

Ordinance No. 00409

[City Council meeting minutes of Feb 21 2006](#)

ORDINANCE NO. 409

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 10.16, Miscellaneous Traffic Violations of the Lakewood Municipal Code, adding Section 10.16.070, relating to the avoidance of intersections and penalty and Section 10.16.080, relating to inattentive driving and penalty.

WHEREAS, in order to further provide for the public safety and welfare of the citizens in the City of Lakewood, whether traveling in their vehicles on city streets or as pedestrians on public or private property; and
WHEREAS, the ?Washington Model Traffic Ordinance?, adopted previously by the City of Lakewood does not contain a section relating to the avoidance of intersections or inattentive driving; and
WHEREAS, the City Council recognizes a need to address the actions of drivers who either travel across parking lots and other properties to avoid stopping at traffic signals and stop signs or operate vehicles in an inattentive manner in an effort to assist the Lakewood Police Department in the protection and safety of the citizens of the City of Lakewood;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:
Section 1. That Chapter 10.16 of the Lakewood Municipal Code, be, and the same is hereby amended, adding two new sections, 10.16.070 and 10.16.080 to the Title Contents, to read as follows:

Chapter 10.16 Miscellaneous Traffic Violations

10.16.010 Parking on the roadway or in a manner which impedes traffic - Exceptions.
10.16.020 Use of city right-of-ways - display of merchandise prohibited.
10.16.030 No oversize or commercial vehicles on residential streets.
10.16.040 Interference with postal service.
10.16.050 Pedestrian obstruction of traffic.
10.16.060 Parking restrictions - Authority to identify restrictive zones.
10.16.070 Avoidance of intersection penalty.
10.16.080 Inattentive Driving penalty.

10.16.010 - Parking on Roadway or in a Manner Which Impedes Traffic - Exceptions

A. 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 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. (Ord. 35 ? 1, 1996.)

10.16.020 - 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. (Ord. 35 ? 2, 1996.)

10.16.030 - No Oversize or Commercial Vehicles on Residential Streets

No person shall park any vehicle which is more than eighty (80) inches in width or any commercial vehicle larger than a 3/4 ton pick-up on any street, alley or public right-of-way in any residential neighborhood in the City. For the purposes hereof, a residential neighborhood shall mean an area where the majority of property in the vicinity is used for residential purposes and/or open space uses and is zoned for residential purposes or open space uses; Provided that it shall be a defense to a violation of this section that the vehicle was parked directly adjacent to and on the same side of the street as property on which a commercial business, other than a Home Occupation, is located; and it shall be a defense to a violation of this section that during the entire time that the vehicle was parked in the residential neighborhood the operator of the vehicle was actively engaged in making a delivery or providing services to residents in the immediate vicinity of where the vehicle was parked. The penalty for parking in violation of this section shall be a fine of up to \$250, with a minimum fine of \$100 per violation, 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. Each twenty-four hour period during which a violation occurs constitutes a separate infraction. (Ord. 140 ? 1, 1997; Ord. 35 ? 3, 1996.)

10.16.040 - 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. (Ord. 35 ? 4, 1996.)

10.16.050 - 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. (Ord. 35 ? 5, 1996.)

10.16.060 - 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. (Ord. 35 ? 6, 1996.)

10.16.070 ? Avoidance of Intersections, penalty

A. It is unlawful for any person operating a motor vehicle on the highways of the city to proceed across any private property for the purpose of avoiding any intersection or any traffic control device controlling the intersection, unless so directed by lawful authority.

B. A violation of this section shall be a traffic infraction punishable by a base monetary penalty of \$37 plus assessments with an increased base penalty of \$62 plus assessments if an accident occurs as a result of the underlying infraction pursuant to IRLJ 6.2d.

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10.16.080 ? Inattentive Driving, penalty

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A. It is unlawful for any person to operate a motor vehicle in an inattentive manner over the highways of the city.

B. For the purpose of this section, ?inattentive? means the operation of a vehicle upon the public highways of the city in a lax, slack or careless manner likely to cause an accident. Operation of a vehicle in a lax, slack or careless manner may be evidenced by activity which would have been avoidable but for the driver?s divided attention, that does not necessarily rise to the level of negligent driving, but which endangers or is likely to endanger any person or property.

C. A violation of this section shall be a traffic infraction punishable by a base monetary penalty of \$37 plus assessments with an increase to \$62 plus assessments if an accident occurs as a result of the underlying infraction pursuant to IRLJ 6.2d.

Section 2: Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3: Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 21st day of February, 2006.

CITY OF LAKEWOOD

Claudia B. Thomas, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

