

Title 10
VEHICLES AND TRAFFIC

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**Chapter 10.04
TRAFFIC REGULATIONS**

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ARTICLE I. GENERAL PROVISIONS

10.04.010 Short title.

This chapter may be known and cited as the "Brier Traffic Ordinance." (Ord. 246.B §1(part), 2002)

10.04.020 Adoption by reference.

The "Washington Model Traffic Ordinance," Chapter 308-330 WAC, referred to in this chapter as the "MTO," and RCW 46.90.005 and RCW 46.90.010 are adopted by reference as the traffic ordinance of the city as if set forth in full, and are adopted as amended in the future as provided in RCW 46.90.010. (Ord. 246.B §1(part), 2002)

10.04.030 Sections of the MTO not adopted.

The following sections of the MTO are not adopted by reference and are expressly deleted:

- WAC 308-330-142 Parking meter
- WAC 308-330-145 Parking meter space
- WAC 308-330-148 Parking meter zone
- WAC 308-330-172 Service parking
- WAC 308-330-181 Taxicab stand
- WAC 308-330-210 Police administration (establishment of traffic division in police department 308-330-187)
- WAC 308-330-250 Police department to administer bicycle license
- WAC 308-330-255 Police department to regulate parking meter
- WAC 308-330-500 Bicycle license requirement
- WAC 308-330-505 Bicycle license application
- WAC 308-330-510 Issuance of bicycle license
- WAC 308-330-515 Attachment of bicycle license plate or decal
- WAC 308-330-520 Inspection of bicycles
- WAC 308-330-525 Renewal of bicycle license
- WAC 308-330-530 Bicycle transfer of ownership
- WAC 308-330-535 Bicycle rental agencies
- WAC 308-330-540 Bicycle dealers
- WAC 308-330-600 Parking meter spaces
- WAC 308-330-610 Parking meters--Deposit of coins and time limit
- WAC 308-330-620 Parking meters--Use of slugs prohibited
- WAC 308-330-630 Tampering with parking meter
- WAC 308-330-640 Parking meters--Rule of evidence
- WAC 308-330-650 Parking meters--Application of proceeds

WAC 308-330-660	Service parking (permit
WAC 308-330-730	Failure to comply with traffic citation attached to parked vehicle (See Se and 10.04.160)

(Ord. 246.B §1(part), 2002)

10.04.040 Filing copy of referenced statutes and codes.

Not less than one copy of Exhibit A and Exhibit B to the ordinance codified in this chapter containing the statutes, codes or regulations as codified, in the form in which they were adopted by referce, shall be filed in the office of the city clerk for use and examination by the public. The "office of the city clerk" means those areas within City Hall under the control or access of the city clerk. (Ord. 246.B §1(part), 2002)

ARTICLE II. TRAFFIC ENGINEER

10.04.050 Designation.

The mayor shall designate the traffic engineer for the city as specified in WA(308-330-260. (Ord. 246.B §1(part), 2002)

ARTICLE III. PARKING

10.04.060 Parallel parking required.

In addition to RCW 46.61.575, no person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-side wheels of the vehicle within twelve inches of the curb except where there is no curb installed, with the left-side wheels of the vehicle at least twenty-four inches from the right edge of the traveled portion of the roadway. (Ord. 246.B §1(part), 2002)

10.04.070 No-parking areas.

When signs are erected giving notice thereof, no person shall park or stand a vehicle at any time upon including but not limited to any of the following streets or portions of street

- A. West side of Poplar Way from north city limits to 214th Southwest
- B. East side of Poplar Way from intersection of 216th (Vine Road), one hundred feet north and one hundred feet south
- C. South side of 228th Street Southwest. (Ord. 246.B §1(part), 2002)

10.04.080 Trailer parking prohibited.

A. No person shall park a trailer in any alley or upon any city street or way open to the public except in an off-street parking facility or as otherwise provided in this section

B. For the purpose of this section, "trailer" shall include boat trailer, camping trailer including what is commonly known as a "fifth wheeler," horse trailer, utility trailer or any other vehicle or conveyance designed to be connected to and drawn by a motor vehicle or dray animal

C. The authority to impound vehicles granted in this chapter shall include any trailer parked in violation of this section. (Ord. 246.B §1(part), 2002)

10.04.090 After-dark parking.

No person shall park any vehicle in a city park or city parking lot after dusk except during special events. (Ord. 246.B §1(part), 2002)

10.04.100 Determination of abandoned, unauthorized, junk vehicles.

No person shall permit stopping, standing and parking of abandoned, unauthorized and junk vehicles on any highway that meets the definition of RCW46.55.010(4) or which does not have valid license plates and valid license tabs. Such vehicles are subject to impoundment as authorized in Chapter 10.16 of this title after twenty-four hours when tagged as described in RCW46.55.085. (Ord. 246.B §1(part), 2002)

10.04.110 Moving vehicles to avoid violation.

No person shall re-park an infrequently used or inoperable vehicle or trailer as used in Section 10.04.080 of this chapter for the purpose of avoiding a violation of the codes. This act is defined as intentionally moving a vehicle or trailer a limited distance and re-parking the vehicle or trailer to appear as though it is being used. (Ord. 246.B §1(part), 2002)

10.04.120 Registered owner responsible.

The current registered owner of a vehicle or trailer is assumed responsible and liable for any violations and expenses unless

A. There is a report of sale on the vehicle

B. The vehicle was stolen or taken without permission;

C. The current actual owner can be identified and located, and ownership verified. (Ord. 246.B §1(part), 2002)

10.04.130 Parking fines.

Parking infractions shall be a dollar amount as established in Section 10.04.230 of this chapter. A parking infraction shall be issued and affixed to the vehicle as called for in WA308-330-720 and shall state:

A. The time and date issued;

B. The location of the violation

- C. A description and/or identifying number of the vehicle
- D. A description of the violation
- E. The dollar amount of the fine
- F. The issuing officer's name and badge or personnel number
- G. A statement about the payment process, how to contest the infraction, and the compliance date; and
- H. The address of the violations bureau. (Ord. 246.B §1(part), 2002)

10.04.140 Payment of fines.

Parking fines shall be paid at the city of Brier traffic violations bureau in person or by mail within fifteen days of issuance. For payments made by mail, a postmark shall serve as the date the payment is made. (Ord. 246.B §1(part), 2002)

10.04.150 Contested fines.

A person may contest the citation and fine by notifying the violations bureau in writing within fifteen days of issuance of the citation of a request for a hearing. (Ord. 246.B §1(part), 2002)

10.04.160 Failure to respond.

A parking citation and fine not contested and not paid within fifteen days will be assessed an additional twenty-five dollars above the amount of the original fine per RCW46.63.110(3). Parking fines not paid after notice of delinquency may be filed with the Department of Licensing, referred to the south district court of Snohomish County, or forwarded to a collection agency. (Ord. 246.B §1(part), 2002)

ARTICLE IV. SPEED LIMITS

10.04.170 State laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except when the city, as set out in this title, as authorized by state law, declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specific streets or in certain areas, and it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this title when signs are in place giving notice thereof. (Ord. 246.B §1(part), 2002)

10.04.180 Adjustment of speed limits for identified roadways.

After consideration of traffic safety, planning, and engineering requirements, speed limits of less than what would otherwise apply have been determined to be the maximum safe speeds for the following identified roadways

- A. Brier Road, thirty miles per hour
- B. 228th Street SW, thirty miles per hour
- C. Poplar Way, north of Brier Road, thirty miles per hour
- D. Old Poplar Way, from the 23000 block of 228th Street to the 21900 block, twenty miles per hour ;
- E. School zones, as posted. (Ord. 336 §2, 2006)

ARTICLE V. LOAD RESTRICTIONS

10.04.190 Authority to impose restrictions.

Pursuant to RCW 46.44.080, the traffic engineer is given the authority to post roadway restrictions and limitations prohibiting the use or reducing the permissible vehicle weights on said roadways by reason of rain, snow, climatic or other condition where such roadways may be seriously damaged or destroyed unless the operation of vehicles thereon is prohibited or restricted. (Ord. 246.B §1(part), 2002)

10.04.200 Sign posting.

Whenever the traffic engineer shall deem it necessary to impose a restriction prohibiting the use or reducing the permissible weights on any roadway, there shall be signs erected and maintained at each end of the portion of any public highway affected thereby, stating the applicable restrictions. Failure to observe such restrictions shall be a violation of this chapter. (Ord. 246.B §1(part), 2002)

10.04.210 Size, weight and load.

Those sections of Chapter 46.44 RCW deemed applicable and necessary to enforce compliance with size, weights and loads permitted on city streets and roads are adopted; exceptions shall only apply when the traffic engineer imposes and posts additional restrictions as stated above. (Ord. 246.B §1(part), 2002)

10.04.220 Penalty for violation.

Violation of Sections 10.04.200 and 10.04.210 of this article shall constitute a traffic violation as outlined RCW 46.44.105. (Ord. 246.B §1(part), 2002)

ARTICLE VI. PENALTIES AND COURT COSTS

10.04.230 Fines.

Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference therein, any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed ninety days or both

A. The city hereby adopts a forfeitable penalty schedule for parking infraction:

Parking Infraction	Code Reference	Penalty
1. Parking in/or blocking a marked handicapped zone	RCW 46.16.381(9) and (10)	\$250.00
2. Parking within fifteen feet of a fire hydrant	RCW 46.61.570(1)(b)(ii)	\$100.00
3. Blocking a driveway or within five feet of the end of the curb radius leading thereto	RCW 46.61.570(1)(b)(i)	\$75.00
4. All other parking infractions adopted by the city	WAC 308-330-430 through 308-330-464	\$60.00

reference

RCW 46.61.570/RCW 46.61.575

Article III of this chapter

B. The above fine schedule shall be reduced by fifty percent if paid in full within seventy-two hours of citation.

C. Failure to respond as called for in Section 10.04.160 of this chapter shall be assessed an additional twenty-five dollars. (Ord. 246.B §1(part), 2002)

10.04.240 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or forfeitures of bail of any person charged with a violation of this chapter shall be paid into the general fund of the city. (Ord. 246.B §1(part), 2002)

**Chapter 10.08
ABANDONED VEHICLES**

(Repealed by Ord. 28.E)

**Chapter 10.12
TOY VEHICLES**

Sections:

- 10.12.010 Definitions.**
- 10.12.020 Prohibitions.**
- 10.12.030 Violation--Penalty.**

10.12.010 Definitions.

As used in this chapter

A. "Go-cart" means a framework mounted on two or more casters or wheels, that can be drawn or pushed by hand, or is motorized, and is normally assembled from materials found around the hon

B. "Skateboard" means a flat or curved board, mounted on two or more casters or wheels, manually propelled, and usually made of wood, plastic, fiberglass or similar material

C. "Sled" means a framework mounted on rails or runners, manually propelled, normally used during periods of snow or icy weather conditions

D. "Wheeled or propelled toy" means a wheeled device other than a bicycle, but including tricycles, "big wheels," roller skates, scooters, any coasters or toy vehicles or similar devices, and toys used in mobile travel over or upon a paved surface, further including inner tubes, air mattresses, and any similar such instrumentality. (Ord. 178.A §1(part), 2002)

10.12.020 Prohibitions.

A. It is unlawful for any person to operate a skateboard, go-cart, sled or wheeled or propelled toy in a manner endangering or likely to endanger the safety of persons or property.

B. It is unlawful for any person to operate a skateboard, go-cart, sled, or wheeled or propelled toy upon any roadway open to vehicular travel; upon any public sidewalk within twenty-five feet of any pedestrian; or upon any public sidewalk in front of any building which has doors which open onto or from the sidewalk. An exception to this subsection is a parade, which is otherwise officially sponsored or approved by the city.

C. It is unlawful for any person to operate a skateboard, go-cart, sled, or wheeled or propelled toy upon any sidewalk in a commercial area open to the public; upon any parking lot in a commercial area open to the public; or upon any alleyway in a commercial area open to the public.

D. It is unlawful for any person to operate a skateboard by sitting, laying or otherwise being positioned such that at least one foot is not on the flat surface of the skateboard at any time.

E. It is unlawful for any person to operate a skateboard, go-cart, sled, wheeled or propelled toy while being towed or pushed by any motorized vehicle. (Ord. 178.A §1(prt), 2002)

10.12.030 Violation--Penalty.

Any person in violation of or failing to comply with any provision of this chapter or who knowingly permits such violation through lack of proper oversight or supervision shall be declared unlawful. Violations or failures to comply with any provisions of this chapter shall constitute a nontraffic civil infraction as provided for in Section 1.28.030 of this code and shall be punished in accordance with the current general fine and penalty provisions for a Class A civil infraction. Failure to respond to a civil infraction or a second and subsequent violation for the same offense shall be issued a Class B civil infraction. Failure to respond to any infraction, third or subsequent violation, shall constitute a misdemeanor and may be prosecuted as such. These fines shall be in addition to any other remedy allowed by this code or laws of the state of Washington. (Ord. 178.A §1(part), 2002)

**Chapter 10.16
IMPOUNDED VEHICLES**

Sections:

10.16.010 Impoundment--Authorization.

10.16.020 Statutes adopted by reference.

10.16.010 Impoundment--Authorization.

Whenever an officer impounds a vehicle pursuant to the provisions of this chapter, the officer shall complete an authorization form approved by the chief of police which specifies the section of this chapter or RCW Chapter 46.55 authorizing the impound. In the alternative, a law enforcement notice of infraction or citation for an offense may be substituted at the officer's discretion, and shall be deemed sufficient if an officer determines an impound is necessary. (Ord. 227 §1, 1990)

10.16.020 Statutes adopted by reference.

The following statutes of the state including all future amendments thereto, are adopted by reference:

- A. RCW 46.55.010 Definitions;
- B. RCW 46.55.070 Posting requirements--Exception
- C. RCW 46.55.080 Law enforcement impound, private impound
- D. RCW 46.55.085 Law enforcement impound--Abandoned vehicle
- E. RCW 46.55.090 Storage, return requirements--Personal belongings--Combination endorsement for tow truck drivers--Authority to view impounded vehicle
- F. RCW 46.55.100 Impound notice--Abandoned vehicle
- G. RCW 46.55.110 Notice to legal and registered owners
- H. RCW 46.55.113 Removal by police officer, when.
- I. RCW 46.55.120 Redemption of vehicles--Sale of unredeemed vehicle;
- J. RCW 46.55.130 Notice requirements--Public auction--Accumulation of storage charges
- K. RCW 46.55.140 Operator's lien, deficiency claim, liability
- L. RCW 46.55.230 Junk vehicles--Certification, notification, removal, sale
- M. RCW 46.55.435 Regarding motor vehicles. (Ord. 227 §2, 1990)