display of merchandise prohibited.

It is unlawful for any person to place or cause or suffer to be placed by any person in his or her employ or under his or her control, any vehicles, goods, wares, products, clothing, merchandise, produce, food products, or any other items of any type or nature, whether of the same description or not, on any City street, sidewalk, crosswalk or public right-of-way, whether in front of or alongside of his/her place of business or elsewhere on the public right-of-way, for the purpose of display, sale, presentation, or any other activity in connection with the intent to sell or offer the same for sale, other than actions while in the actual course of receipt or delivery. It is unlawful for any person to use any portion of the City street, sidewalk, crosswalk or public right-of-way, whether in front of or alongside of his/her place of business or elsewhere on the public right-of-way for the purpose of measuring, packaging, weighing, storing or otherwise providing for and making available for sale. Violation of this section shall be a misdemeanor, punishable by a fine not to exceed \$1,000.00, in addition to other costs and assessments provided by law.

Section 3. No oversize vehicles on residential streets at night.

No person shall park any commercial vehicle which is more than eighty (80) inches wide overall or any other commercial vehicle other than a : ton pick-up or smaller or a passenger automobile on any street or alley in residentially zoned areas between the hours of eight p.m. and six a.m. The penalty for parking in violation of this section shall be thirty-five dollars (\$35.00), in addition to other costs and assessments provided by law. A violation of this section shall be considered an infraction and shall be processed in accordance with the state statutes regarding infractions.

Section 4. Interference with postal service.

It shall be unlawful for any person to park any vehicle in front of, adjacent or in such proximity to any mail box, postal drop box, or other similar postal receptacle so as to interfere with the delivery of mail by the United States Postal Service. The penalty for parking in violation of this section shall be thirty-five dollars (\$35.00), in addition to other costs and assessments provided by law. A violation of this section shall be considered an infraction and shall be processed in accordance with the state statutes regarding infractions.

Section 5. Pedestrian obstruction of traffic.

It shall be unlawful for any pedestrian to walk or be on a public roadway in a manner which unnecessarily or unreasonably interferes with, delays, obstructs or halts the travel of vehicles over and/or across the public roadway. Violation of this section shall constitute a misdemeanor punishable by a fine not to exceed \$1,000.00, in addition to other costs and assessments provided by law.

Section 6. Parking restrictions - Authority to identify restrictive zones.

The City Manager or designee is authorized to identify and designate by appropriate signage parking restrictions, time limitations and parking prohibitions for certain streets of the City, in order to provide for reasonable parking availability and safe use of City streets. The penalty for violations of posted parking restrictions, prohibitions, or time periods shall be \$10.00, in addition to other costs and assessments provided by law. A violation of this section shall be considered an infraction and shall be processed in accordance with the state statutes regarding infractions. It is provided however that the provisions of this section shall not apply to violations of parking regulations specifically set forth and provided for in other sections of the City Code.

Section 7. Severability.

If any section, sentence, clause or phrase of this Ordinance should 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 8. Effective date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996, the official date of incorporation.

ADOPTED by the City Council this 8th day of January, 1996.

CITY OF LAKEWOOD

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Attest: Bill Harrison, Mayor

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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