

Ordinance No. 00467

[City Council meeting minutes of Jan 22 2008](#)

ORDINANCE NO. 467

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending section 10.16.010 and creating a new section 10.16.015 of the Lakewood Municipal Code, relating to parking and stopping on public roadways and rights of way.

WHEREAS, through the Washington State Constitution the City has general authority to enact legislation designed to protect the public health, safety and welfare; and,

WHEREAS, this Constitutional authority is extended to all municipalities and is referred to as the City's ability to exercise police powers; and,

WHEREAS, as an extension of its police powers, in regard to traffic regulations, in Lakewood Municipal Code section 10.04.010 the City adopted by reference the Washington Model Traffic Ordinance as set forth in Washington Administrative Code chapter 303-330; and,

WHEREAS, as related in Revised Code of Washington section 46.08.020, cities may enact regulations in addition to the general laws of the state to suit individual needs and circumstances so long as these regulations are not in conflict with the general laws of the state; and,

WHEREAS, this Ordinance is intended to improve public safety by allowing police to remedy situations where vehicles are parked or stopped in an unsafe, unauthorized or prohibited manner.

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

Section 1. That section 10.16.010 of the Lakewood Municipal Code is hereby amended, as follows:

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 one hundred and twenty-four dollars (\$124.00), in addition to other costs and assessments provided by law.

B. The travel portion of any public roadway, for the purposes of this section, shall include any roadway median, center, merge or turn lane.

C. A law enforcement officer may immediately remove any vehicle that is unsafely parked, stopped or blocking traffic on a public street. Such removal may take place without notice to the driver or registered owner of the vehicle.

DB. 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. That a new section 10.16.015 of the Lakewood Municipal Code is hereby enacted, as follows:

10.16.015 - Parking in Public Right of Way

A. Pursuant to the procedures and regulations stated in RCW 46.55.085, as now stated or hereinafter amended, a law enforcement officer discovering an unauthorized vehicle parked upon public right of way may attach a notice to the vehicle requesting that the vehicle be removed within 48 hours. Other than allow for removal within 48 hours, such notice shall conform in all other respects to the requirements stated in RCW 46.55.085. After the passage of 48 hours, the law enforcement officer may determine if the vehicle should be lawfully removed or issue a civil infraction to the registered owner of the vehicle.

B. For the purposes of this section, the following instances create a presumption that a vehicle parked in a right of way in a residential area is unauthorized:

(1) A complaint is received from a property owner regarding a vehicle that is parked in right of way abutting or adjacent to the complaining property owner's private property; or,

(2) The vehicle does not have a valid and current registration or cannot be lawfully operated upon the public roadways; or,

(3) A complaint is received that a vehicle parked in the right of way in a residential area has been parked in one spot continuously for one week or longer and the address for the registered owner is more than one city block away from site where the vehicle is parked.

C. In addition to posting and removal of the vehicle, a violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed the amount of twenty dollars (\$20), in addition to other costs and assessments provided by law.

Section 3. 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 4. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 22nd day of January, 2008.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to form:

Michael McKenzie, Acting City Attorney