

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, AMENDING CERTAIN SECTIONS OF LAKEWOOD MUNICIPAL RELATIVE TO PARKING FINES.

WHEREAS, from the time of incorporation the city has endeavored to improve traffic and pedestrian safety throughout the city; and

WHEREAS, the city has similarly invested resources in improving the overall appearance of the city; and

WHEREAS, the city has invested city resources and sought grant funding in order to improve traffic and pedestrian safety as well as the overall appearance of the city; and

WHEREAS, illegal parking interferes with the city's goals of a safe and attractive city by blocking safe pedestrian passage on sidewalks, blocking views of the roadway for drivers and creating unnecessary visual clutter; and

WHEREAS, efforts to enforce legal parking are hampered by fines that incentivize the illegal parking; and

WHEREAS, it is within the authority of the city to implement not only increased fines but also the potential for vehicle impoundment which is expected to deter the ongoing illegal parking.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Lakewood Municipal Code Section 10.04.010 entitled Adoption of Model Traffic Ordinance is hereby amended to read as follows:

A. The "Washington Model Traffic Ordinance," as set forth in Chapter 308-330 WAC, is hereby adopted by reference as the traffic ordinance of the City of Lakewood, as set forth in full-and as amended by the City.

B. The penalty for violation of section 308-330-462 of the Model Traffic Ordinance regarding Stopping, standing, and parking shall be as follows:

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum fine of \$250 for a third violation; and a \$500 minimum fine

for a fourth or subsequent violation addition to other costs and assessments provided by law.

SECTION 2. Lakewood Municipal Code Section 10.16.010 entitled Parking on Roadway or in a manner which impedes traffic - Exceptions, is hereby amended to read as follows:

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 \$124.00, in addition to other costs and assessments provided by law.~~ The penalty for this violation in the City of Lakewood shall be as follows:

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum fine of \$250 for the third violation and a minimum fine of \$500 for a fourth or subsequent violation 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.

D. It is provided, however, that this section 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 Chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030.

E. A vehicle is defined as any device capable or designed to be capable of moving upon a public highway whether motorized or not; including vehicles

towed by another vehicle such as trailers.

SECTION 3. Lakewood Municipal Code Section 10.16.015 entitled Parking in public right-of-way, is hereby amended to read as follows:

A. Consistent with the procedures and requirements of RCW 46.55.085, as now stated or hereinafter amended, a law enforcement officer discovering an unauthorized vehicle parked upon public right-of-way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

1. The date and time the sticker was attached;
2. The identity of the officer;
3. A statement that if the vehicle is not removed within 48 hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense;
4. A statement that if the vehicle is not removed from the roadway, the registered owner will have committed the crime of littering, a gross misdemeanor; and
5. The address and telephone number where additional information may be obtained about the notification.

B. If the vehicle has a current vehicle license plate, the officer shall check the record to determine the identity of the registered owner and, if possible, contact the owner.

C. For purposes of this chapter, law enforcement officers shall include police officers as well as those employees who have special limited commissions such as code enforcement officers and community service officers.

D. If the vehicle is not removed within 48 hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than 48 hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance for removal of the vehicle.

~~E. In addition, a violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed the amount of \$20.00, in-~~

addition to other costs and assessments provided by law. The penalty for this violation in the City of Lakewood shall be as follows:

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum fine of \$250 for a third violation; and a minimum fine of \$500 for a fourth or subsequent violation in addition to other costs and assessments provided by law.

SECTION 4. Lakewood Municipal Code Section 10.16.030 entitled No oversize or commercial vehicles on residential streets, is hereby amended to read as follows:

No person shall park any vehicle which is more than 80 inches in width or any commercial vehicle larger than a three-quarter-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 \$250.00, with a minimum fine of \$100.00 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 24-hour period during which a violation occurs constitutes a separate infraction. The penalty for this violation in the City of Lakewood shall be as follows:~~

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum fine of \$250 for a third violation; and a minimum fine of \$500 for a fourth or subsequent violation in addition to other costs and assessments provided by law.

SECTION 5. Lakewood Municipal Code Section 10.16.040 entitled Interference with Postal Service, is hereby amended to read as follows:

It shall be unlawful for any person to park any vehicle in front of, adjacent or in such proximity to any mailbox, 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 \$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. The penalty for this violation in the City of Lakewood shall be as follows:~~

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum; a minimum fine of \$250 for the third violation; and a minimum fine of \$500 for a fourth or subsequent violation in addition to other costs and assessments provided by law.

SECTION 6. Lakewood Municipal Code Section 8.76.190 entitled Motor vehicles – Parking is hereby amended to read as follows:

No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of a facility supervisor and for which all applicable fees have been paid. No person shall park, leave standing, or abandon a vehicle in any park area after closing time except persons using park facilities as part of an activity authorized by the Department. ~~In addition to the penalties found in Article V of this chapter, any vehicle found parked in violation of this section may be towed away at the owner's expense, consistent with signs posted in conformity with state law. The penalty for this violation in the City of Lakewood shall be as follows:~~

Violation of this section shall constitute a traffic infraction punishable by a penalty not to exceed \$500, with a minimum fine of \$50 for a first violation; a minimum fine of \$150 for the second violation; a minimum \$250 for the third violation; and a minimum fine of \$500 for a fourth or subsequent violation in addition to other costs and assessments provided by law.

Overnight parking in the American Lake Park boat launch parking lot is allowed only if an overnight pass is purchased from the launch kiosk. The receipt will note the time of purchase and is valid for 24 hours from the dated time stamp. The City of Lakewood is absolved of all liability and/or responsibility for damage to the vehicle or boat trailer parked in the parking lot overnight.

No recreational vehicle may be parked overnight in any City of Lakewood park facility unless authorized by the Department.

SECTION 7. Impoundment of vehicle for ongoing parking violations. In the event that parking enforcement action must be taken more than three times for the same vehicle, the city may impound such vehicle in accordance with state law.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 9. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 10. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the City Council this 20th day of February, 2024.

CITY OF LAKEWOOD

Jason Whalen, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney

**2/20/2024
DID NOT PASS.
ORDINANCE FAILED.**